

1 (A) in the heading, by striking “EMERG-  
2 ING GROWTH COMPANIES” and inserting  
3 “DRAFT REGISTRATION STATEMENTS”; and

4 (B) by amending paragraph (1) to read as  
5 follows:

6 “(1) IN GENERAL.—Any issuer, prior to its ini-  
7 tial public offering date, may confidentially submit  
8 to the Commission a draft registration statement,  
9 for confidential nonpublic review by the staff of the  
10 Commission prior to public filing, provided that the  
11 initial confidential submission and all amendments  
12 thereto shall be publicly filed with the Commission  
13 not later than 15 days before the date on which the  
14 issuer conducts a road show, as such term is defined  
15 in section 230.433(h)(4) of title 17, Code of Federal  
16 Regulations, or any successor thereto.”.

17 **TITLE V—REGULATORY RELIEF**  
18 **FOR MAIN STREET AND COM-**  
19 **MUNITY FINANCIAL INSTITU-**  
20 **TIONS**

21 **Subtitle A—Preserving Access to**  
22 **Manufactured Housing**

23 **SEC. 501. MORTGAGE ORIGINATOR DEFINITION.**

24 Section 103 of the Truth in Lending Act (15 U.S.C.  
25 1602) is amended—

1           (1) by redesignating the second subsection (cc)  
2           and subsection (dd) as subsections (dd) and (ee), re-  
3           spectively; and

4           (2) in paragraph (2)(C) of subsection (dd), as  
5           so redesignated, by striking “an employee of a re-  
6           tailer of manufactured homes who is not described  
7           in clause (i) or (iii) of subparagraph (A) and who  
8           does not advise a consumer on loan terms (including  
9           rates, fees, and other costs)” and inserting “a re-  
10          tailer of manufactured or modular homes or its em-  
11          ployees unless such retailer or its employees receive  
12          compensation or gain for engaging in activities de-  
13          scribed in subparagraph (A) that is in excess of any  
14          compensation or gain received in a comparable cash  
15          transaction”.

16 **SEC. 502. HIGH-COST MORTGAGE DEFINITION.**

17          Section 103 of the Truth in Lending Act (15 U.S.C.  
18          1602), as amended by section 501, is further amended—

19               (1) by redesignating subsection (aa) (relating to  
20               disclosure of greater amount or percentage), as so  
21               designated by section 1100A of the Consumer Fi-  
22               nancial Protection Act of 2010, as subsection (bb);

23               (2) by redesignating subsection (bb) (relating to  
24               high cost mortgages), as so designated by section  
25               1100A of the Consumer Financial Protection Act of

1       2010, as subsection (aa), and moving such sub-  
2       section to immediately follow subsection (z); and

3           (3) in subsection (aa)(1)(A), as so redesign-  
4       nated—

5           (A) in clause (i)(I), by striking “(8.5 per-  
6       centage points, if the dwelling is personal prop-  
7       erty and the transaction is for less than  
8       \$50,000)” and inserting “(10 percentage points  
9       if the dwelling is personal property or is a  
10       transaction that does not include the purchase  
11       of real property on which a dwelling is to be  
12       placed, and the transaction is for less than  
13       \$75,000 (as such amount is adjusted by the  
14       Consumer Law Enforcement Agency to reflect  
15       the change in the Consumer Price Index))”;  
16       and

17           (B) in clause (ii)—

18           (i) in subclause (I), by striking “or”  
19       at the end; and

20           (ii) by adding at the end the fol-  
21       lowing:

22           “(III) in the case of a trans-  
23       action for less than \$75,000 (as such  
24       amount is adjusted by the Consumer  
25       Law Enforcement Agency to reflect

1 the change in the Consumer Price  
2 Index) in which the dwelling is per-  
3 sonal property (or is a consumer cred-  
4 it transaction that does not include  
5 the purchase of real property on  
6 which a dwelling is to be placed) the  
7 greater of 5 percent of the total trans-  
8 action amount or \$3,000 (as such  
9 amount is adjusted by the Consumer  
10 Law Enforcement Agency to reflect  
11 the change in the Consumer Price  
12 Index); or”.

### 13 **Subtitle B—Mortgage Choice**

#### 14 **SEC. 506. DEFINITION OF POINTS AND FEES.**

15 (a) AMENDMENT TO SECTION 103 OF TILA.—Para-  
16 graph (4) of section 103(aa) of the Truth in Lending Act,  
17 as redesignated by section 502, is amended—

18 (1) by striking “paragraph (1)(B)” and insert-  
19 ing “paragraph (1)(A) and section 129C”;

20 (2) in subparagraph (C)—

21 (A) by inserting “and insurance” after  
22 “taxes”;

23 (B) in clause (ii), by inserting “, except as  
24 retained by a creditor or its affiliate as a result  
25 of their participation in an affiliated business

1 arrangement (as defined in section 3(7) of the  
2 Real Estate Settlement Procedures Act of 1974  
3 (12 U.S.C. 2602(7))” after “compensation”;  
4 and

5 (C) by striking clause (iii) and inserting  
6 the following:

7 “(iii) the charge is—

8 “(I) a bona fide third-party charge  
9 not retained by the mortgage originator,  
10 creditor, or an affiliate of the creditor or  
11 mortgage originator; or

12 “(II) a charge set forth in section  
13 106(e)(1);”; and

14 (3) in subparagraph (D)—

15 (A) by striking “accident,”; and

16 (B) by striking “or any payments” and in-  
17 serting “and any payments”.

18 (b) AMENDMENT TO SECTION 129C OF TILA.—Sec-  
19 tion 129C of the Truth in Lending Act (15 U.S.C. 1639c)  
20 is amended—

21 (1) in subsection (a)(5)(C), by striking “103”  
22 and all that follows through “or mortgage origi-  
23 nator” and inserting “103(aa)(4)”; and

1 (2) in subsection (b)(2)(C)(i), by striking “103”  
2 and all that follows through “or mortgage origi-  
3 nator)” and inserting “103(aa)(4)”.

4 **Subtitle C—Financial Institution**  
5 **Customer Protection**

6 **SEC. 511. REQUIREMENTS FOR DEPOSIT ACCOUNT TERMI-**  
7 **NATION REQUESTS AND ORDERS.**

8 (a) **TERMINATION REQUESTS OR ORDERS MUST BE**  
9 **MATERIAL.—**

10 (1) **IN GENERAL.—**An appropriate Federal  
11 banking agency may not formally or informally re-  
12 quest or order a depository institution to terminate  
13 a specific customer account or group of customer ac-  
14 counts or to otherwise restrict or discourage a de-  
15 pository institution from entering into or maintain-  
16 ing a banking relationship with a specific customer  
17 or group of customers unless—

18 (A) the agency has a material reason for  
19 such request or order; and

20 (B) such reason is not based solely on rep-  
21 utation risk.

22 (2) **TREATMENT OF NATIONAL SECURITY**  
23 **THREATS.—**If an appropriate Federal banking agen-  
24 cy believes a specific customer or group of customers  
25 is, or is acting as a conduit for, an entity which—

1 (A) poses a threat to national security;

2 (B) is involved in terrorist financing;

3 (C) is an agency of the government of  
4 Iran, North Korea, Syria, or any country listed  
5 from time to time on the State Sponsors of  
6 Terrorism list;

7 (D) is located in, or is subject to the juris-  
8 diction of, any country specified in subpara-  
9 graph (C); or

10 (E) does business with any entity described  
11 in subparagraph (C) or (D), unless the appro-  
12 priate Federal banking agency determines that  
13 the customer or group of customers has used  
14 due diligence to avoid doing business with any  
15 entity described in subparagraph (C) or (D),  
16 such belief shall satisfy the requirement under para-  
17 graph (1).

18 (b) NOTICE REQUIREMENT.—

19 (1) IN GENERAL.—If an appropriate Federal  
20 banking agency formally or informally requests or  
21 orders a depository institution to terminate a spe-  
22 cific customer account or a group of customer ac-  
23 counts, the agency shall—

24 (A) provide such request or order to the  
25 institution in writing; and

1 (B) accompany such request or order with  
2 a written justification for why such termination  
3 is needed, including any specific laws or regula-  
4 tions the agency believes are being violated by  
5 the customer or group of customers, if any.

6 (2) JUSTIFICATION REQUIREMENT.—A jus-  
7 tification described under paragraph (1)(B) may not  
8 be based solely on the reputation risk to the deposi-  
9 tory institution.

10 (c) CUSTOMER NOTICE.—

11 (1) NOTICE REQUIRED.—Except as provided  
12 under paragraph (2), if an appropriate Federal  
13 banking agency orders a depository institution to  
14 terminate a specific customer account or a group of  
15 customer accounts, the depository institution shall  
16 inform the customer or customers of the justification  
17 for the customer's account termination described  
18 under subsection (b).

19 (2) NOTICE PROHIBITED IN CASES OF NA-  
20 TIONAL SECURITY.—If an appropriate Federal bank-  
21 ing agency requests or orders a depository institu-  
22 tion to terminate a specific customer account or a  
23 group of customer accounts based on a belief that  
24 the customer or customers pose a threat to national  
25 security, or are otherwise described under subsection



1 (a)(2), neither the depository institution nor the ap-  
2 propriate Federal banking agency may inform the  
3 customer or customers of the justification for the  
4 customer's account termination.

5 (d) REPORTING REQUIREMENT.—Each appropriate  
6 Federal banking agency shall issue an annual report to  
7 the Congress stating—

8 (1) the aggregate number of specific customer  
9 accounts that the agency requested or ordered a de-  
10 pository institution to terminate during the previous  
11 year; and

12 (2) the legal authority on which the agency re-  
13 lied in making such requests and orders and the fre-  
14 quency on which the agency relied on each such au-  
15 thority.

16 (e) DEFINITIONS.—For purposes of this section:

17 (1) APPROPRIATE FEDERAL BANKING AGEN-  
18 CY.—The term “appropriate Federal banking agen-  
19 cy” means—

20 (A) the appropriate Federal banking agen-  
21 cy, as defined under section 3 of the Federal  
22 Deposit Insurance Act (12 U.S.C. 1813); and

23 (B) the National Credit Union Administra-  
24 tion, in the case of an insured credit union.

1           (2) DEPOSITORY INSTITUTION.—The term “de-  
2       pository institution” means—

3           (A) a depository institution, as defined  
4       under section 3 of the Federal Deposit Insur-  
5       ance Act (12 U.S.C. 1813); and

6           (B) an insured credit union.

7       **SEC. 512. AMENDMENTS TO THE FINANCIAL INSTITUTIONS**  
8                       **REFORM, RECOVERY, AND ENFORCEMENT**  
9                       **ACT OF 1989.**

10       Section 951 of the Financial Institutions Reform, Re-  
11       covery, and Enforcement Act of 1989 (12 U.S.C. 1833a)  
12       is amended—

13           (1) in subsection (c)(2), by striking “affecting  
14       a federally insured financial institution” and insert-  
15       ing “against a federally insured financial institution  
16       or by a federally insured financial institution against  
17       an unaffiliated third person”; and

18           (2) in subsection (g)—

19           (A) in the heading, by striking “SUB-  
20       POENAS” and inserting “INVESTIGATIONS”; and

21           (B) by amending paragraph (1)(C) to read  
22       as follows:

23           “(C) summon witnesses and require the  
24       production of any books, papers, correspond-  
25       ence, memoranda, or other records which the

1 Attorney General deems relevant or material to  
2 the inquiry, if the Attorney General—

3 “(i) requests a court order from a  
4 court of competent jurisdiction for such ac-  
5 tions and offers specific and articulable  
6 facts showing that there are reasonable  
7 grounds to believe that the information or  
8 testimony sought is relevant and material  
9 for conducting an investigation under this  
10 section; or

11 “(ii) either personally or through dele-  
12 gation no lower than the Deputy Attorney  
13 General, issues and signs a subpoena for  
14 such actions and such subpoena is sup-  
15 ported by specific and articulable facts  
16 showing that there are reasonable grounds  
17 to believe that the information or testi-  
18 mony sought is relevant for conducting an  
19 investigation under this section.”.

1     **Subtitle D—Portfolio Lending and**  
2                     **Mortgage Access**

3     **SEC. 516. SAFE HARBOR FOR CERTAIN LOANS HELD ON**  
4                     **PORTFOLIO.**

5             (a) IN GENERAL.—Section 129C of the Truth in  
6 Lending Act (15 U.S.C. 1639c) is amended by adding at  
7 the end the following:

8             “(j) SAFE HARBOR FOR CERTAIN LOANS HELD ON  
9 PORTFOLIO.—

10                 “(1) SAFE HARBOR FOR CREDITORS THAT ARE  
11 DEPOSITORY INSTITUTIONS.—

12                     “(A) IN GENERAL.—A creditor that is a  
13 depository institution shall not be subject to  
14 suit for failure to comply with subsection (a),  
15 (c)(1), or (f)(2) of this section or section 129H  
16 with respect to a residential mortgage loan, and  
17 the banking regulators shall treat such loan as  
18 a qualified mortgage, if—

19                         “(i) the creditor has, since the origi-  
20 nation of the loan, held the loan on the  
21 balance sheet of the creditor; and

22                         “(ii) all prepayment penalties with re-  
23 spect to the loan comply with the limita-  
24 tions described under subsection (c)(3).

1           “(B) EXCEPTION FOR CERTAIN TRANS-  
2           FERS.—In the case of a depository institution  
3           that transfers a loan originated by that institu-  
4           tion to another depository institution by reason  
5           of the bankruptcy or failure of the originating  
6           depository institution or the purchase of the  
7           originating depository institution, the depository  
8           institution transferring such loan shall be  
9           deemed to have complied with the requirement  
10          under subparagraph (A)(i).

11          “(2) SAFE HARBOR FOR MORTGAGE ORIGINA-  
12          TORS.—A mortgage originator shall not be subject  
13          to suit for a violation of section 129B(c)(3)(B) for  
14          steering a consumer to a residential mortgage loan  
15          if—

16                 “(A) the creditor of such loan is a depository  
17                 institution and has informed the mortgage  
18                 originator that the creditor intends to hold the  
19                 loan on the balance sheet of the creditor for the  
20                 life of the loan; and

21                 “(B) the mortgage originator informs the  
22                 consumer that the creditor intends to hold the  
23                 loan on the balance sheet of the creditor for the  
24                 life of the loan.

1           “(3) DEFINITIONS.—For purposes of this sub-  
2           section:

3                   “(A) BANKING REGULATORS.—The term  
4           ‘banking regulators’ means the Federal banking  
5           agencies, the Consumer Law Enforcement  
6           Agency, and the National Credit Union Admin-  
7           istration.

8                   “(B) DEPOSITORY INSTITUTION.—The  
9           term ‘depository institution’ has the meaning  
10          given that term under section 19(b)(1) of the  
11          Federal Reserve Act (12 U.S.C. 505(b)(1)).

12                   “(C) FEDERAL BANKING AGENCIES.—The  
13          term ‘Federal banking agencies’ has the mean-  
14          ing given that term under section 3 of the Fed-  
15          eral Deposit Insurance Act.”.

16          (b) RULE OF CONSTRUCTION.—Nothing in the  
17          amendment made by this section may be construed as pre-  
18          venting a balloon loan from qualifying for the safe harbor  
19          provided under section 129C(j) of the Truth in Lending  
20          Act if the balloon loan otherwise meets all of the require-  
21          ments under such subsection (j), regardless of whether the  
22          balloon loan meets the requirements described under  
23          clauses (i) through (iv) of section 129C(b)(2)(E) of such  
24          Act.

1           **Subtitle E—Application of the**  
2           **Expedited Funds Availability Act**

3           **SEC. 521. APPLICATION OF THE EXPEDITED FUNDS AVAIL-**  
4                                   **ABILITY ACT.**

5           (a) IN GENERAL.—The Expedited Funds Availability  
6 Act (12 U.S.C. 4001 et seq.) is amended—

7                           (1) in section 602(20) (12 U.S.C. 4001(20)) by  
8           inserting “, located in the United States,” after  
9           “ATM”;

10                          (2) in section 602(21) (12 U.S.C. 4001(21)) by  
11           inserting “American Samoa, the Commonwealth of  
12           the Northern Mariana Islands,” after “Puerto  
13           Rico,”;

14                          (3) in section 602(23) (12 U.S.C. 4001(23)) by  
15           inserting “American Samoa, the Commonwealth of  
16           the Northern Mariana Islands,” after “Puerto  
17           Rico,”; and

18                          (4) in section 603(d)(2)(A) (12 U.S.C.  
19           4002(d)(2)(A)), by inserting “American Samoa, the  
20           Commonwealth of the Northern Mariana Islands,”  
21           after “Puerto Rico,”.

22           (b) EFFECTIVE DATE.—This section shall take effect  
23 on January 1, 2017.

1       **Subtitle F—Small Bank Holding**  
2               **Company Policy Statement**

3       **SEC. 526. CHANGES REQUIRED TO SMALL BANK HOLDING**  
4                       **COMPANY POLICY STATEMENT ON ASSESS-**  
5                       **MENT OF FINANCIAL AND MANAGERIAL FAC-**  
6                       **TORS.**

7           (a) IN GENERAL.—Before the end of the 6-month pe-  
8       riod beginning on the date of the enactment of this Act,  
9       the Board of Governors of the Federal Reserve System  
10      shall revise the Small Bank Holding Company Policy  
11      Statement on Assessment of Financial and Managerial  
12      Factors (12 C.F.R. part 225—appendix C) to raise the  
13      consolidated asset threshold under such policy statement  
14      from \$1,000,000,000 (as adjusted by Public Law 113–  
15      250) to \$10,000,000,000.

16          (b) CONFORMING AMENDMENT.—Subparagraph (C)  
17      of section 171(b)(5) of the Dodd-Frank Wall Street Re-  
18      form and Consumer Protection Act (12 U.S.C.  
19      5371(b)(5)) is amended to read as follows:

20                       “(C) any bank holding company or savings  
21                       and loan holding company that is subject to the  
22                       application of the Small Bank Holding Com-  
23                       pany Policy Statement on Assessment of Finan-  
24                       cial and Managerial Factors of the Board of  
25                       Governors (12 C.F.R. part 225—appendix C).”.



1 **Subtitle G—Community Institution**  
2 **Mortgage Relief**

3 **SEC. 531. COMMUNITY FINANCIAL INSTITUTION MORTGAGE**  
4 **RELIEF.**

5 (a) EXEMPTION FROM ESCROW REQUIREMENTS FOR  
6 LOANS HELD BY SMALLER CREDITORS.—Section 129D  
7 of the Truth in Lending Act (15 U.S.C. 1639d) is amend-  
8 ed—

9 (1) by adding at the end the following:

10 “(k) SAFE HARBOR FOR LOANS HELD BY SMALLER  
11 CREDITORS.—

12 “(1) IN GENERAL.—A creditor shall not be in  
13 violation of subsection (a) with respect to a loan if—

14 “(A) the creditor has consolidated assets of  
15 \$10,000,000,000 or less; and

16 “(B) the creditor holds the loan on the bal-  
17 ance sheet of the creditor for the 3-year period  
18 beginning on the date of the origination of the  
19 loan.

20 “(2) EXCEPTION FOR CERTAIN TRANSFERS.—

21 In the case of a creditor that transfers a loan to an-  
22 other person by reason of the bankruptcy or failure  
23 of the creditor, the purchase of the creditor, or a su-  
24 pervisory act or recommendation from a State or  
25 Federal regulator, the creditor shall be deemed to

1 have complied with the requirement under para-  
2 graph (1)(B).”; and

3 (2) by striking the term “Board” each place  
4 such term appears and inserting “Consumer Law  
5 Enforcement Agency”.

6 (b) MODIFICATION TO EXEMPTION FOR SMALL  
7 SERVICERS OF MORTGAGE LOANS.—Section 6 of the Real  
8 Estate Settlement Procedures Act of 1974 (12 U.S.C.  
9 2605) is amended by adding at the end the following:

10 “(n) SMALL SERVICER EXEMPTION.—The Consumer  
11 Law Enforcement Agency shall, by regulation, provide ex-  
12 emptions to, or adjustments for, the provisions of this sec-  
13 tion for a servicer that annually services 20,000 or fewer  
14 mortgage loans, in order to reduce regulatory burdens  
15 while appropriately balancing consumer protections.”.

## 16 **Subtitle H—Financial Institutions** 17 **Examination Fairness and Reform**

### 18 **SEC. 536. TIMELINESS OF EXAMINATION REPORTS.**

19 (a) IN GENERAL.—The Federal Financial Institu-  
20 tions Examination Council Act of 1978 (12 U.S.C. 3301  
21 et seq.) is amended by adding at the end the following:

#### 22 **“SEC. 1012. TIMELINESS OF EXAMINATION REPORTS.**

23 “(a) IN GENERAL.—

24 “(1) FINAL EXAMINATION REPORT.—A Federal  
25 financial institutions regulatory agency shall provide

1 a final examination report to a financial institution  
2 not later than 60 days after the later of—

3 “(A) the exit interview for an examination  
4 of the institution; or

5 “(B) the provision of additional informa-  
6 tion by the institution relating to the examina-  
7 tion.

8 “(2) EXIT INTERVIEW.—If a financial institu-  
9 tion is not subject to a resident examiner program,  
10 the exit interview shall occur not later than the end  
11 of the 9-month period beginning on the commence-  
12 ment of the examination, except that such period  
13 may be extended by the Federal financial institu-  
14 tions regulatory agency by providing written notice  
15 to the institution and the Independent Examination  
16 Review Director describing with particularity the  
17 reasons that a longer period is needed to complete  
18 the examination.

19 “(b) EXAMINATION MATERIALS.—Upon the request  
20 of a financial institution, the Federal financial institutions  
21 regulatory agency shall include with the final report an  
22 appendix listing all examination or other factual informa-  
23 tion relied upon by the agency in support of a material  
24 supervisory determination.

1 **“SEC. 1013. EXAMINATION STANDARDS.**

2 “(a) IN GENERAL.—In the examination of a financial  
3 institution—

4 “(1) a commercial loan shall not be placed in  
5 non-accrual status solely because the collateral for  
6 such loan has deteriorated in value;

7 “(2) a modified or restructured commercial loan  
8 shall be removed from non-accrual status if the bor-  
9 rower demonstrates the ability to perform on such  
10 loan over a maximum period of 6 months, except  
11 that with respect to loans on a quarterly, semi-  
12 annual, or longer repayment schedule such period  
13 shall be a maximum of 3 consecutive repayment pe-  
14 riods;

15 “(3) a new appraisal on a performing commer-  
16 cial loan shall not be required unless an advance of  
17 new funds is involved; and

18 “(4) in classifying a commercial loan in which  
19 there has been deterioration in collateral value, the  
20 amount to be classified shall be the portion of the  
21 deficiency relating to the decline in collateral value  
22 and repayment capacity of the borrower.

23 “(b) WELL CAPITALIZED INSTITUTIONS.—The Fed-  
24 eral financial institutions regulatory agencies may not re-  
25 quire a financial institution that is well capitalized to raise

1 additional capital in lieu of an action prohibited under  
2 subsection (a).

3 “(c) **CONSISTENT LOAN CLASSIFICATIONS.**—The  
4 Federal financial institutions regulatory agencies shall de-  
5 velop and apply identical definitions and reporting require-  
6 ments for non-accrual loans.

7 **“SEC. 1014. OFFICE OF INDEPENDENT EXAMINATION RE-**  
8 **VIEW.**

9 “(a) **ESTABLISHMENT.**—There is established in the  
10 Council an Office of Independent Examination Review  
11 (the ‘Office’).

12 “(b) **HEAD OF OFFICE.**—There is established the po-  
13 sition of the Independent Examination Review Director  
14 (the ‘Director’), as the head of the Office. The Director  
15 shall be appointed by the Council and shall be independent  
16 from any member agency of the Council.

17 “(c) **STAFFING.**—The Director is authorized to hire  
18 staff to support the activities of the Office.

19 “(d) **DUTIES.**—The Director shall—

20 “(1) receive and, at the Director’s discretion,  
21 investigate complaints from financial institutions,  
22 their representatives, or another entity acting on be-  
23 half of such institutions, concerning examinations,  
24 examination practices, or examination reports;

1           “(2) hold meetings, at least once every three  
2           months and in locations designed to encourage par-  
3           ticipation from all sections of the United States,  
4           with financial institutions, their representatives, or  
5           another entity acting on behalf of such institutions,  
6           to discuss examination procedures, examination  
7           practices, or examination policies;

8           “(3) review examination procedures of the Fed-  
9           eral financial institutions regulatory agencies to en-  
10          sure that the written examination policies of those  
11          agencies are being followed in practice and adhere to  
12          the standards for consistency established by the  
13          Council;

14          “(4) conduct a continuing and regular review of  
15          examination quality assurance for all examination  
16          types conducted by the Federal financial institutions  
17          regulatory agencies;

18          “(5) adjudicate any supervisory appeal initiated  
19          under section 1015; and

20          “(6) report annually to the Committee on Fi-  
21          nancial Services of the House of Representatives, the  
22          Committee on Banking, Housing, and Urban Affairs  
23          of the Senate, and the Council, on the reviews car-  
24          ried out pursuant to paragraphs (3) and (4), includ-  
25          ing compliance with the requirements set forth in

1 section 1012 regarding timeliness of examination re-  
2 ports, and the Council’s recommendations for im-  
3 provements in examination procedures, practices,  
4 and policies.

5 “(e) CONFIDENTIALITY.—The Director shall keep  
6 confidential all meetings with, discussions with, and infor-  
7 mation provided by financial institutions.

8 **“SEC. 1015. RIGHT TO INDEPENDENT REVIEW OF MATERIAL**  
9 **SUPERVISORY DETERMINATIONS.**

10 “(a) IN GENERAL.—A financial institution shall have  
11 the right to obtain an independent review of a material  
12 supervisory determination contained in a final report of  
13 examination.

14 “(b) NOTICE.—

15 “(1) TIMING.—A financial institution seeking  
16 review of a material supervisory determination under  
17 this section shall file a written notice with the Inde-  
18 pendent Examination Review Director (the ‘Direc-  
19 tor’) within 60 days after receiving the final report  
20 of examination that is the subject of such review.

21 “(2) IDENTIFICATION OF DETERMINATION.—  
22 The written notice shall identify the material super-  
23 visory determination that is the subject of the inde-  
24 pendent examination review, and a statement of the  
25 reasons why the institution believes that the deter-

1       mination is incorrect or should otherwise be modi-  
2       fied.

3               “(3) INFORMATION TO BE PROVIDED TO INSTI-  
4       TUTION.—Any information relied upon by the agen-  
5       cy in the final report that is not in the possession  
6       of the financial institution may be requested by the  
7       financial institution and shall be delivered promptly  
8       by the agency to the financial institution.

9       “(c) RIGHT TO HEARING.—

10              “(1) IN GENERAL.—The Director shall deter-  
11       mine the merits of the appeal on the record or, at  
12       the financial institution’s election, shall refer the ap-  
13       peal to an Administrative Law Judge to conduct a  
14       confidential hearing pursuant to the procedures set  
15       forth under sections 556 and 557 of title 5, United  
16       States Code, which hearing shall take place not later  
17       than 60 days after the petition for review was re-  
18       ceived by the Director, and to issue a proposed deci-  
19       sion to the Director based upon the record estab-  
20       lished at such hearing.

21              “(2) STANDARD OF REVIEW.—In rendering a  
22       determination or recommendation under this sub-  
23       section, neither the Administrative Law Judge nor  
24       the Director shall defer to the opinions of the exam-  
25       iner or agency, but shall conduct a de novo review



1 to independently determine the appropriateness of  
2 the agency's decision based upon the relevant stat-  
3 utes, regulations, and other appropriate guidance, as  
4 well as evidence adduced at any hearing.

5 “(d) FINAL DECISION.—A decision by the Director  
6 on an independent review under this section shall—

7 “(1) be made not later than 60 days after the  
8 record has been closed; and

9 “(2) be deemed final agency action and shall  
10 bind the agency whose supervisory determination  
11 was the subject of the review and the financial insti-  
12 tution requesting the review.

13 “(e) RIGHT TO JUDICIAL REVIEW.—A financial insti-  
14 tution shall have the right to petition for review of final  
15 agency action under this section by filing a Petition for  
16 Review within 60 days of the Director's decision in the  
17 United States Court of Appeals for the District of Colum-  
18 bia Circuit or the Circuit in which the financial institution  
19 is located.

20 “(f) REPORT.—The Director shall report annually to  
21 the Committee on Financial Services of the House of Rep-  
22 resentatives and the Committee on Banking, Housing, and  
23 Urban Affairs of the Senate on actions taken under this  
24 section, including the types of issues that the Director has  
25 reviewed and the results of those reviews. In no case shall

1 such a report contain information about individual finan-  
2 cial institutions or any confidential or privileged informa-  
3 tion shared by financial institutions.

4 “(g) RETALIATION PROHIBITED.—A Federal finan-  
5 cial institutions regulatory agency may not—

6 “(1) retaliate against a financial institution, in-  
7 cluding service providers, or any institution-affiliated  
8 party (as defined under section 3 of the Federal De-  
9 posit Insurance Act), for exercising appellate rights  
10 under this section; or

11 “(2) delay or deny any agency action that  
12 would benefit a financial institution or any institu-  
13 tion-affiliated party on the basis that an appeal  
14 under this section is pending under this section.

15 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-  
16 tion may be construed—

17 “(1) to affect the right of a Federal financial  
18 institutions regulatory agency to take enforcement  
19 or other supervisory actions related to a material su-  
20 pervisory determination under review under this sec-  
21 tion; or

22 “(2) to prohibit the review under this section of  
23 a material supervisory determination with respect to  
24 which there is an ongoing enforcement or other su-  
25 pervisory action.”.

1 (b) ADDITIONAL AMENDMENTS.—

2 (1) RIEGLE COMMUNITY DEVELOPMENT AND  
3 REGULATORY IMPROVEMENT ACT OF 1994.—Section  
4 309 of the Riegle Community Development and Reg-  
5 ulatory Improvement Act of 1994 (12 U.S.C. 4806)  
6 is amended—

7 (A) in subsection (a), by inserting after  
8 “appropriate Federal banking agency” the fol-  
9 lowing: “, the Consumer Law Enforcement  
10 Agency,”;

11 (B) in subsection (b)—

12 (i) in paragraph (2), by striking “the  
13 appellant from retaliation by agency exam-  
14 iners” and inserting “the insured deposi-  
15 tory institution or insured credit union  
16 from retaliation by the agencies referred to  
17 in subsection (a)”;

18 (ii) by adding at the end the following  
19 flush-left text:

20 “For purposes of this subsection and subsection (e), retal-  
21 iation includes delaying consideration of, or withholding  
22 approval of, any request, notice, or application that other-  
23 wise would have been approved, but for the exercise of the  
24 institution’s or credit union’s rights under this section.”;

25 (C) in subsection (e)(2)—

1 (i) in subparagraph (B), by striking  
2 “and” at the end;

3 (ii) in subparagraph (C), by striking  
4 the period and inserting “; and”; and

5 (iii) by adding at the end the fol-  
6 lowing:

7 “(D) ensure that appropriate safeguards  
8 exist for protecting the insured depository insti-  
9 tution or insured credit union from retaliation  
10 by any agency referred to in subsection (a) for  
11 exercising its rights under this subsection.”;  
12 and

13 (D) in subsection (f)(1)(A)—

14 (i) in clause (ii), by striking “and” at  
15 the end;

16 (ii) in clause (iii), by striking “and”  
17 at the end; and

18 (iii) by adding at the end the fol-  
19 lowing:

20 “(iv) any issue specifically listed in an  
21 exam report as a matter requiring atten-  
22 tion by the institution’s management or  
23 board of directors; and

24 “(v) any suspension or removal of an  
25 institution’s status as eligible for expedited

1 processing of applications, requests, no-  
2 tices, or filings on the grounds of a super-  
3 visory or compliance concern, regardless of  
4 whether that concern has been cited as a  
5 basis for another material supervisory de-  
6 termination or matter requiring attention  
7 in an examination report, provided that the  
8 conduct at issue did not involve violation of  
9 any criminal law; and”.

10 (2) FEDERAL CREDIT UNION ACT.—Section  
11 205(j) of the Federal Credit Union Act (12 U.S.C.  
12 1785(j)) is amended by inserting “the Consumer  
13 Law Enforcement Agency,” before “the Administra-  
14 tion” each place such term appears.

15 (3) FEDERAL FINANCIAL INSTITUTIONS EXAM-  
16 INATION COUNCIL ACT OF 1978.—The Federal Fi-  
17 nancial Institutions Examination Council Act of  
18 1978 (12 U.S.C. 3301 et seq.) is amended—

19 (A) in section 1003, by amending para-  
20 graph (1) to read as follows:

21 “(1) the term ‘Federal financial institutions  
22 regulatory agencies’—

23 “(A) means the Office of the Comptroller  
24 of the Currency, the Board of Governors of the  
25 Federal Reserve System, the Federal Deposit

1 Insurance Corporation, and the National Credit  
2 Union Administration; and

3 “(B) for purposes of sections 1012, 1013,  
4 1014, and 1015, includes the Consumer Law  
5 Enforcement Agency;”; and

6 (B) in section 1005, by striking “One-  
7 fifth” and inserting “One-fourth”.

8 **Subtitle I—National Credit Union**  
9 **Administration Budget Trans-**  
10 **parency**

11 **SEC. 541. BUDGET TRANSPARENCY FOR THE NCUA.**

12 Section 209(b) of the Federal Credit Union Act (12  
13 U.S.C. 1789) is amended—

14 (1) by redesignating paragraphs (1) and (2) as  
15 paragraphs (2) and (3), respectively;

16 (2) by inserting before paragraph (2), as so re-  
17 designated, the following:

18 “(1) on an annual basis and prior to the sub-  
19 mission of the detailed business-type budget required  
20 under paragraph (2)—

21 “(A) make publicly available and cause to  
22 be printed in the Federal Register a draft of  
23 such detailed business-type budget; and

24 “(B) hold a public hearing, with public no-  
25 tice provided of such hearing, wherein the pub-

1           lic can submit comments on the draft of such  
2           detailed business-type budget;” and

3           (3) in paragraph (2), as so redesignated—

4                 (A) by inserting “detailed” after “submit  
5                 a”; and

6                 (B) by inserting “, and where such budget  
7                 shall address any comments submitted by the  
8                 public pursuant to paragraph (1)(B)” after  
9                 “Control Act”.

10 **Subtitle J—Taking Account of In-**  
11 **stitutions With Low Operation**  
12 **Risk**

13 **SEC. 546. REGULATIONS APPROPRIATE TO BUSINESS MOD-**  
14 **ELS.**

15           (a) IN GENERAL.—For any regulatory action occur-  
16 ring after the date of the enactment of this Act, each Fed-  
17 eral financial institutions regulatory agency shall—

18                 (1) take into consideration the risk profile and  
19                 business models of each type of institution or class  
20                 of institutions subject to the regulatory action;

21                 (2) determine the necessity, appropriateness,  
22                 and impact of applying such regulatory action to  
23                 such institutions or classes of institutions; and

24                 (3) tailor such regulatory action in a manner  
25                 that limits the regulatory compliance impact, cost, li-

1 ability risk, and other burdens, as appropriate, for  
2 the risk profile and business model of the institution  
3 or class of institutions involved.

4 (b) OTHER CONSIDERATIONS.—In carrying out the  
5 requirements of subsection (a), each Federal financial in-  
6 stitutions regulatory agency shall consider—

7 (1) the impact that such regulatory action, both  
8 by itself and in conjunction with the aggregate effect  
9 of other regulations, has on the ability of the appli-  
10 cable institution or class of institutions to serve  
11 evolving and diverse customer needs;

12 (2) the potential impact of examination manu-  
13 als, regulatory actions taken with respect to third-  
14 party service providers, or other regulatory directives  
15 that may be in conflict or inconsistent with the tai-  
16 loring of such regulatory action described in sub-  
17 section (a)(3); and

18 (3) the underlying policy objectives of the regu-  
19 latory action and statutory scheme involved.

20 (c) NOTICE OF PROPOSED AND FINAL RULE-  
21 MAKING.—Each Federal financial institutions regulatory  
22 agency shall disclose in every notice of proposed rule-  
23 making and in any final rulemaking for a regulatory ac-  
24 tion how the agency has applied subsections (a) and (b).

25 (d) REPORTS TO CONGRESS.—



1 (1) INDIVIDUAL AGENCY REPORTS.—

2 (A) IN GENERAL.—Not later than 1 year  
3 after the date of the enactment of this Act and  
4 annually thereafter, each Federal financial in-  
5 stitutions regulatory agency shall report to the  
6 Committee on Financial Services of the House  
7 of Representatives and the Committee on Bank-  
8 ing, Housing, and Urban Affairs of the Senate  
9 on the specific actions taken to tailor the regu-  
10 latory actions of the agency pursuant to the re-  
11 quirements of this Act.

12 (B) APPEARANCE BEFORE THE COMMIT-  
13 TEES.—The head of each Federal financial in-  
14 stitution regulatory agency shall appear before  
15 the Committee on Financial Services of the  
16 House of Representatives and the Committee  
17 on Banking, Housing, and Urban Affairs of the  
18 Senate after each report is made pursuant to  
19 subparagraph (A) to testify on the contents of  
20 such report.

21 (2) FIEC REPORTS.—

22 (A) IN GENERAL.—Not later than 3  
23 months after each report is submitted under  
24 paragraph (1), the Financial Institutions Ex-  
25 amination Council shall report to the Com-

1           mittee on Financial Services of the House of  
2           Representatives and the Committee on Bank-  
3           ing, Housing, and Urban Affairs of the Senate  
4           on—

5                   (i) the extent to which regulatory ac-  
6                   tions tailored pursuant to this Act result in  
7                   different treatment of similarly situated in-  
8                   stitutions of diverse charter types; and

9                   (ii) the reasons for such differential  
10                  treatment.

11                  (B) APPEARANCE BEFORE THE COMMIT-  
12                  TEES.—The Chairman of the Financial Institu-  
13                  tions Examination Council shall appear before  
14                  the Committee on Financial Services of the  
15                  House of Representatives and the Committee  
16                  on Banking, Housing, and Urban Affairs of the  
17                  Senate after each report is made pursuant to  
18                  subparagraph (A) to testify on the contents of  
19                  such report.

20                  (e) LIMITED LOOK-BACK APPLICATION.—

21                   (1) IN GENERAL.—Each Federal financial insti-  
22                   tutions regulatory agency shall conduct a review of  
23                   all regulations adopted during the period beginning  
24                   on the date that is seven years before the date of the  
25                   introduction of this Act in the House of Representa-

1       tives and ending on the date of the enactment of  
2       this Act, and apply the requirements of this Act to  
3       such regulations.

4           (2) REVISION.—If the application of the re-  
5       quirements of this Act to any such regulation re-  
6       quires such regulation to be revised, the applicable  
7       Federal financial institutions regulatory agency shall  
8       revise such regulation within 3 years of the enact-  
9       ment of this Act.

10       (f) DEFINITIONS.—In this Act, the following defini-  
11      tions shall apply:

12           (1) FEDERAL FINANCIAL INSTITUTIONS REGU-  
13      LATORY AGENCIES.—The term “Federal financial in-  
14      stitutions regulatory agencies” means the Office of  
15      the Comptroller of the Currency, the Board of Gov-  
16      ernors of the Federal Reserve System, the Federal  
17      Deposit Insurance Corporation, the National Credit  
18      Union Administration, and the Consumer Law En-  
19      forcement Agency.

20           (2) REGULATORY ACTION.—The term “regu-  
21      latory action” means any proposed, interim, or final  
22      rule or regulation, guidance, or published interpreta-  
23      tion.

1           **Subtitle K—Federal Savings**  
2           **Association Charter Flexibility**

3   **SEC. 551. OPTION FOR FEDERAL SAVINGS ASSOCIATIONS**  
4                   **TO OPERATE AS A COVERED SAVINGS ASSO-**  
5                   **CIATION.**

6           The Home Owners' Loan Act is amended by inserting  
7 after section 5 (12 U.S.C. 1464) the following:

8   **“SEC. 5A. ELECTION TO OPERATE AS A COVERED SAVINGS**  
9                   **ASSOCIATION.**

10          “(a) DEFINITION.—In this section, the term ‘covered  
11 savings association’ means a Federal savings association  
12 that makes an election approved under subsection (b).

13          “(b) ELECTION.—

14               “(1) IN GENERAL.—Upon issuance of the rules  
15 described in subsection (f), a Federal savings asso-  
16 ciation may elect to operate as a covered savings as-  
17 sociation by submitting a notice to the Comptroller  
18 of such election.

19               “(2) APPROVAL.—A Federal savings association  
20 shall be deemed to be approved to operate as a cov-  
21 ered savings association on the date that is 60 days  
22 after the date on which the Comptroller receives the  
23 notice under paragraph (1), unless the Comptroller  
24 notifies the Federal savings association otherwise.

1       “(c) RIGHTS AND DUTIES.—Notwithstanding any  
2 other provision of law and except as otherwise provided  
3 in this section, a covered savings association shall—

4           “(1) have the same rights and privileges as a  
5 national bank that has its main office situated in the  
6 same location as the home office of the covered sav-  
7 ings association; and

8           “(2) be subject to the same duties, restrictions,  
9 penalties, liabilities, conditions, and limitations that  
10 would apply to such a national bank.

11       “(d) TREATMENT OF COVERED SAVINGS ASSOCIA-  
12 TIONS.—A covered savings association shall be treated as  
13 a Federal savings association for the purposes—

14           “(1) of governance of the covered savings asso-  
15 ciation, including incorporation, bylaws, boards of  
16 directors, shareholders, and distribution of divi-  
17 dends;

18           “(2) of consolidation, merger, dissolution, con-  
19 version (including conversion to a stock bank or to  
20 another charter), conservatorship, and receivership;  
21 and

22           “(3) determined by regulation of the Comp-  
23 troller.

24       “(e) EXISTING BRANCHES.—A covered savings asso-  
25 ciation may continue to operate any branch or agency the

1 covered savings association operated on the date on which  
2 an election under subsection (b) is approved.

3 “(f) RULEMAKING.—The Comptroller shall issue  
4 rules to carry out this section—

5 “(1) that establish streamlined standards and  
6 procedures that clearly identify required documenta-  
7 tion or timelines for an election under subsection  
8 (b);

9 “(2) that require a Federal savings association  
10 that makes an election under subsection (b) to iden-  
11 tify specific assets and subsidiaries—

12 “(A) that do not conform to the require-  
13 ments for assets and subsidiaries of a national  
14 bank; and

15 “(B) that are held by the Federal savings  
16 association on the date on which the Federal  
17 savings association submits a notice of such  
18 election;

19 “(3) that establish—

20 “(A) a transition process for bringing such  
21 assets and subsidiaries into conformance with  
22 the requirements for a national bank; and

23 “(B) procedures for allowing the Federal  
24 savings association to provide a justification for  
25 grandfathering such assets and subsidiaries

1 after electing to operate as a covered savings  
2 association;

3 “(4) that establish standards and procedures to  
4 allow a covered savings association to terminate an  
5 election under subsection (b) after an appropriate  
6 period of time or to make a subsequent election;

7 “(5) that clarify requirements for the treatment  
8 of covered savings associations, including the provi-  
9 sions of law that apply to covered savings associa-  
10 tions; and

11 “(6) as the Comptroller deems necessary and in  
12 the interests of safety and soundness.”.

13 **Subtitle L—SAFE Transitional**  
14 **Licensing**

15 **SEC. 556. ELIMINATING BARRIERS TO JOBS FOR LOAN**  
16 **ORIGINATORS.**

17 (a) IN GENERAL.—The S.A.F.E. Mortgage Licensing  
18 Act of 2008 (12 U.S.C. 5101 et seq.) is amended by add-  
19 ing at the end the following:

20 **“SEC. 1518. EMPLOYMENT TRANSITION OF LOAN ORIGINA-**  
21 **TORS.**

22 **“(a) TEMPORARY AUTHORITY TO ORIGINATE LOANS**  
23 **FOR LOAN ORIGINATORS MOVING FROM A DEPOSITORY**  
24 **INSTITUTION TO A NON-DEPOSITORY INSTITUTION.—**

1           “(1) IN GENERAL.—Upon employment by a  
2           State-licensed mortgage company, an individual who  
3           is a registered loan originator shall be deemed to  
4           have temporary authority to act as a loan originator  
5           in an application State for the period described in  
6           paragraph (2) if the individual—

7                   “(A) has not had an application for a loan  
8                   originator license denied, or had such a license  
9                   revoked or suspended in any governmental ju-  
10                  risdiction;

11                  “(B) has not been subject to or served  
12                  with a cease and desist order in any govern-  
13                  mental jurisdiction or as described in section  
14                  1514(c);

15                  “(C) has not been convicted of a felony  
16                  that would preclude licensure under the law of  
17                  the application State;

18                  “(D) has submitted an application to be a  
19                  State-licensed loan originator in the application  
20                  State; and

21                  “(E) was registered in the Nationwide  
22                  Mortgage Licensing System and Registry as a  
23                  loan originator during the 12-month period pre-  
24                  ceding the date of submission of the informa-  
25                  tion required under section 1505(a).



1           “(2) PERIOD.—The period described in para-  
2           graph (1) shall begin on the date that the individual  
3           submits the information required under section  
4           1505(a) and shall end on the earliest of—

5                   “(A) the date that the individual with-  
6                   draws the application to be a State-licensed  
7                   loan originator in the application State;

8                   “(B) the date that the application State  
9                   denies, or issues a notice of intent to deny, the  
10                  application;

11                  “(C) the date that the application State  
12                  grants a State license; or

13                  “(D) the date that is 120 days after the  
14                  date on which the individual submits the appli-  
15                  cation, if the application is listed on the Nation-  
16                  wide Mortgage Licensing System and Registry  
17                  as incomplete.

18           “(b) TEMPORARY AUTHORITY TO ORIGINATE LOANS  
19           FOR STATE-LICENSED LOAN ORIGINATORS MOVING  
20           INTERSTATE.—

21                   “(1) IN GENERAL.—A State-licensed loan origi-  
22                   nator shall be deemed to have temporary authority  
23                   to act as a loan originator in an application State  
24                   for the period described in paragraph (2) if the  
25                   State-licensed loan originator—

1           “(A) meets the requirements of subpara-  
2           graphs (A), (B), (C), and (D) of subsection  
3           (a)(1);

4           “(B) is employed by a State-licensed mort-  
5           gage company in the application State; and

6           “(C) was licensed in a State that is not the  
7           application State during the 30-day period pre-  
8           ceding the date of submission of the informa-  
9           tion required under section 1505(a) in connec-  
10          tion with the application submitted to the appli-  
11          cation State.

12          “(2) PERIOD.—The period described in para-  
13          graph (1) shall begin on the date that the State-li-  
14          censed loan originator submits the information re-  
15          quired under section 1505(a) in connection with the  
16          application submitted to the application State and  
17          end on the earliest of—

18                 “(A) the date that the State-licensed loan  
19                 originator withdraws the application to be a  
20                 State-licensed loan originator in the application  
21                 State;

22                 “(B) the date that the application State  
23                 denies, or issues a notice of intent to deny, the  
24                 application;

1           “(C) the date that the application State  
2 grants a State license; or

3           “(D) the date that is 120 days after the  
4 date on which the State-licensed loan originator  
5 submits the application, if the application is  
6 listed on the Nationwide Mortgage Licensing  
7 System and Registry as incomplete.

8           “(c) APPLICABILITY.—

9           “(1) Any person employing an individual who is  
10 deemed to have temporary authority to act as a loan  
11 originator in an application State pursuant to this  
12 section shall be subject to the requirements of this  
13 title and to applicable State law to the same extent  
14 as if such individual was a State-licensed loan origi-  
15 nator licensed by the application State.

16           “(2) Any individual who is deemed to have tem-  
17 porary authority to act as a loan originator in an ap-  
18 plication State pursuant to this section and who en-  
19 gages in residential mortgage loan origination activi-  
20 ties shall be subject to the requirements of this title  
21 and to applicable State law to the same extent as if  
22 such individual was a State-licensed loan originator  
23 licensed by the application State.

24           “(d) DEFINITIONS.—In this section, the following  
25 definitions shall apply:

1           “(1) STATE-LICENSED MORTGAGE COMPANY.—  
2           The term ‘State-licensed mortgage company’ means  
3           an entity licensed or registered under the law of any  
4           State to engage in residential mortgage loan origina-  
5           tion and processing activities.

6           “(2) APPLICATION STATE.—The term ‘applica-  
7           tion State’ means a State in which a registered loan  
8           originator or a State-licensed loan originator seeks  
9           to be licensed.”.

10          (b) TABLE OF CONTENTS AMENDMENT.—The table  
11          of contents in section 1(b) of the Housing and Economic  
12          Recovery Act of 2008 (42 U.S.C. 4501 note) is amended  
13          by inserting after the item relating to section 1517 the  
14          following:

          “Sec. 1518. Employment transition of loan originators.”.

15          (c) AMENDMENT TO CIVIL LIABILITY OF THE CON-  
16          SUMER LAW ENFORCEMENT AGENCY AND OTHER OFFI-  
17          CIALS.—Section 1513 of the S.A.F.E. Mortgage Licensing  
18          Act of 2008 (12 U.S.C. 5112) is amended by striking “are  
19          loan originators or are applying for licensing or registra-  
20          tion as loan originators” and inserting “are applying for  
21          licensing or registration using the Nationwide Mortgage  
22          Licensing System and Registry”.

## 1                   **Subtitle M—Right to Lend**

### 2   **SEC. 561. SMALL BUSINESS LOAN DATA COLLECTION RE-** 3                   **QUIREMENT.**

4           (a) **REPEAL.**—Section 704B of the Equal Credit Op-  
5   portunity Act (15 U.S.C. 1691c–2) is repealed.

6           (b) **CONFORMING AMENDMENTS.**—Section 701(b) of  
7   the Equal Credit Opportunity Act (15 U.S.C. 1691(b)) is  
8   amended—

9               (1) in paragraph (3), by inserting “or” at the  
10   end;

11              (2) in paragraph (4), by striking “; or” and in-  
12   serting a period; and

13              (3) by striking paragraph (5).

14           (c) **CLERICAL AMENDMENT.**—The table of sections  
15   for title VII of the Consumer Credit Protection Act is  
16   amended by striking the item relating to section 704B.

## 17                   **Subtitle N—Community Bank** 18                   **Reporting Relief**

### 19   **SEC. 566. SHORT FORM CALL REPORT.**

20           (a) **IN GENERAL.**—Section 7(a) of the Federal De-  
21   posit Insurance Act (12 U.S.C. 1817(a)) is amended by  
22   adding at the end the following:

23                   “(12) **SHORT FORM REPORTING.**—

24                           “(A) **IN GENERAL.**—The appropriate Fed-  
25                           eral banking agencies shall issue regulations al-

1           lowing for a reduced reporting requirement for  
2           covered depository institutions when making the  
3           first and third report of condition for a year, as  
4           required pursuant to paragraph (3).

5                   “(B) COVERED DEPOSITORY INSTITUTION  
6           DEFINED.—For purposes of this paragraph, the  
7           term ‘covered depository institution’ means an  
8           insured depository institution that—

9                           “(i) is well capitalized (as defined  
10                           under section 38(b)); and

11                           “(ii) satisfies such other criteria as  
12                           the appropriate Federal banking agencies  
13                           determine appropriate.”.

14           (b) REPORT TO CONGRESS.—Not later than 180 days  
15   after the date of the enactment of this Act, and every 365  
16   days thereafter until the appropriate Federal banking  
17   agencies (as defined under section 3 of the Federal De-  
18   posit Insurance Act) have issued the regulations required  
19   under section 7(a)(12)(A) of the Federal Deposit Insur-  
20   ance Act, such agencies shall submit to the Committee on  
21   Financial Services of the House of Representatives and  
22   the Committee on Banking, Housing, and Urban Affairs  
23   of the Senate a report describing the progress made in  
24   issuing such regulations.

1                   **Subtitle O—Homeowner**  
2                   **Information Privacy Protection**

3   **SEC. 571. STUDY REGARDING PRIVACY OF INFORMATION**  
4                   **COLLECTED UNDER THE HOME MORTGAGE**  
5                   **DISCLOSURE ACT OF 1975.**

6           (a) STUDY.—The Comptroller General of the United  
7 States shall conduct a study to determine whether the  
8 data required to be published, made available, or disclosed  
9 under the final rule, in connection with other publicly  
10 available data sources, including data made publicly avail-  
11 able under Regulation C (12 C.F.R. 1003) before the ef-  
12 fective date of the final rule, could allow for or increase  
13 the probability of—

14                   (1) exposure of the identity of mortgage appli-  
15 cants or mortgagors through reverse engineering;

16                   (2) exposure of mortgage applicants or mortga-  
17 gors to identity theft or the loss of sensitive personal  
18 financial information;

19                   (3) the marketing or sale of unfair or deceptive  
20 financial products to mortgage applicants or mortga-  
21 gors based on such data;

22                   (4) personal financial loss or emotional distress  
23 resulting from the exposure of mortgage applicants  
24 or mortgagors to identify theft or the loss of sen-  
25 sitive personal financial information; and

1           (5) the potential legal liability facing the Con-  
2           sumer Law Enforcement Agency and market partici-  
3           pants in the event the data required to be published,  
4           made available, or disclosed under the final rule  
5           leads or contributes to identity theft or the capture  
6           of sensitive personal financial information.

7           (b) REPORT.—The Comptroller General of the  
8           United States shall submit to the Committee on Financial  
9           Services of the House of Representatives and the Com-  
10          mittee on Banking, Housing, and Urban Affairs of the  
11          Senate a report that includes—

12           (1) the findings and conclusions of the Comp-  
13          troller General with respect to the study required  
14          under subsection (a); and

15           (2) any recommendations for legislative or regu-  
16          latory actions that—

17           (A) would enhance the privacy of a con-  
18          sumer when accessing mortgage credit; and

19           (B) are consistent with consumer protec-  
20          tions and safe and sound banking operations.

21          (c) SUSPENSION OF DATA SHARING REQUIRE-  
22          MENTS.—Notwithstanding any other provision of law, in-  
23          cluding the final rule—

24           (1) depository institutions shall not be required  
25          to publish, disclose, or otherwise make available to



1 the public, pursuant to the Home Mortgage Dislo-  
2 sure Act of 1975 (or regulations issued under such  
3 Act) any data that was not required to be published,  
4 disclosed, or otherwise made available pursuant to  
5 such Act (or regulations issued under such Act) on  
6 the day before the date of the enactment of the  
7 Dodd-Frank Wall Street Reform and Consumer Pro-  
8 tection Act; and

9 (2) the Consumer Law Enforcement Agency  
10 and the Financial Institutions Examination Council  
11 shall not publish, disclose, or otherwise make avail-  
12 able to the public any such information received  
13 from a depository institution pursuant to the final  
14 rule.

15 (d) DEFINITIONS.—For purposes of this section:

16 (1) DEPOSITORY INSTITUTION.—The term “de-  
17 pository institution” has the meaning given that  
18 term under section 303 of the Home Mortgage Dis-  
19 closure Act of 1975 (12 U.S.C. 2802).

20 (2) FINAL RULE.—The term “final rule” means  
21 the final rule issued by the Bureau of Consumer Fi-  
22 nancial Protection titled “Home Mortgage Dislo-  
23 sure (Regulation C)” (October 28, 2015; 80 Fed.  
24 Reg. 66128).

1                   **Subtitle P—Home Mortgage**  
2                   **Disclosure Adjustment**

3   **SEC. 576. DEPOSITORY INSTITUTIONS SUBJECT TO MAINTENANCE OF RECORDS AND DISCLOSURE RE-**  
4                   **QUIREMENTS.**

6           (a) IN GENERAL.—Section 304 of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803) is amended—

9                   (1) by redesignating subsection (i) as paragraph  
10                   (2) and adjusting the margin appropriately; and

11                   (2) by inserting before such paragraph (2) the  
12           following:

13           “(i) EXEMPTIONS.—

14                   “(1) IN GENERAL.—With respect to a depository institution, the requirements of subsections (a)  
15                   and (b) shall not apply—

17                   “(A) with respect to closed-end mortgage  
18                   loans, if such depository institution originated  
19                   less than 100 closed-end mortgage loans in each  
20                   of the two preceding calendar years; and

21                   “(B) with respect to open-end lines of  
22                   credit, if such depository institution originated  
23                   less than 200 open-end lines of credit in each  
24                   of the two preceding calendar years.”.

1 (b) TECHNICAL CORRECTION.—Section 304(i)(2) of  
2 such Act, as redesignated by subsection (a), is amended  
3 by striking “section 303(2)(A)” and inserting “section  
4 303(3)(A)”.

5 **Subtitle Q—Protecting Consumers’**  
6 **Access to Credit**

7 **SEC. 581. RATE OF INTEREST AFTER TRANSFER OF LOAN.**

8 (a) AMENDMENT TO THE REVISED STATUTES.—Sec-  
9 tion 5197 of the Revised Statutes of the United States  
10 (12 U.S.C. 85) is amended by adding at the end the fol-  
11 lowing new sentence: “A loan that is valid when made as  
12 to its maximum rate of interest in accordance with this  
13 section shall remain valid with respect to such rate regard-  
14 less of whether the loan is subsequently sold, assigned, or  
15 otherwise transferred to a third party, and may be en-  
16 forced by such third party notwithstanding any State law  
17 to the contrary.”.

18 (b) AMENDMENT TO THE HOME OWNERS’ LOAN  
19 ACT.—Section 4(g)(1) of the Home Owners’ Loan Act (12  
20 U.S.C. 1463(g)(1)) is amended by adding at the end the  
21 following new sentence: “A loan that is valid when made  
22 as to its maximum rate of interest in accordance with this  
23 subsection shall remain valid with respect to such rate re-  
24 gardless of whether the loan is subsequently sold, as-  
25 signed, or otherwise transferred to a third party, and may

1 be enforced by such third party notwithstanding any State  
2 law to the contrary.”.

3 (c) AMENDMENT TO THE FEDERAL CREDIT UNION  
4 ACT.—Section 205(g)(1) of the Federal Credit Union Act  
5 (12 U.S.C. 1785(g)(1)) is amended by adding at the end  
6 the following new sentence: “A loan that is valid when  
7 made as to its maximum rate of interest in accordance  
8 with this subsection shall remain valid with respect to such  
9 rate regardless of whether the loan is subsequently sold,  
10 assigned, or otherwise transferred to a third party, and  
11 may be enforced by such third party notwithstanding any  
12 State law to the contrary.”.

13 (d) AMENDMENT TO THE FEDERAL DEPOSIT INSUR-  
14 ANCE ACT.—Section 27(a) of the Federal Deposit Insur-  
15 ance Act (12 U.S.C. 1831d(a)) is amended by adding at  
16 the end the following new sentence: “A loan that is valid  
17 when made as to its maximum rate of interest in accord-  
18 ance with this section shall remain valid with respect to  
19 such rate regardless of whether the loan is subsequently  
20 sold, assigned, or otherwise transferred to a third party,  
21 and may be enforced by such third party notwithstanding  
22 any State law to the contrary.”.

1           **Subtitle R—NCUA Overhead**  
2                           **Transparency**

3   **SEC. 586. FUND TRANSPARENCY.**

4           Section 203 of the Federal Credit Union Act (12  
5 U.S.C. 1783) is amended by adding at the end the fol-  
6 lowing:

7           “(g) FUND TRANSPARENCY.—

8                   “(1) IN GENERAL.—The Board shall accom-  
9           pany each annual budget submitted pursuant to sec-  
10          tion 209(b) with a report containing—

11                           “(A) a detailed analysis of how the ex-  
12                   penses of the Administration are assigned be-  
13                   tween prudential activities and insurance-re-  
14                   lated activities and the extent to which those  
15                   expenses are paid from the fees collected pursu-  
16                   ant to section 105 or from the Fund; and

17                           “(B) the Board’s supporting rationale for  
18                   any proposed use of amounts in the Fund con-  
19                   tained in such budget, including detailed break-  
20                   downs and supporting rationales for any such  
21                   proposed use related to titles of this Act other  
22                   than this title.

23                           “(2) PUBLIC DISCLOSURE.—The Board shall  
24           make each report described under paragraph (1)  
25           available to the public.”.

1     **Subtitle S—Housing Opportunities**  
2                                   **Made Easier**

3     **SEC. 591. CLARIFICATION OF DONATED SERVICES TO NON-**  
4                                   **PROFITS.**

5             Section 129E(i) of the Truth in Lending Act (15  
6     U.S.C. 1639e(i)) is amended by adding at the end the fol-  
7     lowing:

8                     “(4) RULE OF CONSTRUCTION RELATED TO AP-  
9             PRAISAL DONATIONS.—For purposes of paragraph  
10            (1), if a fee appraiser voluntarily donates appraisal  
11            services to an organization described in section  
12            170(c)(2) of the Internal Revenue Code of 1986,  
13            such voluntary donation shall be deemed customary  
14            and reasonable.”.

15     **TITLE VI—REGULATORY RELIEF**  
16                                   **FOR STRONGLY CAPITALIZED,**  
17                                   **WELL MANAGED BANKING**  
18                                   **ORGANIZATIONS**

19     **SEC. 601. CAPITAL ELECTION.**

20            (a) IN GENERAL.—A banking organization may make  
21     an election under this section to be treated as a qualifying  
22     banking organization for purposes of the regulatory relief  
23     described under section 602.