

118TH CONGRESS
1ST SESSION

S. _____

To amend the Consumer Financial Protection Act of 2010 to enhance rule-making requirements for the Bureau of Consumer Financial Protection, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Consumer Financial Protection Act of 2010 to enhance rulemaking requirements for 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.**

4 This Act may be cited as the “Transparency in
5 CFPB Cost-Benefit Analysis Act”.

6 **SEC. 2. TRANSPARENCY IN COST-BENEFIT ANALYSIS.**

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

1 “(5) ADDITIONAL RULEMAKING REQUIRE-
2 MENTS.—

3 “(A) IN GENERAL.—Each notice of pro-
4 posed rulemaking issued by the Bureau shall be
5 published in its entirety in the Federal Register
6 and shall include—

7 “(i) a statement of the need for the
8 proposed regulation;

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

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

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

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

1 “(vii) an analysis of the costs and
2 benefits, both quantitative and qualitative,
3 of any alternative identified pursuant to
4 clause (v);

5 “(viii) if the Bureau determines the
6 proposed regulation would increase costs
7 for small businesses, then the Bureau shall
8 consult the Office of Advocacy within the
9 Small Business Administration to deter-
10 mine ways to minimize the effect of direct
11 and indirect costs imposed on small busi-
12 nesses by the proposed regulation;

13 “(ix) if quantified net benefits of the
14 proposed action do not outweigh the quan-
15 tified net benefits of the alternatives, a jus-
16 tification of the regulation;

17 “(x) if quantified benefits identified
18 pursuant to clause (iv) do not outweigh the
19 quantified costs of the regulation, a jus-
20 tification of the regulation;

21 “(xi) an assessment of how the bur-
22 den imposed by the regulation will be dis-
23 tributed; including whether consumers, or
24 small businesses will be disproportionately
25 burdened; and

1 “(xii) when feasible, and using appro-
2 priate statistical techniques, a probability
3 distribution of the relevant outcomes of the
4 proposed regulation.

5 “(B) ASSUMPTIONS AND STUDIES USED.—
6 With respect to the information required to be
7 included under subparagraph (A), the Bureau
8 will include—

9 “(i) a discussion of underlying as-
10 sumptions used as a basis for such infor-
11 mation; and

12 “(ii) a description of any studies or
13 data used in preparing such information,
14 and whether such studies were peer-re-
15 viewed.”.