

119TH CONGRESS
2^D SESSION

S. 3889

To restore and clarify the intent of the Federal interest rate exportation parity for State-chartered banks by allowing States to opt out of preemption only with respect to loans made by their own chartered institutions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2026

Mr. MORENO introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To restore and clarify the intent of the Federal interest rate exportation parity for State-chartered banks by allowing States to opt out of preemption only with respect to loans made by their own chartered institutions, 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 “American Lending
5 Fairness Act of 2026”.

1 **SEC. 2. INTEREST RATE APPLICABLE TO OUT-OF-STATE**
2 **CHARTERED FINANCIAL INSTITUTIONS.**

3 (a) INSURED DEPOSITORY INSTITUTIONS.—Section
4 27 of the Federal Deposit Insurance Act (12 U.S.C.
5 1831d) is amended by adding at the end the following:

6 “(c) If a State adopts a law or certifies that the vot-
7 ers of the State have voted in favor of any provision, con-
8 stitutional or otherwise, that states explicitly and by its
9 terms that the State does not want this subsection to
10 apply with respect to loans made by institutions chartered
11 by that State, subsection (a) shall not apply to loans made
12 by (or for which a commitment to make such loan was
13 entered into by) such institutions after the date on which
14 that law is adopted or such certification is made.”.

15 (b) INSURED CREDIT UNIONS.—Section 205(g) of
16 the Federal Credit Union Act (12 U.S.C. 1785(g)) “is
17 amended” by adding at the end the following:

18 “(3) If a State adopts a law or certifies that the vot-
19 ers of the State have voted in favor of any provision, con-
20 stitutional or otherwise, that states explicitly and by its
21 terms that the State does not want this subsection to
22 apply with respect to loans made by institutions chartered
23 by that State, paragraph (1) shall not apply to loans made
24 by (or for which a commitment to make such loan was
25 entered into by) such institutions after the date on which
26 that law is adopted or such certification is made.”.

1 (c) REPEAL.—

2 (1) IN GENERAL.—Section 525 of the Depository
3 Institutions Deregulation and Monetary Control
4 Act of 1980 (12 U.S.C. 1730g note) is hereby re-
5 pealed.

6 (2) APPLICATION.—The amendments made by
7 subsections (a) and (b) shall apply with respect to,
8 and govern the legal effect of, any State law adopted
9 or certification made pursuant to section 525 of the
10 Depository Institutions Deregulation and Monetary
11 Control Act of 1980 (12 U.S.C. 1730g note) before
12 the date of enactment of this Act.

○