

**AMENDMENT TO THE RULES COMMITTEE PRINT**  
**117-31**  
**OFFERED BY MR. PERLMUTTER OF COLORADO**

In division G, add at the end the following:

1           **TITLE XI—SAFE BANKING**

2   **SEC. 61101. SHORT TITLE; TABLE OF CONTENTS; PURPOSE.**

3           (a) **SHORT TITLE.**—This title may be cited as the  
4 “Secure And Fair Enforcement Banking Act of 2022” or  
5 the “SAFE Banking Act of 2022”.

6           (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this title is as follows:

TITLE XI—SAFE BANKING

- Sec. 61101. Short title; table of contents; purpose.
- Sec. 61102. Safe harbor for depository institutions.
- Sec. 61103. Protections for ancillary businesses.
- Sec. 61104. Protections under Federal law.
- Sec. 61105. Rules of construction.
- Sec. 61106. Requirements for filing suspicious activity reports.
- Sec. 61107. Guidance and examination procedures.
- Sec. 61108. Annual diversity and inclusion report.
- Sec. 61109. GAO study on diversity and inclusion.
- Sec. 61110. GAO study on effectiveness of certain reports on finding certain persons.
- Sec. 61111. Application of this title with respect to hemp-related legitimate businesses and hemp-related service providers.
- Sec. 61112. Banking services for hemp-related legitimate businesses and hemp-related service providers.
- Sec. 61113. Requirements for deposit account termination requests and orders.
- Sec. 61114. Definitions.
- Sec. 61115. Discretionary surplus funds.

8           (c) **PURPOSE.**—The purpose of this title is to increase  
9 public safety by ensuring access to financial services to

1 cannabis-related legitimate businesses and service pro-  
2 viders and reducing the amount of cash at such busi-  
3 nesses.

4 **SEC. 61102. SAFE HARBOR FOR DEPOSITORY INSTITUTIONS.**

5 (a) IN GENERAL.—A Federal banking regulator may  
6 not—

7 (1) terminate or limit the deposit insur-  
8 ance or share insurance of a depository institu-  
9 tion under the Federal Deposit Insurance Act  
10 (12 U.S.C. 1811 et seq.), the Federal Credit  
11 Union Act (12 U.S.C. 1751 et seq.), or take  
12 any other adverse action against a depository  
13 institution under section 8 of the Federal De-  
14 posit Insurance Act (12 U.S.C. 1818) solely be-  
15 cause the depository institution provides or has  
16 provided financial services to a cannabis-related  
17 legitimate business or service provider;

18 (2) prohibit, penalize, or otherwise discour-  
19 age a depository institution from providing fi-  
20 nancial services to a cannabis-related legitimate  
21 business or service provider or to a State, polit-  
22 ical subdivision of a State, or Indian Tribe that  
23 exercises jurisdiction over cannabis-related le-  
24 gitimate businesses;

1           (3) recommend, incentivize, or encourage a  
2           depository institution not to offer financial serv-  
3           ices to an account holder, or to downgrade or  
4           cancel the financial services offered to an ac-  
5           count holder solely because—

6                   (A) the account holder is a cannabis-  
7                   related legitimate business or service pro-  
8                   vider, or is an employee, owner, or oper-  
9                   ator of a cannabis-related legitimate busi-  
10                  ness or service provider;

11                  (B) the account holder later becomes  
12                  an employee, owner, or operator of a can-  
13                  nabis-related legitimate business or service  
14                  provider; or

15                  (C) the depository institution was not  
16                  aware that the account holder is an em-  
17                  ployee, owner, or operator of a cannabis-re-  
18                  lated legitimate business or service pro-  
19                  vider;

20           (4) take any adverse or corrective super-  
21           visory action on a loan made to—

22                   (A) a cannabis-related legitimate busi-  
23                   ness or service provider, solely because the  
24                   business is a cannabis-related legitimate  
25                   business or service provider;

1 (B) an employee, owner, or operator  
2 of a cannabis-related legitimate business or  
3 service provider, solely because the em-  
4 ployee, owner, or operator is employed by,  
5 owns, or operates a cannabis-related legiti-  
6 mate business or service provider, as appli-  
7 cable; or

8 (C) an owner or operator of real es-  
9 tate or equipment that is leased to a can-  
10 nabis-related legitimate business or service  
11 provider, solely because the owner or oper-  
12 ator of the real estate or equipment leased  
13 the equipment or real estate to a cannabis-  
14 related legitimate business or service pro-  
15 vider, as applicable; or

16 (5) prohibit or penalize a depository insti-  
17 tution (or entity performing a financial service  
18 for or in association with a depository institu-  
19 tion) for, or otherwise discourage a depository  
20 institution (or entity performing a financial  
21 service for or in association with a depository  
22 institution) from, engaging in a financial service  
23 for a cannabis-related legitimate business or  
24 service provider.

1 (b) SAFE HARBOR APPLICABLE TO DE NOVO INSTI-  
2 TUTIONS.—Subsection (a) shall apply to an institution ap-  
3 plying for a depository institution charter to the same ex-  
4 tent as such subsection applies to a depository institution.

5 **SEC. 61103. PROTECTIONS FOR ANCILLARY BUSINESSES.**

6 For the purposes of sections 1956 and 1957 of title  
7 18, United States Code, and all other provisions of Fed-  
8 eral law, the proceeds from a transaction involving activi-  
9 ties of a cannabis-related legitimate business or service  
10 provider shall not be considered proceeds from an unlawful  
11 activity solely because—

12 (1) the transaction involves proceeds from a  
13 cannabis-related legitimate business or service pro-  
14 vider; or

15 (2) the transaction involves proceeds from—

16 (A) cannabis-related activities described in  
17 section 61114(4)(B) conducted by a cannabis-  
18 related legitimate business; or

19 (B) activities described in section  
20 61114(13)(A) conducted by a service provider.

21 **SEC. 61104. PROTECTIONS UNDER FEDERAL LAW.**

22 (a) IN GENERAL.—With respect to providing a finan-  
23 cial service to a cannabis-related legitimate business  
24 (where such cannabis-related legitimate business operates  
25 within a State, political subdivision of a State, or Indian

1 country that allows the cultivation, production, manufac-  
2 ture, sale, transportation, display, dispensing, distribution,  
3 or purchase of cannabis pursuant to a law or regulation  
4 of such State, political subdivision, or Indian Tribe that  
5 has jurisdiction over the Indian country, as applicable) or  
6 a service provider (wherever located), a depository institu-  
7 tion, entity performing a financial service for or in associa-  
8 tion with a depository institution, or insurer that provides  
9 a financial service to a cannabis-related legitimate busi-  
10 ness or service provider, and the officers, directors, and  
11 employees of that depository institution, entity, or insurer  
12 may not be held liable pursuant to any Federal law or  
13 regulation—

14 (1) solely for providing such a financial service;

15 or

16 (2) for further investing any income derived  
17 from such a financial service.

18 (b) PROTECTIONS FOR FEDERAL RESERVE BANKS

19 AND FEDERAL HOME LOAN BANKS.—With respect to

20 providing a service to a depository institution that pro-

21 vides a financial service to a cannabis-related legitimate

22 business (where such cannabis-related legitimate business

23 operates within a State, political subdivision of a State,

24 or Indian country that allows the cultivation, production,

25 manufacture, sale, transportation, display, dispensing, dis-

1 tribution, or purchase of cannabis pursuant to a law or  
2 regulation of such State, political subdivision, or Indian  
3 Tribe that has jurisdiction over the Indian country, as ap-  
4 plicable) or service provider (wherever located), a Federal  
5 reserve bank or Federal Home Loan Bank, and the offi-  
6 cers, directors, and employees of the Federal reserve bank  
7 or Federal Home Loan Bank, may not be held liable pur-  
8 suant to any Federal law or regulation—

9 (1) solely for providing such a service; or

10 (2) for further investing any income derived  
11 from such a service.

12 (c) PROTECTIONS FOR INSURERS.—With respect to  
13 engaging in the business of insurance within a State, polit-  
14 ical subdivision of a State, or Indian country that allows  
15 the cultivation, production, manufacture, sale, transpor-  
16 tation, display, dispensing, distribution, or purchase of  
17 cannabis pursuant to a law or regulation of such State,  
18 political subdivision, or Indian Tribe that has jurisdiction  
19 over the Indian country, as applicable, an insurer that en-  
20 gages in the business of insurance with a cannabis-related  
21 legitimate business or service provider or who otherwise  
22 engages with a person in a transaction permissible under  
23 State law related to cannabis, and the officers, directors,  
24 and employees of that insurer may not be held liable pur-  
25 suant to any Federal law or regulation—

1           (1) solely for engaging in the business of insur-  
2           ance; or

3           (2) for further investing any income derived  
4           from the business of insurance.

5           (d) FORFEITURE.—

6           (1) DEPOSITORY INSTITUTIONS.—A depository  
7           institution that has a legal interest in the collateral  
8           for a loan or another financial service provided to an  
9           owner, employee, or operator of a cannabis-related  
10          legitimate business or service provider, or to an  
11          owner or operator of real estate or equipment that  
12          is leased or sold to a cannabis-related legitimate  
13          business or service provider, shall not be subject to  
14          criminal, civil, or administrative forfeiture of that  
15          legal interest pursuant to any Federal law for pro-  
16          viding such loan or other financial service.

17          (2) FEDERAL RESERVE BANKS AND FEDERAL  
18          HOME LOAN BANKS.—A Federal reserve bank or  
19          Federal Home Loan Bank that has a legal interest  
20          in the collateral for a loan or another financial serv-  
21          ice provided to a depository institution that provides  
22          a financial service to a cannabis-related legitimate  
23          business or service provider, or to an owner or oper-  
24          ator of real estate or equipment that is leased or  
25          sold to a cannabis-related legitimate business or

1 service provider, shall not be subject to criminal,  
2 civil, or administrative forfeiture of that legal inter-  
3 est pursuant to any Federal law for providing such  
4 loan or other financial service.

5 **SEC. 61105. RULES OF CONSTRUCTION.**

6 (a) NO REQUIREMENT TO PROVIDE FINANCIAL  
7 SERVICES.—Nothing in this title shall require a depository  
8 institution, entity performing a financial service for or in  
9 association with a depository institution, or insurer to pro-  
10 vide financial services to a cannabis-related legitimate  
11 business, service provider, or any other business.

12 (b) GENERAL EXAMINATION, SUPERVISORY, AND  
13 ENFORCEMENT AUTHORITY.—Nothing in this title may  
14 be construed in any way as limiting or otherwise restrict-  
15 ing the general examination, supervisory, and enforcement  
16 authority of the Federal banking regulators, provided that  
17 the basis for any supervisory or enforcement action is not  
18 the provision of financial services to a cannabis-related le-  
19 gitimate business or service provider.

20 (c) BUSINESS OF INSURANCE.—Nothing in this title  
21 shall interfere with the regulation of the business of insur-  
22 ance in accordance with the Act of March 9, 1945 (59  
23 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (commonly  
24 known as the “McCarran-Ferguson Act”) and the Dodd-

1 Frank Wall Street Reform and Consumer Protection Act  
2 (12 U.S.C. 5301 et seq.).

3 **SEC. 61106. REQUIREMENTS FOR FILING SUSPICIOUS AC-**  
4 **TIVITY REPORTS.**

5 Section 5318(g) of title 31, United States Code, is  
6 amended by adding at the end the following:

7 “(5) REQUIREMENTS FOR CANNABIS-RELATED  
8 LEGITIMATE BUSINESSES.—

9 “(A) IN GENERAL.—With respect to a fi-  
10 nancial institution or any director, officer, em-  
11 ployee, or agent of a financial institution that  
12 reports a suspicious transaction pursuant to  
13 this subsection, if the reason for the report re-  
14 lates to a cannabis-related legitimate business  
15 or service provider, the report shall comply with  
16 appropriate guidance issued by the Financial  
17 Crimes Enforcement Network. Not later than  
18 the end of the 180-day period beginning on the  
19 date of enactment of this paragraph, the Sec-  
20 retary shall update the February 14, 2014,  
21 guidance titled ‘BSA Expectations Regarding  
22 Marijuana-Related Businesses’ (FIN–2014–  
23 G001) to ensure that the guidance is consistent  
24 with the purpose and intent of the SAFE  
25 Banking Act of 2022 and does not significantly

1           inhibit the provision of financial services to a  
2           cannabis-related legitimate business or service  
3           provider in a State, political subdivision of a  
4           State, or Indian country that has allowed the  
5           cultivation, production, manufacture, transpor-  
6           tation, display, dispensing, distribution, sale, or  
7           purchase of cannabis pursuant to law or regula-  
8           tion of such State, political subdivision, or In-  
9           dian Tribe that has jurisdiction over the Indian  
10          country.

11                   “(B) DEFINITIONS.—For purposes of this  
12          paragraph:

13                           “(i) CANNABIS.—The term ‘cannabis’  
14                           has the meaning given the term ‘mari-  
15                           huana’ in section 102 of the Controlled  
16                           Substances Act (21 U.S.C. 802).

17                           “(ii) CANNABIS-RELATED LEGITIMATE  
18                           BUSINESS.—The term ‘cannabis-related le-  
19                           gitimate business’ has the meaning given  
20                           that term in section 61114 of the SAFE  
21                           Banking Act of 2022.

22                           “(iii) INDIAN COUNTRY.—The term  
23                           ‘Indian country’ has the meaning given  
24                           that term in section 1151 of title 18.

1           “(iv) INDIAN TRIBE.—The term ‘In-  
2           dian Tribe’ has the meaning given that  
3           term in section 102 of the Federally Rec-  
4           ognized Indian Tribe List Act of 1994 (25  
5           U.S.C. 479a).

6           “(v) FINANCIAL SERVICE.—The term  
7           ‘financial service’ has the meaning given  
8           that term in section 61114 of the SAFE  
9           Banking Act of 2022.

10          “(vi) SERVICE PROVIDER.—The term  
11          ‘service provider’ has the meaning given  
12          that term in section 61114 of the SAFE  
13          Banking Act of 2022.

14          “(vii) STATE.—The term ‘State’  
15          means each of the several States, the Dis-  
16          trict of Columbia, the Commonwealth of  
17          Puerto Rico, and any territory or posses-  
18          sion of the United States.”.

19   **SEC. 61107. GUIDANCE AND EXAMINATION PROCEDURES.**

20          Not later than 180 days after the date of enactment  
21          of this Act, the Financial Institutions Examination Coun-  
22          cil shall develop uniform guidance and examination proce-  
23          dures for depository institutions that provide financial  
24          services to cannabis-related legitimate businesses and  
25          service providers.

1 **SEC. 61108. ANNUAL DIVERSITY AND INCLUSION REPORT.**

2 The Federal banking regulators shall issue an annual  
3 report to Congress containing—

4 (1) information and data on the availability of  
5 access to financial services for minority-owned and  
6 women-owned cannabis-related legitimate businesses;  
7 and

8 (2) any regulatory or legislative recommenda-  
9 tions for expanding access to financial services for  
10 minority-owned and women-owned cannabis-related  
11 legitimate businesses.

12 **SEC. 61109. GAO STUDY ON DIVERSITY AND INCLUSION.**

13 (a) STUDY.—The Comptroller General of the United  
14 States shall carry out a study on the barriers to market-  
15 place entry, including in the licensing process, and the ac-  
16 cess to financial services for potential and existing minor-  
17 ity-owned and women-owned cannabis-related legitimate  
18 businesses.

19 (b) REPORT.—The Comptroller General shall issue a  
20 report to the Congress—

21 (1) containing all findings and determinations  
22 made in carrying out the study required under sub-  
23 section (a); and

24 (2) containing any regulatory or legislative rec-  
25 ommendations for removing barriers to marketplace  
26 entry, including in the licensing process, and ex-

1       panding access to financial services for potential and  
2       existing minority-owned and women-owned cannabis-  
3       related legitimate businesses.

4       **SEC. 61110. GAO STUDY ON EFFECTIVENESS OF CERTAIN**  
5                                   **REPORTS ON FINDING CERTAIN PERSONS.**

6       Not later than 2 years after the date of the enact-  
7       ment of this Act, the Comptroller General of the United  
8       States shall carry out a study on the effectiveness of re-  
9       ports on suspicious transactions filed pursuant to section  
10      5318(g) of title 31, United States Code, at finding individ-  
11      uals or organizations suspected or known to be engaged  
12      with transnational criminal organizations and whether any  
13      such engagement exists in a State, political subdivision,  
14      or Indian Tribe that has jurisdiction over Indian country  
15      that allows the cultivation, production, manufacture, sale,  
16      transportation, display, dispensing, distribution, or pur-  
17      chase of cannabis. The study shall examine reports on sus-  
18      picious transactions as follows:

19                   (1) During the period of 2014 until the date of  
20                   the enactment of this Act, reports relating to mari-  
21                   juana-related businesses.

22                   (2) During the 1-year period after date of the  
23                   enactment of this Act, reports relating to cannabis-  
24                   related legitimate businesses.

1 **SEC. 61111. APPLICATION OF THIS TITLE WITH RESPECT TO**  
2 **HEMP-RELATED LEGITIMATE BUSINESSES**  
3 **AND HEMP-RELATED SERVICE PROVIDERS.**

4 (a) IN GENERAL.—The provisions of this title (other  
5 than sections 61106 and 61110) shall apply with respect  
6 to hemp-related legitimate businesses and hemp-related  
7 service providers in the same manner as such provisions  
8 apply with respect to cannabis-related legitimate busi-  
9 nesses and service providers.

10 (b) DEFINITIONS.—In this section:

11 (1) CBD.—The term “CBD” means  
12 cannabidiol.

13 (2) HEMP.—The term “hemp” has the meaning  
14 given that term under section 297A of the Agricul-  
15 tural Marketing Act of 1946 (7 U.S.C. 1639o).

16 (3) HEMP-RELATED LEGITIMATE BUSINESS.—  
17 The term “hemp-related legitimate business” means  
18 a manufacturer, producer, or any person or company  
19 that—

20 (A) engages in any activity described in  
21 subparagraph (B) in conformity with the Agri-  
22 cultural Improvement Act of 2018 (Public Law  
23 115–334) and the regulations issued to imple-  
24 ment such Act by the Department of Agri-  
25 culture, where applicable, and the law of a

1 State or political subdivision thereof or Indian  
2 Tribe; and

3 (B) participates in any business or orga-  
4 nized activity that involves handling hemp,  
5 hemp-derived CBD products, and other hemp-  
6 derived cannabinoid products, including culti-  
7 vating, producing, extracting, manufacturing,  
8 selling, transporting, displaying, dispensing, dis-  
9 tributing, or purchasing hemp, hemp-derived  
10 CBD products, and other hemp-derived  
11 cannabinoid products.

12 (4) HEMP-RELATED SERVICE PROVIDER.—The  
13 term “hemp-related service provider”—

14 (A) means a business, organization, or  
15 other person that—

16 (i) sells goods or services to a hemp-  
17 related legitimate business; or

18 (ii) provides any business services, in-  
19 cluding the sale or lease of real or any  
20 other property, legal or other licensed serv-  
21 ices, or any other ancillary service, relating  
22 to hemp, hemp-derived CBD products, or  
23 other hemp-derived cannabinoid products;  
24 and

1 (B) does not include a business, organiza-  
2 tion, or other person that participates in any  
3 business or organized activity that involves han-  
4 dling hemp, hemp-derived CBD products, or  
5 other hemp-derived cannabinoid products, in-  
6 cluding cultivating, producing, manufacturing,  
7 selling, transporting, displaying, dispensing, dis-  
8 tributing, or purchasing hemp, hemp-derived  
9 CBD products, and other hemp-derived  
10 cannabinoid products.

11 **SEC. 61112. BANKING SERVICES FOR HEMP-RELATED LE-**  
12 **GITIMATE BUSINESSES AND HEMP-RELATED**  
13 **SERVICE PROVIDERS.**

14 (a) FINDINGS.—The Congress finds that—

15 (1) the Agriculture Improvement Act of 2018  
16 (Public Law 115–334) legalized hemp by removing  
17 it from the definition of “marihuana” under the  
18 Controlled Substances Act;

19 (2) despite the legalization of hemp, some hemp  
20 businesses (including producers, manufacturers, and  
21 retailers) continue to have difficulty gaining access  
22 to banking products and services; and

23 (3) businesses involved in the sale of hemp-de-  
24 rived CBD products are particularly affected, due to  
25 confusion about the legal status of such products.

1 (b) FEDERAL BANKING REGULATORS' HEMP BANK-  
2 ING GUIDANCE.—Not later than the end of the 90-day pe-  
3 riod beginning on the date of enactment of this Act, the  
4 Federal banking regulators shall update their existing  
5 guidance, as applicable, regarding the provision of finan-  
6 cial services to hemp-related legitimate businesses and  
7 hemp-related service providers to address—

8 (1) compliance with financial institutions' exist-  
9 ing obligations under Federal laws and imple-  
10 menting regulations determined relevant by the Fed-  
11 eral banking regulators, including subchapter II of  
12 chapter 53 of title 31, United States Code, and its  
13 implementing regulation in conformity with this title  
14 and the Department of Agriculture's rules regulating  
15 domestic hemp production (7 CFR 990); and

16 (2) best practices for financial institutions to  
17 follow when providing financial services, including  
18 processing payments, to hemp-related legitimate  
19 businesses and hemp-related service providers.

20 (c) DEFINITIONS.—In this section:

21 (1) FINANCIAL INSTITUTION.—The term “fi-  
22 nancial institution”—

23 (A) has the meaning given that term under  
24 section 5312(a) of title 31, United States Code;  
25 and

1 (B) includes a bank holding company, as  
2 defined under section 2(a) of the Bank Holding  
3 Company Act of 1956 (12 U.S.C. 1841(a)).

4 (2) HEMP TERMS.—The terms “CBD”,  
5 “hemp”, “hemp-related legitimate business”, and  
6 “hemp-related service provider” have the meaning  
7 given those terms, respectively, under section 61111.

8 **SEC. 61113. REQUIREMENTS FOR DEPOSIT ACCOUNT TER-**  
9 **MINATION REQUESTS AND ORDERS.**

10 (a) TERMINATION REQUESTS OR ORDERS MUST BE  
11 VALID.—

12 (1) IN GENERAL.—An appropriate Federal  
13 banking agency may not formally or informally re-  
14 quest or order a depository institution to terminate  
15 a specific customer account or group of customer ac-  
16 counts or to otherwise restrict or discourage a de-  
17 pository institution from entering into or maintain-  
18 ing a banking relationship with a specific customer  
19 or group of customers unless—

20 (A) the agency has a valid reason for such  
21 request or order; and

22 (B) such reason is not based solely on rep-  
23 utation risk.

24 (2) TREATMENT OF NATIONAL SECURITY  
25 THREATS.—If an appropriate Federal banking agen-

1           cy believes a specific customer or group of customers  
2           is, or is acting as a conduit for, an entity which—

3                   (A) poses a threat to national security;

4                   (B) is involved in terrorist financing;

5                   (C) is an agency of the Government of  
6           Iran, North Korea, Syria, or any country listed  
7           from time to time on the State Sponsors of  
8           Terrorism list;

9                   (D) is located in, or is subject to the juris-  
10          diction of, any country specified in subpara-  
11          graph (C); or

12                   (E) does business with any entity described  
13          in subparagraph (C) or (D), unless the appro-  
14          priate Federal banking agency determines that  
15          the customer or group of customers has used  
16          due diligence to avoid doing business with any  
17          entity described in subparagraph (C) or (D),

18          such belief shall satisfy the requirement under para-  
19          graph (1).

20          (b) NOTICE REQUIREMENT.—

21                  (1) IN GENERAL.—If an appropriate Federal  
22          banking agency formally or informally requests or  
23          orders a depository institution to terminate a spe-  
24          cific customer account or a group of customer ac-  
25          counts, the agency shall—

1 (A) provide such request or order to the  
2 institution in writing; and

3 (B) accompany such request or order with  
4 a written justification for why such termination  
5 is needed, including any specific laws or regula-  
6 tions the agency believes are being violated by  
7 the customer or group of customers, if any.

8 (2) JUSTIFICATION REQUIREMENT.—A jus-  
9 tification described under paragraph (1)(B) may not  
10 be based solely on the reputation risk to the deposi-  
11 tory institution.

12 (c) CUSTOMER NOTICE.—

13 (1) NOTICE REQUIRED.—Except as provided  
14 under paragraph (2) or as otherwise prohibited from  
15 being disclosed by law, if an appropriate Federal  
16 banking agency orders a depository institution to  
17 terminate a specific customer account or a group of  
18 customer accounts, the depository institution shall  
19 inform the specific customer or group of customers  
20 of the justification for the customer's account termi-  
21 nation described under subsection (b).

22 (2) NOTICE PROHIBITED.—

23 (A) NOTICE PROHIBITED IN CASES OF NA-  
24 TIONAL SECURITY.—If an appropriate Federal  
25 banking agency requests or orders a depository

1 institution to terminate a specific customer ac-  
2 count or a group of customer accounts based on  
3 a belief that the customer or customers pose a  
4 threat to national security, or are otherwise de-  
5 scribed under subsection (a)(2), neither the de-  
6 pository institution nor the appropriate Federal  
7 banking agency may inform the customer or  
8 customers of the justification for the customer's  
9 account termination.

10 (B) NOTICE PROHIBITED IN OTHER  
11 CASES.—If an appropriate Federal banking  
12 agency determines that the notice required  
13 under paragraph (1) may interfere with an au-  
14 thorized criminal investigation, neither the de-  
15 pository institution nor the appropriate Federal  
16 banking agency may inform the specific cus-  
17 tomer or group of customers of the justification  
18 for the customer's account termination.

19 (d) REPORTING REQUIREMENT.—Each appropriate  
20 Federal banking agency shall issue an annual report to  
21 the Congress stating—

22 (1) the aggregate number of specific customer  
23 accounts that the agency requested or ordered a de-  
24 pository institution to terminate during the previous  
25 year; and

1           (2) the legal authority on which the agency re-  
2           lied in making such requests and orders and the fre-  
3           quency on which the agency relied on each such au-  
4           thority.

5           (e) DEFINITIONS.—For purposes of this section:

6           (1) APPROPRIATE FEDERAL BANKING AGEN-  
7           CY.—The term “appropriate Federal banking agen-  
8           cy” means—

9                   (A) the appropriate Federal banking agen-  
10                  cy, as defined under section 3 of the Federal  
11                  Deposit Insurance Act (12 U.S.C. 1813); and

12                   (B) the National Credit Union Administra-  
13                  tion, in the case of an insured credit union.

14           (2) DEPOSITORY INSTITUTION.—The term “de-  
15           pository institution” means—

16                   (A) a depository institution, as defined  
17                  under section 3 of the Federal Deposit Insur-  
18                  ance Act (12 U.S.C. 1813); and

19                   (B) an insured credit union.

20   **SEC. 61114. DEFINITIONS.**

21           In this title:

22           (1) BUSINESS OF INSURANCE.—The term  
23           “business of insurance” has the meaning given such  
24           term in section 1002 of the Dodd-Frank Wall Street

1 Reform and Consumer Protection Act (12 U.S.C.  
2 5481).

3 (2) CANNABIS.—The term “cannabis” has the  
4 meaning given the term “marihuana” in section 102  
5 of the Controlled Substances Act (21 U.S.C. 802).

6 (3) CANNABIS PRODUCT.—The term “cannabis  
7 product” means any article which contains cannabis,  
8 including an article which is a concentrate, an edi-  
9 ble, a tincture, a cannabis-infused product, or a top-  
10 ical.

11 (4) CANNABIS-RELATED LEGITIMATE BUSI-  
12 NESS.—The term “cannabis-related legitimate busi-  
13 ness” means a manufacturer, producer, or any per-  
14 son or company that—

15 (A) engages in any activity described in  
16 subparagraph (B) pursuant to a law established  
17 by a State or a political subdivision of a State,  
18 as determined by such State or political subdivi-  
19 sion; and

20 (B) participates in any business or orga-  
21 nized activity that involves handling cannabis or  
22 cannabis products, including cultivating, pro-  
23 ducing, manufacturing, selling, transporting,  
24 displaying, dispensing, distributing, or pur-  
25 chasing cannabis or cannabis products.

1           (5) DEPOSITORY INSTITUTION.—The term “de-  
2       pository institution” means—

3           (A) a depository institution as defined in  
4       section 3(c) of the Federal Deposit Insurance  
5       Act (12 U.S.C. 1813(c));

6           (B) a Federal credit union as defined in  
7       section 101 of the Federal Credit Union Act  
8       (12 U.S.C. 1752); or

9           (C) a State credit union as defined in sec-  
10      tion 101 of the Federal Credit Union Act (12  
11      U.S.C. 1752).

12          (6) FEDERAL BANKING REGULATOR.—The  
13      term “Federal banking regulator” means each of the  
14      Board of Governors of the Federal Reserve System,  
15      the Bureau of Consumer Financial Protection, the  
16      Federal Deposit Insurance Corporation, the Federal  
17      Housing Finance Agency, the Financial Crimes En-  
18      forcement Network, the Office of Foreign Asset  
19      Control, the Office of the Comptroller of the Cur-  
20      rency, the National Credit Union Administration,  
21      the Department of the Treasury, or any Federal  
22      agency or department that regulates banking or fi-  
23      nancial services, as determined by the Secretary of  
24      the Treasury.

1           (7) FINANCIAL SERVICE.—The term “financial  
2       service”—

3           (A) means a financial product or service,  
4       as defined in section 1002 of the Dodd-Frank  
5       Wall Street Reform and Consumer Protection  
6       Act (12 U.S.C. 5481), regardless if the cus-  
7       tomer receiving the product or service is a con-  
8       sumer or commercial entity;

9           (B) means a financial product or service,  
10       or any combination of products and services,  
11       permitted to be provided by—

12           (i) a national bank or a financial sub-  
13       sidiary pursuant to the authority provided  
14       under—

15           (I) the provision designated  
16       “Seventh” of section 5136 of the Re-  
17       vised Statutes of the United States  
18       (12 U.S.C. 24); or

19           (II) section 5136A of the Revised  
20       Statutes of the United States (12  
21       U.S.C. 24a); and

22           (ii) a Federal credit union, pursuant  
23       to the authority provided under the Fed-  
24       eral Credit Union Act;

25       (C) includes the business of insurance;

1 (D) includes, whether performed directly or  
2 indirectly, the authorizing, processing, clearing,  
3 settling, billing, transferring for deposit, trans-  
4 mitting, delivering, instructing to be delivered,  
5 reconciling, collecting, or otherwise effectuating  
6 or facilitating of payments or funds, where such  
7 payments or funds are made or transferred by  
8 any means, including by the use of credit cards,  
9 debit cards, other payment cards, or other ac-  
10 cess devices, accounts, original or substitute  
11 checks, or electronic funds transfers;

12 (E) includes acting as a money transmit-  
13 ting business which directly or indirectly makes  
14 use of a depository institution in connection  
15 with effectuating or facilitating a payment for  
16 a cannabis-related legitimate business or service  
17 provider in compliance with section 5330 of  
18 title 31, United States Code, and any applicable  
19 State law; and

20 (F) includes acting as an armored car  
21 service for processing and depositing with a de-  
22 pository institution or a Federal reserve bank  
23 with respect to any monetary instruments (as  
24 defined under section 1956(c)(5) of title 18,  
25 United States Code.

1           (8) INDIAN COUNTRY.—The term “Indian coun-  
2           try” has the meaning given that term in section  
3           1151 of title 18.

4           (9) INDIAN TRIBE.—The term “Indian Tribe”  
5           has the meaning given that term in section 102 of  
6           the Federally Recognized Indian Tribe List Act of  
7           1994 (25 U.S.C. 479a).

8           (10) INSURER.—The term “insurer” has the  
9           meaning given that term under section 313(r) of  
10          title 31, United States Code.

11          (11) MANUFACTURER.—The term “manufac-  
12          turer” means a person who manufactures, com-  
13          pounds, converts, processes, prepares, or packages  
14          cannabis or cannabis products.

15          (12) PRODUCER.—The term “producer” means  
16          a person who plants, cultivates, harvests, or in any  
17          way facilitates the natural growth of cannabis.

18          (13) SERVICE PROVIDER.—The term “service  
19          provider”—

20                 (A) means a business, organization, or  
21                 other person that—

22                         (i) sells goods or services to a can-  
23                         nabis-related legitimate business; or

24                         (ii) provides any business services, in-  
25                         cluding the sale or lease of real or any

1 other property, legal or other licensed serv-  
2 ices, or any other ancillary service, relating  
3 to cannabis; and

4 (B) does not include a business, organiza-  
5 tion, or other person that participates in any  
6 business or organized activity that involves han-  
7 dling cannabis or cannabis products, including  
8 cultivating, producing, manufacturing, selling,  
9 transporting, displaying, dispensing, distrib-  
10 uting, or purchasing cannabis or cannabis prod-  
11 ucts.

12 (14) STATE.—The term “State” means each of  
13 the several States, the District of Columbia, the  
14 Commonwealth of Puerto Rico, and any territory or  
15 possession of the United States.

16 **SEC. 61115. DISCRETIONARY SURPLUS FUNDS.**

17 Section 7(a)(3)(A) of the Federal Reserve Act (12  
18 U.S.C. 289(a)(3)(A)) is amended by reducing the dollar  
19 figure by \$6,000,000.

