

AMENDMENT TO H.R. 4173

**OFFERED BY MR. INSLEE OF WASHINGTON, MR.
DEFAZIO OF OREGON, AND MR. HINCHEY OF
NEW YORK**

Page 93, after line 11, insert the following:

1 (i) LIMITATION ON LIABILITIES.—

2 (1) LIMITATION.—The Council shall, in con-
3 sultation with the Board and the primary financial
4 regulatory agencies, prohibit any financial company
5 from having liabilities, at any time, that exceed 3
6 percent of the annual gross domestic product of the
7 United States

8 (2) DETERMINATION OF GROSS DOMESTIC
9 PRODUCT.—The annual gross domestic product of
10 the United States shall be determined for purposes
11 of paragraph (1), using the average such product
12 over the 8 calendar quarters most recently completed
13 as of the time of the determination.

14 (3) LIABILITIES.—For purposes of this sub-
15 section, all securities held by a financial company,
16 and all off-balance sheet activities of the company,
17 shall be considered in determining the financial com-
18 pany's liabilities.

1 (4) ENFORCEMENT.—If the Council determines,
2 after notice and opportunity for a hearing, that a fi-
3 nancial company is in violation of paragraph (1), the
4 Council shall require the company to undertake ac-
5 tions described in subsection (d)(1)(F) to bring the
6 company into compliance with paragraph (1).

7 (5) APPLICABILITY OF OTHER PROVISIONS .—
8 Any financial company that the Council is consid-
9 ering for mitigatory action pursuant to paragraph
10 (1) of this subsection shall, for purposes of sub-
11 sections (e) through (h) (relating to due process,
12 Treasury Secretary concurrence, failure to imple-
13 ment plan, and judicial review), be considered a fi-
14 nancial company subject to stricter prudential stand-
15 ards.

16 (6) ENFORCEMENT OF LIMITATIONS ON COMPA-
17 NIES IN VIOLATION OF LIMIT ON DATE OF ENACT-
18 MENT.—If any financial company is in violation of
19 paragraph (1) of this subsection as of the date of
20 the enactment of this Act, the Council or the Board
21 shall within 12 months after such date of enactment
22 take such actions as are authorized under this sec-
23 tion to ensure compliance with such paragraph.

