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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

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

To impose additional requirements for covered agencies in regulatory flexibility analysis.

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IN THE HOUSE OF REPRESENTATIVES

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

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

To impose additional requirements for covered agencies in regulatory flexibility analysis.

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.**

4 This Act may be cited as the “Making the CFPB Ac-  
5 countable to Small Businesses Act of 2023”.

1 **SEC. 2. RULEMAKING UNDER DODD-FRANK WALL STREET**  
2 **REFORM AND CONSUMER PROTECTION ACT.**

3 Section 1022(b)(2)(A) of the Dodd-Frank Wall  
4 Street Reform and Consumer Protection Act (12 U.S.C.  
5 5512(b)(2)(A)) is amended—

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

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

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

10 “(iii) the impact of proposed rules on  
11 small entities, in accordance with section  
12 609 of title 5, United States Code;”.

13 **SEC. 3. INITIAL REGULATORY FLEXIBILITY ANALYSIS.**

14 Section 603(d)(1) of title 5, United States Code, is  
15 amended—

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

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

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

21 “(D) where the covered agency does not  
22 adopt any alternatives described in paragraphs  
23 (1) through (4) of subsection (c), a detailed jus-  
24 tification of the covered agency’s determination  
25 that the relative size and resources of small en-

1           tities should have no bearing on the rule, sup-  
2           ported by factual, policy and legal reasons.”.

3 **SEC. 4. FINAL REGULATORY FLEXIBILITY ANALYSIS.**

4           Section 604(a) of title 5, United States Code, is  
5 amended in the second paragraph (6) to read as follows:

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