

119TH CONGRESS
1ST SESSION

S. _____

To reaffirm and improve the participation of members of the Federal Home Loan Bank System to meet the short- and long-term housing, including affordable housing, agricultural and small business lending, and community economic development financing needs of the communities they serve, including rural, urban, low-income, and Tribal communities, improve the ability of community development financial institutions and credit unions to meet community economic development financing needs for their communities, and aligning executive compensation to mission achievements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. CORTEZ MASTO introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To reaffirm and improve the participation of members of the Federal Home Loan Bank System to meet the short- and long-term housing, including affordable housing, agricultural and small business lending, and community economic development financing needs of the communities they serve, including rural, urban, low-income, and Tribal communities, improve the ability of community development financial institutions and credit unions to meet community economic development financing needs for their communities, and aligning executive compensation to mission achievements, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Home Loan
5 Banks’ Mission Activities Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to reaffirm and improve
8 the participation of members of the Federal Home Loan
9 Bank System in financing that meets the short- and long-
10 term housing, including affordable housing, agricultural,
11 and small business lending and community economic de-
12 velopment financing needs of the communities they serve,
13 including rural, urban, low-income and Tribal commu-
14 nities, by—

15 (1) expanding the ability of the Federal Home
16 Loan Banks to support the housing, including af-
17 fordable housing, small business, agricultural and
18 economic development activities of the members of
19 the Federal Home Loan Banks, including credit
20 unions, community development financial institu-
21 tions, insurance companies, and housing finance
22 agencies;

23 (2) clarifying that the Federal Home Loan
24 Bank Act (12 U.S.C. 1421 et seq.) permits a broad
25 range of activities that enable the Federal Home

1 based on an average of total assets over
2 the 3 years preceding that date; or

3 “(ii) that has been certified as a com-
4 munity development financial institution
5 (as defined in section 103 of the Riegle
6 Community Development and Regulatory
7 Improvement Act of 1994 (12 U.S.C.
8 4702)) by the Secretary of the Treasury.”;
9 and

10 (2) in subparagraph (B), by striking “(A)(ii)”
11 and inserting “(A)(i)(II)”.

12 **SEC. 4. AFFORDABLE HOUSING PROGRAM.**

13 Section 10 of the Federal Home Loan Bank Act (12
14 U.S.C. 1430) is amended—

15 (1) in the section heading, by inserting “**AND**
16 **GRANTS**” after “**ADVANCES**”; and

17 (2) in subsection (j)—

18 (A) by striking paragraph (1) and insert-
19 ing the following:

20 “(1) **IN GENERAL.**—Pursuant to regulations
21 promulgated by the Director, each Bank shall estab-
22 lish an affordable housing program (in this sub-
23 section referred to as the ‘Program’) to finance long-
24 term, low- or moderate-income, owner-occupied and
25 affordable rental housing by subsidizing the interest

1 rate on advances, or providing grants, to members,
2 provided that the interest rate on any loan issued by
3 a member and funded by a subsidized Bank advance
4 shall also be subsidized.”;

5 (B) in paragraph (2), in the matter pre-
6 ceding subparagraph (A)—

7 (i) by striking “Board’s” and insert-
8 ing “Director’s”; and

9 (ii) by inserting “and provide grants”
10 after “advances”;

11 (C) in paragraph (3)—

12 (i) in the paragraph heading, by in-
13 serting “OR GRANTS” after “ADVANCES”;

14 (ii) in the matter preceding subpara-
15 graph (A)—

16 (I) by inserting “or grants” after
17 “advances”; and

18 (II) by striking “as the fol-
19 lowing:” and inserting “as—”;

20 (iii) in subparagraph (A)—

21 (I) by inserting “the” before
22 “purchase”; and

23 (II) by striking “area,” and in-
24 serting “area; and”;

25 (iv) by striking subparagraph (B);

6

1 (v) by redesignating subparagraph (C)
2 as subparagraph (B); and

3 (vi) in subparagraph (B), as so rededesignated,
4 by inserting “the” before “purchase”;
5

6 (D) in paragraph (4)—

7 (i) by inserting “or grants” after “receiving advances”;
8

9 (ii) by inserting “or grants” after
10 “such advances”;

11 (iii) by inserting “or grants” after “of advances”;
12 and

13 (iv) by striking “this program” and
14 inserting “the Program”;

15 (E) in paragraph (5)—

16 (i) in the matter preceding subparagraph (A)—
17

18 (I) by inserting “or grants” after
19 “advances”; and

20 (II) by striking “Affordable Housing”;
21

22 (ii) in subparagraph (C), by striking
23 “1995, and subsequent years” and inserting
24 “1995 and years subsequent through
25 2025”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(D) In 2025, and subsequent years, 30
4 percent of the preceding year’s net income, or
5 such prorated sums as may be required to as-
6 sure that the aggregate contribution of the
7 Banks shall not be less than \$200,000,000 for
8 each such year, except that a Bank may, after
9 consultation with its Advisory Council, allocate
10 up to 15 percent of that preceding year’s net
11 income to be used for non-competitive grants,
12 subsidized loans, or investments that would
13 generate below market rates of return for af-
14 fordable housing or community economic needs
15 of low- or moderate-income households or
16 neighborhoods, including in low-income, Tribal,
17 or rural communities, under programs other
18 than the Program, as follows:

19 “(i) Any community investment cash
20 advance or grant program established by
21 the Bank.

22 “(ii) Another affordable housing or
23 community development program estab-
24 lished by the Bank that provides the funds
25 directly or indirectly to organizations meet-

1 ing the requirements and limitations nec-
2 essary to qualify as a charitable contribu-
3 tion for which an income tax deduction is
4 allowable under section 170 of the Internal
5 Revenue Code of 1986 or otherwise ap-
6 proved by the Director in regulation, and
7 that benefits persons who are residents of
8 the States of the district in which the
9 Bank is headquartered.”;

10 (F) in paragraph (6)—

11 (i) in subparagraph (A), by striking
12 “this paragraph” and inserting “paragraph
13 (5)”;

14 (ii) in subparagraph (C), by striking
15 “Board’s” and inserting “Director’s”;

16 (iii) in subparagraph (E), by striking
17 “Affordable Housing”; and

18 (iv) in subparagraph (F), by inserting
19 “NOTIFICATION.—” before “The Direc-
20 tor”;

21 (G) in paragraph (9)—

22 (i) by striking “this program” each
23 place it appears and inserting “the Pro-
24 gram”; and

1 (ii) by inserting “and grants” after
2 “advances” each place it appears;

3 (H) in paragraph (10), by inserting “and
4 grant” after “advance”;

5 (I) in paragraph (11), in second sentence,
6 by inserting “and grants” after “advances”;

7 (J) by amending paragraph (12) to read as
8 follows:

9 “(12) TEMPORARY SUSPENSION OF REQUIRE-
10 MENTS FOLLOWING DISASTERS.—Following a dec-
11 laration of a disaster declared by the President or a
12 Federal agency or under State or Tribal law, the Di-
13 rector may—

14 “(A) allow vacant rental project units as-
15 sisted under the Program of a Bank to be
16 leased temporarily to households displaced by
17 that declared disaster regardless of income, not-
18 withstanding the income targeting requirements
19 of paragraphs (2)(B) and (13) under conditions
20 established by the Director; and

21 “(B) temporarily suspend any other re-
22 quirements of this subsection and its imple-
23 menting regulations to further recovery from
24 declared disasters, including recovery for dis-
25 placed households, subject to conditions appro-

1 prie to facilitate eligible uses of Program
2 funds to assist recovery.”; and

3 (K) in paragraph (13), in the matter pre-
4 ceding subparagraph (A), by striking “sub-
5 section—” and inserting “subsection:”.

6 **SEC. 5. COMPENSATION OF EXECUTIVE OFFICERS.**

7 Section 7 of the Federal Home Loan Bank Act (12
8 U.S.C. 1427) is amended—

9 (1) in the first subsection (l) (relating to with-
10 holding of compensation)—

11 (A) in the subsection heading, by striking
12 “Withholding of Compensation” and inserting
13 “Compensation of Executive Officers”;

14 (B) by striking “Notwithstanding” and in-
15 serting the following:

16 “(1) WITHHOLDING OF COMPENSATION.—Not-
17 withstanding”; and

18 (C) by adding at the end the following:

19 “(2) SETTING COMPENSATION.—

20 “(A) IN GENERAL.—Notwithstanding sec-
21 tion 1318(d) of the Federal Housing Enter-
22 prises Financial Safety and Soundness Act of
23 1992 (12 U.S.C. 4518(d)), the Director shall,
24 in accordance with regulations issued by the Di-
25 rector, establish compensation for any executive

1 officer of a Bank that is reasonable and com-
2 parable to compensation for employment at a
3 regional Federal Reserve Bank or other similar
4 publicly-subsidized financial institutions or fi-
5 nancial services companies involving similar du-
6 ties and responsibilities.

7 “(B) MISSION INVESTMENTS.—In deter-
8 mining the compensation for an executive offi-
9 cer of a Bank under subparagraph (A), the Di-
10 rector—

11 “(i) shall consider the level of mission
12 investments, including—

13 “(I) the percentage of member
14 institutions that provided community
15 investment program advances, com-
16 munity investment cash advances, and
17 letters of credit;

18 “(II) the percentage of member
19 institutions that sponsored affordable
20 housing programs under section 10(j)
21 and other grant programs created vol-
22 untarily or by regulation;

23 “(III) the share of all advances
24 provided to community financial insti-
25 tutions;

1 “(IV) investments in municipal
2 and housing finance agency bonds;
3 and

4 “(V) other mission investments
5 that are reasonable in accordance with
6 regulations promulgated by the Direc-
7 tor; and

8 “(ii) may pay compensation at a level
9 that is higher than the compensation for a
10 regional Federal Reserve Bank with
11 achievement of goals aligned with mission
12 achievements as established by the Direc-
13 tor.”; and

14 (2) by striking the second subsection (l).

15 **SEC. 6. REPORTING ON COLLATERAL.**

16 Section 10 of the Federal Home Loan Bank Act (12
17 U.S.C. 1430) is amended by adding at the end the fol-
18 lowing:

19 “(l) REPORT TO CONGRESS.—The Director shall an-
20 nually report to the Committee on Banking, Housing, and
21 Urban Affairs of the Senate and the Committee on Finan-
22 cial Services of the House of Representatives on the collat-
23 eral pledged to the Banks, including an analysis of collat-
24 eral by type and by Bank district.”.