#3-REV 2nd

AMENDMENT TO H.R. 627, AS REPORTED
OFFERED BY MR. HINCHEY OF NEW YORK

After section 8, insert the following new section (and redesignate the subsequent sections accordingly):

1 **SEC. 9. NATIONAL CONSUMER CREDIT CARD USURY RATE.**

2 Section 127B of the Truth in Lending Act is amend-
3 ed by inserting after subsection (p) (as added be section
4 6) the following new subsection:

5 "(q) NATIONAL CONSUMER CREDIT CARD USURY
6 RATE.—

7 "(1) LIMITATION ESTABLISHED.—The Board
8 may establish an annual percentage rate of interest
9 ceiling to be applied to unpaid balances, inclusive of
10 all finance charges, for any extension of credit on a
11 credit card account established under an open end
12 consumer credit plan.

13 "(2) ANTI-EVASION.—Any fees that are not
14 considered finance charges under section 106(a) may
15 not be used to evade the limitations of paragraph
16 (1), and the total sum of such fees may not exceed
17 the total amount of finance charges assessed.

18 "(3) FACTORS TO BE CONSIDERED BY THE
19 BOARD.—In determining whether to establish an an-

1 nual percentage rate of interest ceiling under para-
2 graph (1), the Board shall consider—
3 "(A) market conditions; and
4 "(B) any other issues affecting consumer
5 credit.
6 "(4) REDETERMINATION.—The Board shall
7 conduct a review of any annual percentage rate of
8 interest ceiling established by the Board under para-
9 graph (1), or the decision not to set such ceiling, at
10 least every 2 years, and, if appropriate, establish a
11 new ceiling.
12 "(5) VIOLATIONS OF THIS SUBSECTION.—For
13 purposes of this title, including the civil liability pro-
14 visions under section 130, the taking, receiving, re-
15 serving, or charging of an annual percentage rate or
16 fee greater than any ceiling established by the Board
17 under paragraph (1), when knowingly done, shall be
18 deemed a violation of this title.".