

111TH CONGRESS
1ST SESSION

H. R. 3639

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2009

Received

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Read twice and referred to the Committee on Banking, Housing, and Urban
Affairs

AN ACT

To amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Expedited CARD Re-
3 form for Consumers Act of 2009”.

4 **SEC. 2. EARLIER EFFECTIVE DATE FOR CREDIT CARD PRO-**
5 **VISIONS OF THE CREDIT CARD ACT OF 2009.**

6 Section 3 of the Credit Card Accountability Responsi-
7 bility and Disclosure Act of 2009 (15 U.S.C. 1602 note)
8 is amended—

9 (1) by striking “This Act” and inserting “(a)
10 IN GENERAL.—This Act”; and

11 (2) by adding at the end the following new sub-
12 sections:

13 “(b) CERTAIN CREDIT CARD PROVISIONS.—Except
14 as otherwise specifically provided in this Act, titles I, II,
15 and III, and the amendments made by such titles, shall
16 take effect on the date of the enactment of the Expedited
17 CARD Reform for Consumers Act of 2009.

18 “(c) CERTAIN CREDIT CARD ISSUERS.—Except as
19 otherwise specifically provided in this Act and notwith-
20 standing subsection (b), the effective date established
21 under subsection (a) shall apply with respect to the appli-
22 cation of titles I, II, and III, and the amendments made
23 by such titles, to any credit card issuer which is a deposi-
24 tory institution (as defined in section 19(b)(1)(A) of the
25 Federal Reserve Act) with fewer than 2,000,000 credit

1 cards in circulation as of the date of the enactment of this
2 Act.”.

3 **SEC. 3. EARLIER EFFECTIVE DATES FOR SPECIFIC PROVI-**
4 **SIONS TO PREVENT FURTHER ABUSES.**

5 (a) REVIEW OF PAST CONSUMER INTEREST RATE
6 INCREASES.—Section 148(d) of the Truth in Lending Act
7 (15 U.S.C. 1665c(d)) (as added by section 101(c) of the
8 Credit Card Accountability Responsibility and Disclosure
9 Act of 2009) is amended—

10 (1) by striking “9 months after the date of en-
11 actment of this section” and inserting “the date of
12 the enactment of the Expedited CARD Reform for
13 Consumers Act of 2009, except that for a depository
14 institution, as defined in section 19(b)(1)(A) of the
15 Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with
16 fewer than 2 million credit cards in circulation on
17 the date of the enactment of the Expedited CARD
18 Reform for Consumers Act of 2009, the effective
19 date shall be February 22, 2010,”; and

20 (2) by striking “become effective 15 months
21 after that date of enactment” and inserting “take
22 effect on the date of the enactment of the Expedited
23 CARD Reform for Consumers Act of 2009, except
24 that for a depository institution, as defined in sec-
25 tion 19(b)(1)(A) of the Federal Reserve Act (12

1 U.S.C. 461(b)(1)(A)), with fewer than 2 million
2 credit cards in circulation on the date of the enact-
3 ment of the Expedited CARD Reform for Con-
4 sumers Act of 2009, the effective date shall be Au-
5 gust 22, 2010”.

6 (b) REQUIREMENT THAT PENALTY FEES BE REA-
7 SONABLE AND PROPORTIONAL TO THE VIOLATION.—Sec-
8 tion 149(b) of the Truth in Lending Act (15 U.S.C.
9 1665d(b)) (as added by section 102(b) of the Credit Card
10 Accountability Responsibility and Disclosure Act of 2009)
11 is amended—

12 (1) by striking “9 months after the date of en-
13 actment of this section,” and inserting “the date of
14 the enactment of the Expedited CARD Reform for
15 Consumers Act of 2009, except that for a depository
16 institution, as defined in section 19(b)(1)(A) of the
17 Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with
18 fewer than 2 million credit cards in circulation on
19 the date of the enactment of the Expedited CARD
20 Reform for Consumers Act of 2009, the effective
21 date shall be February 22, 2010,”; and

22 (2) by striking “become effective 15 months
23 after the date of enactment of the section” and in-
24 serting “take effect on the date of the enactment of
25 the Expedited CARD Reform for Consumers Act of

1 2009, except that for a depository institution, as de-
2 fined in section 19(b)(1)(A) of the Federal Reserve
3 Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2
4 million credit cards in circulation on the date of the
5 enactment of the Expedited CARD Reform for Con-
6 sumers Act of 2009, the effective date shall be Au-
7 gust 22, 2010”.

8 **SEC. 4. CLARIFICATION THAT 45-DAY DELAY DOES NOT**
9 **APPLY TO REDUCTIONS IN INTEREST RATES**
10 **AND FEES.**

11 Subsection (i) of section 127 of the Truth in Lending
12 Act (15 U.S.C. 1637) (as added by section 101(a)(1) of
13 the Credit CARD Act of 2009) is amended by adding at
14 the end the following new paragraph:

15 “(5) CLARIFICATION.—No provision of this
16 subsection shall be construed as preventing any
17 creditor from putting any reduction in an annual
18 percentage rate, any decrease or elimination of any
19 fee imposed on any consumer, or any significant
20 change in terms solely or primarily for the benefit of
21 the consumer into effect immediately.”.

1 **SEC. 5. MORATORIUM ON INCREASES IN RATES AND FEES**
2 **AND CHANGES IN TERMS TO THE DETRIMENT**
3 **OF THE CONSUMER.**

4 Notwithstanding any other provision of this Act or
5 any amendment made by this Act, subsection (b) of sec-
6 tion 164 of the Truth in Lending Act (as added by section
7 104(4) of the Credit Card Accountability Responsibility
8 and Disclosure Act of 2009 (Public Law 111–24)) shall
9 not take effect until February 22, 2010, for any creditor
10 with respect to an existing credit card account under an
11 open end credit plan, or such a plan issued on or after
12 the date of enactment, as long as the creditor does not—

13 (1) increase any annual percentage rate, fee, or
14 finance charge applicable to any existing or future
15 balance, except as permitted under subsection
16 171(b) of the Truth in Lending Act (as added by
17 Public Law 111–24); or

18 (2) change the terms to the detriment of a con-
19 sumer, including terms governing the repayment of
20 any outstanding balance, except as provided in sec-
21 tion 171(c) of the Truth in Lending Act (as added
22 by Public Law 111–24).

23 **SEC. 6. ADDITIONAL LIMITATIONS ESTABLISHED.**

24 Section 127 of the Truth in Lending Act (15 U.S.C.
25 1637) is amended by inserting after subsection (r) (as

1 added by the Credit CARD Act of 2009) the following new
2 subsection:

3 “(s) CANCELLATION OF ACCOUNT WITHOUT DETRI-
4 MENTAL EFFECT.—If, in the case of a credit card account
5 under an open end consumer credit plan, the consumer
6 receives notice of the imposition of a new fee, and within
7 the 45-day period beginning on receipt of such notice, pays
8 off any outstanding balance on the account, no creditor
9 and no consumer reporting agency (as defined in section
10 603) may use such pay off or closure of the consumer
11 credit account to negatively impact the consumer’s credit
12 score or consumer report (as such terms are defined in
13 sections 609 and 603, respectively).”.

14 **SEC. 7. MORATORIUM ON RATE INCREASES.**

15 (a) IN GENERAL.—During the period beginning on
16 the date of the enactment of this Act and ending 9 months
17 after the date of the enactment of the Credit Card Ac-
18 countability Responsibility and Disclosure Act of 2009, in
19 the case of any credit card account under an open end
20 consumer credit plan—

21 (1) no creditor may increase any annual per-
22 centage rate, fee, or finance charge applicable to any
23 outstanding balance, except as permitted under sub-
24 section 171(b) of the Truth in Lending Act (as
25 added by Public Law 111–24); and

1 (2) no creditor may change the terms governing
2 the repayment of any outstanding balance, except as
3 set forth in section 171(c) of the Truth in Lending
4 Act (as added by Public Law 111–24).

5 (b) DEFINITIONS.—For purposes of this section, the
6 following definitions shall apply:

7 (1) ANNUAL PERCENTAGE RATE.—The term
8 “annual percentage rate” means an annual percent-
9 age rate, as determined under section 107 of the
10 Truth in Lending Act (15 U.S.C. 1606).

11 (2) FINANCE CHARGE.—The term “finance
12 charge” means a finance charge, as determined
13 under section 106 of the Truth in Lending Act (15
14 U.S.C. 1605).

15 (3) OUTSTANDING BALANCE.—The term “out-
16 standing balance” has the same meaning as in sec-
17 tion 171(d) of the Truth in Lending Act (as added
18 by Public Law 111–24).

19 (4) OTHER TERMS.—Any term used in this sec-
20 tion that is defined in section 103 of the Truth in
21 Lending Act (15 U.S.C. 1602) and is not otherwise
22 defined in this section shall have the same meanings
23 as in section 103 of the Truth in Lending Act.

24 (c) REGULATORY AUTHORITY.—

1 (1) IN GENERAL.—The Board of Governors of
2 the Federal Reserve System may prescribe such reg-
3 ulations as may be necessary to carry out this sec-
4 tion.

5 (2) EFFECTIVE DATE.—The provisions of this
6 section shall take effect upon the date of the enact-
7 ment of this title, regardless of whether rules are
8 issued under subsection (a).

Passed the House of Representatives November 4,
2009.

Attest: LORRAINE C. MILLER,
Clerk.