AMENDMENT TO H.R. 1728

OFFERED BY MRS. BIGGERT OF ILLINOIS, ~~AND~~

MR. HINOJOSA OF TEXAS, AND MR. NEUGEBAUER OF TEXAS

Page 18, after line 9, insert the following new section:

1 **SEC. 106. RESPA AND TILA DISCLOSURE IMPROVEMENT.**

2   (a) COMPATIBLE DISCLOSURES.—The Secretary of

3 Housing and Urban Development and the Board of Gov-

4 ernors of the Federal Reserve shall, not later than the ex-

5 piration of the 6-month period beginning upon the date

6 of the enactment of this Act, jointly issue for public com-

7 ment proposed regulations providing for compatible disclo-

8 sures for borrowers to receive at the time of mortgage ap-

9 plication and at the time of closing.

10   (b) REQUIREMENTS.—Such disclosures shall—

11   (1) provide clear and concise information to

12   borrowers on the terms and costs of residential

13   mortgage transactions and mortgage transactions

14   covered by the Truth in Lending Act (12 U.S.C.

15   1601 et seq.) and the Real Estate Settlement Proce-

16   dures Act of 1974 (12 U.S.C. 2601 et seq.);

17   (2) satisfy the requirements of section 128 of

18   the Truth in Lending Act (12 U.S.C. 1638) and sec-

1   tion 4 and 5 of the Real Estate Settlement Proce-

2   dures Act of 1974; and

3   (3) comprise early disclosures under the Truth

4   in Lending Act and the good faith estimate disclo-

5   sures under the Real Estate Settlement Procedures

6   Act of 1974 and final Truth in Lending Act disclo-

7   sures and the uniform settlement statement disclo-

8   sures under Real Estate Settlement Procedures Act

9   of 1974.

10   (c) SUSPENSION OF 2008 RESPA RULE.—

11   (1) REQUIREMENT.—The Secretary of Housing

12   and Urban Development shall, during the period be-

13   ginning on the date of the enactment of this Act and

14   ending upon issuance of proposed regulations pursu-

15   ant to subsection (a), suspend implementation of

16   any provisions of the final rule referred to in para-

17   graph (2) that would establish and implement a new

18   standardized good faith estimate and a new stand-

19   ardized uniform settlement statement. Any such pro-

20   visions shall be replaced by the regulations issued

21   pursuant to subsections (a) and (b).

22   (2) 2008 RULE.—The final rule referred to in

23   this paragraph is the rule of the Department of

24   Housing and Urban Development published on No-

25   vember 17, 2008, on pages 68204-68288 of Volume

1 73 of the Federal Register (Docket No. FR-5180-F-

2 03; relating to "Real Estate Settlement Procedures

3 Act (RESPA): Rule to Simplify and Improve the

4 Process of Obtaining Mortgages and Reduce Con-

5 sumer Settlement Costs").

6 (d) IMPLEMENTATION.—The regulations required

7 under subsection (a) shall take effect, and shall provide

8 an implementation date for the new disclosures required

9 under such regulations, not later than the expiration of

10 the 12-month period beginning upon the date of the enact-

11 ment of this Act.

12 (e) FAILURE TO ISSUE COMPATIBLE DISCLO-

13 SURES.—If the Secretary of Housing and Urban Develop-

14 ment and the Board of Governors of the Federal Reserve

15 System cannot agree on compatible disclosures pursuant

16 to subsections (a) and (b), the Secretary and the Board

17 shall submit a report to the Congress, after the 6-month

18 period referred to in subsection (a), explaining the reasons

19 for such disagreement. After the 15-day period beginning

20 upon submission of such report, the Secretary and the

21 Board may separately issue for public comment regula-

22 tions providing for disclosures under the Real Estate Set-

23 tlement Procedures Act of 1974 and the Truth in Lending

24 Act, respectively. Any final disclosures as a result of such

25 regulations issued by the Secretary and the Board shall

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1 take effect on the same date, and not later than the expi-

2 ration of the 12-month period beginning on the date of

3 the enactment of this Act. If either the Secretary or the

4 Board fails to act during such 12-month period, either

5 such agency may act independently and implement final

6 regulations.

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