

#### **IV. *The Senate Committee Bill and Prospective Rollback of Dodd-Frank***

##### **A. Introduction**

After the 2008 financial crisis, President Obama signed into law the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank).<sup>1</sup> This law enacted sweeping regulations on the financial industry.<sup>2</sup> Since its enactment, it has been criticized by many Republicans, with former Press Secretary Sean Spicer stating that “[t]he Dodd-Frank Act is a disastrous policy that’s hindering our markets, reducing the availability of credit, and crippling our economy’s ability to grow and create jobs.”<sup>3</sup> In June 2017, the House approved legislation to repeal several core financial regulations put in place by Dodd-Frank by passing the Financial CHOICE Act (the Act).<sup>4</sup> Despite this, it is unlikely the Act will “pass the Senate, where the Republican majority is too slim to overcome a Democratic filibuster.”<sup>5</sup>

In November 2017, a competing bill was proposed by the Senate.<sup>6</sup> This bill would ease post-crisis regulations on the financial

---

<sup>1</sup> Helene Cooper, *Obama Signs Overhaul of Financial System*, N.Y. TIMES, July 21, 2010, at B3 (“President Obama signed a sweeping expansion of federal financial regulation . . . [in] response to the 2008 financial crisis that tipped the nation into the worst recession since the Great Depression.”).

<sup>2</sup> *Id.* (“The law expands federal banking and securities regulation from its focus on banks and public markets, subjecting a wider range of financial companies to government oversight.”).

<sup>3</sup> John W. Schoen, *Despite Critics’ Claims, Dodd-Frank Hasn’t Slowed Lending to Business or Consumers*, CNBC (Feb. 6, 2017, 2:31 PM), [www.cnbc.com/2017/02/06/despite-critics-claims-dodd-frank-hasnt-slowed-lending-to-business-or-consumers.html](http://www.cnbc.com/2017/02/06/despite-critics-claims-dodd-frank-hasnt-slowed-lending-to-business-or-consumers.html) [<https://perma.cc/X72M-5QL5>].

<sup>4</sup> Jeff Stein, *The House Just Passed the Biggest Bank Deregulation Bill in a Generation*, VOX (June 8, 2017, 5:30 PM), <https://www.vox.com/2017/6/8/15762462/wall-street-house-republicans> [<https://perma.cc/Y6ZE-YWTB>] (“House Republicans passed a mammoth, 580-page bill that would do more to deregulate the banking industry than any single piece of legislation in a generation . . . The Financial Choice Act . . .”).

<sup>5</sup> Sylvan Lane, *House Passes Sweeping Bill to Strip Back Financial Rules*, THE HILL (June 8, 2017, 4:45 PM), <http://thehill.com/policy/finance/337004-house-passes-sweeping-bill-to-strip-post-recession-banking-rules> [<https://perma.cc/WB8A-Q8Z7>].

<sup>6</sup> Elizabeth Dexheimer, *Banks Closer to Winning Regulatory Relief After Senate Deal*, BLOOMBERG (Nov. 13, 2017, 1:32 PM), <https://www.bloomberg.com/news/articles/2017-11-13/banks-closer-to-winning-regulatory-relief-after-senate-deal>.

sector.<sup>7</sup> However, unlike the Financial CHOICE Act, the Senate Committee Bill was developed with moderate Democrats such that the bipartisan nature of the bill may increase the likelihood of it being passed.<sup>8</sup> Even so, if it is passed, the bill will dismantle substantial portions of Dodd-Frank.<sup>9</sup>

This article discusses the proposed Senate bill compared to the House legislation, as well as its likelihood of being passed. Section B provides a brief history of Dodd-Frank and the new administration's views on the regulations. Section C outlines the main provisions of the Senate bill and compares it to the House legislation. Section D discusses arguments in favor of and against the proposed bill. Finally, Section E outlines the status of the bill and potential for passage.

## B. A Brief History of Dodd-Frank

Dodd-Frank was enacted in 2010 in response to the 2008 financial crisis.<sup>10</sup> Overall, Dodd-Frank increased regulation and oversight of the financial sector, particularly regarding banks and large financial institutions.<sup>11</sup> One of the key regulations was the creation of the Financial Stability Oversight Council (FSOC), an agency which oversees banks and non-bank financial institutions.<sup>12</sup> Dodd-Frank also implemented the Volcker Rule, which “prohibits banks from owning, investing, or sponsoring hedge funds, private equity funds, or any proprietary trading operations for their own profit.”<sup>13</sup>

Another key aspect of Dodd-Frank was the implementation of consumer protection measures, which gave way to the creation of the

---

com/news/articles/2017-11-13/senate-s-crapo-reaches-deal-with-democrats-on-easing-bank-rules [https://perma.cc/72SS-UR5W].

<sup>7</sup> *See id.* (“Its revisions include freeing midsized firms from some of the strictest post-crisis regulations and cutting compliance costs for community banks.”).

<sup>8</sup> *Id.* (“[T]he legislative outline has the backing of nine Democrats, which would theoretically be enough yes votes for a bill to clear the Senate if most Republicans also back the proposals.”).

<sup>9</sup> *Id.* (quoting Senator Brown’s reservations that the bill would “roll[] back so many of Dodd-Frank’s protections”).

<sup>10</sup> Mark Koba, *Dodd-Frank Act: CNBC Explains*, CNBC (May 11, 2012, 4:01 PM), <https://www.cnbc.com/id/47075854> [https://perma.cc/NE9L-WHWN].

<sup>11</sup> *See e.g., id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

Consumer Financial Protection Bureau (CFPB).<sup>14</sup> The aim of the CFPB is to protect consumers from “unscrupulous business practices” by banks.<sup>15</sup> The CFPB accomplishes this goal by “work[ing] with regulators in large banks to stop transactions that hurt consumers, such as risky lending,” which could hurt individual consumers as well as the overall economy.<sup>16</sup>

Since the passage of Dodd-Frank, many have celebrated it as a return to necessary accountability by the financial sector, while others have criticized it as an impediment to the economy.<sup>17</sup> Before signing the legislation, President Obama stated, “because of this law, the American people will never again be asked to foot the bill for Wall Street’s mistakes.”<sup>18</sup> However, Dodd-Frank was criticized by Wall Street groups immediately after it was passed, with executives from the Business Roundtable stating it “takes our country in the wrong direction” towards “discourag[ing] investment and job growth.”<sup>19</sup> Unsurprisingly, the bill was passed along partisan lines, with only three Republican senators voting for its approval.<sup>20</sup>

Almost immediately after President Trump took office, he signed an Executive Order on “Core Principles for Regulating the United States Financial System.”<sup>21</sup> This Executive Order was seen by many as an attack on Dodd-Frank.<sup>22</sup> The next step toward a potential repeal came several months later, when the House passed the Financial CHOICE Act in June 2017.<sup>23</sup> The Act has several key components. Among them are the proposed elimination of the Volcker Rule and most of the CFPB.<sup>24</sup> The Act is extremely partisan and was passed

---

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> See Cooper, *supra* note 1.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Exec. Order No. 13,772, 3 C.F.R. § 9965 (2017).

<sup>22</sup> Tom Young, *Trump’s Proposed Dodd-Frank Rollback Unpicked*, INT’L FIN. L. REV. (Feb. 13, 2017), <http://www.iflr.com/Article/3661273/Trumps-proposed-Dodd-Frank-rollback-unpicked.html> (“President Donald Trump’s executive order . . . has been interpreted by many as a signal that the administration intends to repeal key areas of the Dodd-Frank Act.”).

<sup>23</sup> Stein, *supra* note 4.

<sup>24</sup> *Id.* (“Among the provisions that have most alarmed progressives on the Hill is its proposed elimination of the ‘Volcker Rule,’ which prevents commercial

along party lines—every House Democrat voted against it.<sup>25</sup> House Democrats have also called it the “Wrong Choice Act.”<sup>26</sup> As a consequence of the bill’s partisan nature, it is not likely to pass a vote in the Senate.<sup>27</sup>

### C. Senate Banking Committee Bill

Several months after the CHOICE Act was passed in the House, a competing bill was unveiled in the Senate.<sup>28</sup> The bill, known as the Economic Growth, Regulatory Relief, and Consumer Protection Act (the Bill)<sup>29</sup> was announced by the Senate Committee on Banking, Housing, and Urban Affairs Chairman Mike Crapo (R-ID).<sup>30</sup> Unlike the CHOICE Act, a deal was struck with moderate Senate Democrats in advancing the Bill.<sup>31</sup>

#### I. Main Provisions

The Bill (S. 2155), as currently drafted, has five titles.<sup>32</sup> These sections are: Improving Consumer Access to Mortgage Credit; Regulatory Relief and Protecting Consumer Access to Credit; Protections for Veterans, Consumers, and Homeowners; Tailoring Regulations for Certain Bank Holding Companies; and Studies.<sup>33</sup> In a statement released in December 2017, the Committee on Capital Markets Regu-

---

banks from making certain kinds of speculative and risky trades. The Choice Act would also gut the Consumer Finance Protection Bureau . . .”).

<sup>25</sup> *Id.* (stating, in addition to every House Democrat voting against the Act, “they were joined by just one Republican defector, Rep. Walter Jones”).

<sup>26</sup> *Id.* (quoting Rep. Maxine Waters, “the highest ranking Democrat on the financial services committee” as stating, “[t]he Wrong Choice Act is a deeply misguided measure that would bring harm to consumers, investors and our whole economy”).

<sup>27</sup> *Id.* (“Because the Choice Act has unified Democrats in opposition, it has very little chance of crossing the 60-vote threshold it would need to pass the Senate without a filibuster.”).

<sup>28</sup> Dexheimer, *supra* note 6.

<sup>29</sup> Economic Growth, Regulatory Relief, and Consumer Protection Act, S. 2155, 115th Cong. (2017).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* (“[T]he banking committee said the legislative outline has the backing of nine Democrats . . .”).

<sup>32</sup> S. 2155.

<sup>33</sup> *Id.*

lation, an independent research organization, urged the Senate to consider the bill.<sup>34</sup> The Committee noted the Bill “right-sizes” regulation for smaller institutions by providing regulatory relief for smaller financial institutions.<sup>35</sup> The Bill accomplishes this by “simplifying capital requirements, creating an exemptive safe harbor from the Volcker Rule, and raising the asset threshold for the applicability of enhanced prudential regulations.”<sup>36</sup>

Title I, “Improving Consumer Access to Mortgage Credit,” eases certain mortgage lending rules put in place by Dodd-Frank.<sup>37</sup> Because weak lending standards were largely believed to have contributed to the financial crisis, Dodd-Frank strengthened existing mortgage regulations and implemented some new ones.<sup>38</sup> However, some observers criticized these regulations as impeding the process of obtaining mortgages, and thereby reducing their availability.<sup>39</sup> In response to this, Title I aims to reduce the regulatory restrictions of mortgage lending and expand the availability of credit.<sup>40</sup> These goals are addressed in the Bill in several ways. Banks with less than \$10 billion in assets would have “new compliance options for mortgages originated” and banks that do not originate many mortgages would not be subject to certain reporting requirements.<sup>41</sup> Additionally, “[c]ertain mortgages under \$400,000 would be exempt from certain appraisal requirements.”<sup>42</sup>

---

<sup>34</sup> Statement, Comm. on Capital Mkts. Regulation, Committee Lauds Introduction of Banking Reform Bill, (Dec. 8, 2017), [http://www.capmktreg.org/wp-content/uploads/2017/12/12\\_8\\_17\\_CCMR-Statement-on-Senate-Banking-Bill.pdf](http://www.capmktreg.org/wp-content/uploads/2017/12/12_8_17_CCMR-Statement-on-Senate-Banking-Bill.pdf) [<https://perma.cc/Z2XG-ZY8L>] (“The Committee urges the Senate to promptly consider the Bill.”).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> DAVID W. PERKINS ET AL., CONG. RESEARCH SERV., R45073, ECONOMIC GROWTH, REGULATORY RELIEF, AND CONSUMER PROTECTION ACT (S. 2155) AND SELECTED POLICY ISSUES (2018), <https://fas.org/sgp/crs/misc/R45073.pdf> (“Title I of S. 2155 aims to relax or provide exemptions to certain mortgage lending rules.”).

<sup>38</sup> *Id.* at 2.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

Title II, “Regulatory Relief and Protecting Consumer Access to Credit,” is aimed at community banks.<sup>43</sup> The main provisions of Title II are intended to increase the asset thresholds at which banks are subject to decreased regulation, thus making fewer banks subject to heightened scrutiny.<sup>44</sup> Banks with less than \$10 billion in assets would be exempt from the Volcker Rule, for example.<sup>45</sup> There would be less stringent reporting requirements for banks with less than \$5 billion in assets.<sup>46</sup> Also, the threshold determining which banks may be subject to less frequent examination, thus lessening the burden, would be raised from \$1 billion to \$3 billion.<sup>47</sup>

Title III, “Protections for Veterans, Consumers, and Homeowners,” concerns credit reporting agencies.<sup>48</sup> This section is intended to increase the accuracy of credit reporting, which may be affected by fraud and identity theft.<sup>49</sup> Congressional interest in this issue also increased after the September 2017 Equifax breach.<sup>50</sup> These provisions would subject the agencies to increased requirements, such as fraud alerts for consumers.<sup>51</sup> Agencies would also be required to exclude from credit reports certain private student loan debt, as well as certain medical debt from veterans’ credit reports.<sup>52</sup>

Title IV of the Bill is entitled “Tailoring Regulations for Certain Bank Holding Companies.”<sup>53</sup> Dodd-Frank dealt with financial institutions that were “too big to fail” by increasing the regulation and

---

<sup>43</sup> *Id.* (“A number of Title II provisions are intended to provide regulatory relief to community banks.”).

<sup>44</sup> *Id.* at 11 (“Certain provisions of Title II would change existing asset thresholds or create new ones at which banks and other depositories are exempt from regulation or otherwise qualify for reduced regulatory obligations.”).

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* (“Title III provisions would subject credit reporting agencies (CRAs) to additional requirements . . .”).

<sup>49</sup> *Id.* at 18 (stating accuracy of credit reports, “which may affect consumers’ access to financial products or employment opportunities . . . [can] be adversely affected by fraud and identity theft”).

<sup>50</sup> *Id.*

<sup>51</sup> *See id.* (indicating there will be “requirements to generally provide fraud alerts for consumer files for at least a year and to allow consumers to place security freezes on their credit reports”).

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

oversight of large, complex banks and financial institutions.<sup>54</sup> Although it is largely recognized that these large institutions should be subject to some form of heightened scrutiny, there is debate about to which institutions this should apply.<sup>55</sup> Essentially, Title IV would reduce the number of banks subject to Dodd-Frank's stricter regulations.<sup>56</sup> These provisions would increase the requirements for banks to be subject to enhanced prudential regulation.<sup>57</sup> Specifically, "[b]anks with assets between \$50 billion and \$100 billion would no longer be subject to enhanced regulation . . . ."<sup>58</sup>

Overall, while the Bill does seek to roll back some of the framework of Dodd-Frank, the focus is on providing regulatory relief for smaller banks and financial institutions.<sup>59</sup> Larger banks would still be subject to regulation and oversight under the Bill; for example, banks with \$100 to \$250 billion in assets would undergo supervisory stress tests, and the Federal Reserve could apply increased regulations on a case-by-case basis.<sup>60</sup> There is also a focus on relaxing the rules surrounding mortgage lending which were strengthened after the financial crisis.<sup>61</sup> Additionally, there is a greater aim of protecting consumers, particularly regarding credit reporting.<sup>62</sup>

## 2. *Comparing the Senate Bill and Financial CHOICE Act*

With both the Bill and the CHOICE Act aimed at relaxing financial regulations, the bills have much in common. The Bill mirrors

---

<sup>54</sup> *Id.* at 23.

<sup>55</sup> *Id.* (stating that most agree large, complex institutions "that could pose a risk to the stability of the financial system were one to fail . . . should be regulated differently than other institutions," the difficulty lies in "identifying which institutions fit this description").

<sup>56</sup> *See id.*

<sup>57</sup> *Id.* ("Title IV would alter the criteria used to determine which banks are subject to *enhanced prudential regulation*, releasing certain banks from the regime.").

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* ("Proponents of S. 2155 assert it would provide necessary and targeted regulatory relief, foster economic growth, and provide increased consumer protections.").

<sup>60</sup> *Id.* at 25.

<sup>61</sup> *Id.* at 1.

<sup>62</sup> *Id.*

fifteen provisions of the CHOICE Act.<sup>63</sup> For example, the CHOICE Act provides a “regulatory off-ramp” for banks choosing to have more liquidity, essentially exempting these banks from regulations addressing capital or liquidity requirements as well as “heightened prudential standards” implemented by Dodd-Frank.<sup>64</sup> The Bill also includes a regulatory off-ramp, but it is narrower, providing relief only for some small banks, generally those satisfying a new leverage-ratio requirement.<sup>65</sup> The two pieces of legislation also address the Volcker Rule. Title IX of the CHOICE Act entirely repeals the Volcker Rule.<sup>66</sup> The Bill does not go so far as repealing Volcker entirely, but it creates an exemption for smaller banks with assets of less than \$10 billion and total trading assets and liabilities not exceeding 5 percent of total assets.<sup>67</sup> Another area which both bills address is a reduced reporting burden. The CHOICE Act allows a shortened call report in the first and third quarters for any bank, “provided that it is well capitalized.”<sup>68</sup> The Bill also authorizes a reduced reporting burden in the first and third quarters, but it is limited to banks with less than \$5 billion in assets.<sup>69</sup> The House and Senate bills also provide nearly identical relief from mortgage licensing regulations.<sup>70</sup> Both bills amend the 2008 Secure and Fair Enforcement (SAFE) for Mortgage Licensing Act, which allows individuals working as loan originators to more easily go from working at depository institutions to non-depository institutions, exempting them from a special licensing process.<sup>71</sup>

---

<sup>63</sup> Norbert Michel, *Financial Regulatory Reform in the House and Senate: A Brief Comparison*, HERITAGE FOUNDATION (Jan. 2, 2018) <https://www.heritage.org/markets-and-finance/report/financial-regulatory-reform-the-house-and-senate-brief-comparison> [<https://perma.cc/37ZG-TW6D>] (“S. 2155 . . . includes similar versions of approximately 15 CHOICE Act provisions.”).

<sup>64</sup> *Id.*

<sup>65</sup> *Id.* (“S. 2155 includes a trimmed-down version of the off-ramp in the CHOICE Act. The S. 2155 off-ramp only provides relief from risk-weighted capital requirements (as defined in 12 U.S. Code § 5371) for *some small* banks that meet a new leverage-ratio requirement. In general, this regulatory off-ramp applies to banks with total assets of less than \$10 billion.”).

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.* (“Both the Senate and House bills . . . [provide] that individuals employed as loan originators can continue working without having to go through



However, there are also several key differences between the House and Senate bills. While the CHOICE Act is a more comprehensive reform bill replacing large parts of Dodd-Frank, the Senate bill is more targeted.<sup>72</sup> In a big departure from the House bill, the Senate bill mainly aims to provide regulatory relief for smaller banks and financial institutions.<sup>73</sup> Another difference is treatment of the CFPB. The CHOICE Act severely limits the CFPB by redirecting the agency to be solely enforcement focused and the President may remove the CFPB director at will.<sup>74</sup> The CHOICE Act places the agency under congressional appropriations and repeals Dodd-Frank's language surrounding "unfair, deceptive, or abusive" behavior, which some consider to be overly vague.<sup>75</sup> The Senate bill, on the other hand, makes no changes to the CFPB.<sup>76</sup>

#### D. Arguments in Favor Of and Against the Bill

According to the Congressional Research Service, proponents of S. 2155 believe that it would foster economic growth while providing increased consumer protections.<sup>77</sup> In his announcement of the proposal, Senator Crapo praised the proposal as having the potential to "significantly improve our financial regulatory framework and foster economic growth by right-sizing regulation, particularly for smaller financial institutions and community banks."<sup>78</sup> Senator Donnelly, a Democratic senator from Indiana and member of the Banking Committee that helped develop the Bill, said:

---

a special licensing process when they switch jobs from depository institutions to non-depository institutions.”).

<sup>72</sup> *Id.* (“S. 2155 is a more targeted financial reform bill than the CHOICE Act . . .”).

<sup>73</sup> *Id.* (“Although S. 2155 does not include as broad a regulatory off-ramp as the CHOICE Act, it does include a limited off-ramp for some smaller banks.”).

<sup>74</sup> *Id.*

<sup>75</sup> *Id.* (“The CHOICE Act . . . repeals Dodd-Frank’s overly vague ‘unfair, deceptive, or abusive’ consumer protection construct.”).

<sup>76</sup> *Id.*

<sup>77</sup> PERKINS ET AL., *supra* note 37, at 1.

<sup>78</sup> Press Release, S. Comm. on Banking, Hous., & Urban Affairs, Senators Announce Agreement on Economic Growth Legislation (Nov. 13, 2017), <https://www.banking.senate.gov/newsroom/majority/senators-announce-agreement-on-economic-growth-legislation> [<https://perma.cc/T9YJ-G4EE>].

The proposal would provide long-awaited regulatory relief to community banks and credit unions unintentionally burdened by rules intended to hold Wall Street accountable. This agreement would maintain the safety of our financial system and offer new protections to consumers, including veterans, by helping to protect their credit in the wake of recent data breaches, like the Equifax breach.<sup>79</sup>

Senator Heitkamp, another member of the Committee, described the Bill as providing “needed relief to community banks and credit unions, so they can continue enabling small businesses to get financing to operate, helping farmers get loans to support their farms, and allowing families to buy homes in rural communities . . . while strengthening protections for consumers.”<sup>80</sup> Senator Tester noted the Bill could help “rural America by increasing access to capital, cutting burdensome regulation, and protecting consumers.”<sup>81</sup> Even some of the original Dodd-Frank supporters praised the Bill—Senator Warner lauded “rolling back unnecessary and burdensome regulations on credit unions and small community banks while ensuring that large Wall Street banks remain subject to the rules [the Senator] helped put in place after the financial crisis to prevent another meltdown.”<sup>82</sup>

On the other hand, opponents of the Bill believe it would “needlessly pare back important Dodd-Frank protections to the benefit of large and profitable banks.”<sup>83</sup> Senator Brown, another member of the Banking Committee, released a statement saying he “disagree[s] on the wisdom of rolling back so many of Dodd-Frank’s protections with almost no gains for working families.”<sup>84</sup> Observers also noted criticisms that Dodd-Frank has greatly inhibited lending are not entirely true.<sup>85</sup> Statistics on bank lending show since the law took effect, bank

---

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> PERKINS ET AL., *supra* note 37.

<sup>84</sup> Press Release, S. Comm. on Banking, Hous., & Urban Affairs, Brown Opposes Legislation to Roll Back Dodd-Frank Protections (Nov. 13, 2017), [www.banking.senate.gov/newsroom/minority/brown-opposes-legislation-to-roll-back-dodd-frank-protections](http://www.banking.senate.gov/newsroom/minority/brown-opposes-legislation-to-roll-back-dodd-frank-protections) [<https://perma.cc/XR6G-45V4>].

<sup>85</sup> Schoen, *supra* note 3 (“There may be good reasons to overhaul parts of the sweeping Dodd-Frank financial reforms . . . [b]ut concern about a slowdown in bank lending isn’t one of them.”).

lending to businesses and consumers has “continued to hit new highs.”<sup>86</sup>

### E. General Trends and Further Future Development Expected

Unlike the CHOICE Act, S. 2155 is a bipartisan bill.<sup>87</sup> Ten Republicans, one Independent, and nine Democrats sponsored the Bill.<sup>88</sup> Since first being unveiled in November 2017, the Bill has advanced with markups from the Senate Banking Committee on December 7, 2017, but the Bill remained largely unchanged, with only minor markups.<sup>89</sup> As such, the bill may continue with a “filibuster-proof majority.”<sup>90</sup>

### F. Conclusion

In the wake of Dodd-Frank’s passage, vocal advocates have fought for its success and continued utility. Opponents have also emerged, who argue Dodd-Frank has slowed economic growth and hurt businesses and consumers.<sup>91</sup> Dodd-Frank’s fiercest opponents, including business leaders, have been attempting to repeal the law since its enactment.<sup>92</sup> Since he first took office, President Trump has

---

<sup>86</sup> *Id.* (“Since [Dodd-Frank] took effect in July 2010, bank lending to businesses and consumers has continued to hit new highs.”).

<sup>87</sup> See Luigi L. De Ghengi, Margaret E. Tahyar & Andrew Rohrkemper, *Bipartisan Senate Bill Advances from Committee Largely Unchanged*, DAVIS POLK: FINREG (Dec. 7, 2017), <https://www.finregreform.com/single-post/2017/12/07/bipartisan-senate-bill-advances-from-committee-largely-unchanged/> [<https://perma.cc/BR3N-RNKT>] (denoting the Bill as “[t]he Senate’s bipartisan regulatory relief bill”).

<sup>88</sup> Luigi L. De Ghengi, Margaret E. Tahyar & Andrew Rohrkemper, *Bipartisan Senate Bill Would Provide Welcome Relief to Regional and Community Banks*, DAVIS POLK: INSIGHTS ON FINANCIAL REGULATION (Nov. 20, 2017), <https://www.finregreform.com/single-post/2017/11/20/bipartisan-senate-bill-would-provide-welcome-relief-to-regional-and-community-banks/> [<https://perma.cc/X7QS-7S9J>].

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> Press Release, *supra* note 78.

<sup>92</sup> See Schoen, *supra* note 3.

promised to roll back some of Dodd-Frank's provisions.<sup>93</sup> This promise has been set in motion with two competing bills in the House and in the Senate.<sup>94</sup> While the Financial CHOICE Act is a broader, more sweeping reform of the law, it is also an extremely partisan bill and is unlikely to pass through the Senate.<sup>95</sup> On the other hand, the Economic Growth, Regulatory Relief, and Consumer Protection Act is a much more targeted and narrow bill, which is unlikely to have the same ramifications as the CHOICE Act.<sup>96</sup> Therefore, because of its less sweeping nature and bipartisan support, it is likely to be passed.<sup>97</sup> If passed, the effects of this Dodd-Frank roll back, whether beneficial for or harmful to economic stability, will inform the regulatory debate.

Emma Gendlerman<sup>98</sup>

---

<sup>93</sup> *Id.* (“‘We expect to be cutting a lot out of Dodd-Frank,’ he told a group of bankers and other corporate executives, ‘because, frankly, I have so many people, friends of mine that have nice businesses that can’t borrow money.’”).

<sup>94</sup> PERKINS ET AL., *supra* note 37.

<sup>95</sup> Stein, *supra* note 4.

<sup>96</sup> Michel, *supra* note 63.

<sup>97</sup> Dexheimer, *supra* note 6 (declaring the Bill “one of the best chances in years for lawmakers to make major changes to rules passed in the wake of the 2008 financial crisis”).

<sup>98</sup> Student, Boston University School of Law (J.D. 2019).