

## [Banking and Finance Law Daily Wrap Up, TOP STORY—'Wrong CHOICE Act' passes Committee on partisan lines, rejects amendments, \(May 4, 2017\)](#)

Banking and Finance Law Daily Wrap Up

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The Financial Services Committee has voted the Financial CHOICE Act out of committee and onto the full House floor, voting along partisan lines. The vote, 34 Republicans to 26 Democrats, follows two contentious days of markup by the Committee.

**Day one.** During the first day of markup of H.R. 10, the Financial CHOICE Act, Democrats introduced multiple amendments to "protect hardworking Americans from the catastrophic damage the bill would cause." Dubbed the "Wrong CHOICE Act" by Democrats, the bill would undermine the Dodd-Frank Act, a bill that was designed to protect against another financial crisis, said the Committee Democrat [press release](#).

Democrats offered a series of amendments to combat the "significant harm that would result from Wrong Choice Act," including:

- Reps. Nydia Velazquez (D-NY), Emanuel Cleaver (D-Mo), Stephen Lynch (D-Mass), Al Green (D-Texas), and Keith Ellison (D-Minn) introduced an amendment to protect consumers by preserving the Consumer Financial Protection Bureau's funding within the bill.
- Reps. Carolyn Maloney (D-NY), Denny Heck (D-Wash), and Al Green (D-Texas) introduced an amendment to protect consumers by ensuring that the Consumer Bureau is able to go after any Unfair, Deceptive or Abusive Acts or Practices (UDAAP) perpetrated on innocent consumers.
- Rep. Josh Gottheimer (D-NJ) introduced an amendment to protect consumers by ensuring that any UDAAP violation committed against 9/11 first responders could be enforced so that these heroes would be protected.
- Rep. Dan Kildee (D-Mich) offered an amendment to protect homeowners by ensuring that foreclosure victims could not be taken advantage of.
- Rep. David Scott (D-Ga) introduced an amendment to protect consumers by establishing an Office for the Under-banked and Un-Banked Consumers.
- Rep. Ruben Kihuen (D-Nev) introduced an amendment to protect consumers that states that any enforcement actions related to stopping fraudulent foreclosure activity by foreclosure mills or their mortgage servicers will not be subjected to the cost-benefit analysis in the bill.

**Day two.** On the second day, [additional amendments](#) were offered, including:

- Reps. Stephen Lynch (D-Mass), Keith Ellison (D-Minn), Al Green (D-Texas), and Gwen Moore (D-Wisc) introduced an amendment to protect retirement savers by restoring the Department of Labor's fiduciary rule, which would require those providing investment advice to actually work in the best interest of their clients.
- Rep. Michael Capuano (D-Mass) introduced an amendment that would halt the implementation of H.R. 10 until the Office of Government Ethics certifies that the bill does not directly benefit President Donald Trump or any executive branch appointee with influence over federal regulations.
- Rep. Ed Perlmutter (D-Colo) introduced an amendment that would halt the implementation of the Financial CHOICE Act until regulators report whether and how the rule being adopted, amended, or repealed would directly benefit any creditor listed in Trump's previous seven years of tax returns.

- Reps. Gwen Moore (D-Wisc) and Jim Himes (D-Conn) offered an amendment that would protect the economy by striking the Fed Oversight Reform and Modernization (FORM) Act, a provision that attacks the independence of the Federal Reserve Board.
- Reps. Bill Foster (D-Ill) and Emanuel Cleaver (D-Mo) offered an amendment that would correct the Republicans' revisionist history by inserting into the bill factual information about the Great Recession and its impact on hardworking Americans, as well as the way those economic metrics have turned around since Dodd-Frank became law.
- Rep. Jim Himes (D-Conn) and Carolyn Maloney (D-NY) introduced an amendment to protect investors by restoring the Securities and Exchange Commission's enforcement powers.
- Reps. Denny Heck (D-Wash), Vicente Gonzalez (D-Texas), Joyce Beatty (D-Ohio), and Nydia Velazquez (D-NY) introduced an amendment to protect investors by directing the SEC to create an Office of Servicemember Affairs.
- Rep. Brad Sherman (D-Calif) introduced an amendment to protect consumers by clarifying that forced arbitration clauses do not apply to checking and credit card accounts fraudulently opened without a customer's consent.
- Rep. Gregory Meeks (D-NY) offered an amendment to ensure that financial regulators have the tools to manage risks to our financial system by restoring their ability to limit capital distributions.
- Rep. Charlie Crist (D-Fla) offered an amendment to protect consumers by ensuring that the frivolous cost-benefit analysis does not apply to any action taken by the CFPB related to the enforcement of fair lending laws, including discriminatory lending practices targeting minority-owned and women-owned small businesses.
- Reps. Carolyn Maloney (D-NY), Gwen Moore (D-Wis), Keith Ellison (D-Minn), Gregory Meeks (D-NY), and Stephen Lynch (D-MA) introduced an amendment that would protect the economy by restoring the Orderly Liquidation Authority.
- Reps. Carolyn Maloney (D-NY), Michael Capuano (D-Mass), and Keith Ellison (D-Minn) offered an amendment that would strike provisions of H.R. 10 that would make it virtually impossible for ordinary shareholders to have a seat at the table at the biggest public companies.
- Reps. Josh Gottheimer (D-NJ), Denny Heck (D-Wash), and Bill Foster (D-Ill) introduced an amendment that would protect the economy by restoring the Volcker rule, a rule enacted in response to the economic crisis of 2008 to stop banks from gambling with taxpayer money.

Ultimately, all amendments were rejected.

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