

Union Calendar No. 688

115TH CONGRESS
2^D SESSION

H. R. 4861

[Report No. 115–890]

To nullify certain guidance on deposit advance products, to require the Federal banking agencies to establish standards for short-term, small-dollar loans made by insured depository institutions, to exempt insured depository institutions and insured credit unions from the payday lending rule of the Bureau of Consumer Financial Protection, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 2018

Mr. HOLLINGSWORTH introduced the following bill; which was referred to the Committee on Financial Services

AUGUST 3, 2018

Additional sponsor: Mr. BARR

AUGUST 3, 2018

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To nullify certain guidance on deposit advance products, to require the Federal banking agencies to establish standards for short-term, small-dollar loans made by insured depository institutions, to exempt insured depository institutions and insured credit unions from the payday lending rule of the Bureau of Consumer Financial Protection, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Quality Un-
5 biased Access to Loans Act of 2018” or the “EQUAL Act
6 of 2018”.

7 **SEC. 2. NULLIFICATION OF, AND REQUIREMENTS FOR,**
8 **GUIDANCE ON DEPOSIT ADVANCE PROD-**
9 **UCTS.**

10 The final guidance of the Federal Deposit Insurance
11 Corporation titled “Guidance on Supervisory Concerns
12 and Expectations Regarding Deposit Advance Products”
13 (78 Fed. Reg. 70552; November 26, 2013) shall have no
14 force or effect.

15 **SEC. 3. SHORT-TERM, SMALL-DOLLAR LOANS.**

16 (a) IN GENERAL.—Not later than 24 months after
17 the date of the enactment of this Act, the Federal banking
18 agencies shall each issue regulations, after providing for
19 public notice and comment, to establish standards for
20 short-term, small-dollar loans or lines of credit made avail-
21 able by insured depository institutions.

22 (b) CONSIDERATIONS.—In issuing regulations to es-
23 tablish standards under subsection (a), the Federal bank-
24 ing agencies shall ensure that the standards encourage
25 products that are consistent with safe and sound banking,

1 provide fair access to financial services, and treat cus-
2 tomers fairly.

3 (c) COORDINATED EFFORTS.—In issuing regulations
4 to establish standards under subsection (a), the Federal
5 banking agencies shall consult and coordinate with each
6 other.

7 (d) EFFECT ON STATE LAW.—Regulations issued
8 under subsection (a) shall supersede any State law that
9 sets standards for short-term, small-dollar loans or lines
10 of credit made available by insured depository institutions.

11 (e) DEFINITIONS.—For purposes of this section, the
12 terms “insured depository institution” and “Federal bank-
13 ing agency” have the meaning given those terms, respec-
14 tively, under section 3 of the Federal Deposit Insurance
15 Act.

16 **SEC. 4. EXEMPTION FROM PAYDAY RULE.**

17 The rule submitted by the Bureau of Consumer Fi-
18 nancial Protection relating to “Payday, Vehicle Title, and
19 Certain High-Cost Installment Loans” (published at 82
20 Fed. Reg. 54472 (November 17, 2017)) shall not apply
21 to—

22 (1) a loan made by an insured depository insti-
23 tution (as defined under section 3 of the Federal
24 Deposit Insurance Act) on or after the date that the
25 appropriate Federal banking agency (as defined

1 under section 3 of such Act) issues the regulations
2 described under section 3(a); or

3 (2) a loan made by an insured credit union or
4 noninsured credit union (as such terms are defined,
5 respectively, under section 101 of the Federal Credit
6 Union Act).

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