Amendment in the Nature of a Substitute to H.R. 1408

Offered by Ms. Waters

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Financial Services Antifraud Network Act of 2001''.

SEC. 2. CREATION AND OPERATION OF THE NETWORK.

(a) SHARING OF PUBLIC INFORMATION.—

(1) IN GENERAL.—The financial regulators shall, to the extent practicable, develop procedures to provide for the sharing of public information among the regulators.

(2) ESTABLISHMENT OF NETWORK AUTHORIZED.—The financial regulators may jointly establish a computer network through which each regulator's public information may be accessed.

(b) USE OF EXISTING SYSTEMS.—To the maximum extent possible, the financial regulators shall use and ex-

pand any existing systems as the basis for the network which may be established under subsection (a).

(c) JOINT PROCEDURES.—The financial regulators shall jointly establish, maintain, and operate information sharing procedures or any network in a manner that ensures that each financial regulator has equal access to the public information available through the information sharing procedures or the network.

(d) ADDITIONAL ACCESS.—The financial regulators may jointly provide that other persons may be included in information sharing procedures or may access any network as deemed appropriate.

(e) NO LIABILITY FOR GOOD FAITH DISCLOSURES.—Any financial regulator, and the officers and employees of the foregoing, shall not be subject to any civil action or proceeding for monetary damages by reason of the good faith action or omission of any such officer or employee while acting within the scope of office or employment, relating to collecting, maintaining, furnishing, or disseminating regulatory information related to persons engaged in the business of conducting financial activities to or from another financial regulator, whether directly or through any network.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) FINANCIAL REGULATOR.—The term ''financial regulator'' means—

(A) each Federal banking agency (as defined in section 3(z) of the Federal Deposit Insurance Act);

(B) the Securities and Exchange Commission;

(C) the Commodity Futures Trading Commission;

(D) the National Credit Union Administration;

(E) the Farm Credit Administration;

(F) the Federal Housing Finance Board;

(G) the Federal Trade Commission, with respect to creditors subject to the jurisdiction of the Commission under section 108(c) of the Truth in Lending Act;

(H) the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development;

(I) any State bank supervision (as defined in section 3(r) of the Federal Deposit Insurance

Act (12 U.S.C. 1813(r)), including the Conference of State Bank Supervisors;

(J) any State insurance commissioner, including the National Association of Insurance Commissioners;

(K) any State securities administrator, including the North American Securities Administrators Association;

(L) any State credit union supervisor, including the National Association of State Credit Union Supervisors;

(M) the National Association of Securities Dealers;

(N) the National Futures Association; and

(O) any other self-regulatory organization that engages in or coordinates regulatory and supervisory activities and is subject to the oversight of the Securities and Exchange Commission or the Commodity Futures Trading Commission.

(2) PUBLIC INFORMATION.—The term ''public information'' means any public final disciplinary action or public formal enforcement action that was taken or initiated by a financial regulator, or to which the regulator was otherwise a party, relating

1 to fraudulent, illegal, or dishonest conduct by a per-
2 son.