

113TH CONGRESS
1ST SESSION

H. R. 688

To amend the Federal Credit Union Act to provide certain credit unions with the authority to make additional member business loans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2013

Mr. ROYCE (for himself, Mrs. MCCARTHY of New York, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BONAMICI, Mr. CALVERT, Mr. CHABOT, Mr. CICILLINE, Mr. COBLE, Mr. CONNOLLY, Mr. COOK, Ms. HAHN, Mr. HECK of Nevada, Mr. HUFFMAN, Mr. JOHNSON of Georgia, Mr. JONES, Mr. LARSON of Connecticut, Mr. LEWIS, Mr. MCCLINTOCK, Mr. MEEKS, Mr. MICHAUD, Mrs. NAPOLITANO, Ms. NORTON, Mr. PETERS of Michigan, Ms. PINGREE of Maine, Mr. POE of Texas, Mr. POSEY, Ms. ROYBAL-ALLARD, Mr. SCHIFF, Mr. SCHRADER, Mr. SHERMAN, Mr. STIVERS, Mr. THOMPSON of California, Mr. UPTON, Ms. WATERS, Mr. YARMUTH, Mr. BISHOP of New York, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Federal Credit Union Act to provide certain credit unions with the authority to make additional member business loans, 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 “Credit Union Small
5 Business Jobs Creation Act”.

1 **SEC. 2. LIMITS ON MEMBER BUSINESS LOANS.**

2 (a) REVISED LIMITATION AND CRITERIA.—Effective
3 6 months after the date of enactment of this Act, section
4 107A(a) of the Federal Credit Union Act (12 U.S.C.
5 1757a(a)) is amended to read as follows:

6 “(a) LIMITATION.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), an insured credit union may not make
9 any member business loan that would result in the
10 total amount of such loans outstanding at that cred-
11 it union at any one time to be equal to more than
12 the lesser of—

13 “(A) 1.75 times the actual net worth of
14 the credit union; or

15 “(B) 12.25 percent of the total assets of
16 the credit union.

17 “(2) ADDITIONAL AUTHORITY.—The Board
18 may approve an application by an insured credit
19 union upon a finding that the credit union meets the
20 criteria under this paragraph to make 1 or more
21 member business loans that would result in a total
22 amount of such loans outstanding at any one time
23 of not more than 27.5 percent of the total assets of
24 the credit union, if the credit union—

25 “(A) had member business loans out-
26 standing at the end of each of the 4 consecutive

1 quarters immediately preceding the date of the
2 application, in a total amount of not less than
3 80 percent of the applicable limitation under
4 paragraph (1);

5 “(B) is well capitalized, as defined in sec-
6 tion 216(c)(1)(A);

7 “(C) can demonstrate at least 5 years of
8 experience of sound underwriting and servicing
9 of member business loans;

10 “(D) has the requisite policies and experi-
11 ence in managing member business loans; and

12 “(E) has satisfied other standards that the
13 Board determines are necessary to maintain the
14 safety and soundness of the insured credit
15 union.

16 “(3) EFFECT OF NOT BEING WELL CAPITAL-
17 IZED.—An insured credit union that has made mem-
18 ber business loans under an authorization under
19 paragraph (2) and that is not, as of its most recent
20 quarterly call report, well capitalized, may not make
21 any member business loans until such time as the
22 credit union becomes well capitalized, as reflected in
23 a subsequent quarterly call report, and obtains the
24 approval of the Board.”.

25 (b) IMPLEMENTATION.—

1 (1) TIERED APPROVAL PROCESS.—The Board
2 shall develop a tiered approval process, under which
3 an insured credit union gradually increases the
4 amount of member business lending in a manner
5 that is consistent with safe and sound operations,
6 subject to the limits established under section
7 107A(a)(2) of the Federal Credit Union Act (as
8 amended by this Act). The rate of increase under
9 the process established under this paragraph may
10 not exceed 30 percent per year.

11 (2) RULEMAKING REQUIRED.—The Board shall
12 issue proposed rules, not later than 6 months after
13 the date of enactment of this Act, to establish the
14 tiered approval process required under paragraph
15 (1). The tiered approval process shall establish
16 standards designed to ensure that the new business
17 lending capacity authorized under the amendment
18 made by subsection (a) is being used only by insured
19 credit unions that are well managed and well capital-
20 ized, as required by the amendments made under
21 subsection (a) and as defined by the rules issued by
22 the Board under this paragraph.

23 (3) CONSIDERATIONS.—In issuing rules re-
24 quired under this subsection, the Board shall con-
25 sider—

1 (A) the experience level of the institutions,
2 including a demonstrated history of sound
3 member business lending;

4 (B) the criteria under section 107A(a)(2)
5 of the Federal Credit Union Act, as amended
6 by this Act; and

7 (C) such other factors as the Board deter-
8 mines necessary or appropriate.

9 (c) REPORTS TO CONGRESS ON MEMBER BUSINESS
10 LENDING.—

11 (1) REPORT OF THE BOARD.—

12 (A) IN GENERAL.—Not later than 3 years
13 after the date of enactment of this Act, the
14 Board shall submit a report to Congress on
15 member business lending by insured credit
16 unions.

17 (B) REPORT.—The report required under
18 subparagraph (A) shall include—

19 (i) the types and asset size of insured
20 credit unions making member business
21 loans and the member business loan limita-
22 tions applicable to the insured credit
23 unions;

1 (ii) the overall amount and average
2 size of member business loans by each in-
3 sured credit union;

4 (iii) the ratio of member business
5 loans by insured credit unions to total as-
6 sets and net worth;

7 (iv) the performance of the member
8 business loans, including delinquencies and
9 net charge-offs;

10 (v) the effect of this section on the
11 number of insured credit unions engaged
12 in member business lending, any change in
13 the amount of member business lending,
14 and the extent to which any increase is at-
15 tributed to the change in the limitation in
16 section 107A(a) of the Federal Credit
17 Union Act, as amended by this Act;

18 (vi) the number, types, and asset size
19 of insured credit unions that were denied
20 or approved by the Board for increased
21 member business loans under section
22 107A(a)(2), as amended by this Act, in-
23 cluding denials and approvals under the
24 tiered approval process;

1 (vii) the types and sizes of businesses
2 that receive member business loans, the
3 duration of the credit union membership of
4 the businesses at the time of the loan, the
5 types of collateral used to secure member
6 business loans, and the income level of
7 members receiving member business loans;
8 and

9 (viii) the effect of any increases in
10 member business loans on the risk to the
11 National Credit Union Share Insurance
12 Fund and the assessments on insured
13 credit unions.

14 (2) GAO STUDY AND REPORT.—

15 (A) STUDY.—The Comptroller General of
16 the United States shall conduct a study on the
17 status of member business lending by insured
18 credit unions, including—

19 (i) trends in such lending;

20 (ii) types and amounts of member
21 business loans;

22 (iii) the effectiveness of this section in
23 enhancing small business lending;

1 (iv) recommendations for legislative
2 action, if any, with respect to such lending;
3 and

4 (v) any other information that the
5 Comptroller General considers relevant
6 with respect to such lending.

7 (B) REPORT.—Not later than 3 years after
8 the date of enactment of this Act, the Comp-
9 troller General shall submit a report to Con-
10 gress on the study required by subparagraph
11 (A).

12 (d) DEFINITIONS.—In this section—

13 (1) the term “Board” means the National
14 Credit Union Administration Board;

15 (2) the term “insured credit union” has the
16 meaning given that term in section 101 of the Fed-
17 eral Credit Union Act (12 U.S.C. 1752);

18 (3) the term “member business loan” has the
19 meaning given that term in section 107A(c)(1) of
20 the Federal Credit Union Act (12 U.S.C.
21 1757a(c)(1));

22 (4) the term “net worth” has the meaning
23 given that term in section 107A(c)(2) of the Federal
24 Credit Union Act (12 U.S.C. 1757a(c)(2)); and

1 (5) the term “well capitalized” has the meaning
2 given that term in section 216(c)(1)(A) of the Fed-
3 eral Credit Union Act (12 U.S.C. 1709d(c)(1)(A)).

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