

**AMENDMENT TO H.R. 3299, AS REPORTED
OFFERED BY MR. MEEKS OF NEW YORK**

Page 4, line 20, strike “and”.

Page 5, line 3, strike the period at the end and insert a semicolon.

Page 5, after line 3, insert the following:

1 (7) in 2000, the Office of the Comptroller of
2 the Currency (the “OCC”) issued guidance stating
3 that payday lenders entering into arrangements with
4 national banks should not assume that the benefits
5 of a bank charter, particularly with respect to the
6 application of State and local law, would be available
7 to them;

8 (8) the OCC defined payday loans as small-dollar,
9 short-term loans that borrowers promise to
10 repay out of their next paycheck or deposit of funds,
11 noting that these loans typically have high fees, are
12 often renewed frequently, and, in the case of some
13 lenders or originators, may involve abusive lending
14 practices, such as the use of threats of criminal
15 prosecution in loan collection; and

1 (9) the 2000 OCC guidance, along with addi-
2 tional guidance by the Federal Deposit Insurance
3 Corporation, have been generally successful at stop-
4 ping payday lenders from entering into arrange-
5 ments with national or State banks in order to evade
6 consumer protections or offer loans in States where
7 high interest rates are illegal.

Page 6, after line 22, insert the following:

8 **SEC. 4. EVALUATIONS WITH RESPECT TO THIRD PARTY**
9 **LENDING.**

10 (a) **EVALUATIONS OF THIRD PARTIES.**—The appro-
11 priate Federal banking agency shall evaluate a lending
12 transaction conducted through a third party lending rela-
13 tionship as if such transaction was conducted by such in-
14 sured depository institution.

15 (b) **APPLICATION OF FEDERAL CONSUMER FINAN-**
16 **CIAL LAW.**—An insured depository institution that partici-
17 pates in a third party lending relationship shall ensure
18 that lending activities conducted through such relationship
19 comply with Federal consumer financial law to the same
20 extent that such insured depository institution would be
21 required to comply with respect to such transaction.

22 (c) **DEFINITIONS.**—For purposes of this section:

1 (1) APPROPRIATE FEDERAL BANKING AGEN-
2 CY.—The term “appropriate Federal banking agen-
3 cy”—

4 (A) has the meaning given that term under
5 section 3 of the Federal Deposit Insurance Act;

6 (B) includes the National Credit Union
7 Administration, in the case of a credit union;
8 and

9 (C) with respect to a third party, other
10 than a consumer, participating in a third party
11 lending relationship with an insured depository
12 institution, the appropriate Federal banking
13 agency for such insured depository institution.

14 (2) FEDERAL CONSUMER FINANCIAL LAW.—
15 The term “Federal consumer financial law” has the
16 meaning given that term under section 1002 of the
17 Consumer Financial Protection Act of 2010.

18 (3) INSURED DEPOSITORY INSTITUTION.—The
19 term “insured depository institution”—

20 (A) has the meaning given that term under
21 section 3 of the Federal Deposit Insurance Act;
22 and

23 (B) includes an insured credit union (as
24 that term is defined under section 101 of the
25 Federal Credit Union Act).

1 (4) THIRD PARTY LENDING RELATIONSHIP.—
2 The term “third party lending relationship” means
3 a relationship between an insured depository institu-
4 tion as a third party who is not a consumer.

