

112TH CONGRESS  
2D SESSION

# H. R. 3993

To clarify the National Credit Union Administration authority to improve credit union safety and soundness.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2012

Mr. KING of New York (for himself, Mr. SHERMAN, Mr. PAUL, Mr. MEEKS, Mr. KISSELL, and Mr. FILNER) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To clarify the National Credit Union Administration authority to improve credit union safety and soundness.

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 “Capital Access for  
5 Small Businesses and Jobs Act”.

6 **SEC. 2. IMPROVING CREDIT UNION SAFETY AND SOUND-**  
7 **NESS.**

8 The Federal Credit Union Act (12 U.S.C. 1751 et  
9 seq.) is amended—

10 (1) in section 107—

1 (A) in paragraph (16), by striking “and”  
2 at the end;

3 (B) in paragraph (17), by striking the pe-  
4 riod and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(18) to receive payments, representing equity,  
7 on uninsured non-share capital accounts described  
8 under section 216(o)(2)(D), subject to such terms,  
9 rates, and conditions as may be established by the  
10 board of directors, within limitations prescribed by  
11 the Board.”; and

12 (2) in section 216—

13 (A) in subsection (b)(1)(B)(ii), by striking  
14 “must rely” and inserting “rely predomi-  
15 nantly”; and

16 (B) in subsection (o)(2)—

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

19 (ii) in subparagraph (C)(ii), by strik-  
20 ing the period and inserting “; and”; and

21 (iii) by adding at the end the fol-  
22 lowing:

23 “(D) with respect to any insured credit  
24 union other than a low-income credit union, in-

1           cludes non-share capital accounts as authorized  
2           by the Board, that—

3                   “(i) do not alter the cooperative na-  
4                   ture of the credit union;

5                   “(ii) are uninsured;

6                   “(iii) are subordinate to all other  
7                   claims against the credit union, including  
8                   the claims of creditors, shareholders, and  
9                   the Fund;

10                   “(iv) are available to be applied to  
11                   cover operating losses of the credit union  
12                   in excess of its retained earnings and, to  
13                   the extent so applied, will not be replen-  
14                   ished;

15                   “(v) are subject to maturity limits as  
16                   determined by the Board; and

17                   “(vi) are offered by a credit union  
18                   that is determined by the Board to be suf-  
19                   ficiently capitalized and well-managed.”.

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