

110TH CONGRESS
2D SESSION

S. 2703

To reduce the reporting and certification burdens for certain financial institutions of sections 302 and 404 of the Sarbanes-Oxley Act of 2002.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2008

Mrs. DOLE introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To reduce the reporting and certification burdens for certain financial institutions of sections 302 and 404 of the Sarbanes-Oxley Act of 2002.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Regulatory Relief and
5 Fairness Act”.

6 **SEC. 2. CORPORATE RESPONSIBILITY RELATED TO CER-**
7 **TAIN FINANCIAL INSTITUTIONS.**

8 Section 302 of the Sarbanes-Oxley Act of 2002 (15
9 U.S.C. 7241) is amended—

1 (1) in subsection (a), by striking “The Commis-
2 sion” and inserting “Subject to subsection (c), the
3 Commission”;

4 (2) by redesignating subsection (c) as sub-
5 section (d); and

6 (3) by inserting after subsection (b) the fol-
7 lowing new subsection:

8 “(c) EXEMPTION FOR CERTAIN FINANCIAL INSTITU-
9 TIONS.—The rules of the Commission under subsection
10 (a) shall permit an issuer to elect voluntarily not to pro-
11 vide the certification in subsection (a) if the issuer is—

12 “(1) an insured depository institution, as such
13 term is defined in section 3(e)(2) of the Federal De-
14 posit Insurance Act (12 U.S.C. 1813(e)(2));

15 “(2) a bank holding company, as such term is
16 defined in section 2(a) of the Bank Holding Com-
17 pany Act of 1956 (12 U.S.C. 1841(a)); or

18 “(3) a savings and loan holding company, as
19 such term is defined in section 10(a)(1)(D) of the
20 Home Owners’ Loan Act (12 U.S.C.
21 1467a(a)(1)(D)).”.

1 **SEC. 3. MANAGEMENT ASSESSMENT OF INTERNAL CON-**
2 **TROLS BY CERTAIN FINANCIAL INSTITU-**
3 **TIONS.**

4 Section 404 of the Sarbanes-Oxley Act of 2002 (15
5 U.S.C. 7262) is amended—

6 (1) in subsection (a), by striking “The Commis-
7 sion” and inserting “Subject to subsection (c), the
8 Commission”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(c) EXEMPTION FOR CERTAIN FINANCIAL INSTITU-
12 TIONS.—The rules of the Commission under subsection
13 (a) shall permit an issuer to elect voluntarily not to pre-
14 pare and provide the internal control report required by
15 subsection (a) if the issuer is—

16 “(1) an insured depository institution, as such
17 term is defined in section 3(c)(2) of the Federal De-
18 posit Insurance Act (12 U.S.C. 1813(c)(2));

19 “(2) a bank holding company, as such term is
20 defined in section 2(a) of the Bank Holding Com-
21 pany Act of 1956 (12 U.S.C. 1841(a)); or

22 “(3) a savings and loan holding company, as
23 such term is defined in section 10(a)(1)(D) of the
24 Home Owners’ Loan Act (12 U.S.C.
25 1467a(a)(1)(D)).”.

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