will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or if the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

TRID IMPROVEMENT ACT OF 2018

Mr. HILL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5078) to amend the Real Estate Settlement Procedures Act of 1974 to modify requirements related to mortgage disclosures, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''TRID Improvement Act of 2018''.

SEC. 2. AMENDMENTS TO MORTGAGE DISCLOSURE REQUIREMENTS.

Section 4(a) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2603(a)) is amended—

(1) by striking ''itemize all charges'' and inserting ''itemize all actual charges'';

(2) by striking ''and all charges imposed upon the seller in connection with the settlement and'' and inserting ''and the seller in connection with the settlement. Such forms''; and

(3) by inserting after ''or both.'' the following new sentence: ''Charges for any title insurance premium disclosed on such forms shall be equal to the amount charged for each individual title insurance policy, subject to any discounts as required by State regulation or the title company rate filings.''.

SEC. 3. POSITIVE CREDIT REPORTING PERMITTED.

(a) IN GENERAL.—Section 623 of the Fair Credit Reporting Act (15 U.S.C. 1681s–2) is amended by adding at the end the following new subsection:

''(f) FULL-FILE CREDIT REPORTING.—

''(1) IN GENERAL.—Subject to the limitation in paragraph (2) and notwithstanding any other provision of law, a person or the Secretary of Housing and Urban Development may furnish to a consumer reporting agency information relating to the performance of a consumer in making payments—

''(A) under a lease agreement with respect to a dwelling, including such a lease in which the Department of Housing and Urban Development provides subsidized payments for occupancy in a dwelling; or

''(B) pursuant to a contract for a utility or telecommunications service.

''(2) LIMITATION.—Information about a consumer's usage of any utility services provided by a utility or telecommunication firm may be furnished to a consumer reporting agency only to the extent that such information relates to payment by the consumer for the services of such utility or telecommunication service or other terms of the provision of the services to the consumer, including any deposit, discount, or conditions for interruption or termination of the services.

''(3) PAYMENT PLAN.—An energy utility firm may not report payment information to a consumer reporting agency with respect to an outstanding balance of a consumer as late if—

''(A) the energy utility firm and the consumer have entered into a payment plan (including a deferred payment agreement, an arrearage management program, or a debt forgiveness program) with respect to such outstanding balance; and

''(B) the consumer is meeting the obligations of the payment plan, as determined by the energy utility firm.

''(4) DEFINITIONS.—In this subsection, the following definitions shall apply:

''(A) ENERGY UTILITY FIRM.—The term 'energy utility firm' means an entity that provides gas or electric utility services to the public.

''(B) UTILITY OR TELECOMMUNICATION FIRM.—The term 'utility or telecommunication firm' means an entity that provides utility services to the public through pipe, wire, landline, wireless, cable, or other connected facilities, or radio, electronic, or similar transmission (including the extension of such facilities).''.

(b) LIMITATION ON LIABILITY.—Section 623(c) of the Consumer Credit Protection Act (15 U.S.C. 1681s–2(c)) is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) subsection (f) of this section, including any regulations issued thereunder; or''.

(c) GAO STUDY AND REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the impact of furnishing information pursuant to subsection (f) of section 623 of the Fair Credit Reporting Act (15 U.S.C. 1681s–2) (as added by this Act) on consumers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HILL) and the gentleman from Minnesota (Mr. ELLISON) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. HILL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HILL. Mr. Speaker, I will yield myself such time as I may consume.

Mr. Speaker, I rise today in favor of my bill, H.R. 5078, the TRID Improvement Act. This important package will cut through the red tape and level the playing field for making sure that regulations are smarter, fairer, clearer, and more efficient, while, at the same time, ensure that consumers and investors are protected.

You know, Mr. Speaker, when the CFPB, the Consumer Financial Protection Bureau, was first initiated as a part of the Dodd-Frank Act, one of now-Senator ELIZABETH WARREN's goals was simpler regulation, that we would streamline regulation, that we would take bulky complex consumer forms and make them simpler. And the TILA-RESPA, truth-in-lending form and the real estate settlement form, were examples in those early days that they were going to make these forms simpler and easier for consumers.

Well, that is what we are talking about today, Mr. Speaker, for it did not become simpler and easier. It became costly, complex, and difficult for consumers.

Today, we are back on the floor on this issue. It is not a new issue or a new concern because the confusion related to TRID has been apparent for years.

In November 2013, the CFPB finalized TRID, combining, as I said, the truth-in-lending form with the real estate settlement procedures form necessary for consumers in this country to close a home loan to have that American Dream. The effective date for this final rule was originally set for mortgage applications received on or after August 1, 2015, but due to the administrative errors of the CFPB, the agency delayed it until October 3, 2015.

In October, the House of Representatives passed H.R. 3192, the Homebuyers Assistance Act, which I proudly sponsored, and it passed with a bipartisan vote in this House of 303–121. It would have provided a hold-harmless period for those trying to make a good faith effort to comply with this complex rule.

In April 2016, with complaints pouring in from both homeowners, homebuyers, consumers, bankers, title companies, the CFPB decided to reopen the rulemaking on TILA-RESPA and the TRID rule. The CFPB issued a final rule clarifying and amending certain mortgage disclosure provisions.

So as you can hear from this long story, Mr. Speaker, this rule is complex. So we are here today to try to fix a part of it, a small part of it that will make it easier, better, and more clearer for consumers.

The American Bankers Association stated that if there was one thing to fix about the current regulatory system, it would be the TILA-RESPA Integrated Disclosure rule, TRID—not qualified mortgage definitions, not the Volcker rule, the TRID rule. Mortgage lenders have seen regulatory change around every aspect of their lending for the last 8 years, and this rule is no exception.

Today, Mr. Speaker, over in the House Small Business Committee, the GAO testified. They have issued a report about the TILA-RESPA Integrated Disclosure rule. They told the committee today that this rule was one of the most expensive facing community banking across the country, the most burdensome.

So here, the TILA-RESPA rule before our House Small Business Committee says that we are burdening community banks, and they, in turn, are not able to do the kind of work that we want, that we expect for our homebuyers of homes across this country.

CFPB Associate Director David Silberman said the Bureau agreed with the GAO's recommendation, that it assessed the effectiveness of the TRID

guidance and that it intended to ask the public for input on ways to improve regulatory guidance.

Well, Mr. Speaker, I am glad to have this report from the GAO, but we have been calling for this for almost 2½ years that we want this rule made simpler and more direct and better for our consumers.

H.R. 5078 fixes the title insurance disclosures so that consumers actually know what their expenses are going to be for title insurance. And despite our best efforts, the CFPB has been unwilling to fix this problem on its own; so today, Congress comes to act.

The other aspect of this bill—and I want to thank my good friend from Minnesota (Mr. ELLISON) and my good friend from North Carolina (Mr. PITTENGER) for the second portion of this bill, the Credit Access and Inclusion Act of 2017.

The Credit Access and Inclusion Act amends the Fair Credit Reporting Act to allow the reporting of certain positive consumer credit information for consumer reporting agencies. Specifically, a person or the Department of Housing and Urban Development might report information related to a consumer's performance in making payments either under a lease arrangement for a dwelling or pursuant to a contract providing utility or telecommunication services. This kind of positive reporting on a consumer's ability to make their payments on time will help more families in our country build a credit record.

Mr. Speaker, I reserve the balance of my time.

Mr. ELLISON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, allow me to just thank the gentleman from the great State of Arkansas (Mr. HILL) and also Congressman PITTENGER, as well as many other members of the Financial Services Committee on both sides of the aisle. It is always a pleasure to be able to work together on things. This is what our constituents expect, and that is what the Credit Access and Inclusion bill actually represents.

So, Mr. Speaker, if I told you that we could help millions of people get access to an apartment, lower the cost of a loan, lower the deposit they may have to put down on a phone or utility deposit, and we could do all these things without creating a new government program, we could do it without government mandate, and we could do it with virtually no new tax dollars, would you take that deal? Because I would. I would say: Wow, help millions of people be able to afford services that they need before, lower the cost of loans? Yeah, why wouldn't we do that? Well, the truth is that we can if we vote ''yes'' on the Credit Access and Inclusion bill.

I am proud to tell you that this particular piece of legislation, which is bipartisan, will bring about basic fairness in the credit scoring system. Credit is currency in our society. It unlocks credit for access to goods and services. Hardworking Americans need to build some economic security for themselves and their families.

There are currently about 26 million people, or 1 in 10 Americans, who do not have a credit record; and there is another 19 million Americans who do not have enough information to even score. Low-income individuals and even racial and ethnic minorities are even in worse shape. About one in four Latinos and African Americans either don't have a credit score or don't have enough information in the file to get a score.

□ 1545

And almost half of the residents of low-income communities do not have a score of any background.

This bill allows credit rating agencies to use on-time rent, phone, and utility payments when determining credit scores.

Now, you should know, Mr. Speaker, if people are late with these lines of information, it can, and often does, show up on their credit score now. And if people take out loan products which they pay back on time, that helps those people's credit score now.

But what about the people who pay phone bills and utility bills, and they pay their bills every month on time? They are not building anything to help them get in a better credit situation. This bill allows them to do that.

As a result, more than a third of previously unscorable Americans will now have access to prime credit and the opportunities that come with it when we pass this bill.

This bill isn't just about access to credit, though. It is also about saving hardworking Americans real money, thousands of dollars, on car loans and their mortgages.

Mr. Speaker, if you are unscorable, you can often get a loan, but the interest rate is always higher when that happens. So, if people are scorable and they get a credit score, they will be able to save money for themselves and put it into their household budget.

The money that used to be going to auto lenders and mortgage brokers is now going to go into the pockets of consumers so that they can improve the lives of their family. That sounds like a pretty good day's work to me.

Mr. Speaker, I reserve the balance of my time.

Mr. HILL. Mr. Speaker, I thank my friend from Minnesota for his work on this bill and providing the chance to build a credit file for those who really need it.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. PITTENGER), my friend, who, this week, I know, is having a touching time with his almost five decades of friendship with Reverend Billy Graham—we all salute their work together for the betterment of our world—and who is the vice chairman of the Financial Services Subcommittee on Terrorism and Illicit Finance.

Mr. PITTENGER. Mr. Speaker, I rise today in great support for Congressman HILL's bill, the TRID Improvement Act. This bill will lower consumer costs and lessen regulatory burdens for growing businesses, which will lead to healthier and well-functioning financial markets.

Mr. Speaker, I thank Congressman HILL for his great work and leadership on this issue.

I am pleased that this legislation does include the Credit Access and Inclusion Act, H.R. 435, which I cosponsored with Congressman ELLISON, and which we introduced together.

H.R. 435 is designed to give hardworking Americans better access to affordable credit by providing more opportunities for them to build their credit on their own merit without Federal funds or new bureaucracy. At a time when access to credit is a practical necessity for economic and social mobility, tens of millions of Americans are hamstrung because they have little or no credit history.

Currently, on-time utility and rent payments are not reflected in credit scores. The Credit Access and Inclusion Act amends the Federal Fair Credit Reporting Act, or FCRA, to allow for nonfinancial service providers, such as telephone, cable, wireless, electric, and gas companies, as well as landlords, to report their customers' on-time payments to credit reporting agencies, or CRAs.

By incorporating these on-time payments, called alternative or additional data, into credit reports, more Americans can access affordable and responsible financial products and services, buy homes and cars, and build wealth, thus strengthening or entire economy.

In total, our bill would enable nearly 100 million Americans to establish or raise their credit score, all without Federal mandates. Ultimately, this legislation will give every American the ability to build a better life.

Mr. Speaker, I thank Congressman ELLISON for actively working together on this very important issue, and I thank Congressman HILL for his work on the TRID Improvement Act. Please join me in supporting this commonsense legislation.

Mr. ELLISON. Mr. Speaker, I have no other speakers. I urge a ''yes'' vote on the bill, and I yield back the balance of my time.

Mr. HILL. Mr. Speaker, I again thank Mr. PITTENGER and Mr. ELLISON for their work on this measure, and for all of my colleagues on both sides of the aisle who have brought these bills to the floor and, particularly, for speaking out for consumers on bills that will help consumers have more access to credit, whether it is a mortgage and a speedier, easier, more transparent mortgage closing or the chance to build credit, with the work from my friend from Minnesota and my friend from North Carolina.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. HILL) that the House suspend the rules and pass the bill, H.R. 5078, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

OPERATIONAL RISK CAPITAL REQUIREMENTS FOR BANKING ORGANIZATIONS

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 747, I call up the bill (H.R. 4296) to place requirements on operational risk capital requirements for banking organizations established by an appropriate Federal banking agency, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 747, in lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–60, modified by the amendment printed in part A of House Report 115–582, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 4296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPERATIONAL RISK CAPITAL REQUIREMENTS FOR BANKING ORGANIZATIONS.

(a) IN GENERAL.—An appropriate Federal banking agency may not establish an operational risk capital requirement for banking organizations, unless such requirement—

(1) is based primarily on the risks posed by a banking organization's current activities and businesses;

(2) is appropriately sensitive to the risks posed by such current activities and businesses;

(3) is determined under a forward-looking assessment of potential losses that may arise out of a banking organization's current activities, businesses, and exposures, which is not solely based on a banking organization's historical losses; and

(4) permits adjustments based on qualifying operational risk mitigants.

(b) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency''—

(A) has the meaning given such term under section 3 of the Federal Deposit Insurance Act; and

(B) means the National Credit Union Administration, in the case of an insured credit union.

(2) BANKING ORGANIZATION.—The term ''banking organization'' means—

(A) an insured depository institution (as defined under section 3 of the Federal Deposit Insurance Act);

(B) an insured credit union (as defined under section 101 of the Federal Credit Union Act);

(C) a depository institution holding company (as defined under section 3 of the Federal Deposit Insurance Act);

(D) a company that is treated as a bank holding company for purposes of section 8 of the International Banking Act; and

(E) a U.S. intermediate holding company established by a foreign banking organization pursuant to section 252.153 of title 12, Code of Federal Regulations.

SEC. 2. REDUCTION OF SURPLUS FUNDS OF FEDERAL RESERVE BANKS.

(a) IN GENERAL.—Section 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is amended by striking ''$7,500,000,000'' and inserting ''$7,468,571,428''.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on May 1, 2018.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and submit extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HENSARLING. Mr. Speaker, I rise, today, in strong support of H.R. 4296, an important bill authored by Mr. LUETKEMEYER, who is a real leader on our committee. He is the chairman of the Subcommittee on Financial Institutions and Consumer Credit and has led many bills on this floor. This particular one addresses the burden that unnecessary operational capital requirements have imposed on our financial institutions and then, consequently, on our hardworking families and small businesses that are seeking credit.

The Basel Committee requires U.S. financial institutions to hold excessive capital based upon a look-back approach to an organization's risk, previous earnings, and other provisions that provide no indication of future risk.

Again, Mr. Speaker, this is about holding operational capital for past activities.

This methodology employed by the international standard setters has forced our banks to hold hundreds of billions of dollars in reserve rather than putting that money to work in the real economy—in loans and investments—for people to buy cars, to launch small-business enterprises, or maybe to make a downpayment on that first home.

Again, Mr. Speaker, let me say it so that all can hear. Hundreds of billions of dollars is currently sitting in banks across the country not being utilized to fund mortgage loans, car loans, and other day-to-day financing that American families and individuals demand.

On top of this is the increased cost of compliance that banks have had to shoulder under Dodd-Frank's onslaught of regulation. Banks like Coatesville Savings Bank, the only remaining bank in Coatesville, Pennsylvania, has told us that, now, 25 percent of their annual budget is nothing but compliance cost, Mr. Speaker. This is detrimental to the Coatesville, Pennsylvania, community. That is 25 percent. That is a huge figure, Mr. Speaker, that cannot be used to fund the American Dream in Coatesville, Pennsylvania.

So, again, Chairman LUETKEMEYER brings us a very commonsense reform and a very necessary reform.

Most agree and recognize the importance of our financial institutions to hold capital in the event of future crisis or distress. Nobody denies that, and this legislation does not remove those requirements. But, Mr. Speaker, requiring banking organizations to look back in the rearview mirror and hold operational capital against discontinued activities or products is just not nonsensical, it is crazy. It makes no sense.

H.R. 4296 simply amends the method of how reserve capital is calculated by establishing standards based on an organization's current business activities, making the requirements more accurate and tailored to a bank's current risk profile. Again, Mr. Speaker, it is just common sense. That means banks would still retain sufficient reserves to weather an economic storm, but they would be able to put the billions of dollars currently sitting on the sidelines to work to help make the economy grow, to make it healthier.

In short, this method-based approach proposed by H.R. 4296 properly calibrates operational capital while also ensuring strong, healthy financial institutions and, thus, a stronger economy for our constituents.

Again, to be very clear, Mr. Speaker, H.R. 4296, does not prevent Federal financial regulators from instituting operational risk capital requirements. It does not eliminate the authority of a regulator to assess operational risk, nor does it prevent regulators from requiring that capital be held against riskier activities or businesses. The bill simply puts forth a thoughtful framework that sets parameters, while allowing regulators the flexibility needed to ensure that capital standards are appropriately tailored.

A healthy financial system, Mr. Speaker, will enhance individuals' financial freedom and will lead to a healthier and better regulatory system.

H.R. 4296 has garnered strong, bipartisan support in our committee, passing by a vote of 43–17, again, because it is practical and common sense.

I again want to thank the gentleman from Missouri (Mr. LUETKEMEYER), who chairs our Financial Institutions and Consumer Credit Subcommittee, for his leadership on this bill. I urge all of