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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the Consumer Financial Protection Act of 2010 to require the Bureau of Consumer Financial Protection to require reports and conduct examinations on a periodic basis of nondepository financial institutions for purposes of assessing compliance with the requirements of the Equal Credit Opportunity Act, and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

M\_\_\_. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Consumer Financial Protection Act of 2010 to require the Bureau of Consumer Financial Protection to require reports and conduct examinations on a periodic basis of nondepository financial institutions for purposes of assessing compliance with the requirements of the Equal Credit Opportunity Act, 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 “Promoting Fair Lend-  
3 ing to Small Businesses Act”.

4 **SEC. 2. SUPERVISION OF NONDEPOSITORY PERSONS SUB-**  
5 **JECT TO SMALL BUSINESS DATA COLLEC-**  
6 **TION REQUIREMENTS.**

7 (a) IN GENERAL.—The Consumer Financial Protec-  
8 tion Act of 2010 (12 U.S.C. 5481 et seq.) is amended by  
9 adding, after section 1024, the following:

10 **“SEC. 1024A. SUPERVISION OF NONDEPOSITORY PERSONS**  
11 **SUBJECT TO SMALL BUSINESS DATA COLLEC-**  
12 **TION REQUIREMENTS.**

13 “(a) IN GENERAL.—

14 “(1) IN GENERAL.—The Bureau shall require  
15 reports and conduct examinations on a periodic basis  
16 of nondepository financial institutions for purposes  
17 of—

18 “(A) assessing compliance with the re-  
19 quirements of the Equal Credit Opportunity  
20 Act (15 U.S.C. 1691 et seq.);

21 “(B) obtaining information about the ac-  
22 tivities and compliance systems or procedures of  
23 such nondepository financial institutions; and

24 “(C) detecting and assessing risks to small  
25 businesses and to markets for small business  
26 credit.

1           “(2) RISK-BASED SUPERVISION PROGRAM.—

2           The Bureau shall exercise the Bureau’s authority  
3           under paragraph (1) in a manner designed to ensure  
4           that such exercise, with respect to nondepository fi-  
5           nancial institutions, is based on the assessment by  
6           the Bureau of the risks posed to small businesses in  
7           the relevant product markets and geographic mar-  
8           kets, and taking into consideration, as applicable—

9                   “(A) the annual revenue of the nondeposi-  
10                  tory financial institution;

11                   “(B) the volume of transactions involving  
12                  small business credit in which the nondepository  
13                  financial institution engages;

14                   “(C) the risks to small businesses created  
15                  by the provision of such small business credit;

16                   “(D) the extent to which the nondepository  
17                  financial institution is subject to oversight by  
18                  State authorities for fair lending in the provi-  
19                  sion of small business credit; and

20                   “(E) any other factors that the Bureau de-  
21                  termines to be relevant to a class of nondeposi-  
22                  tory financial institutions.

23           “(b) DEFINITIONS.—In this section:

1           “(1) NONDEPOSITORY FINANCIAL INSTITU-  
2           TION.—The term ‘nondepository financial institu-  
3           tion’ means a person who—

4                   “(A) is a financial institution, as defined in  
5                   section 704B(h) of the Equal Credit Oppor-  
6                   tunity Act (15 U.S.C. 1691c-2(h));

7                   “(B) is required to collect and report infor-  
8                   mation under Bureau regulations prescribed  
9                   under section 704B(g) of the Equal Credit Op-  
10                  portunity Act (15 U.S.C. 1691c-2(g)); and

11                  “(C) is not an insured depository institu-  
12                  tion or an insured credit union.

13           “(2) SMALL BUSINESS.—The term ‘small busi-  
14           ness’ has the meaning given that term under  
15           704B(h) of the Equal Credit Opportunity Act (15  
16           U.S.C. 1691c-2(h)) and any regulations issued by  
17           the Bureau.”.

18           (b) CLERICAL AMENDMENT.—The table of contents  
19           in section 1(b) of the Dodd-Frank Wall Street Reform and  
20           Consumer Protection Act is amended by inserting after  
21           the item relating to section 1024 the following:

          “Sec. 1024A. Supervision of nondepository persons offering or making small  
          business loans.”.