

Suspend the Rules and Pass the Bill, H.R. 1996, with an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
1ST SESSION

H. R. 1996

To create protections for financial institutions that provide financial services to cannabis-related legitimate businesses and service providers for such businesses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2021

Mr. PERLMUTTER introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To create protections for financial institutions that provide financial services to cannabis-related legitimate businesses and service providers for such businesses, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; PURPOSE.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Secure And Fair Enforcement Banking Act of 2021” or
4 the “SAFE Banking Act of 2021”.

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

- Sec. 1. Short title; table of contents; purpose.
- Sec. 2. Safe harbor for depository institutions.
- Sec. 3. Protections for ancillary businesses.
- Sec. 4. Protections under Federal law.
- Sec. 5. Rules of construction.
- Sec. 6. Requirements for filing suspicious activity reports.
- Sec. 7. Guidance and examination procedures.
- Sec. 8. Annual diversity and inclusion report.
- Sec. 9. GAO study on diversity and inclusion.
- Sec. 10. GAO study on effectiveness of certain reports on finding certain persons.
- Sec. 11. Application of this Act with respect to hemp-related legitimate businesses and hemp-related service providers.
- Sec. 12. Banking services for hemp-related legitimate businesses and hemp-related service providers.
- Sec. 13. Requirements for deposit account termination requests and orders.
- Sec. 14. Definitions.
- Sec. 15. Discretionary surplus funds.

7 (c) **PURPOSE.**—The purpose of this Act is to increase
8 public safety by ensuring access to financial services to
9 cannabis-related legitimate businesses and service pro-
10 viders and reducing the amount of cash at such busi-
11 nesses.

12 **SEC. 2. SAFE HARBOR FOR DEPOSITORY INSTITUTIONS.**

13 (a) **IN GENERAL.**—A Federal banking regulator may
14 not—

15 (1) terminate or limit the deposit insur-
16 ance or share insurance of a depository institu-
17 tion under the Federal Deposit Insurance Act

1 (12 U.S.C. 1811 et seq.), the Federal Credit
2 Union Act (12 U.S.C. 1751 et seq.), or take
3 any other adverse action against a depository
4 institution under section 8 of the Federal De-
5 posit Insurance Act (12 U.S.C. 1818) solely be-
6 cause the depository institution provides or has
7 provided financial services to a cannabis-related
8 legitimate business or service provider;

9 (2) prohibit, penalize, or otherwise discour-
10 age a depository institution from providing fi-
11 nancial services to a cannabis-related legitimate
12 business or service provider or to a State, polit-
13 ical subdivision of a State, or Indian Tribe that
14 exercises jurisdiction over cannabis-related le-
15 gitimate businesses;

16 (3) recommend, incentivize, or encourage a
17 depository institution not to offer financial serv-
18 ices to an account holder, or to downgrade or
19 cancel the financial services offered to an ac-
20 count holder solely because—

21 (A) the account holder is a cannabis-
22 related legitimate business or service pro-
23 vider, or is an employee, owner, or oper-
24 ator of a cannabis-related legitimate busi-
25 ness or service provider;

1 (B) the account holder later becomes
2 an employee, owner, or operator of a can-
3 nabis-related legitimate business or service
4 provider; or

5 (C) the depository institution was not
6 aware that the account holder is an em-
7 ployee, owner, or operator of a cannabis-re-
8 lated legitimate business or service pro-
9 vider;

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

12 (A) a cannabis-related legitimate busi-
13 ness or service provider, solely because the
14 business is a cannabis-related legitimate
15 business or service provider;

16 (B) an employee, owner, or operator
17 of a cannabis-related legitimate business or
18 service provider, solely because the em-
19 ployee, owner, or operator is employed by,
20 owns, or operates a cannabis-related legiti-
21 mate business or service provider, as appli-
22 cable; or

23 (C) an owner or operator of real es-
24 tate or equipment that is leased to a can-
25 nabis-related legitimate business or service

1 provider, solely because the owner or oper-
2 ator of the real estate or equipment leased
3 the equipment or real estate to a cannabis-
4 related legitimate business or service pro-
5 vider, as applicable; or

6 (5) prohibit or penalize a depository insti-
7 tution (or entity performing a financial service
8 for or in association with a depository institu-
9 tion) for, or otherwise discourage a depository
10 institution (or entity performing a financial
11 service for or in association with a depository
12 institution) from, engaging in a financial service
13 for a cannabis-related legitimate business or
14 service provider.

15 (b) **SAFE HARBOR APPLICABLE TO DE NOVO INSTI-**
16 **TUTIONS.**—Subsection (a) shall apply to an institution ap-
17 plying for a depository institution charter to the same ex-
18 tent as such subsection applies to a depository institution.

19 **SEC. 3. PROTECTIONS FOR ANCILLARY BUSINESSES.**

20 For the purposes of sections 1956 and 1957 of title
21 18, United States Code, and all other provisions of Fed-
22 eral law, the proceeds from a transaction involving activi-
23 ties of a cannabis-related legitimate business or service
24 provider shall not be considered proceeds from an unlawful
25 activity solely because—

1 (1) the transaction involves proceeds from a
2 cannabis-related legitimate business or service pro-
3 vider; or

4 (2) the transaction involves proceeds from—

5 (A) cannabis-related activities described in
6 section 14(4)(B) conducted by a cannabis-re-
7 lated legitimate business; or

8 (B) activities described in section
9 14(13)(A) conducted by a service provider.

10 **SEC. 4. PROTECTIONS UNDER FEDERAL LAW.**

11 (a) IN GENERAL.—With respect to providing a finan-
12 cial service to a cannabis-related legitimate business
13 (where such cannabis-related legitimate business operates
14 within a State, political subdivision of a State, or Indian
15 country that allows the cultivation, production, manufac-
16 ture, sale, transportation, display, dispensing, distribution,
17 or purchase of cannabis pursuant to a law or regulation
18 of such State, political subdivision, or Indian Tribe that
19 has jurisdiction over the Indian country, as applicable) or
20 a service provider (wherever located), a depository institu-
21 tion, entity performing a financial service for or in associa-
22 tion with a depository institution, or insurer that provides
23 a financial service to a cannabis-related legitimate busi-
24 ness or service provider, and the officers, directors, and
25 employees of that depository institution, entity, or insurer

1 may not be held liable pursuant to any Federal law or
2 regulation—

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

4 or

5 (2) for further investing any income derived
6 from such a financial service.

7 (b) PROTECTIONS FOR FEDERAL RESERVE BANKS
8 AND FEDERAL HOME LOAN BANKS.—With respect to
9 providing a service to a depository institution that pro-
10 vides a financial service to a cannabis-related legitimate
11 business (where such cannabis-related legitimate business
12 operates within a State, political subdivision of a State,
13 or Indian country that allows the cultivation, production,
14 manufacture, sale, transportation, display, dispensing, dis-
15 tribution, or purchase of cannabis pursuant to a law or
16 regulation of such State, political subdivision, or Indian
17 Tribe that has jurisdiction over the Indian country, as ap-
18 plicable) or service provider (wherever located), a Federal
19 reserve bank or Federal Home Loan Bank, and the offi-
20 cers, directors, and employees of the Federal reserve bank
21 or Federal Home Loan Bank, may not be held liable pur-
22 suant to any Federal law or regulation—

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

24 (2) for further investing any income derived
25 from such a service.

1 (c) PROTECTIONS FOR INSURERS.—With respect to
2 engaging in the business of insurance within a State, polit-
3 ical subdivision of a State, or Indian country that allows
4 the cultivation, production, manufacture, sale, transpor-
5 tation, display, dispensing, distribution, or purchase of
6 cannabis pursuant to a law or regulation of such State,
7 political subdivision, or Indian Tribe that has jurisdiction
8 over the Indian country, as applicable, an insurer that en-
9 gages in the business of insurance with a cannabis-related
10 legitimate business or service provider or who otherwise
11 engages with a person in a transaction permissible under
12 State law related to cannabis, and the officers, directors,
13 and employees of that insurer may not be held liable pur-
14 suant to any Federal law or regulation—

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

17 (2) for further investing any income derived
18 from the business of insurance.

19 (d) FORFEITURE.—

20 (1) DEPOSITORY INSTITUTIONS.—A depository
21 institution that has a legal interest in the collateral
22 for a loan or another financial service provided to an
23 owner, employee, or operator of a cannabis-related
24 legitimate business or service provider, or to an
25 owner or operator of real estate or equipment that

1 is leased or sold to a cannabis-related legitimate
2 business or service provider, shall not be subject to
3 criminal, civil, or administrative forfeiture of that
4 legal interest pursuant to any Federal law for pro-
5 viding such loan or other financial service.

6 (2) FEDERAL RESERVE BANKS AND FEDERAL
7 HOME LOAN BANKS.—A Federal reserve bank or
8 Federal Home Loan Bank that has a legal interest
9 in the collateral for a loan or another financial serv-
10 ice provided to a depository institution that provides
11 a financial service to a cannabis-related legitimate
12 business or service provider, or to an owner or oper-
13 ator of real estate or equipment that is leased or
14 sold to a cannabis-related legitimate business or
15 service provider, shall not be subject to criminal,
16 civil, or administrative forfeiture of that legal inter-
17 est pursuant to any Federal law for providing such
18 loan or other financial service.

19 **SEC. 5. RULES OF CONSTRUCTION.**

20 (a) NO REQUIREMENT TO PROVIDE FINANCIAL
21 SERVICES.—Nothing in this Act shall require a depository
22 institution, entity performing a financial service for or in
23 association with a depository institution, or insurer to pro-
24 vide financial services to a cannabis-related legitimate
25 business, service provider, or any other business.

1 (b) GENERAL EXAMINATION, SUPERVISORY, AND
2 ENFORCEMENT AUTHORITY.—Nothing in this Act may be
3 construed in any way as limiting or otherwise restricting
4 the general examination, supervisory, and enforcement au-
5 thority of the Federal banking regulators, provided that
6 the basis for any supervisory or enforcement action is not
7 the provision of financial services to a cannabis-related le-
8 gitimate business or service provider.

9 (c) BUSINESS OF INSURANCE.—Nothing in this Act
10 shall interfere with the regulation of the business of insur-
11 ance in accordance with the Act of March 9, 1945 (59
12 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (commonly
13 known as the “McCarran-Ferguson Act”) and the Dodd-
14 Frank Wall Street Reform and Consumer Protection Act
15 (12 U.S.C. 5301 et seq.).

16 **SEC. 6. REQUIREMENTS FOR FILING SUSPICIOUS ACTIVITY**
17 **REPORTS.**

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

20 “(5) REQUIREMENTS FOR CANNABIS-RELATED
21 LEGITIMATE BUSINESSES.—

22 “(A) IN GENERAL.—With respect to a fi-
23 nancial institution or any director, officer, em-
24 ployee, or agent of a financial institution that
25 reports a suspicious transaction pursuant to

1 this subsection, if the reason for the report re-
2 lates to a cannabis-related legitimate business
3 or service provider, the report shall comply with
4 appropriate guidance issued by the Financial
5 Crimes Enforcement Network. Not later than
6 the end of the 180-day period beginning on the
7 date of enactment of this paragraph, the Sec-
8 retary shall update the February 14, 2014,
9 guidance titled ‘BSA Expectations Regarding
10 Marijuana-Related Businesses’ (FIN-2014-
11 G001) to ensure that the guidance is consistent
12 with the purpose and intent of the SAFE
13 Banking Act of 2021 and does not significantly
14 inhibit the provision of financial services to a
15 cannabis-related legitimate business or service
16 provider in a State, political subdivision of a
17 State, or Indian country that has allowed the
18 cultivation, production, manufacture, transpor-
19 tation, display, dispensing, distribution, sale, or
20 purchase of cannabis pursuant to law or regula-
21 tion of such State, political subdivision, or In-
22 dian Tribe that has jurisdiction over the Indian
23 country.

24 “(B) DEFINITIONS.—For purposes of this
25 paragraph:

1 “(i) CANNABIS.—The term ‘cannabis’
2 has the meaning given the term ‘mari-
3 huana’ in section 102 of the Controlled
4 Substances Act (21 U.S.C. 802).

5 “(ii) CANNABIS-RELATED LEGITIMATE
6 BUSINESS.—The term ‘cannabis-related le-
7 gitimate business’ has the meaning given
8 that term in section 14 of the SAFE
9 Banking Act of 2021.

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

13 “(iv) INDIAN TRIBE.—The term ‘In-
14 dian Tribe’ has the meaning given that
15 term in section 102 of the Federally Rec-
16 ognized Indian Tribe List Act of 1994 (25
17 U.S.C. 479a).

18 “(v) FINANCIAL SERVICE.—The term
19 ‘financial service’ has the meaning given
20 that term in section 14 of the SAFE
21 Banking Act of 2021.

22 “(vi) SERVICE PROVIDER.—The term
23 ‘service provider’ has the meaning given
24 that term in section 14 of the SAFE
25 Banking Act of 2021.

1 “(vii) STATE.—The term ‘State’
2 means each of the several States, the Dis-
3 trict of Columbia, the Commonwealth of
4 Puerto Rico, and any territory or posses-
5 sion of the United States.”.

6 **SEC. 7. GUIDANCE AND EXAMINATION PROCEDURES.**

7 Not later than 180 days after the date of enactment
8 of this Act, the Financial Institutions Examination Coun-
9 cil shall develop uniform guidance and examination proce-
10 dures for depository institutions that provide financial
11 services to cannabis-related legitimate businesses and
12 service providers.

13 **SEC. 8. ANNUAL DIVERSITY AND INCLUSION REPORT.**

14 The Federal banking regulators shall issue an annual
15 report to Congress containing—

16 (1) information and data on the availability of
17 access to financial services for minority-owned and
18 women-owned cannabis-related legitimate businesses;
19 and

20 (2) any regulatory or legislative recommenda-
21 tions for expanding access to financial services for
22 minority-owned and women-owned cannabis-related
23 legitimate businesses.

1 **SEC. 9. GAO STUDY ON DIVERSITY AND INCLUSION.**

2 (a) STUDY.—The Comptroller General of the United
3 States shall carry out a study on the barriers to market-
4 place entry, including in the licensing process, and the ac-
5 cess to financial services for potential and existing minor-
6 ity-owned and women-owned cannabis-related legitimate
7 businesses.

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

10 (1) containing all findings and determinations
11 made in carrying out the study required under sub-
12 section (a); and

13 (2) containing any regulatory or legislative rec-
14 ommendations for removing barriers to marketplace
15 entry, including in the licensing process, and ex-
16 panding access to financial services for potential and
17 existing minority-owned and women-owned cannabis-
18 related legitimate businesses.

19 **SEC. 10. GAO STUDY ON EFFECTIVENESS OF CERTAIN RE-**
20 **PORTS ON FINDING CERTAIN PERSONS.**

21 Not later than 2 years after the date of the enact-
22 ment of this Act, the Comptroller General of the United
23 States shall carry out a study on the effectiveness of re-
24 ports on suspicious transactions filed pursuant to section
25 5318(g) of title 31, United States Code, at finding individ-
26 uals or organizations suspected or known to be engaged

1 with transnational criminal organizations and whether any
2 such engagement exists in a State, political subdivision,
3 or Indian Tribe that has jurisdiction over Indian country
4 that allows the cultivation, production, manufacture, sale,
5 transportation, display, dispensing, distribution, or pur-
6 chase of cannabis. The study shall examine reports on sus-
7 picious transactions as follows:

8 (1) During the period of 2014 until the date of
9 the enactment of this Act, reports relating to mari-
10 juana-related businesses.

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

14 **SEC. 11. APPLICATION OF THIS ACT WITH RESPECT TO**
15 **HEMP-RELATED LEGITIMATE BUSINESSES**
16 **AND HEMP-RELATED SERVICE PROVIDERS.**

17 (a) IN GENERAL.—The provisions of this Act (other
18 than sections 6 and 10) shall apply with respect to hemp-
19 related legitimate businesses and hemp-related service pro-
20 viders in the same manner as such provisions apply with
21 respect to cannabis-related legitimate businesses and serv-
22 ice providers.

23 (b) DEFINITIONS.—In this section:

24 (1) CBD.—The term “CBD” means
25 cannabidiol.

1 (2) HEMP.—The term “hemp” has the meaning
2 given that term under section 297A of the Agricultural
3 Marketing Act of 1946 (7 U.S.C. 1639o).

4 (3) HEMP-RELATED LEGITIMATE BUSINESS.—
5 The term “hemp-related legitimate business” means
6 a manufacturer, producer, or any person or company
7 that—

8 (A) engages in any activity described in
9 subparagraph (B) in conformity with the Agricultural
10 Improvement Act of 2018 (Public Law
11 115–334) and the regulations issued to implement
12 such Act by the Department of Agriculture,
13 where applicable, and the law of a
14 State or political subdivision thereof or Indian
15 Tribe; and

16 (B) participates in any business or organized
17 activity that involves handling hemp,
18 hemp-derived CBD products, and other hemp-
19 derived cannabinoid products, including cultivating,
20 producing, extracting, manufacturing,
21 selling, transporting, displaying, dispensing, distributing,
22 or purchasing hemp, hemp-derived
23 CBD products, and other hemp-derived
24 cannabinoid products.

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

3 (A) means a business, organization, or
4 other person that—

5 (i) sells goods or services to a hemp-
6 related legitimate business; or

7 (ii) provides any business services, in-
8 cluding the sale or lease of real or any
9 other property, legal or other licensed serv-
10 ices, or any other ancillary service, relating
11 to hemp, hemp-derived CBD products, or
12 other hemp-derived cannabinoid products;
13 and

14 (B) does not include a business, organiza-
15 tion, or other person that participates in any
16 business or organized activity that involves han-
17 dling hemp, hemp-derived CBD products, or
18 other hemp-derived cannabinoid products, in-
19 cluding cultivating, producing, manufacturing,
20 selling, transporting, displaying, dispensing, dis-
21 tributing, or purchasing hemp, hemp-derived
22 CBD products, and other hemp-derived
23 cannabinoid products.

1 **SEC. 12. BANKING SERVICES FOR HEMP-RELATED LEGITI-**
2 **MATE BUSINESSES AND HEMP-RELATED**
3 **SERVICE PROVIDERS.**

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

5 (1) the Agriculture Improvement Act of 2018
6 (Public Law 115–334) legalized hemp by removing
7 it from the definition of “marihuana” under the
8 Controlled Substances Act;

9 (2) despite the legalization of hemp, some hemp
10 businesses (including producers, manufacturers, and
11 retailers) continue to have difficulty gaining access
12 to banking products and services; and

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

16 (b) FEDERAL BANKING REGULATORS’ HEMP BANK-
17 ING GUIDANCE.—Not later than the end of the 90-day pe-
18 riod beginning on the date of enactment of this Act, the
19 Federal banking regulators shall update their existing
20 guidance, as applicable, regarding the provision of finan-
21 cial services to hemp-related legitimate businesses and
22 hemp-related service providers to address—

23 (1) compliance with financial institutions’ exist-
24 ing obligations under Federal laws and imple-
25 menting regulations determined relevant by the Fed-
26 eral banking regulators, including subchapter II of

1 chapter 53 of title 31, United States Code, and its
2 implementing regulation in conformity with this Act
3 and the Department of Agriculture’s rules regulating
4 domestic hemp production (7 C.F.R. 990); and

5 (2) best practices for financial institutions to
6 follow when providing financial services, including
7 processing payments, to hemp-related legitimate
8 businesses and hemp-related service providers.

9 (c) DEFINITIONS.—In this section:

10 (1) FINANCIAL INSTITUTION.—The term “fi-
11 nancial institution”—

12 (A) has the meaning given that term under
13 section 5312(a) of title 31, United States Code;
14 and

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

18 (2) HEMP TERMS.—The terms “CBD”,
19 “hemp”, “hemp-related legitimate business”, and
20 “hemp-related service provider” have the meaning
21 given those terms, respectively, under section 11.

22 **SEC. 13. REQUIREMENTS FOR DEPOSIT ACCOUNT TERMI-**
23 **NATION REQUESTS AND ORDERS.**

24 (a) TERMINATION REQUESTS OR ORDERS MUST BE
25 VALID.—

1 (1) IN GENERAL.—An appropriate Federal
2 banking agency may not formally or informally re-
3 quest or order a depository institution to terminate
4 a specific customer account or group of customer ac-
5 counts or to otherwise restrict or discourage a de-
6 pository institution from entering into or maintain-
7 ing a banking relationship with a specific customer
8 or group of customers unless—

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

11 (B) such reason is not based solely on rep-
12 utation risk.

13 (2) TREATMENT OF NATIONAL SECURITY
14 THREATS.—If an appropriate Federal banking agen-
15 cy believes a specific customer or group of customers
16 is, or is acting as a conduit for, an entity which—

17 (A) poses a threat to national security;

18 (B) is involved in terrorist financing;

19 (C) is an agency of the Government of
20 Iran, North Korea, Syria, or any country listed
21 from time to time on the State Sponsors of
22 Terrorism list;

23 (D) is located in, or is subject to the juris-
24 diction of, any country specified in subpara-
25 graph (C); or

1 (E) does business with any entity described
2 in subparagraph (C) or (D), unless the appro-
3 priate Federal banking agency determines that
4 the customer or group of customers has used
5 due diligence to avoid doing business with any
6 entity described in subparagraph (C) or (D),
7 such belief shall satisfy the requirement under para-
8 graph (1).

9 (b) NOTICE REQUIREMENT.—

10 (1) IN GENERAL.—If an appropriate Federal
11 banking agency formally or informally requests or
12 orders a depository institution to terminate a spe-
13 cific customer account or a group of customer ac-
14 counts, the agency shall—

15 (A) provide such request or order to the
16 institution in writing; and

17 (B) accompany such request or order with
18 a written justification for why such termination
19 is needed, including any specific laws or regula-
20 tions the agency believes are being violated by
21 the customer or group of customers, if any.

22 (2) JUSTIFICATION REQUIREMENT.—A jus-
23 tification described under paragraph (1)(B) may not
24 be based solely on the reputation risk to the deposi-
25 tory institution.

1 (c) CUSTOMER NOTICE.—

2 (1) NOTICE REQUIRED.—Except as provided
3 under paragraph (2) or as otherwise prohibited from
4 being disclosed by law, if an appropriate Federal
5 banking agency orders a depository institution to
6 terminate a specific customer account or a group of
7 customer accounts, the depository institution shall
8 inform the specific customer or group of customers
9 of the justification for the customer's account termi-
10 nation described under subsection (b).

11 (2) NOTICE PROHIBITED.—

12 (A) NOTICE PROHIBITED IN CASES OF NA-
13 TIONAL SECURITY.—If an appropriate Federal
14 banking agency requests or orders a depository
15 institution to terminate a specific customer ac-
16 count or a group of customer accounts based on
17 a belief that the customer or customers pose a
18 threat to national security, or are otherwise de-
19 scribed under subsection (a)(2), neither the de-
20 pository institution nor the appropriate Federal
21 banking agency may inform the customer or
22 customers of the justification for the customer's
23 account termination.

24 (B) NOTICE PROHIBITED IN OTHER
25 CASES.—If an appropriate Federal banking

1 agency determines that the notice required
2 under paragraph (1) may interfere with an au-
3 thorized criminal investigation, neither the de-
4 pository institution nor the appropriate Federal
5 banking agency may inform the specific cus-
6 tomer or group of customers of the justification
7 for the customer’s account termination.

8 (d) REPORTING REQUIREMENT.—Each appropriate
9 Federal banking agency shall issue an annual report to
10 the Congress stating—

11 (1) the aggregate number of specific customer
12 accounts that the agency requested or ordered a de-
13 pository institution to terminate during the previous
14 year; and

15 (2) the legal authority on which the agency re-
16 lied in making such requests and orders and the fre-
17 quency on which the agency relied on each such au-
18 thority.

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

20 (1) APPROPRIATE FEDERAL BANKING AGEN-
21 CY.—The term “appropriate Federal banking agen-
22 cy” means—

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

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

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

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

8 (B) an insured credit union.

9 **SEC. 14. DEFINITIONS.**

10 In this Act:

11 (1) BUSINESS OF INSURANCE.—The term
12 “business of insurance” has the meaning given such
13 term in section 1002 of the Dodd-Frank Wall Street
14 Reform and Consumer Protection Act (12 U.S.C.
15 5481).

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

19 (3) CANNABIS PRODUCT.—The term “cannabis
20 product” means any article which contains cannabis,
21 including an article which is a concentrate, an edi-
22 ble, a tincture, a cannabis-infused product, or a top-
23 ical.

24 (4) CANNABIS-RELATED LEGITIMATE BUSI-
25 NESS.—The term “cannabis-related legitimate busi-

1 ness” means a manufacturer, producer, or any per-
2 son or company that—

3 (A) engages in any activity described in
4 subparagraph (B) pursuant to a law established
5 by a State or a political subdivision of a State,
6 as determined by such State or political subdivi-
7 sion; and

8 (B) participates in any business or orga-
9 nized activity that involves handling cannabis or
10 cannabis products, including cultivating, pro-
11 ducing, manufacturing, selling, transporting,
12 displaying, dispensing, distributing, or pur-
13 chasing cannabis or cannabis products.

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

16 (A) a depository institution as defined in
17 section 3(e) of the Federal Deposit Insurance
18 Act (12 U.S.C. 1813(e));

19 (B) a Federal credit union as defined in
20 section 101 of the Federal Credit Union Act
21 (12 U.S.C. 1752); or

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

1 (6) FEDERAL BANKING REGULATOR.—The
2 term “Federal banking regulator” means each of the
3 Board of Governors of the Federal Reserve System,
4 the Bureau of Consumer Financial Protection, the
5 Federal Deposit Insurance Corporation, the Federal
6 Housing Finance Agency, the Financial Crimes En-
7 forcement Network, the Office of Foreign Asset
8 Control, the Office of the Comptroller of the Cur-
9 rency, the National Credit Union Administration,
10 the Department of the Treasury, or any Federal
11 agency or department that regulates banking or fi-
12 nancial services, as determined by the Secretary of
13 the Treasury.

14 (7) FINANCIAL SERVICE.—The term “financial
15 service”—

16 (A) means a financial product or service,
17 as defined in section 1002 of the Dodd-Frank
18 Wall Street Reform and Consumer Protection
19 Act (12 U.S.C. 5481), regardless if the cus-
20 tomer receiving the product or service is a con-
21 sumer or commercial entity;

22 (B) means a financial product or service,
23 or any combination of products and services,
24 permitted to be provided by—

1 (i) a national bank or a financial sub-
2 sidiary pursuant to the authority provided
3 under—

4 (I) the provision designated
5 “Seventh” of section 5136 of the Re-
6 vised Statutes of the United States
7 (12 U.S.C. 24); or

8 (II) section 5136A of the Revised
9 Statutes of the United States (12
10 U.S.C. 24a); and

11 (ii) a Federal credit union, pursuant
12 to the authority provided under the Fed-
13 eral Credit Union Act;

14 (C) includes the business of insurance;

15 (D) includes, whether performed directly or
16 indirectly, the authorizing, processing, clearing,
17 settling, billing, transferring for deposit, trans-
18 mitting, delivering, instructing to be delivered,
19 reconciling, collecting, or otherwise effectuating
20 or facilitating of payments or funds, where such
21 payments or funds are made or transferred by
22 any means, including by the use of credit cards,
23 debit cards, other payment cards, or other ac-
24 cess devices, accounts, original or substitute
25 checks, or electronic funds transfers;

1 (E) includes acting as a money transmit-
2 ting business which directly or indirectly makes
3 use of a depository institution in connection
4 with effectuating or facilitating a payment for
5 a cannabis-related legitimate business or service
6 provider in compliance with section 5330 of
7 title 31, United States Code, and any applicable
8 State law; and

9 (F) includes acting as an armored car
10 service for processing and depositing with a de-
11 pository institution or a Federal reserve bank
12 with respect to any monetary instruments (as
13 defined under section 1956(e)(5) of title 18,
14 United States Code.

15 (8) INDIAN COUNTRY.—The term “Indian coun-
16 try” has the meaning given that term in section
17 1151 of title 18.

18 (9) INDIAN TRIBE.—The term “Indian Tribe”
19 has the meaning given that term in section 102 of
20 the Federally Recognized Indian Tribe List Act of
21 1994 (25 U.S.C. 479a).

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

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

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

8 (13) SERVICE PROVIDER.—The term “service
9 provider”—

10 (A) means a business, organization, or
11 other person that—

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

14 (ii) provides any business services, in-
15 cluding the sale or lease of real or any
16 other property, legal or other licensed serv-
17 ices, or any other ancillary service, relating
18 to cannabis; and

19 (B) does not include a business, organiza-
20 tion, or other person that participates in any
21 business or organized activity that involves han-
22 dling cannabis or cannabis products, including
23 cultivating, producing, manufacturing, selling,
24 transporting, displaying, dispensing, distrib-

1 uting, or purchasing cannabis or cannabis prod-
2 ucts.

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

7 **SEC. 15. DISCRETIONARY SURPLUS FUNDS.**

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