

**[DISCUSSION DRAFT]**

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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

To make reforms to the Bureau of Consumer Financial Protection, and  
for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

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

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**A BILL**

To make reforms to the Bureau of Consumer Financial  
Protection, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “CFPB Reform Act of 2026”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REFORMING BUREAU GOVERNANCE

Sec. 101. Bringing the Bureau into the regular appropriations process.

- Sec. 102. Consumer Financial Civil Penalty Fund.
- Sec. 103. Transparency in cost-benefit analysis.
- Sec. 104. Accountability to small businesses.
- Sec. 105. Modernizing regulatory reviews.
- Sec. 106. Bureau of Consumer Financial Protection-Inspector General Reform.

TITLE II—RESTORING LEGAL CLARITY AND PROCEDURAL  
FAIRNESS

- Sec. 201. Rectifying undefined descriptions of abusive acts and practices.
- Sec. 202. Limitation on use of UDAAP to circumvent statutes of limitations.
- Sec. 203. Definition of substantial injury.
- Sec. 204. Restoring court authority over litigation.
- Sec. 205. Clarification to the authority of the Bureau with respect to persons regulated by a State insurance regulator.

TITLE III—PROMOTING INNOVATION IN CONSUMER FINANCIAL  
MARKETS

- Sec. 301. Safe harbor for small-dollar credit products.
- Sec. 302. Guidance clarity statement required.

TITLE IV—PROMOTING EFFECTIVE, PREDICTABLE SUPERVISION

- Sec. 401. Asset thresholds for supervision of very large banks, savings associations, and credit unions by the Bureau of Consumer Financial Protection.
- Sec. 402. Supervisory election for covered institutions.
- Sec. 403. Financial regulatory coordination and accountability.
- Sec. 404. Reforms to nonbank supervision.

TITLE V—PREVENTING REGULATION BY ENFORCEMENT

- Sec. 501. Civil Money Penalties.
- Sec. 502. Limitations on market monitoring functions.
- Sec. 503. Enforcement powers of the States.
- Sec. 504. Indexing of asset-based thresholds in regulations.
- Sec. 505. Collecting and tracking complaints.
- Sec. 506. Enhancements to small business loan privacy.

1     **TITLE I—REFORMING BUREAU**  
2                                     **GOVERNANCE**

3     **SEC. 101. BRINGING THE BUREAU INTO THE REGULAR AP-**  
4                                     **PROPRIATIONS PROCESS.**

5             Section 1017 of the Consumer Financial Protection  
6 Act of 2010 (12 U.S.C. 5497) is amended—

7                     (1) in subsection (a)—

1 (A) by amending the heading of such sub-  
2 section to read as follows: “BUDGET, FINAN-  
3 CIAL MANAGEMENT, AND AUDIT.—”;

4 (B) by striking paragraphs (1), (2), and  
5 (3);

6 (C) by redesignating paragraphs (4) and  
7 (5) as paragraphs (1) and (2), respectively; and

8 (D) by striking subparagraphs (E) and (F)  
9 of paragraph (1), as so redesignated;

10 (2) by striking subsections (b) and (c);

11 (3) by redesignating subsections (d) and (e) as  
12 subsections (b) and (c), respectively; and

13 (4) in subsection (c), as so redesignated—

14 (A) by striking paragraphs (1), (2), and  
15 (3); and

16 (B) in paragraph (4), by striking “(4) AN-  
17 NUAL REPORT.—”.

18 **SEC. 102. CONSUMER FINANCIAL CIVIL PENALTY FUND.**

19 Subsection (b) of section 1017 of the Consumer Fi-  
20 nancial Protection Act of 2010 (12 U.S.C. 5497), as so  
21 redesignated by section 101(3), is amended—

22 (1) in paragraph (2)—

23 (A) in the first sentence, by inserting “di-  
24 rect” before “victims”; and

25 (B) by striking the second sentence; and

1 (2) by adding at the end the following:

2 “(3) TREATMENT OF EXCESS AMOUNTS.—With  
3 respect to a civil penalty described under paragraph  
4 (1), if the Bureau makes payments to all of the di-  
5 rect victims of activities for which that civil penalty  
6 was imposed, the Bureau shall transfer all amounts  
7 that remain in the Civil Penalty Fund with respect  
8 to that civil penalty to the general fund of the  
9 Treasury.”.

10 **SEC. 103. TRANSPARENCY IN COST-BENEFIT ANALYSIS.**

11 Section 1022(b) of the Consumer Financial Protec-  
12 tion Act of 2010 (12 U.S.C. 5512(b)) is amended by add-  
13 ing at the end the following:

14 “(5) ADDITIONAL RULEMAKING REQUIRE-  
15 MENTS.—

16 “(A) IN GENERAL.—Each notice of pro-  
17 posed rulemaking issued by the Bureau shall be  
18 published in its entirety in the Federal Register  
19 and shall include—

20 “(i) an identification of objectives and  
21 key performance indicators, including—

22 “(I) a specification of the pri-  
23 mary objectives and intended effects  
24 of the rule, balancing the need for  
25 consumer financial protection with ac-

1                   cess to affordable consumer financial  
2                   products and services; and

3                   “**(II)** an identification of 1 or  
4                   more key performance indicators by  
5                   which the effectiveness of the rule will  
6                   be assessed during the review under  
7                   section 1022A;

8                   “(ii) an examination of why the Bu-  
9                   reau must undertake the proposed regula-  
10                  tion and why the private market, State,  
11                  local, or tribal authorities cannot ade-  
12                  quately address the problem;

13                  “(iii) an examination of whether the  
14                  proposed regulation is duplicative, incon-  
15                  sistent, or incompatible with other Federal  
16                  regulations and orders;

17                  “(iv) if the proposed regulation is  
18                  found to be duplicative, inconsistent, or in-  
19                  compatible with other Federal regulations  
20                  and orders, a discussion of—

21                         “(I) why the proposed regulation  
22                         is justified;

23                         “(II) how the proposed regulation  
24                         can coexist with the existing regula-  
25                         tions; and

1                   “(III) how the Bureau plans to  
2                   reduce the regulatory burden associ-  
3                   ated with the duplicative, inconsistent,  
4                   or incompatible proposed regulation;

5                   “(v) a quantitative and qualitative as-  
6                   sessment of all anticipated direct and indi-  
7                   rect costs and benefits of the proposed reg-  
8                   ulation, including—

9                   “(I) compliance costs for all reg-  
10                  ulated entities, including small busi-  
11                  nesses;

12                  “(II) effects on economic activity,  
13                  efficiency, competition and capital for-  
14                  mation;

15                  “(III) regulatory and administra-  
16                  tive costs of implementation; and

17                  “(IV) costs imposed on State,  
18                  local and tribal entities;

19                  “(vi) an identification of reasonable  
20                  alternatives to the regulation, including  
21                  modification of an existing regulation;

22                  “(vii) an analysis of the costs and  
23                  benefits, both quantitative and qualitative,  
24                  of any alternative identified pursuant to  
25                  clause (vi);

1           “(viii) if quantified net benefits of the  
2           proposed action do not outweigh the quan-  
3           tified net benefits of the alternatives, a jus-  
4           tification of the regulation;

5           “(ix) if quantified benefits identified  
6           pursuant to clause (v) do not outweigh the  
7           quantified costs of the regulation, a jus-  
8           tification of the regulation;

9           “(x) an assessment of how the burden  
10          imposed by the regulation will be distrib-  
11          uted; including whether consumers, or  
12          small businesses will be disproportionately  
13          burdened; and

14          “(xi) using appropriate statistical  
15          techniques, including a probability dis-  
16          tribution of the relevant outcomes of the  
17          proposed regulation.

18          “(B) RELEASE OF DATA AND ASSUMP-  
19          TIONS RELIED UPON IN THE RULEMAKING  
20          PROCESS.—To the greatest extent possible, con-  
21          sidering protections with respect to confidential  
22          supervisory information, trade secrets, and con-  
23          fidential commercial information, the Bureau  
24          shall—

1 “(i) preserve and make available to  
2 the Director of the Office of Management  
3 and Budget any data and assumptions the  
4 Bureau relied upon in proposing a rule;  
5 and

6 “(ii) make such data and assumptions  
7 publicly available.”.

8 **SEC. 104. ACCOUNTABILITY TO SMALL BUSINESSES.**

9 (a) RULEMAKING UNDER DODD-FRANK WALL  
10 STREET REFORM AND CONSUMER PROTECTION ACT.—  
11 Section 1022(b)(2)(A) of the Dodd-Frank Wall Street Re-  
12 form and Consumer Protection Act (12 U.S.C.  
13 5512(b)(2)(A)) is amended—

14 (1) in clause (i), by striking “and” at the end;

15 (2) in clause (ii), by striking the semicolon at  
16 the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(iii) the impact of proposed rules on  
19 small entities, in accordance with section  
20 609 of title 5, United States Code;”.

21 (b) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—  
22 Section 603(d)(1) of title 5, United States Code, is amend-  
23 ed—

24 (1) in subparagraph (B), by striking “and” at  
25 the end;

1 (2) in subparagraph (C), by striking the period  
2 and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(D) where the covered agency does not  
5 adopt any alternatives described in paragraphs  
6 (1) through (4) of subsection (c), a detailed jus-  
7 tification of the covered agency’s determination  
8 that the relative size and resources of small en-  
9 tities should have no bearing on the rule, sup-  
10 ported by factual, policy and legal reasons.”.

11 (c) FINAL REGULATORY FLEXIBILITY ANALYSIS.—  
12 Section 604(a) of title 5, United States Code, is amended  
13 by amending the second paragraph (6) to read as follows:

14 “(7) for a covered agency, as defined in section  
15 609(d)(2), a description of the steps the agency has  
16 taken to minimize any additional cost of credit for  
17 small entities and, where no significant alternatives  
18 for small entities was adopted, a detailed justifica-  
19 tion of the covered agency’s determination that the  
20 relative size and resources of small entities should  
21 have no bearing on the rule, supported by factual,  
22 policy and legal reasons.”.

23 **SEC. 105. MODERNIZING REGULATORY REVIEWS.**

24 (a) AMENDMENT TO THE CONSUMER FINANCIAL  
25 PROTECTION ACT OF 2010.—Title X of the Dodd-Frank

1 Wall Street Reform and Consumer Protection Act (12  
2 U.S.C. 5481 et seq.) is amended by inserting after section  
3 1022 the following:

4 **“SEC. 1022A. ENHANCED REVIEW OF REGULATIONS.**

5 “(a) REVIEW OF MAJOR RULES OR ORDERS.—

6 “(1) REVIEW AUTHORITY.—Notwithstanding  
7 any other provision of law, a review of major rules  
8 or orders shall be conducted by the Director.

9 “(2) TIMING OF REVIEW.—

10 “(A) IN GENERAL.—With respect to any  
11 major rule or order for which compliance with  
12 such rule or order is required on or after the  
13 date of the enactment of this section, the Direc-  
14 tor shall conduct a review of such rule or order  
15 not later than 8 years after the first date on  
16 which compliance with such rule or order is re-  
17 quired.

18 “(B) RETROSPECTIVE REVIEW.—With re-  
19 spect to any major rule or order in effect for  
20 which compliance with such rule or order is re-  
21 quired before the date of the enactment of this  
22 section, the Director shall conduct a review of  
23 such rule or order not later than 8 years after  
24 the date of the enactment of this section.

1           “(3) SCOPE OF REVIEW.—In conducting a re-  
2 view under this subsection, the Director shall—

3           “(A) evaluate the costs and benefits of the  
4 rule, including—

5           “(i) compliance costs for covered per-  
6 sons and service providers;

7           “(ii) the extent to which the rule  
8 achieved the objectives of the rule;

9           “(iii) changes in technology, the emer-  
10 gence of new market entrants, and other  
11 market developments since the rule was  
12 issued;

13           “(iv) impacts on competition, innova-  
14 tion, and risk-based pricing;

15           “(v) operational impacts on covered  
16 persons and service providers;

17           “(vi) any unintended consequences af-  
18 fecting consumer choice or access to credit;  
19 and

20           “(vii) whether any dollar, volume, or  
21 other thresholds appropriately tailor bur-  
22 dens to entity size; and

23           “(B) consider the purposes, objectives, and  
24 functions of the Bureau under section 1021.

25           “(4) PUBLIC INPUT AND AGENCY RESPONSE.—

1           “(A) REQUEST FOR INFORMATION.—Prior  
2 to completing the review, the Director shall seek  
3 public comment for not less than 90 days on  
4 the factors described in paragraph (3).

5           “(B) AGENCY RESPONSE.—Not later than  
6 120 days after the close of the comment period,  
7 the Bureau shall provide a written response to  
8 the Director addressing relevant comments re-  
9 ceived.

10           “(C) INTERAGENCY CONSULTATION.—

11           “(i) IN GENERAL.—In conducting a  
12 review under this subsection, the Director  
13 shall consult with—

14           “(I) the Board of Governors of  
15 the Federal Reserve System;

16           “(II) the Federal Deposit Insur-  
17 ance Corporation;

18           “(III) the Office of the Comp-  
19 troller of the Currency;

20           “(IV) the Federal Trade Com-  
21 mission;

22           “(V) if the Bureau conducted a  
23 small business review panel for the  
24 major rule or order, the Small Busi-  
25 ness Administration; and

1                   “(VI) any other agency that the  
2                   Director determines relevant to the  
3                   major rule or order.

4                   “(ii) PUBLIC ACCESS TO TOPICS DIS-  
5                   CUSSED.—After consulting with the agen-  
6                   cies pursuant to clause (i), the Director  
7                   shall publish on a public website a docu-  
8                   ment which describes the topics discussed  
9                   during such consultations.

10                  “(5) OUTCOME OF REVIEW.—If the Director  
11                  determines that a major rule or order, in whole or  
12                  in part, fails to demonstrate net benefits under the  
13                  review required under this subsection—

14                         “(A) the Bureau shall, not later than 1  
15                         year after such determination, issue a notice of  
16                         proposed rulemaking to amend or repeal the  
17                         rule or order; or

18                         “(B) the Bureau may petition the Director  
19                         for a single extension of up to 18 months, if the  
20                         rule requires an analysis under chapter 6 of  
21                         title 5, United States Code.

22                  “(b) REVIEW OF NON-MAJOR RULES.—

23                         “(1) IN GENERAL.—The Director shall review  
24                         any non-major rules issued by the Bureau not later

1 than 10 years after the first compliance date for  
2 each such rule.

3 “(2) PROCEDURES.—Not later than 1 year  
4 after the date of the enactment of this section, the  
5 Director shall issue rules that establish the proce-  
6 dure for the review of non-major rules.

7 “(c) EXCLUSION OF RULES IN WHICH BUREAU EX-  
8 ERCISED NO MATERIAL DISCRETION.—

9 “(1) IN GENERAL.—Any rule or order for which  
10 the Bureau has not exercised any material discretion  
11 pursuant to a statutory requirement, as determined  
12 by the Director, shall be exempt from any review de-  
13 scribed under this section.

14 “(2) PUBLIC INPUT.—Beginning on the date  
15 that is 1 year after the date of the enactment of this  
16 section, and every 2 years thereafter, the Director  
17 shall—

18 “(A) seek public input on the determina-  
19 tion described in paragraph (1); and

20 “(B) publish on a public website a list of  
21 rules or orders exempt from review pursuant to  
22 this subsection.

23 “(d) SEVERABILITY GUIDANCE.—Not later than 1  
24 year after the date of the enactment of this section, the  
25 Director shall issue guidance on how portions of rules may

1 be considered severable between a major rule, a non-major  
2 rule, and an excluded rule described in subsection (c), for  
3 purposes determining if and how a rule will be reviewed,  
4 including whether separate analyses will be conducted for  
5 severable provisions.

6 “(e) POSTPONEMENT OF REVIEW OF SIGNIFICANTLY  
7 AMENDED RULES AND ORDERS.—

8 “(1) IN GENERAL.—The Director may postpone  
9 any review under this section by not later than 3  
10 years if the Director determines that a rule or order  
11 has been significantly amended by the Bureau dur-  
12 ing the period described—

13 “(A) in subsection (a)(2), with respect to  
14 major rules or orders; and

15 “(B) in (b)(1), with respect to non-major  
16 rules.

17 “(2) PUBLIC COMMENT.—The Director shall  
18 seek public comments in making a determination  
19 pursuant to paragraph (1).

20 “(f) PUBLICATION OF REVIEW CALENDAR.—Not  
21 later than 180 days after the date of the enactment of  
22 this section, and every 6 months thereafter, the Director  
23 shall publish in the Federal Register and on a publicly  
24 accessible website a schedule of anticipated reviews under  
25 this section for the succeeding 2-year period.

1       “(g) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall be construed to limit the authority of the Bureau  
3 to amend or repeal any rule at any time under other provi-  
4 sions of law.

5       “(h) AUTHORITY TO ISSUE IMPLEMENTING REGULA-  
6 TIONS.—The Director is authorized to promulgate such  
7 rules and regulations as are necessary to carry out the  
8 provisions of this section.

9       “(i) DEFINITIONS.—In this section:

10           “(1) DIRECTOR.—The term ‘Director’ means  
11 the Director of the Office of Management and Budget.  
12 et.

13           “(2) KEY PERFORMANCE INDICATOR.— The  
14 term ‘key performance indicator’ means an objective,  
15 measurable outcome metric identified by the Bureau  
16 for the purpose of assessing whether a rule achieves  
17 the rule’s intended statutory and regulatory objec-  
18 tives.

19           “(3) MAJOR RULE.—The term ‘major rule’ has  
20 the meaning given that term in section 804 of title  
21 5, United States Code.”.

22       (b) CONFORMING AMENDMENT.—Section 1022 of the  
23 Consumer Financial Protection Act of 2010 (12 U.S.C.  
24 5512) is amended by striking subsection (d).

1 **SEC. 106. BUREAU OF CONSUMER FINANCIAL PROTECTION-**  
2 **INSPECTOR GENERAL REFORM.**

3 (a) APPOINTMENT OF INSPECTOR GENERAL.—Chap-  
4 ter 4 of title 5, United States Code, is amended—

5 (1) in section 401—

6 (A) in paragraph (1), by inserting “the  
7 Bureau of Consumer Financial Protection,”  
8 after “the Export-Import Bank of the United  
9 States,”; and

10 (B) in paragraph (3), by inserting “the Di-  
11 rector of the Bureau of Consumer Financial  
12 Protection;” after “the President of the Export-  
13 Import Bank of the United States;”; and

14 (2) in section 415—

15 (A) in subsection (a)(1), by striking “and  
16 the Bureau of Consumer Financial Protection”;

17 (B) in subsection (c), by striking “For  
18 purposes of implementing this section, the  
19 Chairman of the Board of Governors of the  
20 Federal Reserve System shall appoint the In-  
21 spector General of the Board of Governors of  
22 the Federal Reserve System and the Bureau of  
23 Consumer Financial Protection. The Inspector  
24 General of the Board of Governors of the Fed-  
25 eral Reserve System and the Bureau of Con-  
26 sumer Financial Protection shall have all of the

1 authorities and responsibilities provided by this  
2 Act with respect to the Bureau of Consumer Fi-  
3 nancial Protection, as if the Bureau were part  
4 of the Board of Governors of the Federal Re-  
5 serve System.”; and

6 (C) in subsection (g)(3), by striking “and  
7 the Bureau of Consumer Financial Protection”.

8 (b) REQUIREMENTS FOR THE INSPECTOR GENERAL  
9 FOR THE BUREAU OF CONSUMER FINANCIAL PROTEC-  
10 TION.—

11 (1) ESTABLISHMENT.—Section 1011 of the  
12 Dodd-Frank Wall Street Reform and Consumer Pro-  
13 tection Act (12 U.S.C. 5491) is amended—

14 (A) in subsection (b)—

15 (i) in the subsection heading, by strik-  
16 ing “AND DEPUTY DIRECTOR” and insert-  
17 ing “, DEPUTY DIRECTOR, AND INSPEC-  
18 TOR GENERAL”; and

19 (ii) by inserting after paragraph (5)  
20 the following:

21 “(6) INSPECTOR GENERAL.—There is estab-  
22 lished the position of the Inspector General.”; and

23 (B) in subsection (d), by striking “or Dep-  
24 uty Director” each place it appears and insert-  
25 ing “, Deputy Director, or Inspector General”.

1           (2) HEARINGS.—Section 1016 of such Act is  
2           amended by inserting after subsection (c) the fol-  
3           lowing:

4           “(d) ADDITIONAL REQUIREMENT FOR INSPECTOR  
5 GENERAL.—Within a reasonably short amount of time  
6 after each appearance by the Director of the Bureau be-  
7 fore the Committee on Banking, Housing, and Urban Af-  
8 fairs of the Senate or the Committee on Financial Services  
9 of the House of Representatives described in subsection  
10 (a), the Inspector General of the Bureau shall appear,  
11 upon invitation, before such committee regarding the re-  
12 ports required under subsection (b) and the reports re-  
13 quired under section 405 of title 5, United States Code.”.

14           (3) PARTICIPATION IN THE COUNCIL OF IN-  
15 SPECTORS GENERAL ON FINANCIAL OVERSIGHT.—  
16 Section 989E(a)(1) of such Act is amended by add-  
17 ing at the end the following:

18           “(J) The Bureau of Consumer Financial  
19 Protection.”.

20           (4) DEADLINE FOR APPOINTMENT.—Not later  
21 than 60 days after the date of the enactment of this  
22 Act, the President shall appoint an Inspector Gen-  
23 eral for the Bureau of Consumer Financial Protec-  
24 tion in accordance with section 403 of title 5, United  
25 States Code.

1 (c) EFFECTIVE DATE.—

2 (1) IN GENERAL.—The amendments made by  
3 this section shall take effect on the date on which  
4 the first Inspector General of the Bureau of Con-  
5 sumer Financial Protection is confirmed by the Sen-  
6 ate.

7 (2) APPOINTMENT.—The President may ap-  
8 point, and the Senate may confirm, an Inspector  
9 General of the Bureau of Consumer Financial Pro-  
10 tection before the amendments made by this section  
11 take effect.

12 (3) TRANSITION.—The Inspector General of the  
13 Board of Governors of the Federal Reserve System  
14 and the Bureau of Consumer Financial Protection  
15 shall, upon the date on which the first Inspector  
16 General of the Bureau of Consumer Financial Pro-  
17 tection is confirmed by the Senate, become the In-  
18 spector General of the Board of Governors of the  
19 Federal Reserve System.

1 **TITLE II—RESTORING LEGAL**  
2 **CLARITY AND PROCEDURAL**  
3 **FAIRNESS**

4 **SEC. 201. RECTIFYING UNDEFINED DESCRIPTIONS OF ABU-**  
5 **SIVE ACTS AND PRACTICES.**

6 (a) RULEMAKING RELATING TO UNFAIR, DECEPTIVE  
7 OR ABUSIVE ACTS OR PRACTICES.—

8 (1) IN GENERAL.—Section 1031 of the Con-  
9 sumer Financial Protection Act of 2010 (12 U.S.C.  
10 5531) is amended by striking subsection (b) and in-  
11 sserting the following:

12 “(b) RULEMAKING.—

13 “(1) IN GENERAL.—The Bureau may prescribe  
14 rules applicable to a covered person or service pro-  
15 vider identifying as unlawful unfair, deceptive, or  
16 abusive acts or practices in connection with any  
17 transaction with a consumer for a consumer finan-  
18 cial product or service, or the offering of a consumer  
19 financial product or service. Rules under this section  
20 may include requirements for the purpose of pre-  
21 venting such acts or practices.

22 “(2) COST BENEFIT ANALYSIS REQUIRED.—

23 Any final rule issued by the Bureau relating to abu-  
24 sive, unfair, or deceptive acts or practices shall in-  
25 clude a cost-benefit analysis.

1           “(3) DEFINITION OF ABUSIVE ACT OR PRAC-  
2           TICE.—The Bureau shall, not later than 180 days  
3           after the date of the enactment of this subsection,  
4           issue a rule that defines the term ‘abusive act or  
5           practice’ for the purposes of this section.”.

6           (2) OPPORTUNITY FOR COMMENT.—The Bu-  
7           reau of Consumer Financial Protection shall, not  
8           later than 180 days after the date of the enactment  
9           of this subsection, allow the public to submit com-  
10          ments with respect to any confusion about how the  
11          Bureau of Consumer Financial Protection uses its  
12          authority with respect to unfair, deceptive, or abu-  
13          sive acts or practices.

14          (b) NO AUTHORITY TO DECLARE AN ACT UNLAWFUL  
15          BASED ON DISCRIMINATION.—Section 1031 of the Con-  
16          sumer Financial Protection Act of 2010 (12 U.S.C. 5531)  
17          is amended by adding at the end the following:

18          “(g) NO AUTHORITY TO DECLARE AN ACT UNLAW-  
19          FUL BASED ON DISCRIMINATION.—The Bureau may not  
20          interpret the authority of the Bureau relating to unfair,  
21          deceptive, or abusive acts and practices to include dis-  
22          criminatory practices.”.

23          (c) CLARIFYING THE ABUSIVE STANDARD FOR THE  
24          BUREAU OF CONSUMER FINANCIAL PROTECTION.—Sec-  
25          tion 1031 of the Consumer Financial Protection Act of

1 2010 (12 U.S.C. 5531) is amended by striking subsection  
2 (d) and inserting the following:

3 “(d) ABUSIVE.—

4 “(1) IN GENERAL.—The Bureau shall have no  
5 authority to declare an act or practice of a covered  
6 person or a service provider abusive in connection  
7 with the provision of a consumer financial product  
8 or service, unless the act or practice—

9 “(A) intentionally and materially interferes  
10 with the ability of a consumer to understand a  
11 term or condition of a consumer financial prod-  
12 uct or service; or

13 “(B) takes unreasonable advantage of—

14 “(i) a lack of understanding by the  
15 consumer with respect to the possible im-  
16 pact, material risks, costs, or conditions of  
17 the product or service, or the likelihood of  
18 the risks, costs, or conditions of the prod-  
19 uct or service negatively affecting the con-  
20 sumer; and

21 “(ii) the reasonable reliance the con-  
22 sumer places on an affirmative action or  
23 representation of such covered person or  
24 service provider to induce such consumer  
25 to rely on such action or representation.

1           “(2) ABUSIVE ACTIONS.—Conduct of a covered  
2 person or service provider shall be considered abu-  
3 sive if—

4           “(A) the act or practice causes or is likely  
5 to cause substantial injury to consumers which  
6 is not reasonably avoidable by consumers, pro-  
7 vided, however, that if the act or practice was  
8 timely, clearly and conspicuously disclosed to  
9 consumers, the injury is presumed to be reason-  
10 ably avoidable; and

11           “(B) such substantial injury is not out-  
12 weighed by countervailing benefits to consumers  
13 or to competition.

14           “(e) GOOD-FAITH EFFORT TO COMPLY.—

15           “(1) IN GENERAL.—The Bureau may not seek  
16 monetary relief from a covered person or service pro-  
17 vider under this section unless the covered person or  
18 service provider has not established by a preponder-  
19 ance of the evidence that they made a good-faith ef-  
20 fort to comply with the requirements of this section.

21           “(2) AUTHORITY TO SEEK LEGAL OR EQUI-  
22 TABLE REMEDIES.—The limitation described in  
23 paragraph (1) shall not restrict the authority of the  
24 Bureau to seek legal or equitable remedies, such as  
25 damages and restitution, to redress an identifiable

1 consumer injury caused by the abusive acts or prac-  
2 tices of such covered person.”.

3 (d) NOTICE AND OPPORTUNITY TO CURE.—Section  
4 1031 of the Consumer Financial Protection Act of 2010  
5 (12 U.S.C. 5531), as amended by subsection (b), is fur-  
6 ther amended by adding at the end the following:

7 “(h) NOTICE AND OPPORTUNITY TO CURE.—

8 “(1) IN GENERAL.—If a covered person self-  
9 identifies a potential unfair, deceptive, or abusive act  
10 or practice carried out by such covered person, the  
11 Bureau shall, not later than 90 days after such self-  
12 identification, provide a written notice in the form of  
13 a potential action and request for response letter or  
14 a notice and opportunity to respond and advise let-  
15 ter of the potential unfair, deceptive, or abusive act  
16 or practice to such covered person and inform the  
17 covered person that such person has 180 days after  
18 the date the covered person receives such notice to  
19 cure such potential unfair, deceptive, or abusive act  
20 before the Bureau may commence an administrative  
21 proceeding or civil action.

22 “(2) TOLLING OF STATUTE OF LIMITATIONS.—  
23 Any applicable statute of limitations that applies to  
24 conduct under which the Bureau has given notice  
25 and an opportunity to cure shall not toll until—

1           “(A) the covered person cures the potential  
2           abusive, unfair, or deceptive act or practice and  
3           notifies the Bureau that such act or practice  
4           has been cured;

5           “(B) the covered person notifies the Bu-  
6           reau that such covered person will not cure the  
7           act or practice; or

8           “(C) the 180-day period to cure ends.”.

9           (e) ABUSIVE, UNFAIR, OR DECEPTIVE ACTS OR  
10          PRACTICES ENFORCEMENT ACTIONS.—Section 1031 of  
11          the Consumer Financial Protection Act of 2010 (12  
12          U.S.C. 5531), as amended by subsection (e), is further  
13          amended by adding at the end the following

14          “(i) VENUE FOR UNFAIR, DECEPTIVE, OR ABUSIVE  
15          ACTS OR PRACTICES ENFORCEMENT ACTIONS.—Enforce-  
16          ment actions brought by the Bureau under this section  
17          shall be brought in—

18                 “(1) the United States district court located  
19                 where the covered person has its headquarters loca-  
20                 tion; or

21                 “(2) the United States District Court for the  
22                 District of Columbia.

23          “(j) ENFORCEMENT ACTIONS.—

24                 “(1) IN GENERAL.—If the Bureau brings an  
25                 enforcement action under this section, the Bureau

1 shall state with particularity the circumstances that  
2 the Bureau alleges constitute a violation of this sec-  
3 tion.

4 “(2) ALTERNATIVE CLAIMS.—If the Bureau  
5 brings an enforcement action under this section—

6 “(A) claiming that an activity is unfair or  
7 deceptive, the Bureau may not claim in the al-  
8 ternative that the activity is abusive; and

9 “(B) claiming that an activity is abusive,  
10 the Bureau may not claim in the alternative  
11 that the activity is unfair or deceptive.”.

12 (f) LOOK-BACK PROVISIONS.—

13 (1) IN GENERAL.—Subtitle B of title X of the  
14 Consumer Financial Protection Act of 2010 (12  
15 U.S.C. 5511 et seq.) is amended by adding at the  
16 end the following new section:

17 **“SEC. 1029B. EXAMINATION PERIOD LIMITATIONS.**

18 “(a) IN GENERAL.—When enforcing Federal con-  
19 sumer financial law, the Bureau may not seek a civil  
20 money penalty for any violating conduct that occurred  
21 prior to the most recent assignment of a rating under the  
22 Uniform Interagency Consumer Compliance Rating Sys-  
23 tem of the Financial Institutions Examination Council (or  
24 any successor rating system).

1       “(b) **RULE OF CONSTRUCTION.**—This limitation de-  
2 scribed in subsection (a) may not be construed to restrict  
3 the ability of the Bureau to seek other forms of legal or  
4 equitable relief available under subparagraphs (A) through  
5 (G) of section 1055(a)(2) for any violating conduct that  
6 occurred prior to the most recent assignment of a con-  
7 sumer compliance rating.”.

8               (2) **CLERICAL AMENDMENT.**—The table of con-  
9 tents in section 1(b) of the Dodd-Frank Wall Street  
10 Reform and Consumer Protection Act is amended by  
11 inserting after the item relating to section 1029A  
12 the following:

“Sec. 1029B. Examination period limitations.”.

13 **SEC. 202. LIMITATION ON USE OF UDAAP TO CIRCUMVENT**  
14 **STATUTES OF LIMITATIONS.**

15       (a) **IN GENERAL.**—Section 1054 of the Consumer Fi-  
16 nancial Protection Act of 2010 (12 U.S.C. 5564) is  
17 amended by adding at the end the following:

18       “(h) **LIMITATION ON ACTIONS BASED ON UNFAIR,**  
19 **DECEPTIVE, OR ABUSIVE ACTS OR PRACTICES.**—

20               “(1) **IN GENERAL.**—Notwithstanding subsection  
21 (g), in any action brought by the Bureau under sec-  
22 tion 1036(a)(1)(B) alleging an unfair, deceptive, or  
23 abusive act or practice, the applicable statute of lim-  
24 itations shall be determined in accordance with this  
25 subsection.

1           “(2) CONDUCT SUBJECT TO ANOTHER FEDERAL  
2           CONSUMER FINANCIAL LAW.—If conduct alleged to  
3           constitute an unfair, deceptive, or abusive act or  
4           practice under this title is the same conduct, or  
5           arises from the same set of operative facts, as con-  
6           duct that would constitute a violation of a Federal  
7           consumer financial law that provides for a statute of  
8           limitations, the Bureau may not bring such action  
9           after the expiration of the statute of limitations ap-  
10          plicable to such Federal consumer financial law.

11          “(3) RULE OF CONSTRUCTION.—Nothing in  
12          this subsection shall be construed to—

13                 “(A) preclude the Bureau from bringing  
14                 an action under section 1036(a)(1)(B) based on  
15                 conduct that does not constitute a violation of  
16                 another Federal consumer financial law; or

17                 “(B) alter, extend, or toll any statute of  
18                 limitations applicable to a violation of any Fed-  
19                 eral consumer financial law.”.

20          (b) APPLICATION.—Section 1054(h) of the Consumer  
21          Financial Protection Act of 2010 shall apply to actions  
22          brought by the Bureau of Consumer Financial Protection  
23          on and after the date of enactment of this Act.

1 **SEC. 203. DEFINITION OF SUBSTANTIAL INJURY.**

2 Section 1002 of the Consumer Financial Protection  
3 Act of 2010 (12 U.S.C. 5481) is amended by adding at  
4 the end the following:

5 “(30) SUBSTANTIAL INJURY.—The term ‘sub-  
6 stantial injury’—

7 “(A) means a concrete and quantifiable  
8 harm to a consumer or a class of consumers, in-  
9 cluding—

10 “(i) monetary harm;

11 “(ii) a material risk of monetary harm  
12 that the Bureau determines is likely to  
13 occur; or

14 “(iii) a significant adverse effect on a  
15 consumer’s ability to access or use a con-  
16 sumer financial product or service;

17 “(B) does not include—

18 “(i) trivial, hypothetical, or merely  
19 speculative harms;

20 “(ii) emotional impact, reputational  
21 harm, or subjective distress absent a show-  
22 ing of material financial or functional im-  
23 pairment; or

24 “(iii) harms that are outweighed by  
25 countervailing benefits to consumers or  
26 competition;

1 “(C) shall be determined based on objec-  
2 tive evidence, which may include—

3 “(i) the aggregate impact on similarly  
4 situated consumers;

5 “(ii) the likelihood and magnitude of  
6 harm; and

7 “(iii) whether the injury results from  
8 a practice that is systemic or isolated;

9 “(D) requires that a material risk of harm  
10 be reasonably foreseeable at the time of the act  
11 or practice that causes or is likely to cause the  
12 injury; and

13 “(E) may not be established solely by a  
14 technical violation of law, contractual term, or  
15 regulatory requirement absent a showing of  
16 concrete and quantifiable harm to a consumer  
17 or a class of consumers.”.

18 **SEC. 204. RESTORING COURT AUTHORITY OVER LITIGA-**  
19 **TION.**

20 (a) COURT AUTHORITY OVER ATTORNEYS ENGAGED  
21 IN LITIGATION ACTIVITIES.—

22 (1) IN GENERAL.—Chapter 99 of title 28,  
23 United States Code, is amended by inserting after  
24 section 1631 the following:

1 **“§ 1632. Preservation of State and Federal courts’ pri-**  
2 **mary and inherent authority to regulate**  
3 **and oversee attorneys engaged in litiga-**  
4 **tion activities**

5 “(a) DEFINITIONS.—In this section:

6 “(1) FEDERAL AGENCY.—The term ‘Federal  
7 agency’ means an agency as defined in section  
8 551(1) of title 5.

9 “(2) LITIGATION ACTIVITIES.—The term ‘litiga-  
10 tion activities’ means any actions by a licensed attor-  
11 ney or a law firm in connection with a legal action  
12 in a court of law on behalf of a client, including—

13 “(A) serving, filing, or conveying formal  
14 legal pleadings, discovery requests, or other  
15 documents pursuant to the applicable statute or  
16 rules of civil procedure;

17 “(B) communicating in, or at the direction  
18 of, a court of law (including in depositions or  
19 settlement conferences) or in the enforcement of  
20 a judgment; and

21 “(C) any other activities engaged in as  
22 part of the practice of law, under the laws of  
23 a State in which the attorney is licensed or ad-  
24 mitted to practice, that relate to the legal ac-  
25 tion.



1 (A) by redesignating subparagraph (F) as  
2 subparagraph (G); and

3 (B) by inserting after subparagraph (E)  
4 the following:

5 “(F) any licensed attorney or any law firm,  
6 to the extent that such attorney or firm is en-  
7 gaged in litigation activities (as such term is  
8 defined in section 1632 of title 28, United  
9 States Code) to collect a debt on behalf of a cli-  
10 ent; and”.

11 (2) CONSUMER FINANCIAL PROTECTION ACT OF  
12 2010.—Section 1027(e) of the Consumer Financial  
13 Protection Act of 2010 (12 U.S.C. 5517(e)) is  
14 amended—

15 (A) by redesignating paragraph (3) as  
16 paragraph (4); and

17 (B) by inserting after paragraph (2) the  
18 following:

19 “(3) RULE OF CONSTRUCTION LIMITATION  
20 WITH RESPECT TO DEBT COLLECTION.—Paragraph  
21 (2) shall not apply to a licensed attorney engaging  
22 in litigation activities to collect a debt on behalf of  
23 a client if the attorney is excluded from the term  
24 ‘debt collector’ under section 803 of the Fair Debt

1 Collection Practices Act by reason of section  
2 803(6)(F) of such Act.”.

3 **SEC. 205. CLARIFICATION TO THE AUTHORITY OF THE BU-**  
4 **REAU WITH RESPECT TO PERSONS REGU-**  
5 **LATED BY A STATE INSURANCE REGULATOR.**

6 Section 1027(f) of the Consumer Financial Protec-  
7 tion Act of 2010 (12 U.S.C. 5517(f)) is amended—

8 (1) in paragraph (2)—

9 (A) by striking “DESCRIPTION OF ACTIVI-  
10 TIES.—Paragraph (1)” and inserting: “EXCEP-  
11 TIONS.—

12 “(A) AUTHORITY.—Paragraph (1)”;

13 (B) by inserting after subparagraph (A)  
14 (as added by this Act) the following new sub-  
15 paragraph:

16 “(B) LIMITATION.—With respect to a per-  
17 son regulated by a State insurance regulator—

18 “(i) if such person is offering or pro-  
19 viding a consumer financial product or  
20 service, the Bureau may not enforce this  
21 title with respect to such person to the ex-  
22 tent such person is engaged in the business  
23 of insurance; and

24 “(ii) if such person is subject to any  
25 enumerated consumer law or any law for

1           which authorities are transferred under  
2           subtitle F or H, the authority of the Bu-  
3           reau to enforce such law with respect to  
4           such person shall be narrowly construed to  
5           the extent such person is engaged in the  
6           business of insurance.”; and

7           (2) by adding at the end the following new  
8           paragraph:

9           “(4) **RULE OF CONSTRUCTION.**—The enforce-  
10          ment of this title shall be broadly construed in favor  
11          of the authority of a State insurance regulator with  
12          respect to a person regulated by a State insurance  
13          regulator.”.

14       **TITLE III—PROMOTING INNOVA-**  
15       **TION IN CONSUMER FINAN-**  
16       **CIAL MARKETS**

17       **SEC. 301. SAFE HARBOR FOR SMALL-DOLLAR CREDIT**  
18       **PRODUCTS.**

19       (a) **IN GENERAL.**—The Truth in Lending Act (15  
20       U.S.C. 1601 et seq.) is amended by inserting after section  
21       109 the following:

22       **“§ 110. Safe harbor for small-dollar credit products**

23       “(a) **IN GENERAL.**—If a covered entity complies with  
24       the requirements set forth in subsections (b), (c), and (e)  
25       with respect to the offering of a small-dollar product to

1 a consumer, such covered entity shall not be liable in con-  
2 nection with such offering of a small-dollar product, for—

3 “(1) any civil money penalties from any en-  
4 forcement action brought by the Bureau, the appro-  
5 priate Federal banking agency, or the National  
6 Credit Union Administration for a violation of this  
7 title; or

8 “(2) any damages or other monetary relief  
9 through a private right of action brought under this  
10 title.

11 “(b) PRODUCT STRUCTURE REQUIREMENTS.—

12 “(1) IN THE CASE OF AN INSTALLMENT  
13 LOAN.—If a small-dollar credit product is structured  
14 by a covered entity as an installment loan—

15 “(A) the repayment term shall be more  
16 than 45 days;

17 “(B) payments shall be fully amortized  
18 across more than one payment;

19 “(C) rollovers into new small-dollar credit  
20 products shall be prohibited, unless initiated by  
21 a consumer; and

22 “(D) the covered entity may not issue any  
23 small-dollar credit product to a consumer if  
24 such consumer has a small-dollar credit product  
25 open with such covered entity at the time such

1 consumer applies for a small-dollar credit prod-  
2 uct.

3 “(2) IN THE CASE OF A LINE OF CREDIT.—If  
4 a small-dollar credit product is structured by a cov-  
5 ered entity as a line of credit—

6 “(A) the repayment term for each draw  
7 shall be more than 45 days unless a single pay-  
8 ment is used and the draw is not more than 10  
9 percent of the lesser of \$3,500 or 20 percent of  
10 the total amount of a consumer’s average  
11 monthly direct deposits during the preceding six  
12 months; and

13 “(B) payments for each draw shall be fully  
14 amortized across more than one payment, ex-  
15 cept in the case of any single-payment loans.

16 “(3) RULES OF CONSTRUCTION.—

17 “(A) IN GENERAL.—Nothing in this sub-  
18 section may be construed to prohibit the Bu-  
19 reau, a Federal banking agency, or the National  
20 Credit Union Administration from issuing a  
21 cease-and-desist order or restitution order  
22 under this title against a covered entity.

23 “(B) ENFORCEMENT OF OTHER STAT-  
24 UTES.—Nothing in this subsection may be con-  
25 strued to prohibit the Bureau, a Federal bank-

1           ing agency, or the National Credit Union Ad-  
2           ministration from enforcing any provision of  
3           law not contained within this title against a  
4           covered entity.

5           “(c) UNDERWRITING REQUIREMENTS.—When con-  
6           sidering whether to offer a small-dollar credit product to  
7           a specific consumer, a covered entity—

8                 “(1) shall use sound underwriting processes;  
9           and

10                “(2) may analyze internal or external data  
11           sources, including consumer deposit account activity,  
12           to assess the creditworthiness of a consumer.

13           “(d) RULE OF CONSTRUCTION.—Nothing in this title  
14           may be construed to prohibit a covered entity from offer-  
15           ing a small-dollar product that does not comply with the  
16           safe harbor requirements set forth under this section.

17           “(e) ADDITIONAL LIMITATIONS AND REQUIRE-  
18           MENTS.—

19                 “(1) BALLOON PAYMENTS.—No payment re-  
20           quired in association with a small-dollar credit prod-  
21           uct offered by a covered entity may be greater than  
22           double the amount of any other payment required in  
23           association with such product.

1           “(2) DISCLOSURES.—Each covered entity that  
2 offers a small-dollar credit product shall comply with  
3 all disclosure requirements set forth by this title.

4           “(3) PENALTIES.—A covered entity may not  
5 impose any prepayment penalty in connection with a  
6 small-dollar credit product.

7           “(4) TRANSFER OF AMOUNTS.—Amounts made  
8 available to a consumer through a small-dollar credit  
9 product offered by a covered entity shall be dis-  
10 bursed to the account of such consumer by such cov-  
11 ered entity not later than 5 days after the approval  
12 of the consumer for the small-dollar credit product.

13           “(f) DEFINITIONS.—In this section:

14           “(1) COVERED ENTITY.—The term ‘covered en-  
15 tity’ means—

16                   “(A) an insured depository institution;

17                   “(B) an insured credit union;

18                   “(C) a third party with whom an insured  
19 depository institution has contracted for prod-  
20 ucts or services related to origination, servicing,  
21 or administrative management of a small-dollar  
22 credit product; or

23                   “(D) a third party with whom an insured  
24 credit union has contracted for products or  
25 services related to origination, servicing, or ad-

1           ministrative management of a small-dollar cred-  
2           it product.

3           “(2) FEDERAL BANKING AGENCY DEFINI-  
4           TIONS.—The terms ‘appropriate Federal banking  
5           agency’ and ‘Federal banking agency’ have the  
6           meaning given those terms, respectively, in section 3  
7           of the Federal Deposit Insurance Act.

8           “(3) INSURED CREDIT UNION.—The term ‘in-  
9           sured credit union’ has the meaning given the term  
10          in section 101 of the Federal Credit Union Act.

11          “(4) INSURED DEPOSITORY INSTITUTION.—The  
12          term ‘insured depository institution’ has the mean-  
13          ing given the term in section 3 of the Federal De-  
14          posit Insurance Act.

15          “(5) SMALL-DOLLAR CREDIT PRODUCT.—The  
16          term ‘small-dollar product’ means a loan or line of  
17          credit with a value of \$3,500 or less.”.

18          (b) CLERICAL AMENDMENT.—The table of contents  
19          for chapter 1 of the Truth in Lending Act is amended  
20          by striking the item relating to section 110 and inserting  
21          the following:

          “110. Safe harbor for small-dollar credit products.”.

22          **SEC. 302. GUIDANCE CLARITY STATEMENT REQUIRED.**

23          (a) IN GENERAL.—The head of each financial agency  
24          shall include a guidance clarity statement as described in

1 subsection (b) on any guidance issued by that financial  
2 agency on and after the date of the enactment of this Act.

3 (b) GUIDANCE CLARITY STATEMENT.—A guidance  
4 clarity statement required under subsection (a) shall be  
5 displayed prominently on the first page of the document  
6 and shall include the following: “This guidance does not  
7 have the force and effect of law and therefore does not  
8 establish any rights or obligations for any person and is  
9 not binding on the agency or the public. If this guidance  
10 suggests how regulated entities may comply with applica-  
11 ble statutes or regulations, noncompliance with this guid-  
12 ance does not conclusively establish a violation of applica-  
13 ble law.”.

14 (c) DEFINITIONS.—In this section:

15 (1) FINANCIAL AGENCY.—The term “financial  
16 agency” means the following:

17 (A) The Bureau of Consumer Financial  
18 Protection.

19 (B) The Department of Housing and  
20 Urban Development.

21 (C) The Department of the Treasury.

22 (D) The Federal Deposit Insurance Cor-  
23 poration.

24 (E) The Federal Housing Finance Agency.

1 (F) The Board of Governors of the Federal  
2 Reserve System.

3 (G) The National Credit Union Adminis-  
4 tration.

5 (H) The Office of the Comptroller of the  
6 Currency.

7 (I) The Securities and Exchange Commis-  
8 sion.

9 (2) GUIDANCE.—The term “guidance” means a  
10 financial agency statement of general applicability,  
11 intended to have a future effect on the behavior of  
12 regulated parties, that sets forth a policy on a statu-  
13 tory, regulatory, or technical issue, or an interpreta-  
14 tion of a statute or regulation, but does not in-  
15 clude—

16 (A) a rule promulgated pursuant to notice  
17 and comment under section 553 of title 5,  
18 United States Code;

19 (B) a rule exempt from rulemaking re-  
20 quirements under section 553(a) of title 5,  
21 United States Code;

22 (C) a rule of financial agency organization,  
23 procedure, or practice;

1 (D) a decision of a financial agency adju-  
2 dication under section 554 of title 5, United  
3 States Code, or any similar statutory provision;

4 (E) internal guidance directed to the  
5 issuing financial agency or other agency that is  
6 not intended to have a substantial future effect  
7 on the behavior of regulated parties; or

8 (F) internal executive branch legal advice  
9 or legal opinions addressed to executive branch  
10 officials.

11 **TITLE IV—PROMOTING EFFEC-**  
12 **TIVE, PREDICTABLE SUPER-**  
13 **VISION**

14 **SEC. 401. ASSET THRESHOLDS FOR SUPERVISION OF VERY**  
15 **LARGE BANKS, SAVINGS ASSOCIATIONS, AND**  
16 **CREDIT UNIONS BY THE BUREAU OF CON-**  
17 **SUMER FINANCIAL PROTECTION.**

18 (a) IN GENERAL.—Section 1025(a) of the Consumer  
19 Financial Protection Act of 2010 (12 U.S.C. 5515(a)) is  
20 amended—

21 (1) by striking “This” and inserting the fol-  
22 lowing:

23 “(1) THRESHOLDS.—This”;

24 (2) by redesignating paragraphs (1) and (2) as  
25 subparagraphs (A) and (B), respectively (and ad-

1       justing the margins of such subparagraphs accord-  
2       ingly);

3           (3) by striking “\$10,000,000,000” each place it  
4       appears and inserting “\$21,000,000,000”; and

5           (4) by adding at the end the following:

6           “(2) PERIODIC ADJUSTMENTS TO THRESH-  
7       OLDS.—

8           “(A) IN GENERAL.—By April 1, 2031, and  
9       the 1st day of each subsequent 5-year period,  
10      the Bureau shall—

11           “(i) increase the thresholds described  
12      in paragraph (1) by the ratio, if greater  
13      than 1, of the annual value of the current-  
14      dollar United States gross domestic prod-  
15      uct, published by the Department of Com-  
16      merce, for the calendar year preceding the  
17      year in which the adjustment is calculated  
18      under this subsection, to the published  
19      value of such index for the calendar year  
20      preceding April 1, 2026; and

21           “(ii) publish such increase in the Fed-  
22      eral Register.

23           “(B) ROUNDING.—The amount of an in-  
24      crease calculated under subparagraph (A) shall  
25      be rounded to the nearest \$1,000,000,000.



1 section may elect to be subject to the require-  
2 ments under section 1026 instead of this sec-  
3 tion by notifying the Bureau and the appro-  
4 priate prudential regulator of such election.

5 “(B) AUTOMATIC ELECTION FOR CERTAIN  
6 INSTITUTIONS.—A covered person who becomes  
7 an insured depository institution or insured  
8 credit union described under subsection (a)  
9 after the date of enactment of this subsection  
10 shall be deemed to have made the election de-  
11 scribed in subparagraph (A).

12 “(2) PETITION FOR BUREAU SUPERVISION.—

13 “(A) IN GENERAL.—With respect to an in-  
14 sured depository institution or insured credit  
15 union that has made the election under para-  
16 graph (1), the Bureau may petition the appro-  
17 priate prudential regulator for the insured de-  
18 pository institution or insured credit union to  
19 terminate such election if the Bureau deter-  
20 mines, and notifies the appropriate prudential  
21 regulator in writing, that—

22 “(i) the insured depository institution  
23 or insured credit union presents heightened  
24 risks of substantial injury to consumers; or

1                   “(ii) the appropriate prudential regu-  
2                   lator has failed to adequately assess or ad-  
3                   dress compliance with Federal consumer fi-  
4                   nancial law.

5                   “(B) RESPONSE TO PETITION.—Not later  
6                   than 60 days after receiving a petition under  
7                   subparagraph (A), the appropriate prudential  
8                   regulator shall—

9                   “(i) approve the petition; or

10                   “(ii) deny the petition in writing and  
11                   include with such denial a detailed expla-  
12                   nation of the reasons for such denial.

13                   “(C) APPEAL OF DENIAL.—If the appro-  
14                   priate prudential regulator denies a petition  
15                   under subparagraph (B)(ii), the Bureau may  
16                   appeal such denial to the Financial Stability  
17                   Oversight Council, which may, upon a vote of  
18                   not fewer than two-thirds of the voting mem-  
19                   bers then serving, approve the petition.

20                   “(3) BACKUP ENFORCEMENT AUTHORITY OF  
21                   THE BUREAU.—With respect to an insured deposi-  
22                   tory institution or insured credit union that has  
23                   made the election under paragraph (1), if the Bu-  
24                   reau has referred a material violation of a Federal  
25                   consumer financial law to the prudential regulator

1 under section 1026(d)(2)(A) and the prudential reg-  
2 ulator does not, before the end of the 120-day period  
3 beginning on the date of such referral, take an en-  
4 forcement action with respect to such material viola-  
5 tion, the Bureau may take an enforcement action  
6 against the insured depository institution or insured  
7 credit union with respect to such material violation.

8 “(4) EXCLUSION FOR GSIBS.—This subsection  
9 shall not apply to any affiliate of a global system-  
10 ically important BHC, as such term is defined under  
11 section 217.402 of title 12, Code of Federal Regula-  
12 tions.”.

13 **SEC. 403. FINANCIAL REGULATORY COORDINATION AND**  
14 **ACCOUNTABILITY.**

15 (a) ENHANCED INTERAGENCY COORDINATION IN  
16 RULEMAKING.—

17 (1) IN GENERAL.—Section 1022(b) of the Con-  
18 sumer Financial Protection Act of 2010 (12 U.S.C.  
19 5512(b)) is amended—

20 (A) in paragraph (2), by amending sub-  
21 paragraph (B) to read as follows:

22 “(B) the Bureau shall consult with the ap-  
23 propriate prudential regulators and State finan-  
24 cial regulators, subject to paragraph (5), or

1 other Federal agencies prior to proposing a  
2 rule; and”;

3 (B) by adding at the end the following:

4 “(5) SOLICITATION OF COMMENTS FROM PRU-  
5 DENTIAL REGULATORS AND STATE REGULATORS.—

6 “(A) IN GENERAL.—Prior to issuing a no-  
7 tice of proposed rulemaking that impacts in-  
8 sured depository institutions and insured credit  
9 unions, the Bureau shall provide the proposed  
10 rule to, and accept written comments from—

11 “(i) each prudential regulator;

12 “(ii) each State banking regulator;

13 and

14 “(iii) each State financial regulator  
15 that licenses providers of consumer finan-  
16 cial products or services.

17 “(B) COMMENTS.—With respect to a pro-  
18 posed rule received under subparagraph (A)—

19 “(i) each prudential regulator shall  
20 provide written comments to the Bureau  
21 on such proposed rule, including on the po-  
22 tential impact of the proposed rule on the  
23 safety and soundness of insured depository  
24 institutions and insured credit unions;

1           “(ii) each State banking regulator is  
2           encouraged to provide written comments to  
3           the Bureau, to the extent the proposed rule  
4           impacts State banks and State credit  
5           unions; and

6           “(iii) each State financial regulator  
7           that licenses providers of consumer finan-  
8           cial products or services is encouraged to  
9           provide written comments to the Bureau,  
10          to the extent the proposed rule impacts  
11          providers of consumer financial products or  
12          services.

13          “(C) PUBLICATION OF COMMENTS.—The  
14          Bureau shall publish in the rulemaking docket  
15          all written comments received pursuant to sub-  
16          paragraph (B) concurrently with the issuance of  
17          the notice of proposed rulemaking.

18          “(D) RESPONSE TO INTERAGENCY COM-  
19          MENTS.—Each notice of proposed rulemaking  
20          issued by the Bureau shall include a detailed,  
21          written response to any substantive issues  
22          raised in comments submitted pursuant to sub-  
23          paragraph (B), including—

1                   “(i) a description of any changes  
2                   made to the proposed rule in response to  
3                   such comments; and

4                   “(ii) an explanation of the Bureau’s  
5                   reasons for not adopting any recommenda-  
6                   tion made by a prudential regulator, State  
7                   banking regulator, or State financial regu-  
8                   lator that licenses providers of consumer  
9                   financial products or services.

10                   “(E) MINIMUM COMMENT PERIOD.—The  
11                   Bureau may not issue a notice of proposed rule-  
12                   making until the expiration of a period of not  
13                   fewer than 60 days after providing the proposed  
14                   rule to regulators pursuant to subparagraph  
15                   (A).”.

16                   (b) FORMALIZED COORDINATION FOR ENFORCE-  
17                   MENT ACTIONS.—

18                   (1) IN GENERAL.—Subtitle E of the Consumer  
19                   Financial Protection Act of 2010 (12 U.S.C. 5561  
20                   et seq.) is amended by adding at the end the fol-  
21                   lowing

1 **“SEC. 1059. INTERAGENCY COORDINATION ON BUREAU EN-**  
2 **FORCEMENT ACTIONS AGAINST DEPOSI-**  
3 **TORIES.**

4 “(a) IN GENERAL.—Prior to initiating any civil ac-  
5 tion, administrative proceeding, or entering into any con-  
6 sent order against an insured depository institution or an  
7 insured credit union, the Bureau shall—

8 “(1) provide advance written notice of the con-  
9 templated action to—

10 “(A) the appropriate prudential regulator;

11 and

12 “(B) any relevant State regulator; and

13 “(2) provide such regulators with a reasonable  
14 opportunity to provide the Bureau with views and  
15 recommendations on such contemplated action;

16 “(3) consider such views and recommendations  
17 in good faith before undertaking such contemplated  
18 action; and

19 “(4) document, in writing, and provide to the  
20 public upon request (in a manner that does not in-  
21 clude confidential supervisory information), the Bu-  
22 reau’s consideration of such views and recommenda-  
23 tions, including an explanation of any decision not to  
24 adopt a view or recommendation of a prudential reg-  
25 ulator or State regulator.

1 “(b) AVOIDANCE OF DUPLICATION AND CONFLICT.—

2 The Bureau shall, to the maximum extent practicable—

3 “(1) avoid duplicative enforcement actions;

4 “(2) avoid remedies that conflict with actions  
5 taken by a prudential regulator or State regulator;

6 and

7 “(3) coordinate the timing and scope of any ac-  
8 tion described in subsection (a) to minimize regu-  
9 latory burden.”.

10 (2) CLERICAL AMENDMENT.—The table of con-  
11 tents in section 1(b) of the Dodd-Frank Wall Street  
12 Reform and Consumer Protection Act is amended by  
13 inserting after the item relating to section 1058 the  
14 following:

“Sec. 1059. Interagency coordination on Bureau enforcement actions against  
depositories.”.

15 (c) RULE OF APPLICATION.—Section 1059 of the  
16 Consumer Financial Protection Act of 2010 shall apply  
17 to a civil action or administrative proceeding that is initi-  
18 ated, or a consent order that is entered into, on or after  
19 the date of enactment of this Act.

20 **SEC. 404. REFORMS TO NONBANK SUPERVISION.**

21 Section 1024 of the Consumer Financial Protection  
22 Act of 2010 (12 U.S.C. 5514) is amended—

1           (1) by striking “risks to consumers” each place  
2 such term appears and inserting “substantial injury  
3 to consumers”

4           (2) in subsection (a)—

5           (A) in paragraph (1)(C), by inserting “of  
6 at least 90 days” after “reasonable oppor-  
7 tunity”;

8           (B) in paragraph (2), by adding at the end  
9 the following: “With respect to a rule issued by  
10 the Bureau after the date of enactment of the  
11 CFPB Reform Act of 2026 to define covered  
12 persons subject to this section, the Bureau shall  
13 provide a public notice and comment period of  
14 at least 90 days with respect to the rule-  
15 making.”; and

16           (C) in paragraph (3)(A), by inserting be-  
17 fore the period the following: “or to a small  
18 business concern (as defined in section 3 of the  
19 Small Business Act)”;

20           (3) in subsection (b)(2), by striking “risks  
21 posed to consumers” and inserting “risk of substan-  
22 tial injury to consumers”; and

23           (4) by adding at the end the following:

24           “(f) LIMITATION ON SUPERVISORY AUTHORITY.—

25 With respect to a covered person that is described in sub-

1 section (a)(1), or a service provider thereto, the Bureau’s  
2 authority under this section to require reports from, con-  
3 duct examinations of, obtain information from, or other-  
4 wise supervise such covered person or service provider  
5 shall be limited to activities, operations, records, per-  
6 sonnel, systems, and matters directly related to the offer-  
7 ing or provision of the applicable consumer financial prod-  
8 uct or service described in subparagraph (A), (B), (C),  
9 (D), or (E) of subsection (a)(1) with respect to such cov-  
10 ered person.

11 “(g) MARKET DEFINED.—In this section, and other  
12 than in the context of a geographic market, the term ‘mar-  
13 ket’ means consumer financial products or services that—

14 “(1) share the same primary consumer purpose;

15 and

16 “(2) are reasonably interchangeable by con-  
17 sumers.”.

## 18 **TITLE V—PREVENTING** 19 **REGULATION BY ENFORCEMENT**

### 20 **SEC. 501. CIVIL MONEY PENALTIES.**

21 (a) IN GENERAL.—Section 1055(c) of the Consumer  
22 Financial Protection Act of 2010 (12 U.S.C. 5565(c)), is  
23 amended—

24 (1) in paragraph (2)—

25 (A) by striking subparagraph (A);

1 (B) by redesignating subparagraphs (B)  
2 and (C) as subparagraphs (A) and (B), respec-  
3 tively;

4 (C) in subparagraph (B), as so redesign-  
5 nated—

6 (i) in the heading, by striking “SEC-  
7 OND TIER” and inserting “FIRST TIER”;  
8 and

9 (ii) by striking “may not exceed  
10 \$1,000,000” and inserting “may not ex-  
11 ceed \$50,120”; and

12 (D) in paragraph (C), in the heading, by  
13 striking “THIRD TIER” and inserting “SECOND  
14 TIER”; and

15 (2) in paragraph (3)—

16 (A) in subparagraph (D), by striking  
17 “and” at the end;

18 (B) by redesignating subparagraph (E) as  
19 subparagraph (F); and

20 (C) by inserting after subparagraph (D)  
21 the following:

22 “(E) whether the person charged self-re-  
23 ported the violation; and”.

1 (b) RULEMAKING.—The Bureau of Consumer Finan-  
2 cial Protection shall, not later than 180 day after the date  
3 of the enactment of this section, issue a rule that—

4 (1) implements the amendments made by this  
5 section; and

6 (2) establishes policies and procedures relating  
7 to how the Bureau of Consumer Financial Protec-  
8 tion will reduce civil monetary penalties based on the  
9 presence of mitigation factors described in section  
10 1055(e)(3) of the Consumer Financial Protection  
11 Act of 2010, as amended by subsection (a)(2).

12 **SEC. 502. LIMITATIONS ON MARKET MONITORING FUNC-**  
13 **TIONS.**

14 The Consumer Financial Protection Act of 2010 (12  
15 U.S.C. 5481 et seq.) is amended—

16 (1) in section 1022(c)(4)(C), by adding at the  
17 end the following: “The Bureau may not use its au-  
18 thorities under this paragraph, or any information  
19 obtained pursuant to this paragraph, to initiate or in  
20 connection with any enforcement investigation or en-  
21 forcement action, or to initiate or in connection with  
22 any supervisory examination.”; and

23 (2) in section 1026(b), by striking “, and to as-  
24 sess and detect risks to consumers and consumer fi-  
25 nancial markets”.

1 **SEC. 503. ENFORCEMENT POWERS OF THE STATES.**

2 Section 1042 of the Consumer Financial Protection  
3 Act (12 U.S.C. 5552) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by striking “Except  
6 as provided in paragraph (2)” and inserting  
7 “Except as provided in paragraphs (2) and  
8 (4)”; and

9 (B) by adding at the end the following:

10 “(4) PROHIBITION ON ENFORCEMENT.—An at-  
11 torney general (or the equivalent thereof) of any  
12 State may not bring a civil action in the name of  
13 such State in any district court of the United States  
14 in that State or in State court that is located in that  
15 State and that has jurisdiction over the defendant,  
16 to enforce provisions of this title or regulations  
17 issued under this title, if the Bureau has provided  
18 written notice to the attorney general (or the equiva-  
19 lent thereof) that the Bureau has brought or intends  
20 to bring an action to enforce this title or regulations  
21 issued under this title against the same entity for  
22 violations arising from the same conduct or fact pat-  
23 tern.

24 “(5) APPLICATION OF LIMITATIONS.—If an at-  
25 torney general (or the equivalent thereof) of any  
26 State brings a civil action in the name of such State

1 in any district court of the United States in that  
2 State or in State court that is located in that State  
3 and that has jurisdiction over the defendant, to en-  
4 force provisions of this title or regulations issued  
5 under this title such attorney general (or the equiva-  
6 lent thereof) shall be subject to the same limitations  
7 on authorities as are applied to the Bureau under  
8 section 1027 and section 1029.”;

9 (2) in subsection (b)(2)—

10 (A) by redesignating subparagraphs (A),  
11 (B), and (C) as subparagraphs (B), (C), and  
12 (D), respectively; and

13 (B) by striking “the Bureau may—” and  
14 inserting “the Bureau may—”

15 “(A) notify the attorney general (or the  
16 equivalent thereof) that the Bureau has brought  
17 or intends to bring an action to enforce this  
18 title or regulations issued under this title  
19 against the same entity for violations arising  
20 from the same conduct or fact pattern;”; and

21 (3) by adding at the end the following:

22 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
23 tion may be construed to permit a State to enforce to pro-  
24 visions of any Federal consumer financial laws other than

1 the provisions of this title or regulations issued under this  
2 title.”.

3 **SEC. 504. INDEXING OF ASSET-BASED THRESHOLDS IN REG-**  
4 **ULATIONS.**

5 (a) IN GENERAL.—Section 1022 of the Consumer Fi-  
6 nancial Protection Act (12 U.S.C. 5512) is amended by  
7 adding at the end the following:

8 “(e) PERIODIC ADJUSTMENT FOR ASSET-BASED  
9 THRESHOLDS IN REGULATIONS.—

10 “(1) IN GENERAL.—For each asset-based  
11 threshold established by regulation and contained in  
12 a regulation issued by the Bureau under a Federal  
13 consumer financial law, the Bureau shall, by rule,  
14 adjust such threshold every 5 years by the ratio, if  
15 greater than 1, of the annual value of the current-  
16 dollar United States gross domestic product, pub-  
17 lished by the Department of Commerce, for the cal-  
18 endar year preceding the year in which the adjust-  
19 ment is calculated under this subsection, to the pub-  
20 lished value of such index for the calendar year pre-  
21 ceding April 1, 2026.

22 “(2) ROUNDING.—Each threshold adjustment  
23 made pursuant to paragraph (1) shall be rounded—

24 “(A) to the nearest \$1,000,000, for thresh-  
25 olds equal to or greater than \$1,000,000,000;

1           “(B) to the nearest \$100,000, for thresh-  
2           olds equal to or greater than \$100,000,000 but  
3           less than \$1,000,000,000; and

4           “(C) to the nearest \$10,000, for thresholds  
5           less than \$100,000,000.

6           “(3) ASSET-BASED THRESHOLD DEFINED.—In  
7           this subsection, the term ‘asset-based threshold’  
8           means any threshold, expressed as a dollar amount  
9           of total assets of a covered person, that determines  
10          the applicability of a regulation issued by the Bu-  
11          reau.”.

12          (b) INITIAL IDENTIFICATION OF THRESHOLDS.—Not  
13          later than 1 year after the date of enactment of this Act,  
14          the Bureau of Consumer Financial Protection shall—

15                 (1) identify each asset-based threshold de-  
16                 scribed in section 1022(e) of the Consumer Finan-  
17                 cial Protection Act; and

18                 (2) publish in the Federal Register a list of all  
19                 such thresholds, including the original amount of  
20                 each such threshold, the date on which such thresh-  
21                 old was established, and the regulation in which  
22                 such threshold appears.

23          (c) INITIAL INDEXING OF THRESHOLDS.—As soon as  
24          practicable after publishing the thresholds described in  
25          subsection (b), the Bureau shall, by rule, and subject to

1 the rounding requirements in section 1022(e)(2) of the  
2 Consumer Financial Protection Act, adjust each such  
3 threshold to reflect the percentage change in the Con-  
4 sumer Price Index for All Urban Consumers, or any suc-  
5 cessor index, published by the Bureau of Labor Statistics,  
6 between—

7 (1) the date on which the threshold was origi-  
8 nally established in regulation; and

9 (2) the date on which the Bureau publishes the  
10 list required under subsection (b).

11 **SEC. 505. COLLECTING AND TRACKING COMPLAINTS.**

12 Section 1013(b)(3) of the Consumer Financial Pro-  
13 tection Act of 2010 (12 U.S.C. 5493(b)(3)) is amended  
14 by adding at the end the following:

15 “(E) CONSUMER ATTESTATION.—

16 “(i) IN GENERAL.—The Director shall  
17 require, using such verification mecha-  
18 nisms as the Director determines appro-  
19 priate, each person who submits a com-  
20 plaint to the unit established under this  
21 paragraph to attest, under penalty of per-  
22 jury, that—

23 “(I) the information and docu-  
24 mentation provided in the complaint is

1 true and accurate to the best of the  
2 consumer’s knowledge;

3 “(II) the complaint is being sub-  
4 mitted directly by—

5 “(aa) the consumer; or

6 “(bb) a representative au-  
7 thorized to act on the behalf of  
8 the consumer who provides suffi-  
9 cient proof of identification and a  
10 written document signed by the  
11 consumer that permits the third  
12 party to act on the behalf of the  
13 consumer specifically as it relates  
14 to submitting a complaint to the  
15 Bureau; and

16 “(III) the consumer directly in-  
17 formed the covered person who is re-  
18 quired to respond to complaints under  
19 subsection (b) and (c) of section 1034  
20 to which the complaint relates of the  
21 issue about which the consumer is  
22 submitting the complaint not less  
23 than 60 days before submitting the  
24 complaint to the Bureau.

1                   “(ii) NOTIFICATION REQUIREMENT.—

2                   If the Director finds, when carrying out  
3                   clause (i), that a complaint submitted in  
4                   the name of a consumer was not submitted  
5                   by such consumer or by a representative  
6                   authorized to act on the behalf of such  
7                   consumer, the Director shall to the degree  
8                   practicable—

9                   “(I) inform the consumer in  
10                  whose name the complaint was filed  
11                  that such complaint was submitted in  
12                  their name, without their authoriza-  
13                  tion; and

14                  “(II) provide to the covered per-  
15                  son who is required to respond to  
16                  complaints under subsection (b) and  
17                  (c) of section 1034 to whom the com-  
18                  plaint relates the name of the person  
19                  who submitted the complaint without  
20                  the authorization of the consumer.

21                  “(iii) SUFFICIENT PROOF OF IDENTI-  
22                  FICATION DEFINED.—The term ‘sufficient  
23                  proof of identification’ means information  
24                  or documentation that identifies a pro-

1                   tected consumer and a protected con-  
2                   sumer’s representative and includes—

3                   “(I) a social security number or  
4                   a copy of a social security card issued  
5                   by the Social Security Administration;

6                   “(II) a certified or official copy  
7                   of a birth certificate issued by the en-  
8                   tity authorized to issue the birth cer-  
9                   tificate; or

10                   “(III) a copy of a driver’s license,  
11                   an identification card issued by the  
12                   motor vehicle administration.

13                   “(F) CLOSURE OF DUPLICATIVE, FRIVO-  
14                   LOUS OR UNAUTHORIZED COMPLAINTS.—

15                   “(i) IN GENERAL.—A covered person  
16                   who is required to respond to complaints  
17                   under subsection (b) and (c) of section  
18                   1034 that receives a consumer complaint  
19                   from the unit established under this para-  
20                   graph may, upon reasonable determination,  
21                   close such complaint without further action  
22                   if—

23                   “(I) the complaint, as determined  
24                   by such covered person—

1                   “(aa) is duplicative of a pre-  
2                   viously submitted and resolved  
3                   complaint submitted by the same  
4                   consumer relating to the same  
5                   issue;

6                   “(bb) is frivolous or lacking  
7                   a basis in fact;

8                   “(cc) was not submitted by  
9                   the consumer or an individual  
10                  authorized to act on the behalf of  
11                  the consumer; or

12                  “(dd) was submitted for a  
13                  fraudulent or misleading purpose;

14                  “(II) such covered person was  
15                  not directly informed by the consumer  
16                  of the issue about which the consumer  
17                  submitted the complaint not less than  
18                  60 days before the consumer sub-  
19                  mitted the complaint; or

20                  “(III) such covered person was  
21                  directly informed by the consumer of  
22                  the issue about which the consumer  
23                  submitted the complaint and such cov-  
24                  ered person responded to such con-

1                   sumer in a manner that remedied the  
2                   issue raised by the consumer; or

3                   “(ii) RECORDING.—If a covered per-  
4                   son who is required to respond to com-  
5                   plaints under subsection (b) and (c) of sec-  
6                   tion 1034 closes a complaint under clause  
7                   (i), such covered person shall notify the  
8                   unit established under this paragraph of  
9                   such closure and the reason for such clo-  
10                  sure and such unit shall record such infor-  
11                  mation in the database established under  
12                  this paragraph.

13                  “(G) CONFIDENTIALITY.—

14                  “(i) IN GENERAL.—Notwithstanding  
15                  any other provision of law, the Bureau  
16                  shall ensure that narrative content in-  
17                  cluded in complaints submitted by con-  
18                  sumers to the unit established under this  
19                  paragraph and narrative content included  
20                  in responses from covered persons who are  
21                  required to respond to complaints under  
22                  subsection (b) and (c) of section 1034 who  
23                  receive complaints from the unit estab-  
24                  lished under this paragraph remain con-

1            confidential and are not published or made  
2            publicly viewable.

3            “(ii) AGGREGATION OF DATA.—The  
4            Bureau may publish aggregated data about  
5            complaints received from consumers and  
6            analyses of trends in such complaints if  
7            such data and analyses do not include per-  
8            sonally identifiable information or specific  
9            narrative content that could reasonably be  
10           linked to an individual consumer or cov-  
11           ered person who is required to respond to  
12           complaints under subsection (b) and (c) of  
13           section 1034.”.

14 **SEC. 506. ENHANCEMENTS TO SMALL BUSINESS LOAN PRI-**  
15 **VACY.**

16           Section 704B(e)(4) of the Equal Credit Opportunity  
17 Act (15 U.S.C. 1691e–2(e)(4)) is amended—

18           (1) by striking “The Bureau may,” and insert-  
19           ing:

20           “(A) IN GENERAL.—The Bureau may,”;  
21           and

22           (2) by adding at the end the following:

23           “(B) RULEMAKING REQUIREMENT.—The  
24           Bureau shall, before deleting or modifying data  
25           under this paragraph, issue, through advance

1 notice and comment, a rule that includes a de-  
2 scription of what modifications and deletions  
3 the Bureau intends to make to the data and  
4 how such modifications and deletions will ad-  
5 vance a privacy interest.”.