

MAY 13, 2019

RULES COMMITTEE PRINT 116–15

TEXT OF H.R. 1500, CONSUMERS FIRST ACT

**[Showing the text of the bill as reported by the Committee on
Financial Services, with modifications.]**

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Consumers First Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; sense of Congress.
- Sec. 3. Consumer Financial Protection Bureau.
- Sec. 4. Conforming amendments.
- Sec. 5. Executive and administration powers.
- Sec. 6. Offices of the Consumer Financial Protection Bureau.
- Sec. 7. Consumer Advisory Board reforms.
- Sec. 8. Discretionary surplus funds.
- Sec. 9. Effective date.

6 SEC. 2. FINDINGS; SENSE OF CONGRESS.

7 (a) FINDINGS.—The Congress finds the following:

8 (1) The Dodd-Frank Wall Street Reform and
9 Consumer Protection Act (Public Law 111–203)
10 (“Dodd-Frank”), was signed into law on July 21,
11 2010, in order to, among other things, advance the
12 goals of protecting consumers from predatory finan-
13 cial services practices and products that led to the
14 2007–2009 financial crisis.

1 (2) Title X of Dodd-Frank established a new
2 Federal independent watchdog, known as the Con-
3 sumer Financial Protection Bureau (“Consumer Bu-
4 reau”), with broad authority to ensure that all hard-
5 working consumers are given clear, accurate infor-
6 mation that they need to shop for mortgages, credit
7 cards, and other consumer financial products or
8 services and to protect consumers from hidden fees,
9 abusive terms, and other unfair, deceptive, or abu-
10 sive acts or practices through strong implementation
11 and enforcement of Federal consumer financial laws.

12 (3) Before the Consumer Bureau was estab-
13 lished, Federal financial regulators were tasked with
14 the dual responsibilities of supervising institutions
15 for safety and soundness and compliance with con-
16 sumer protections under Federal consumer financial
17 laws. These agencies often prioritized the profit-
18 ability of their regulated entities over the protection
19 of consumers, even when institutions were found to
20 have engaged in practices detrimental to their own
21 customers’ financial well-being.

22 (4) Congress purposefully created the inde-
23 pendent Consumer Bureau within the Federal Re-
24 serve System to address past regulatory gaps in our
25 country’s financial regulatory regime—gaps that re-

1 sulted in the most severe global financial crisis since
2 the Great Depression. Among other things, Federal
3 financial regulators were too reluctant to exercise
4 their rulemaking, supervisory, and enforcement au-
5 thorities to protect consumers from the misdeeds of
6 the Consumer Bureau’s regulated entities. In cre-
7 ating the Consumer Bureau, Congress explicitly laid
8 out in statute the Consumer Bureau’s purpose, five
9 objectives, and six primary functions. Specifically:

10 (A) Section 1021(a) of Dodd-Frank states
11 that the Consumer Bureau, “shall seek to im-
12 plement and, where applicable, enforce Federal
13 consumer financial law consistently for the pur-
14 pose of ensuring that all consumers have access
15 to markets for consumer financial products and
16 services and that markets for consumer finan-
17 cial products and services are fair, transparent,
18 and competitive”.

19 (B) Section 1021(b) of Dodd-Frank au-
20 thorizes the Consumer Bureau, “to exercise its
21 authorities under Federal consumer financial
22 law for the purposes of ensuring that, with re-
23 spect to consumer financial products and serv-
24 ices—(1) consumers are provided with timely
25 and understandable information to make re-

1 sponsible decisions about financial transactions;
2 (2) consumers are protected from unfair, decep-
3 tive, or abusive acts and practices and from dis-
4 crimination; (3) outdated, unnecessary, or un-
5 duly burdensome regulations are regularly iden-
6 tified and addressed in order to reduce unwar-
7 ranted regulatory burdens; (4) Federal con-
8 sumer financial law is enforced consistently,
9 without regard to the status of a person as a
10 depository institution, in order to promote fair
11 competition; and (5) markets for consumer fi-
12 nancial products and services operate trans-
13 parently and efficiently to facilitate access and
14 innovation.”.

15 (C) Section 1021(c) of Dodd-Frank estab-
16 lishes the primary functions of the Consumer
17 Bureau to be, “(1) conducting financial edu-
18 cation programs; (2) collecting, investigating,
19 and responding to consumer complaints; (3) col-
20 lecting, researching, monitoring, and publishing
21 information relevant to the functioning of mar-
22 kets for consumer financial products and serv-
23 ices to identify risks to consumers and the
24 proper functioning of such markets; (4) subject
25 to sections 1024 through 1026, supervising cov-

1 ered persons for compliance with Federal con-
2 sumer financial law, and taking appropriate en-
3 forcement action to address violations of Fed-
4 eral consumer financial law; (5) issuing rules,
5 orders, and guidance implementing Federal con-
6 sumer financial law; and (6) performing such
7 support activities as may be necessary or useful
8 to facilitate the other functions of the Bu-
9 reau.”.

10 (5) In doing so, Congress explicitly laid out
11 these consumer-focused purpose, objectives, and pri-
12 mary functions for the Consumer Bureau to ensure
13 that all consumers and all communities are pro-
14 tected. This is of extreme importance to commu-
15 nities of color who have been disproportionately im-
16 pacted by the inequities of the financial system, re-
17 sulting in an extreme racial wealth divide. Decades
18 of segregation and discrimination have prevented
19 consumers of colors from amassing wealth equal to
20 their white counterparts, while predatory financial
21 practices of have stripped consumers of color of their
22 nominal existing wealth. For example, over the past
23 30 years, the average wealth of White families has
24 grown by 84 percent—1.2 times the rate of growth
25 for the Latino population and three times the rate

1 of growth for the Black population. In light of his-
2 torical practices and current-day disparities in bank-
3 ing and lending practices, the Consumer Bureau
4 plays a key role in protecting communities of color
5 from wealth-stripping financial products and ensur-
6 ing their right to wealth building opportunities. The
7 agency's enforcement actions in auto lending, mort-
8 gages, and credit cards, and its rulemaking efforts
9 have sought to address the predatory financial prod-
10 ucts such as payday loans and prepaid cards that
11 are prolific in communities of color. The Consumer
12 Bureau is essential in protecting vulnerable commu-
13 nities from discriminatory financial practices that
14 has both perpetuated and exacerbated the racial
15 wealth gap.

16 (6) Under Dodd-Frank, the Deputy Director of
17 the Consumer Bureau shall serve as the Acting Di-
18 rector in the absence or unavailability of the Direc-
19 tor, until the President appoints and the Senate con-
20 firms a new Director. Despite the plain letter of the
21 law establishing a succession order to fill a vacancy
22 in the Director's position and the clear legislative
23 history underscoring the importance of having an
24 independent Federal consumer-focused agency, when
25 the Consumer Bureau Director Richard Cordray re-

1 signed in November 2017, President Trump refused
2 to recognize the Deputy Director as the rightful
3 head of the agency and instead installed Mr. Mick
4 Mulvaney, the Director of the White House Office of
5 Management and Budget, to serve as the Consumer
6 Bureau's Acting Director. This appointment of a
7 White House cabinet official to run the Consumer
8 Bureau raises profound conflict of interest questions
9 and undermines the vital independent nature of the
10 agency.

11 (7) Additionally, the position of Acting Director
12 is, by its nature, intended to be a temporary assign-
13 ment to maintain the status quo at an agency and
14 to ensure the agency is fulfilling its statutory pur-
15 pose and mandates, until the President appoints,
16 and the Senate confirms a permanent Director. Nev-
17 ertheless, during his tenure, Mr. Mulvaney instituted
18 drastic and severe changes to the Consumer Bu-
19 reau's daily operations and priorities contrary to the
20 agency's statutory purpose and mandates.

21 (8) The daily operations of a Federal agency
22 are guided by its official mission contained in its
23 long-term strategic plan. The Consumer Bureau's
24 mission should embrace both the spirit and plain let-
25 ter of the law by fully recognizing the agency's stat-

1 utory purpose, objectives, and functions. It is trou-
2 bling that the Consumer Bureau, under Mr.
3 Mulvaney, issued a Strategic Plan for Fiscal Year
4 (“FY”) 2018–FY 2022 that appears to deemphasize
5 the Consumer Bureau’s core mandate under section
6 1021(a) of Dodd-Frank to, “enforce Federal con-
7 sumer financial law consistently for the purpose of
8 ensuring that all consumers have access to markets
9 for consumer financial products and services”, by
10 not referencing the importance of enforcement in its
11 mission. Instead, it emphasizes financial education
12 by stating that the agency’s new mission is, “[t]o
13 regulate the offering and provision of consumer fi-
14 nancial products or services under the Federal con-
15 sumer financial laws and to educate and empower
16 consumers to make better informed financial deci-
17 sions”. This is in stark contrast from the Consumer
18 Bureau’s Strategic Plan for FY 2013–FY 2017,
19 which stated that the agency’s mission is helping,
20 “consumer finance markets work by making rules
21 more effective, *by consistently and fairly enforcing*
22 *those rules*, and by empowering consumers to take
23 more control over their economic lives” (emphasis
24 added).

1 (9) Mr. Mulvaney has been praised by the
2 White House for his efforts to undermine the Con-
3 sumer Bureau, with one anonymous advisor ac-
4 knowledging in a July 24, 2018, Politico article that,
5 “His mission was to blow that up, which he has. He
6 is very well-suited to the chaos.”. Mr. Mulvaney’s
7 misguided actions have included, among other
8 things—

9 (A) stopping payments from the Civil Pen-
10 alty Fund to harmed consumers;

11 (B) trying to reduce the Consumer Bu-
12 reau’s funding and staffing by initially request-
13 ing \$0 be transferred from the Federal Reserve
14 Board of Governors to carry out the agency’s
15 work, imposing a freeze on hiring professional
16 career staff, and by arbitrarily directing staff to
17 cut the agency’s budget by $\frac{1}{5}$;

18 (C) politicizing the work of the Consumer
19 Bureau by making unusual efforts to fill the
20 independent agency with political appointees;

21 (D) reducing the Consumer Bureau’s en-
22 forcement work, including taking only six en-
23 forcement actions in the first three quarters of
24 2018 (compared with 54 enforcement actions
25 taken by the agency in 2015, 42 enforcement

1 actions in 2016 and 36 enforcement actions in
2 2017), and dropping existing lawsuits and in-
3 vestigations into predatory payday lenders;

4 (E) taking steps that would undermine ef-
5 forts to promote fair lending and combat dis-
6 criminatory practices, including by hiring, and
7 later refusing to remove, a political appointee
8 with a history of racist written commentary to
9 oversee the Office of Supervision, Enforcement,
10 and Fair Lending, stripping away the enforce-
11 ment powers of the Office of Fair Lending and
12 Equal Opportunity, seeking to curb the Con-
13 sumer Bureau's data collection under the Home
14 Mortgage Disclosure Act, and indicating the
15 Consumer Bureau would reconsider its ap-
16 proach toward enforcing the Equal Credit Op-
17 portunity Act;

18 (F) changing the role of the Office of Stu-
19 dents and Young Consumers and, according to
20 an August 27, 2018, resignation letter from
21 Seth Frotman, the Consumer Bureau's former
22 Assistant Director and Student Loan Ombuds-
23 man, "when new evidence came to light showing
24 that the nation's largest banks were ripping off
25 students on campuses across the country by

1 saddling them with legally dubious account fees,
2 Bureau leadership suppressed the publication of
3 a report prepared by Bureau staff”;

4 (G) abandoning the accepted and efficient
5 practice of having its examiners review, as part
6 of their routine examinations, creditors’ compli-
7 ance with the Military Lending Act in order to
8 ensure the detection and assessment of risky
9 activities that could jeopardize vital protections
10 provided to active-duty servicemembers and
11 their families;

12 (H) creating an Office of Cost Benefit
13 Analysis that prioritizes businesses’ expenses
14 over harm caused to consumers, and unduly
15 constrains oversight of the Consumer Bureau’s
16 regulated entities;

17 (I) freezing data collection to the detriment
18 of supervision and enforcement;

19 (J) seeking to block the publication of the
20 nature of consumers’ complaints and how enti-
21 ties resolved them in the publicly available and
22 transparent Consumer Complaint Database;

23 (K) restricting key input and feedback
24 from a wide range of external stakeholders by
25 effectively terminating members’ positions on

1 three advisory boards, including the statutorily
2 mandated Consumer Advisory Board;

3 (L) proposing policies, including those re-
4 garding no-action letters, model disclosure pilot
5 projects, and product sandboxes, that could put
6 many kinds of financial institutions in an en-
7 forcement-free zone, letting bad actors that
8 harm consumers off the hook entirely from en-
9 forcement, and allowing them to ignore the law;
10 and

11 (M) neglecting to impose promptly any
12 civil money penalty on a bank when it was
13 found to be, among other things, improperly ob-
14 taining consumer reports and furnishing to con-
15 sumer reporting agencies inaccurate informa-
16 tion about consumers' credit.

17 (10) The repeated efforts under Mr. Mulvaney's
18 leadership to hamstring the good work, passion,
19 commitment, and the capacity of dedicated profes-
20 sional, career Consumer Bureau staff to fulfill the
21 agency's statutory mission has likely contributed to
22 low employee morale. According to a government-
23 wide annual survey published in December 2018
24 that was conducted by the nonprofit, nonpartisan
25 Partnership for Public Service, the Consumer Bu-

1 reau experienced the largest decline in employee mo-
2 rale for a government agency of its size. A workplace
3 with low morale undermines, among other things,
4 the agency's ability to hold bad actors accountable
5 when they harm consumers, and if unaddressed, will
6 distort the functioning of fair and competitive con-
7 sumer marketplaces.

8 (11) Despite the fact that the agency has been
9 referred to as the Consumer Financial Protection
10 Bureau since it was created in 2010, Mr. Mulvaney
11 opted to change the agency's well-known name. Al-
12 though this decision is supposedly intended to ensure
13 that the agency is in compliance with Dodd-Frank,
14 when this change is viewed in conjunction with the
15 other detrimental actions to undermine the effective-
16 ness of the agency, it can only be interpreted as an
17 attempt to reduce the public's awareness of, and sig-
18 nificant support for, the agency's role as the top
19 Federal consumer cop as well as to obscure the
20 public's ability to easily identify the appropriate
21 Federal agency to contact when faced with predatory
22 behavior by financial actors. As such, while some
23 may view this particular decision as minor, the ac-
24 tion served as an important symbolic and literal ma-
25 neuver by the Trump Administration, through its

1 appointment of Mr. Mulvaney, to diminish and un-
2 dermine the consumer-focused mission of the Con-
3 sumer Bureau. Director Kathy Kraninger, who was
4 duly nominated by the President and confirmed by
5 the Senate, announced plans in an email to staff on
6 December 19, 2018, to reverse course and return to
7 utilizing the agency's well-known name. However,
8 questions remain regarding how this change will be
9 implemented and to what extent the agency may
10 continue to utilize Mr. Mulvaney's preferred name in
11 certain circumstances.

12 (12) During Mr. Mulvaney's more than 12-
13 month tenure running the agency, he only appeared
14 once before the House Financial Services Committee
15 to discuss his activities at the Consumer Bureau.
16 This is despite the fact that the law requires, at a
17 minimum, the Director's testimony before the Com-
18 mittee semi-annually. This weak congressional over-
19 sight under the direction of the previous Republican
20 Majority pales in comparison to their oversight of
21 the Consumer Bureau during former Director Rich-
22 ard Cordray's tenure. During Director Cordray's
23 tenure, he and other senior Consumer Bureau offi-
24 cials testified before Congress more than 60 times;
25 the agency was compelled to produce more than

1 200,000 pages of documents in response to over 90
2 letters of inquiry; more than 20 subpoenas were sent
3 to the Consumer Bureau; and several of the Con-
4 sumer Bureau's former and current employees were
5 compelled to sit for depositions over 21 days, that
6 lasted 136 hours, and produced 3,194 pages of tran-
7 scripts.

8 (13) Dodd-Frank gives the Director of the Con-
9 sumer Bureau broad administrative and executive
10 powers to, among other things: fix the number of,
11 and appoint and direct, all employees of the agency;
12 direct the establishment and maintenance of divi-
13 sions or other offices within the agency; determine
14 the character of, and the necessity for, the obliga-
15 tions and expenditure of funds; and the use and ex-
16 penditure of funds. These powers, however, are re-
17 quired to be exercised in a manner consistent with
18 carrying out the responsibilities under Title X of
19 Dodd-Frank, which includes complying with the enu-
20 merated Federal consumer financial laws under the
21 Title, and satisfying the obligations in other applica-
22 ble laws. Mr. Mulvaney's destructive actions have
23 demonstrated the need for legislation to reorient the
24 Director's discretionary authority to ensure the
25 maintenance of all statutorily mandated policies,

1 functions, and offices of the Consumer Bureau re-
2 gardless of who is leading the agency.

3 (b) SENSE OF CONGRESS.—The following is the sense
4 of Congress:

5 (1) The Consumer Financial Protection Bureau
6 should meet its statutory purpose in a transparent
7 and accountable manner by operating in a way that
8 is consistent with both the spirit and plain letter of
9 the law. This includes the agency fully carrying out
10 the agency’s statutory purpose, objectives, and func-
11 tions, and the agency being transparent, timely, and
12 responsive to all requests from Congress.

13 (2) Dodd-Frank underscores that the agency is
14 designed to serve as an independent Federal agency
15 that is primarily focused on the protection of all con-
16 sumers, without any undue influence of partisan
17 whims and special industry interests, in carrying out
18 its responsibilities and duties.

19 (3) The official name of the agency should be
20 consistent with this mandate, and the agency should,
21 figuratively and literally, put “Consumers” first by
22 using its better-known name as the “Consumer Fi-
23 nancial Protection Bureau”. Thus, any remaining
24 utilization by the agency of the name, “Bureau of

1 Consumer Financial Protection”, or the acronym
2 “BCFP”, should cease in all forms.

3 (4) The statute establishing the Consumer Bu-
4 reau has been grossly misinterpreted under Mr.
5 Mulvaney’s leadership, in a manner that is incon-
6 sistent with the agency’s statutory purpose, objec-
7 tives, and functions. One example of this was Mr.
8 Mulvaney’s inane suggestion that the statutory re-
9 quirement for the Director to appear before relevant
10 Congressional Committees to discuss its semi-annual
11 reports could be interpreted as requiring the Direc-
12 tor merely to attend a hearing and not answer ques-
13 tions, despite the well-established interpretation of a
14 similar statutory requirement for the Chair of the
15 Federal Reserve Board of Governors to appear be-
16 fore the House Financial Services Committee and
17 the Senate Banking, Housing, and Urban Affairs
18 Committee on a semi-annual basis about the mone-
19 tary policy report, as required by the Humphrey-
20 Hawkins Full Employment Act. In the face of such
21 blatant and disrespectful attempts to warp the au-
22 thorizing and oversight role of the first branch of
23 the Federal Government—the United States Con-
24 gress—by the Trump Administration, Congress
25 must, in this instance, now refine the Consumer Bu-

1 reau's authority to ensure that the vital role that the
2 Consumer Bureau should be playing within the
3 country's financial regulatory regime is not effec-
4 tively destroyed by the agency's current leadership.

5 (5) The Consumer Bureau, now under a new
6 Director, should promptly reverse all anti-consumer
7 actions taken during Mr. Mulvaney's tenure, includ-
8 ing the actions identified by this legislation, to en-
9 sure that the agency is fully complying with its stat-
10 utory purpose, objectives, and functions to protect
11 all consumers, including communities of color and
12 vulnerable populations. One important action is for
13 the Consumer Bureau to resume robust fair lending
14 enforcement to ensure that every consumer has fair
15 and equal access to affordable financial products and
16 services. Another demonstration of this would be for
17 the Consumer Bureau to immediately resume super-
18 vision of its regulated entities for compliance with
19 the Military Lending Act to ensure for the most ro-
20 bust and efficient protection of active-duty
21 servicemembers and their families. Other examples
22 include the Consumer Bureau significantly revising
23 its strategic plan to align it with its statutory pur-
24 pose, objectives and functions, and for the agency to
25 immediately resume coordinating closely with other

1 Federal agencies, such as the Department of Edu-
2 cation and the Department of Defense, and State
3 regulators, as is required by section 1015 of Dodd-
4 Frank to, “promote consistent regulatory treatment
5 of consumer financial and investment products and
6 services.”

7 (6) While the legislation is a direct response to
8 address many of the misguided decisions that have
9 been orchestrated under Mr. Mulvaney’s leadership
10 at the Consumer Bureau that have been exposed to
11 the public, as of the date of the bill’s introduction,
12 and sharply criticized by numerous Federal and
13 State officials, including law enforcement, as well as
14 organizations representing servicemembers, senior
15 citizens, and other vulnerable consumer populations,
16 this legislation should not be viewed as an exhaus-
17 tive list to fix all the damaging actions that may
18 have occurred at this agency since the departure of
19 former Director Cordray in November 2017, particu-
20 larly since detailed information revealing the full
21 scope, nature, and extent of the current flawed oper-
22 ation of the agency, and the adverse impact result-
23 ing from these actions, may not yet be publicly avail-
24 able. Rather, this legislation should be interpreted as
25 an attempt to highlight and resolve a small sample

1 of the publicly known egregious statements, deci-
2 sions, and actions that have occurred since Novem-
3 ber 2017.

4 **SEC. 3. CONSUMER FINANCIAL PROTECTION BUREAU.**

5 (a) IN GENERAL.—Section 1011(a) of the Consumer
6 Financial Protection Act of 2010 (12 U.S.C. 5491(a)) is
7 amended by striking “Bureau of Consumer Financial Pro-
8 tection” and inserting “Consumer Financial Protection
9 Bureau”.

10 (b) DEEMING OF NAME.—Any reference in any law,
11 regulation, document, record, or other paper of the United
12 States to the “Bureau of Consumer Financial Protection”
13 shall be deemed a reference to the “Consumer Financial
14 Protection Bureau”.

15 (c) NAME USE REQUIREMENT.—Section 1011 of the
16 Consumer Financial Protection Act of 2010 (12 U.S.C.
17 5491) is amended by adding at the end the following:

18 “(f) NAME USE REQUIREMENT.—The Consumer Fi-
19 nancial Protection Bureau shall refer to itself in any pub-
20 lic communication, including on any website, as the ‘Con-
21 sumer Financial Protection Bureau’ or the ‘CFPB’.”.

22 **SEC. 4. CONFORMING AMENDMENTS.**

23 (a) IN GENERAL.—The Acts and provisions described
24 under subsection (b) are amended by striking “Bureau of
25 Consumer Financial Protection” each place such term ap-

1 pears (including in headings and items in table of con-
2 tents) and inserting “Consumer Financial Protection Bu-
3 reau”.

4 (b) ACTS TO CONFORM.—The Acts and provisions
5 described in this subsection are as follows:

6 (1) The Alternative Mortgage Transaction Par-
7 ity Act of 1982 (12 U.S.C. 3801 et seq.).

8 (2) The Consumer Credit Protection Act (15
9 U.S.C. 1601 et seq.).

10 (3) The Dodd-Frank Wall Street Reform and
11 Consumer Protection Act (12 U.S.C. 5301 et seq.).

12 (4) The Expedited Funds Availability Act (12
13 U.S.C. 4001 et seq.).

14 (5) The Federal Deposit Insurance Act (12
15 U.S.C. 1811 et seq.).

16 (6) The Federal Financial Institutions Exam-
17 ination Council Act of 1978 (12 U.S.C. 3201 et
18 seq.).

19 (7) The Financial Institutions Reform, Recov-
20 ery, and Enforcement Act of 1989 (12 U.S.C. 1811
21 note et seq.).

22 (8) The Financial Literacy and Education Im-
23 provement Act (20 U.S.C. 9701 et seq.).

1 (9) Section 626 of the Financial Services and
2 General Government Appropriations Act, 2009 (Di-
3 vision D of Public Law 111–8; 12 U.S.C. 5538).

4 (10) The Gramm-Leach-Bliley Act (12 U.S.C.
5 1811 note et seq.).

6 (11) The Home Mortgage Disclosure Act of
7 1975 (12 U.S.C. 2801 et seq.).

8 (12) Section 10(a)(4) of the Homeowners Pro-
9 tection Act of 1998 (12 U.S.C. 4901 et seq.).

10 (13) The Inspector General Act of 1978 (5
11 U.S.C. App 2).

12 (14) The Interstate Land Sales Full Disclosure
13 Act (15 U.S.C. 1701 et seq.).

14 (15) The Real Estate Settlement Procedures
15 Act of 1974 (12 U.S.C. 2601 et seq.).

16 (16) Title LXII of the Revised Statutes of the
17 United States (12 U.S.C. 21 et seq.).

18 (17) The Right to Financial Privacy Act of
19 1978 (12 U.S.C. 3401 et seq.).

20 (18) The S.A.F.E. Mortgage Licensing Act of
21 2008 (12 U.S.C. 5101 et seq.).

22 (19) The Telemarketing and Consumer Fraud
23 and Abuse Prevention Act (15 U.S.C. 6101 et seq.).

24 (20) Sections 552a(w) and 3132(a)(1)(D) of
25 title 5, United States Code.

1 (21) Section 987(g)(3)(E) of title 10, United
2 States Code.

3 (22) Sections 3502(5) and 3513(c) of title 44,
4 United States Code.

5 **SEC. 5. EXECUTIVE AND ADMINISTRATION POWERS.**

6 (a) OFFICE RESPONSIBILITIES.—Section 1012 of the
7 Consumer Financial Protection Act of 2010 (12 U.S.C.
8 5492) is amended—

9 (1) by redesignating subsection (c) as sub-
10 section (d); and

11 (2) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) OFFICE RESPONSIBILITIES.—Notwithstanding
14 subsections (a) and (b), section 1013(a), and any other
15 provision of law, with respect to the specific functional
16 units and offices described under subsections (b), (c), (d),
17 (e), (g), and (h) of section 1013 and the advisory boards
18 described under section 1014, the Director—

19 “(1) shall ensure that such functional units, of-
20 fices, and boards perform the functions, duties, and
21 coordination assigned to them under the applicable
22 provision of section 1013 or 1014; and

23 “(2) may not reorganize or rename such units,
24 offices, and boards in a manner not provided for

1 under the applicable provision of section 1013 or
2 1014.”.

3 (b) DUTY TO PROVIDE ADEQUATE STAFFING.—Sec-
4 tion 1013(a)(1) of the Consumer Financial Protection Act
5 of 2010 (12 U.S.C. 5493(a)(1)) is amended by adding at
6 the end the following:

7 “(D) DUTY TO PROVIDE ADEQUATE
8 STAFFING.—The Director shall ensure that the
9 specific functional units and offices described
10 under subsections (b), (c), (d), (e), (g), and (h)
11 of section 1013, as well as other units and of-
12 fices with supervisory and enforcement duties,
13 are provided with sufficient staff to carry out
14 the functions, duties, and coordination of those
15 units and offices.”.

16 (c) LIMITATION ON POLITICAL APPOINTEES.—Sec-
17 tion 1013(a)(1) of the Consumer Financial Protection Act
18 of 2010 (12 U.S.C. 5493(a)(1)) is amended by adding at
19 the end the following:

20 “(E) LIMITATION ON POLITICAL AP-
21 POINTEES.—

22 “(i) IN GENERAL.—In appointing em-
23 ployees of the Bureau who are political ap-
24 pointees, the Director shall ensure that the
25 number and duties of such political ap-

1 pointees are as similar as possible to those
2 of the other Federal primary financial reg-
3 ulatory agencies.

4 “(ii) POLITICAL APPOINTEES DE-
5 FINED.—For purposes of this subpara-
6 graph, the term ‘political appointee’ means
7 an employee who holds—

8 “(I) a position which has been
9 excepted from the competitive service
10 by reason of its confidential, policy-de-
11 termining, policy-making, or policy-ad-
12 vocating character;

13 “(II) a position in the Senior Ex-
14 ecutive Service as a noncareer ap-
15 pointee (as such term is defined in
16 section 3132(a) of title 5, United
17 States Code); or

18 “(III) a position under the Exec-
19 utive Schedule (subchapter II of chap-
20 ter 53 of title 5, United States
21 Code).”.

22 (d) PUBLIC AVAILABILITY OF COMPLAINT INFORMA-
23 TION.—

1 (1) IN GENERAL.—Section 1013(b)(3) of the
2 Consumer Financial Protection Act of 2010 (12
3 U.S.C. 5493(b)(3)) is amended—

4 (A) in subparagraph (A)—

5 (i) by inserting “publicly available”
6 before “website”;

7 (ii) by inserting “publicly available”
8 before “database”, each place such term
9 appears; and

10 (iii) by adding at the end the fol-
11 lowing: “The Director shall ensure that the
12 landing page of the main website of the
13 Bureau contains a clear and conspicuous
14 hyperlink to the consumer complaint data-
15 base described in this subparagraph and
16 shall ensure that such database is user-
17 friendly and in plain writing (as such term
18 is defined in the Plain Writing Act of
19 2010). The Director shall ensure that all
20 information on the website or the database
21 that explains how to file a complaint with
22 the Bureau, as well as all reports of the
23 Bureau with respect to information con-
24 tained in the database, shall be provided in
25 each of the 5 most commonly spoken lan-

1 guages, other than English, in the United
2 States, as determined by the Bureau of the
3 Census on an ongoing basis, and in for-
4 mats accessible to individuals with hearing
5 or vision impairments.”; and

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

7 “(E) PUBLIC AVAILABILITY OF INFORMA-
8 TION.—

9 “(i) IN GENERAL.—The Director
10 shall—

11 “(I) make all consumer com-
12 plaints available to the public on a
13 website of the Bureau;

14 “(II) place a clear and con-
15 spicuous hyperlink on the landing
16 page of the main website of the Bu-
17 reau to the website described under
18 subclause (I); and

19 “(III) ensure that such website—

20 “(aa) is searchable and sort-
21 able by both consumer financial
22 product or service and by covered
23 person; and

24 “(bb) is user-friendly and
25 written in plain language.

1 “(ii) INCLUSION OF COMPLAINTS SUB-
2 MITTED WITH INQUIRIES.—For purposes
3 of clause (i), in addition to all complaints
4 described under subparagraph (A), con-
5 sumer complaints shall include any com-
6 plaints submitted with, or as part of, an
7 inquiry described under section 1034.

8 “(iii) REMOVAL OF PERSONALLY
9 IDENTIFIABLE INFORMATION.—In making
10 the information described under clause (i)
11 available to the public, the Director shall
12 remove all personally identifiable informa-
13 tion.”.

14 (2) RULE OF CONSTRUCTION.—

15 (A) IN GENERAL.—The Director of the
16 Consumer Financial Protection Bureau shall
17 ensure—

18 (i) that the database and website de-
19 scribed under section 1013(b)(3) of the
20 Consumer Financial Protection Act of
21 2010 have, at a minimum, the same avail-
22 ability, transparency, and functionality
23 that such database and website had prior
24 to November 24, 2017; and

1 (ii) that consumers are able, at a min-
2 imum, to submit complaints to the Bureau
3 with respect to—

4 (I) any covered person or service
5 provider; and

6 (II) any financial product or
7 service.

8 (B) DEFINITIONS.—For purposes of this
9 paragraph, the terms “covered person”, “finan-
10 cial product or service”, and “service provider”
11 have the meaning given those terms, respec-
12 tively, under section 1002 of the Consumer Fi-
13 nancial Protection Act of 2010.

14 (e) MEMORANDA OF UNDERSTANDING.—

15 (1) REPORT ON CURRENT MOUS.—Not later
16 than the end of the 30-day period beginning on the
17 date of enactment of this Act, the Director of the
18 Consumer Financial Protection Bureau shall issue a
19 report to the Committee on Financial Services of the
20 House of Representatives and the Committee on
21 Banking, Housing, and Urban Affairs of the Senate
22 listing—

23 (A) each memorandum of understanding in
24 effect with the Bureau on November 24, 2017;

1 (B) any changes made to such a memo-
2 randum of understanding since such date, in-
3 cluding any memorandum of understanding re-
4 scinded since such date; and

5 (C) a justification for each such change or
6 rescission.

7 (2) SEMI-ANNUAL REPORT ON MOUS.—Section
8 1016(e) of the Consumer Financial Protection Act
9 of 2010 (12 U.S.C. 5496(e)) is amended—

10 (A) in paragraph (8), by striking “and” at
11 the end;

12 (B) in paragraph (9), by striking the pe-
13 riod and inserting a semicolon; and

14 (C) by adding at the end the following:

15 “(10) a list of each memorandum of under-
16 standing in effect with the Bureau, any changes
17 made to a memorandum of understanding since the
18 last report was made under subsection (b), and a
19 justification for each such change;”.

20 (f) ADDITIONAL REPORT INFORMATION ON CON-
21 SUMER SAVINGS.—Section 1013 of the Consumer Finan-
22 cial Protection Act of 2010 (12 U.S.C. 5493) is amended
23 by adding at the end the following:

24 “(i) ADDITIONAL REPORT INFORMATION ON CON-
25 SUMER SAVINGS.—In issuing each report required under

1 section 502(d) of the Credit CARD Act of 2009, the Bu-
2 reau shall include a numerical estimate of the amount that
3 such Act has saved consumers in fees impacted by such
4 Act, relative to the level of such fees prior to the enact-
5 ment of such Act.”.

6 **SEC. 6. OFFICES OF THE CONSUMER FINANCIAL PROTEC-**
7 **TION BUREAU.**

8 (a) CLARIFICATION OF THE DUTIES OF THE OFFICE
9 OF FAIR LENDING AND EQUAL OPPORTUNITY.—Section
10 1013(c)(2) of the Consumer Financial Protection Act of
11 2010 (12 U.S.C. 5493(c)(2)) is amended—

12 (1) by striking “Office of Fair Lending and
13 Equal Opportunity shall have such powers and du-
14 ties as the Director may delegate to the Office, in-
15 cluding” and inserting “powers and duties of the Of-
16 fice of Fair Lending and Equal Opportunity shall in-
17 clude”;

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

20 (3) in subparagraph (D), by striking the period
21 and inserting a semicolon; and

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

23 “(E) implementing the Bureau’s enforce-
24 ment and supervisory authority with respect to
25 fair lending laws; and

1 “(F) such additional powers and duties as
2 the Director may determine appropriate.”.

3 (b) OFFICE OF STUDENTS AND YOUNG CON-
4 SUMERS.—

5 (1) IN GENERAL.—Section 1013 of the Con-
6 sumer Financial Protection Act of 2010 (12 U.S.C.
7 5493), as amended by section 5(f), is further
8 amended by adding at the end the following:

9 “(j) OFFICE OF STUDENTS AND YOUNG CON-
10 SUMERS.—

11 “(1) IN GENERAL.—The Director shall, not
12 later than the end of the 60-day period beginning on
13 the date of enactment of this section, establish an
14 Office of Students and Young Consumers, which
15 shall work to empower students, young people, and
16 their families to make more informed financial deci-
17 sions about saving and paying for college, accessing
18 safer and more affordable financial products and
19 services, all matters related to private education
20 loans (as defined under section 1035(e)), and repay-
21 ing student loan debt, including private education
22 loans.

23 “(2) HEAD OF THE OFFICE.—The head of the
24 Office of Students and Young Consumers shall be
25 the Assistant Director and Student Loan Ombuds-

1 man, and the Assistant Director and Student Loan
2 Ombudsman shall carry out all functions established
3 under section 1035 through the Office of Students
4 and Young Consumers.

5 “(3) SUPERVISORY, ENFORCEMENT, AND REGU-
6 LATORY MATTERS.—The Office of Students and
7 Young Consumers shall assist in all supervisory, en-
8 forcement, and regulatory matters of the Bureau re-
9 lated to the functions of the Office.

10 “(4) COORDINATION.—The Director shall enter
11 into memoranda of understanding and similar agree-
12 ments with the Department of Education and other
13 Federal and State agencies, as appropriate, in order
14 to carry out the business of the Office of Students
15 and Young Consumers.”.

16 (2) RENAMING AND APPOINTMENT CLARIFICA-
17 TION OF THE PRIVATE EDUCATION LOAN OMBUDS-
18 MAN.—

19 (A) IN GENERAL.—Section 1035 of the
20 Consumer Financial Protection Act of 2010 (12
21 U.S.C. 5535) is amended—

22 (i) in the heading of the section by
23 striking “**PRIVATE EDUCATION**” and in-
24 sserting “**ASSISTANT DIRECTOR AND**
25 **STUDENT**”;

1 (ii) in subsection (a), by striking “The
2 Secretary, in consultation with the Direc-
3 tor, shall designate a Private Education
4 Loan Ombudsman” and inserting “The
5 Director shall designate an individual as
6 the Assistant Director and Student Loan
7 Ombudsman”;

8 (iii) in subsection (b), by striking
9 “The Secretary and the Director” and in-
10 sserting “The Director”; and

11 (iv) in subsection (d)(2), by inserting
12 “the Director,” before “the Secretary,”.

13 (B) CLERICAL AMENDMENT.—The table of
14 contents under section 1(b) of the Dodd-Frank
15 Wall Street Reform and Consumer Protection
16 Act is amended, in the item relating to section
17 1035, by striking “Private education” and in-
18 sserting “Assistant director and student”.

19 (C) DEEMING OF NAME.—Any reference in
20 any law, regulation, document, record, or other
21 paper of the United States to the “Private Edu-
22 cation Loan Ombudsman” shall be deemed a
23 reference to the “Assistant Director and Stu-
24 dent Loan Ombudsman”.

1 (c) SEMI-ANNUAL REPORT TO CONGRESS ON CER-
2 TAIN OFFICES OF THE BUREAU.—Section 1016(c) of the
3 Consumer Financial Protection Act of 2010 (12 U.S.C.
4 5496(c)), as amended by section 5(e)(2), is further
5 amended by adding at the end the following:

6 “(11) with respect to each of the specific func-
7 tional units and offices established under section
8 1013—

9 “(A) a detailed description of the activities
10 of the unit or office since the last report was
11 made under subsection (b); and

12 “(B) an analysis of the efforts of the Bu-
13 reau to achieve the duties of the unit or office;
14 and

15 “(12) with respect to each specific functional
16 units and offices established under section 1013, as
17 well as each other unit and office with supervisory
18 and enforcement duties, a break down of the number
19 of political and professional career staff assigned to
20 and employed by each unit or office at the end of
21 the reporting period.”.

22 (d) FUNCTION OF ANY UNIT OR OFFICE ESTAB-
23 LISHED TO CONDUCT COST BENEFIT ANALYSIS.—Any
24 unit or office established to conduct cost benefit analysis
25 within the Consumer Financial Protection Bureau shall,

1 as its sole function, carry out the considerations required
2 by section 1022(b)(2)(A) of the Consumer Financial Pro-
3 tection Act of 2010 (12 U.S.C. 5512(b)(2)(A)).

4 **SEC. 7. CONSUMER ADVISORY BOARD REFORMS.**

5 (a) IN GENERAL.—Section 1014 of the Consumer Fi-
6 nancial Protection Act of 2010 (12 U.S.C. 5494) is
7 amended—

8 (1) by amending subsection (b) to read as fol-
9 lows:

10 “(b) MEMBERSHIP.—

11 “(1) QUALIFICATIONS.—In appointing the
12 members of the Consumer Advisory Board, the Di-
13 rector shall—

14 “(A) seek to assemble a diverse and inclu-
15 sive group of experts in consumer protection, fi-
16 nancial services, community development, fair
17 lending and civil rights, and consumer financial
18 products or services and representatives of de-
19 pository institutions that primarily serve under-
20 served communities, and representatives of
21 communities that have been significantly im-
22 pacted by higher-priced mortgage loans, and
23 seek representation of the interests of covered
24 persons and consumers, without regard to party
25 affiliation; and

1 “(B) ensure that at least $\frac{2}{3}$ of the mem-
2 bers represent the interests of consumers, in-
3 cluding experts in consumer protection, fair
4 lending, civil rights, and representatives of com-
5 munities that have been significantly impacted
6 by higher-priced mortgage loans and other
7 products that resulted in consumer harm.

8 “(2) NUMBER OF MEMBERS.—The Director
9 shall appoint not fewer than 25 members to the
10 Consumer Advisory Board, and not fewer than 6
11 members shall be appointed upon the recommenda-
12 tion of the regional Federal Reserve Bank Presi-
13 dents, on a rotating basis.

14 “(3) MEMBERSHIP RIGHTS AFTER CHARTER
15 CHANGE.—Any change to the charter for the Con-
16 sumer Advisory Board affecting the membership
17 shall not preclude prior or current members from
18 applying for consideration to serve on a reconsti-
19 tuted Consumer Advisory Board.”; and

20 (2) in subsection (c)—

21 (A) by striking “meet from” and inserting
22 “meet in person from”; and

23 (B) by adding at the end the following:
24 “The Bureau shall provide adequate notice to
25 the members of the Consumer Advisory Board

1 of the time and date of each meeting, and of
2 any meeting cancellations.”

3 (b) INCLUSION OF THE DIRECTOR IN MEETINGS AND
4 ACCESS TO BUREAU STAFF.—Section 1014 of the Con-
5 sumer Financial Protection Act of 2010 (12 U.S.C. 5494)
6 is amended by adding at the end the following:

7 “(e) INCLUSION OF THE DIRECTOR IN MEETINGS
8 AND ACCESS TO BUREAU STAFF.—With respect to each
9 in person meeting of the Consumer Advisory Board—

10 “(1) the Director shall attend such meeting in
11 person; and

12 “(2) the Director shall ensure that the members
13 of the Consumer Advisory Board have an oppor-
14 tunity to meet and engage in person with all appro-
15 priate staff and office of the Bureau.”.

16 (c) TREATMENT OF MEMBERS OF THE CONSUMER
17 ADVISORY BOARD.—Notwithstanding any other law—

18 (1) any member of the Consumer Advisory
19 Board of the Consumer Financial Protection Bureau
20 on November 1, 2017, may continue to serve as a
21 member of such advisory board until March 27,
22 2020, and may not be removed from such position
23 without cause by the Director of the Bureau until
24 such date; and

1 (2) any member of the Consumer Advisory
2 Board of the Consumer Financial Protection Bureau
3 on the date of enactment of this Act, may continue
4 to serve as a member of such advisory board until
5 March 27, 2020, and may not be removed from such
6 position without cause by the Director of the Bureau
7 until such date.

8 (d) ADDITIONAL REQUIREMENTS FOR ADVISORY
9 COMMITTEES.—Section 1013 of the Consumer Financial
10 Protection Act of 2010 (12 U.S.C. 5493), as amended by
11 section 6(b)(1), is further amended by adding at the end
12 the following:

13 “(k) ADVISORY COMMITTEE REQUIREMENTS.—

14 “(1) QUALIFICATIONS.—In appointing members
15 of any advisory committee, other than the Consumer
16 Advisory Board, the Director shall ensure that at
17 least $\frac{1}{3}$ of the members represent the interests of
18 consumers, including experts in consumer protection,
19 fair lending, civil rights, and representatives of com-
20 munities that have been significantly impacted by
21 higher-priced mortgage loans and other products
22 that resulted in consumer harm.

23 “(2) SELECTION OF MEMBERS REPRESENTING
24 MINORITY-OWNED AND WOMEN-OWNED BUSI-
25 NESSES.—In appointing members of any advisory

1 committee, the Director shall seek to promote diver-
2 sity and inclusion in making appointments, including
3 by appointing individuals who represent minority-
4 owned and women-owned businesses.”.

5 **SEC. 8. DISCRETIONARY SURPLUS FUNDS.**

6 Section 7(a)(3)(A) of the Federal Reserve Act (12
7 U.S.C. 289(a)(3)(A)) is amended by striking
8 “\$6,825,000,000” and inserting “\$6,797,000,000”.

9 **SEC. 9. EFFECTIVE DATE.**

10 This Act and the amendments made by this Act shall
11 take effect on the date of the enactment of this Act, except
12 that the Director of the Consumer Financial Protection
13 Bureau shall have 30 days to complete any operational
14 changes to the Bureau required by this Act or an amend-
15 ment made by this Act.

