AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4823
OFFERED BY MR. LOUDERMILK OF GEORGIA

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “American Financial Institution Regulatory Sovereignty and Transparency Act of 2023” or the “American FIRST Act of 2023”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; Table of contents.

TITLE I—STOP EXECUTIVE CAPTURE OF BANKING REGULATORS

Sec. 101. Report on the implementation of recommendations from the FSOC Chairperson and Executive Orders.

TITLE II—ENSURING U.S. AUTHORITY OVER U.S. BANKING REGULATIONS

Sec. 201. Requirements in connection with rulemakings implementing policies of non-governmental international organizations.


TITLE III—BANKING REGULATOR INTERNATIONAL REPORTING

Sec. 301. Reporting on interactions with non-governmental international organizations.

TITLE IV—SUPERVISION REFORM

Sec. 401. Removal of the Vice Chairman for Supervision designation.
TITLE I—STOP EXECUTIVE CAPTURE OF BANKING REGULATORS

SEC. 101. REPORT ON THE IMPLEMENTATION OF RECOMMENDATIONS FROM THE FSOC CHAIRPERSON AND EXECUTIVE ORDERS.

(a) Board of Governors of the Federal Reserve System.—Section 10 of the Federal Reserve Act (12 U.S.C. 247b), as amended by section 401(b), is further amended by adding at the end the following:

“(11) Report on the implementation of recommendations from the FSOC Chairperson and Executive Orders.—The Board of Governors of the Federal Reserve System may not implement a non-binding recommendation made by the Chairperson of the Financial Stability Oversight Council or contained in an Executive Order unless the Board of Governors first provides the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with—

“(A) notice that the Board of Governors intends to implement such recommendation;
“(B) a report containing the proposed implementation by the Board of Governors and a justification for such implementation; and

“(C) upon request, not later than the end of the 120-day period beginning on the date of the notice under subparagraph (A), testimony on such proposed implementation.”.

(b) Office of the Comptroller of the Currency.—Section 324 of the Revised Statutes of the United States (12 U.S.C. 1) is amended by adding at the end the following:

“(c) Report on the Implementation of Recommendations From the FSOC Chairperson and Executive Orders.—The Comptroller of the Currency may not implement a non-binding recommendation made by the Chairperson of the Financial Stability Oversight Council or contained in an Executive Order unless the Comptroller of the Currency first provides the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with—

“(1) notice that the Comptroller of the Currency intends to implement such recommendation;
“(2) a report containing the proposed implementation by the Comptroller of the Currency and a justification for such implementation; and

“(3) upon request, not later than the end of the 120-day period beginning on the date of the notice under paragraph (1), testimony on such proposed implementation.”.

(c) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812) is amended by inserting after subsection (f) the following:

“(g) REPORT ON THE IMPLEMENTATION OF RECOMMENDATIONS FROM THE FSOC CHAIRPERSON AND EXECUTIVE ORDERS.—The Board of Directors of the Corporation may not implement a non-binding recommendation made by the Chairperson of the Financial Stability Oversight Council or contained in an Executive Order unless the Board of Directors first provides the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with—

“(1) notice that the Board of Directors intends to implement such recommendation;
“(2) a report containing the proposed implementation by the Board of Directors and a justification for such implementation; and

“(3) upon request, not later than the end of the 120-day period beginning on the date of the notice under paragraph (1), testimony on such proposed implementation.”.

(d) NATIONAL CREDIT UNION ADMINISTRATION.—Section 102 of the Federal Credit Union Act (12 U.S.C. 1752a) is amended by adding at the end the following:

“(g) REPORT ON THE IMPLEMENTATION OF RECOMMENDATIONS FROM THE FSOC CHAIRPERSON AND EXECUTIVE ORDERS.—The Board may not implement a non-binding recommendation made by the Chairperson of the Financial Stability Oversight Council or contained in an Executive Order unless the Board first provides the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with—

“(1) notice that the Board intends to implement such recommendation;

“(2) a report containing the proposed implementation by the Board and a justification for such implementation; and
“(3) upon request, not later than the end of the 120-day period beginning on the date of the notice under paragraph (1), testimony on such proposed implementation.”.

(c) FEDERAL HOUSING FINANCE AGENCY.—Section 1311 of the Housing and Community Development Act of 1992 (12 U.S.C. 4511) is amended by adding at the end the following:

“(d) REPORT ON THE IMPLEMENTATION OF RECOMMENDATIONS FROM THE FSOC CHAIRPERSON AND EXECUTIVE ORDERS.—The Director may not implement a non-binding recommendation made by the Chairperson of the Financial Stability Oversight Council or contained in an Executive Order unless the Director first provides the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with—

“(1) notice that the Director intends to implement such recommendation;

“(2) a report containing the proposed implementation by the Director and a justification for such implementation; and

“(3) upon request, not later than the end of the 120-day period beginning on the date of the notice
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under paragraph (1), testimony on such proposed
implementation.”.

TITLE II—ENSURING U.S. AUTHORITY OVER U.S. BANKING
REGULATIONS

SEC. 201. REQUIREMENTS IN CONNECTION WITH
RULEMAKINGS IMPLEMENTING POLICIES OF
NON-GOVERNMENTAL INTERNATIONAL ORGANIZATIONS.

(a) Board of Governors of the Federal Reserve System.—Section 10 of the Federal Reserve Act
(12 U.S.C. 247b), as amended by section 101(a), is further amended by inserting after paragraph (11) the fol-
lowing:

“(12) REQUIREMENTS IN CONNECTION WITH
RULEMAKINGS IMPLEMENTING POLICIES OF NON-
GOVERNMENTAL INTERNATIONAL ORGANIZATIONS.—

“(A) IN GENERAL.—The Board of Governors of the Federal Reserve System may not propose or finalize a major covered rule unless, not later than 120 days before issuing such a proposed or final rule, the Board of Governors provides the Committee on Financial Services of the House of Representatives and the Com-
mittee on Banking, Housing, and Urban Affairs
of the Senate with notice, testimony, and a de-
tailed economic analysis with respect to the pro-
posed or final rule, including projections of eco-
nomic costs, sectoral effects, and effects on the
availability of credit, the gross domestic prod-
uct, and employment.

“(B) MAJOR COVERED RULE DEFINED.—
In this paragraph, the term ‘major covered rule’
means a rule—

“(i) that the Board of Governors de-
dermines would have an effect, in the ag-
ggregate, on the economy of the United
States of $10,000,000,000 or more during
the 10-year period beginning on the date
the rule takes effect; and

“(ii) that is intended to align or con-
form with a recommendation from a non-
governmental international organization
(including the Financial Stability Board,
the Bank for International Settlements,
the Network of Central Banks and Super-
visors for Greening the Financial System,
and the Basel Committee on Banking Su-
pervision).”.
(b) Office of the Comptroller of the Currency.—Section 324 of the Revised Statutes of the United States (12 U.S.C. 1), as amended by section 101(b), is further amended by adding at the end the following:

“(d) Requirements in Connection With Rulemakings Implementing Policies of Non-Governmental International Organizations.—

“(1) In general.—The Comptroller of the Currency may not propose or finalize a major covered rule unless, not later than 120 days before issuing such a proposed or final rule, the Comptroller of the Currency provides the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with notice, testimony, and a detailed economic analysis with respect to the proposed or final rule, including projections of economic costs, sectoral effects, and effects on the availability of credit, the gross domestic product, and employment.

“(2) Major covered rule defined.—In this subsection, the term ‘major covered rule’ means a rule—
“(A) that the Comptroller of the Currency determines would have an effect, in the aggregate, on the economy of the United States of $10,000,000,000 or more during the 10-year period beginning on the date the rule takes effect; and

“(B) that is intended to align or conform with a recommendation from a non-governmental international organization (including the Financial Stability Board, the Bank for International Settlements, the Network of Central Banks and Supervisors for Greening the Financial System, and the Basel Committee on Banking Supervision).”.

(c) FEDERAL DEPOSIT INSURANCE CORPORATION.—

Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812), as amended by section 101(c), is further amended by inserting after subsection (g) the following:

“(h) REQUIREMENTS IN CONNECTION WITH RULEMAKINGS IMPLEMENTING POLICIES OF NON-GOVERNMENTAL INTERNATIONAL ORGANIZATIONS.—

“(1) IN GENERAL.—The Board of Directors of the Corporation may not propose or finalize a major covered rule unless, not later than 120 days before issuing such a proposed or final rule, the Board of
Directors provides the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with notice, testimony, and a detailed economic analysis with respect to the proposed or final rule, including projections of economic costs, sectoral effects, and effects on the availability of credit, the gross domestic product, and employment.

“(2) MAJOR COVERED RULE DEFINED.—In this subsection, the term ‘major covered rule’ means a rule—

“(A) that the Board of Directors determines would have an effect, in the aggregate, on the economy of the United States of $10,000,000,000 or more during the 10-year period beginning on the date the rule takes effect; and

“(B) that is intended to align or conform with a recommendation from a non-governmental international organization (including the Financial Stability Board, the Bank for International Settlements, the Network of Central Banks and Supervisors for Greening the Financial System, and the Basel Committee on Banking Supervision).”.
(d) National Credit Union Administration.—

Section 102 of the Federal Credit Union Act (12 U.S.C. 1752a), as amended by section 101(d), is further amended by adding at the end the following:

“(h) Requirements in Connection With Rulemakings Implementing Policies of Non-Governmental International Organizations.—

“(1) In general.—The Board may not propose or finalize a major covered rule unless, not later than 120 days before issuing such a proposed or final rule, the Board provides the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with notice, testimony, and a detailed economic analysis with respect to the proposed or final rule, including projections of economic costs, sectoral effects, and effects on the availability of credit, the gross domestic product, and employment.

“(2) Major covered rule defined.—In this subsection, the term ‘major covered rule’ means a rule—

“(A) that the Board determines would have an effect, in the aggregate, on the economy of the United States of $10,000,000,000
or more during the 10-year period beginning on
the date the rule takes effect; and

“(B) that is intended to align or conform
with a recommendation from a non-govern-
mental international organization (including the
Financial Stability Board, the Bank for Inter-
national Settlements, the Network of Central
Banks and Supervisors for Greening the Finan-
cial System, and the Basel Committee on Bank-
ing Supervision).”.

(e) FEDERAL HOUSING FINANCE AGENCY.—Section
1311 of the Housing and Community Development Act
of 1992 (12 U.S.C. 4511), as amended by section 101(e),
is further amended by adding at the end the following:

“(e) REQUIREMENTS IN CONNECTION WITH
RULEMAKINGS IMPLEMENTING POLICIES OF NON-GOV-
ERNMENTAL INTERNATIONAL ORGANIZATIONS.—

“(1) IN GENERAL.—The Director may not pro-
pose or finalize a major covered rule unless, not
later than 120 days before issuing such a proposed
or final rule, the Director provides the Committee on
Financial Services of the House of Representatives
and the Committee on Banking, Housing, and
Urban Affairs of the Senate with notice, testimony,
and a detailed economic analysis with respect to the
proposed or final rule, including projections of economic costs, sectoral effects, and effects on the availability of credit, the gross domestic product, and employment.

“(2) MAJOR COVERED RULE DEFINED.—In this subsection, the term ‘major covered rule’ means a rule—

“(A) that the Director determines would have an effect, in the aggregate, on the economy of the United States of $10,000,000,000 or more during the 10-year period beginning on the date the rule takes effect; and

“(B) that is intended to align or conform with a recommendation from a non-governmental international organization (including the Financial Stability Board, the Bank for International Settlements, the Network of Central Banks and Supervisors for Greening the Financial System, and the Basel Committee on Banking Supervision).”.

SEC. 202. REPORT ON CERTAIN CLIMATE-RELATED INTER-ACTIONS WITH COVERED INTERNATIONAL ORGANIZATIONS.

(a) In General.—A Federal banking regulator may not meet with or otherwise engage with a covered inter-
national organization on the topic of climate-related financial risk during a calendar year unless the Federal banking regulator has issued a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing, for the previous calendar year—

(1) a complete description of the activities of the covered international organization in which the Federal banking regulator participates (including any task force, committee, or other organizational unit thereof); and

(2) a detailed accounting of the governmental and non-governmental funding sources of the covered international organization (including any task force, committee, or other organizational unit thereof).

(b) DEFINITIONS.—In this section:

(1) COVERED INTERNATIONAL ORGANIZATION.—The term “covered international organization” means the Financial Stability Board, the Bank for International Settlements, the Network of Central Banks and Supervisors for Greening the Financial System, and the Basel Committee on Banking Supervision.
(2) Federal banking regulator.—The term “Federal banking regulator” means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Housing Finance Agency, the National Credit Union Administration, and the Office of the Comptroller of the Currency.

TITLE III—BANKING REGULATOR INTERNATIONAL REPORTING

SEC. 301. REPORTING ON INTERACTIONS WITH NON-GOVERNMENTAL INTERNATIONAL ORGANIZATIONS.

(a) Board of Governors of the Federal Reserve System.—Section 10 of the Federal Reserve Act (12 U.S.C. 247b), as amended by section 201(a), is further amended by inserting after paragraph (12) the following:

“(13) Reporting on interactions with non-governmental international organizations.—With respect to interactions between the Board of Governors of the Federal Reserve System and a non-governmental international organization (including the Financial Stability Board, the Bank for International Settlements, the Network of Cen-
Central Banks and Supervisors for Greening the Financial System, and the Basel Committee on Banking Supervision), the Board of Governors shall—

“(A) keep a complete record of all such interactions, including minutes of all meetings and any recommendations made during such interaction for international standardization with respect to open-market policies and operations, discount lending and operations (including collateral policies), or supervisory policies and operations;

“(B) issue an annual report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing—

“(i) all of the information recorded pursuant to subparagraph (A) with respect to the previous year; and

“(ii) with respect to each non-governmental international organization with which the Board of Governors had an interaction in the previous year, a description of the funding sources of the non-governmental international organization.”.
(b) Office of the Comptroller of the Currency.—Section 324 of the Revised Statutes of the United States (12 U.S.C. 1), as amended by section 201(b), is further amended by adding at the end the following:

“(e) Reporting on Interactions With Non-Governmental International Organizations.—With respect to interactions between the Office of the Comptroller of the Currency and a non-governmental international organization (including the Financial Stability Board, the Bank for International Settlements, the Network of Central Banks and Supervisors for Greening the Financial System, and the Basel Committee on Banking Supervision), the Comptroller of the Currency shall—

“(1) keep a complete record of all such interactions, including minutes of all meetings and any recommendations made during such interaction for international standardization with respect to discount lending and operations (including collateral policies) or supervisory policies and operations;

“(2) issue an annual report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing—
“(A) all of the information recorded pursuant to paragraph (1) with respect to the previous year; and

“(B) with respect to each non-governmental international organization with which the Office of the Comptroller of the Currency had an interaction in the previous year, a description of the funding sources of the non-governmental international organization.”.

(c) FEDERAL DEPOSIT INSURANCE CORPORATION.—

Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812), as amended by section 201(c), is further amended is amended by inserting after subsection (h) the following:

“(i) REPORTING ON INTERACTIONS WITH NON-GOVERNMENTAL INTERNATIONAL ORGANIZATIONS.—With respect to interactions between the Federal Deposit Insurance Corporation and a non-governmental international organization (including the Financial Stability Board, the Bank for International Settlements, the Network of Central Banks and Supervisors for Greening the Financial System, and the Basel Committee on Banking Supervision), the Board of Directors of the Corporation shall—

“(1) keep a complete record of all such interactions, including minutes of all meetings and any recommendations made during such interaction for
international standardization with respect to dis-
count lending and operations (including collateral
policies) or supervisory policies and operations;

“(2) issue an annual report to the Committee
on Financial Services of the House of Representa-
tives and the Committee on Banking, Housing, and
Urban Affairs of the Senate containing—

“(A) all of the information recorded pursu-
ant to paragraph (1) with respect to the pre-
vious year; and

“(B) with respect to each non-govern-
mental international organization with which
the Corporation had an interaction in the pre-
vious year, a description of the funding sources
of the non-governmental international organiza-

(d) NATIONAL CREDIT UNION ADMINISTRATION.—
Section 102 of the Federal Credit Union Act (12 U.S.C.
1752a), as amended by section 201(d), is further amended
by adding at the end the following:

“(i) REPORTING ON INTERACTIONS WITH NON-GOV-
ERNMENTAL INTERNATIONAL ORGANIZATIONS.—With re-
spect to interactions between the Administration and a
non-governmental international organization (including
the Financial Stability Board, the Bank for International

Settlements, the Network of Central Banks and Supervisors for Greening the Financial System, and the Basel Committee on Banking Supervision), the Board shall—

“(1) keep a complete record of all such interactions, including minutes of all meetings and any recommendations made during such interaction for international standardization with respect to discount lending and operations (including collateral policies) or supervisory policies and operations;

“(2) issue an annual report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing—

“(A) all of the information recorded pursuant to paragraph (1) with respect to the previous year; and

“(B) with respect to each non-governmental international organization with which the Administration had an interaction in the previous year, a description of the funding sources of the non-governmental international organization.”.

(e) FEDERAL HOUSING FINANCE AGENCY.—Section 1311 of the Housing and Community Development Act
of 1992 (12 U.S.C. 4511), as amended by section 201(e),
is further amended by adding at the end the following:

“(f) REPORTING ON INTERACTIONS WITH NON-GOVERNMENTAL INTERNATIONAL ORGANIZATIONS.—With respect to interactions between the Federal Housing Finance Agency and a non-governmental international organization (including the Financial Stability Board, the Bank for International Settlements, the Network of Central Banks and Supervisors for Greening the Financial System, and the Basel Committee on Banking Supervision), the Director shall—

“(1) keep a complete record of all such interactions, including minutes of all meetings and any recommendations made during such interaction for international standardization with respect to discount lending and operations (including collateral policies) or supervisory policies and operations;

“(2) issue an annual report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing—

“(A) all of the information recorded pursuant to paragraph (1) with respect to the previous year; and
“(B) with respect to each non-governmental international organization with which the Federal Housing Finance Agency had an interaction in the previous year, a description of the funding sources of the non-governmental international organization.”.

**TITLE IV—SUPERVISION REFORM**

**SEC. 401. REMOVAL OF THE VICE CHAIRMAN FOR SUPERVISION DESIGNATION.**

(a) In General.—The second undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242) (relating to the Chairman and Vice Chairman of the Board) is amended by striking “and 2 shall be designated by the President, by and with the advice and consent of the Senate, to serve as Vice Chairmen of the Board, each for a term of 4 years, 1 of whom shall serve in the absence of the Chairman, as provided in the fourth undesignated paragraph of this section, and 1 of whom shall be designated Vice Chairman for Supervision. The Vice Chairman for Supervision shall develop policy recommendations for the Board regarding supervision and regulation of depository institution holding companies and other financial firms supervised by the Board, and shall oversee the supervision and regulation of such firms.” and inserting
"and I shall be designated by the President, by and with the consent of the Senate, to serve as Vice Chairman of the Board for a term of 4 years.”.

(b) CONFORMING AMENDMENT.—Section 10 of the Federal Reserve Act (12 U.S.C. 241 et seq.) is amended by striking paragraph (12).