

115TH CONGRESS
1ST SESSION

H. R. 3736

To require the National Credit Union Administration to conduct a study of the appropriate capital requirements for credit unions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2017

Mr. POSEY (for himself and Mr. HECK) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To require the National Credit Union Administration to conduct a study of the appropriate capital requirements for credit unions, 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 “Risk-Based Capital
5 Study Act of 2017”.

6 **SEC. 2. NCUA STUDY.**

7 (a) IN GENERAL.—The National Credit Union Ad-
8 ministration shall conduct a study of the appropriate cap-
9 ital requirements for Federal credit unions and State cred-

1 it unions (as such terms are defined, respectively, under
2 section 101 of the Federal Credit Union Act (12 U.S.C.
3 1752) (hereinafter referred to as “credit unions”).

4 (b) ISSUES TO BE STUDIED.—The study required
5 under subsection (a) shall include—

6 (1) an analysis of whether or not the National
7 Credit Union Administration has the clear legal au-
8 thority to prescribe separate risk-based capital
9 thresholds for both “adequately capitalized” and
10 “well capitalized” credit unions;

11 (2) a discussion of the differences between cred-
12 it unions and other types of depository institutions
13 and reasons why they should have similar or dif-
14 ferent risk-weights for their capital requirements;

15 (3) a discussion of the rationale behind the
16 risk-weights assigned in the final rule of the Na-
17 tional Credit Union Administration titled “Risk-
18 Based Capital” (80 Fed. Reg. 66626; October 29,
19 2015); and

20 (4) an analysis of the impact the final rule de-
21 scribed in paragraph (3) would have on excess cap-
22 ital above the minimum level for a credit union to
23 be “well capitalized” (a credit union’s “capital cush-
24 ion”) including the impact it could have on credit
25 union lending and credit union examinations.

1 (c) VOLUNTARY PARTICIPATION.—Any credit union
2 may voluntarily provide information for the study required
3 under subsection (a) upon the request of the National
4 Credit Union Administration, but may not be required to
5 provide such information.

6 (d) REPORT TO CONGRESS.—Not later than 270 days
7 after the date of the enactment of this Act, the National
8 Credit Union Administration shall issue a report to the
9 Committee on Banking, Housing, and Urban Affairs of
10 the Senate and the Committee on Financial Services of
11 the House of Representatives containing—

12 (1) all findings and determinations made in car-
13 rying out the study required under subsection (a);
14 and

15 (2) any legislative recommendations of the Na-
16 tional Credit Union Administration to improve the
17 capital system for credit unions or establish a risk-
18 based capital system for credit unions.

19 **SEC. 3. DELAY OF RULEMAKING.**

20 Notwithstanding any other provision of law, the Na-
21 tional Credit Union Administration may not issue or im-
22 plement any final rule or regulation with respect to risk-
23 based capital for credit unions, including the final rule de-
24 scribed under section 2(b)(3), before the end of the 120-
25 day period beginning on the date the National Credit

1 Union Administration issues the report required under
2 section 2(d).

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