

M E M O R A N D U M

To: Members, Subcommittee on Financial Institutions and Consumer Credit

From: Committee Majority Staff

Date: June 8, 2015

Subject: June 11, 2015, Financial Institutions and Consumer Credit Subcommittee Hearing entitled “Examining Legislative Proposals to Preserve Consumer Choice and Financial Independence”

The Subcommittee on Financial Institutions and Consumer Credit will hold a hearing entitled “Examining Legislative Proposals to Preserve Consumer Choice and Financial Independence” at 2:00 p.m. on Thursday, June 11, 2015, in Room 2128 of the Rayburn House Office Building. This will be a one-panel hearing and will include the following witnesses:

- Mr. Jess Sharp, Managing Director, U.S. Chamber of Commerce Center for Capital Markets Competitiveness
- Ms. Hester Peirce, Director of Financial Markets Working Group and Senior Research Fellow, Mercatus Center, George Mason University
- Mr. Oliver Ireland, Partner, Morrison & Foerster LLP
- Minority Witness (TBD)

This hearing will examine bills that are designed to reduce regulatory burden and streamline regulatory compliance for financial institutions, ensuring consumers have greater access to the financial services they want and need.

H.R. 766 (Luetkemeyer), the “Financial Institution Customer Protection Act of 2015”

Introduced by Representative Luetkemeyer, the Financial Institution Customer Protection Act of 2015 prohibits a federal banking agency from formally or informally suggesting, requesting, or ordering a depository institution to terminate either a specific customer account, or group of customer accounts, or otherwise restrict or discourage it from entering into or maintaining a banking relationship with a specific customer or group of customers, unless: (1) the agency has a material reason to do so, and (2) the reason is not based solely on reputation risk.

H.R. 1210 (Barr), the “Portfolio Lending and Mortgage Access Act”

Introduced by Representative Barr, the Portfolio Lending and Mortgage Access Act amends Section 129C of the Truth in Lending Act (TILA) [15 U.S.C. 1639c] to create a safe harbor from lawsuits for a depository institution that fails to comply with ability-to-repay requirements with respect to a residential mortgage loan made held on its balance sheet.

H.R. 1266 (Neugebauer), the “Financial Product Safety Commission Act of 2015”

Introduced by Chairman Neugebauer, the Financial Product Safety Commission Act of 2015 amends the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 to remove the Consumer Financial Protection Bureau (CFPB) from the Federal Reserve System and reestablish it as a stand-alone independent agency known as the Financial Product Safety Commission governed by a five-person, bipartisan Commission.

H.R. 1413 (Schweikert), the “Firearms Manufacturers and Dealers Protection Act of 2015”

Introduced by Representative Schweikert, the Firearms Manufacturers and Dealers Protection Act of 2015 would prevent the FDIC and Justice Department from using Operation Choke Point, or any similar, future program, to target manufacturers and dealers of firearms and ammunition.

H.R. 1553 (Tipton), the “Small Bank Exam Cycle Reform Act of 2015”

Introduced by Representative Tipton, the Small Bank Exam Cycle Reform Act of 2015 amends the Federal Deposit Insurance Act to increase the qualifying asset threshold for insured depository institutions eligible for 18-month on-site examination cycles from \$500 million to \$1 billion.

H.R. 1660 (Rothfus), the “Federal Savings Association Charter Flexibility Act of 2015”

Introduced by Representative Rothfus, the Federal Savings Association Charter Flexibility Act of 2015 amends the Home Owners Loan Act to permit a federal savings association to elect to operate subject to supervision by the Comptroller of the Currency with the same rights and duties of a national bank.

H.R. 1737 (Guinta), the “Reforming CFPB Indirect Auto Financing Guidance Act”

Introduced by Representative Guinta, the Reforming CFPB Indirect Auto Financing Guidance Act would repeal CFPB Bulletin 2013-02 (Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act), published March 21, 2013. The bill would also require the CFPB to follow a transparent process when issuing subsequent auto finance guidance.

H.R. 1941 (Westmoreland), the “Financial Institutions Examination Fairness and Reform Act”

Introduced by Representative Westmoreland, the Financial Institutions Examination Fairness and Reform Act would establish reasonable deadlines within which regulatory agencies must hold exit interviews and issue final examination reports. The bill would also provide supervised financial institutions the right to have material supervisory determinations reviewed by a newly created Independent Examination Review Director within the Federal Financial Institutions Examination Council.

H.R. 2091 (Poliquin), the “Child Support Assistance Act of 2015”

Introduced by Representative Poliquin, the Child Support Assistance Act of 2015 would amend the Fair Credit Reporting Act to eliminate the requirement that state and local child support agencies and courts notify an obligor ten days before retrieving a consumer report for purposes of determining the appropriate level of child support payments, or enforcing a child support order, award, agreement, or judgment.

H.R. 2213 (Pearce), to provide for a temporary safe harbor from the enforcement of integrated disclosure requirements for mortgage loan transactions under the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act, and for other purposes.

Introduced by Representative Pearce, this bill would provide a temporary legal safe harbor (until Jan. 1, 2016) from enforcement of the CFPB’s TILA-RESPA Integrated Disclosure Rule set to take effect August 1, 2015, as long as a good faith effort is made to comply with the rule.

H.R. 2287 (Mulvaney), the “National Credit Union Administration Budget Transparency Act”

Introduced by Representative Mulvaney, the National Credit Union Administration Budget Transparency Act would require the National Credit Union Administration to hold an annual public hearing regarding its draft budget.

H.R. 2643 (Williams), the “State Licensing Efficiency Act of 2015”

Introduced by Representative Williams, the State Licensing Efficiency Act of 2015 amends the S.A.F.E. Mortgage Licensing Act of 2008 to ensure that state regulators may use the Nationwide Multistate Licensing System and Registry to process criminal history background checks through the FBI for financial services applicants other than Mortgage Loan Originators.