

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4545) TO AMEND THE FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL ACT OF 1978 TO IMPROVE THE EXAMINATION OF DEPOSITORY INSTITUTIONS, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1116) TO REQUIRE THE FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCIES TO TAKE RISK PROFILES AND BUSINESS MODELS OF INSTITUTIONS INTO ACCOUNT WHEN TAKING REGULATORY ACTIONS, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4263) TO AMEND THE SECURITIES ACT OF 1933 WITH RESPECT TO SMALL COMPANY CAPITAL FORMATION, AND FOR OTHER PURPOSES

---

MARCH 13, 2018.—Referred to the House Calendar and ordered to be printed

---

Mr. BUCK, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 773]

The Committee on Rules, having had under consideration House Resolution 773, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4545, the Financial Institutions Examination Fairness and Reform Act, under a structured rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment printed in part A of this report shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only the further amendment printed in part B of the this report, if offered by the Member designated in this report, which shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendment printed in this report. The

resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 1116, the TAILOR Act of 2017, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill. The resolution provides that the amendment printed in part B of this report shall be considered as adopted and the bill, as amended shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides for one motion to recommit with or without instructions.

Section 3 of the resolution provides consideration of H.R. 4263, the Regulation A+ Improvement Act of 2017, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill. The resolution provides that the amendment printed in part D of this report shall be considered as adopted and the bill, as amended shall be considered as read. The resolution waives all points of order against consideration of the bill, as amended. The resolution provides one motion to recommit with or without instructions.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 4545 includes a waiver of the following:

- Section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) allocation of such authority;
- Section 303 of the Congressional Budget Act, which prohibits consideration of legislation, providing a change in revenues for a fiscal year until the budget resolution for that year has been agreed to;
- Section 311 of the Congressional Budget Act, which prohibits consideration of legislation that would cause the level of total new budget authority for the first fiscal year to be exceeded; and
- Clause 10 of rule XXI, which prohibits the consideration of a bill if it has the net effect of increasing mandatory spending over the five-year or ten-year period.

Although the resolution waives all points of order against provisions in H.R. 4545, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment to H.R. 4545 printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 1116 includes a waiver of the following:

- Section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) allocation of such authority;

- Section 311 of the Congressional Budget Act, which prohibits consideration of legislation that would cause the level of total new budget authority for the first fiscal year to be exceeded, or would cause revenues to be less than the level of total revenues for the first fiscal year or for the total of that first fiscal year and the ensuing fiscal years for which allocations are provided; and

- Clause 10 of rule XXI, which prohibits the consideration of a bill if it has the net effect of increasing mandatory spending over the five-year or ten-year period.

Although the resolution waives all points of order against provisions in H.R. 1116, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 4263, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 4263 as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

SUMMARY OF THE AMENDMENT TO H.R. 4545 IN PART A CONSIDERED  
AS ADOPTED

1. Tipton (CO): Reduces the Federal Reserve Banks Surplus Fund.

SUMMARY OF THE AMENDMENT TO H.R. 4545 IN PART B MADE IN  
ORDER

1. Waters (CA): Narrows the applicability of the bill's additional appeal process from applying to all financial institutions regardless of their size, including megabanks and payday lenders, to only small, community banks and credit unions with less than \$10 billion in assets. (10 minutes)

SUMMARY OF THE AMENDMENT TO H.R. 1116 IN PART C CONSIDERED  
AS ADOPTED

1. Tipton (CO): Reduces the Federal Reserve Banks Surplus Fund.

SUMMARY OF THE AMENDMENT TO H.R. 4263 IN PART D CONSIDERED  
AS ADOPTED

1. MacArthur (NJ): Corrects drafting error in bill short title.

PART A—TEXT OF AMENDMENT TO H.R. 4545 CONSIDERED AS ADOPTED

Add at the end the following:

**SEC. 7. REDUCTION OF SURPLUS FUNDS OF FEDERAL RESERVE BANKS.**

(a) IN GENERAL.—Section 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is amended by striking “\$7,500,000,000” and inserting “\$7,324,285,000”.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on June 1, 2018.

## PART B—TEXT OF AMENDMENT TO H.R. 4545 MADE IN ORDER

## 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATERS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Amend section 2 to read as follows:

**SEC. 2. AMENDMENT TO DEFINITIONS.**

Section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (2) the following

“(2) the term ‘community financial institution’ means a financial institution with total consolidated assets of \$10,000,000,000 or less;”.

Strike “financial institution” each place such term appears and insert “community financial institution”.

Page 6, line 5, strike “financial institutions” and insert “community financial institutions”.

Page 6, line 12, strike “financial institutions” and insert “community financial institutions”.

Page 8, line 3, strike “financial institutions” and insert “community financial institutions”.

Page 9, line 14, strike “financial institution’s” and insert “community financial institution’s”.

Page 12, beginning on line 4, strike “financial institutions” and insert “community financial institutions”.

Page 12, line 6, strike “financial institutions” and insert “community financial institutions”.

Page 15, beginning on line 21, strike “— (A)”.

Page 16, line 2, insert a period and a quotation mark before the semicolon.

Page 16, strike lines 3 through 5.

## PART C—TEXT OF AMENDMENT TO H.R. 1116 CONSIDERED AS ADOPTED

Add at the end the following:

**SEC. 3. REDUCTION OF SURPLUS FUNDS OF FEDERAL RESERVE BANKS.**

(a) IN GENERAL.—Section 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is amended by striking “\$7,500,000,000” and inserting “\$7,385,714,000”.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on June 1, 2018.

## PART D—TEXT OF AMENDMENT TO H.R. 4263 CONSIDERED AS ADOPTED

Amend section 1 to read as follows:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Regulation A+ Improvement Act of 2017”.