

HR 3126

Consumer Financial Protection Agency Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Finance and Financial Sector

Introduced: Jul 8, 2009

Current Status: Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 111-367, Part I.

Latest Action: Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 111-367, Part I. (Dec 9, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/3126>

Sponsor

Name: Rep. Frank, Barney [D-MA-4]

Party: Democratic • **State:** MA • **Chamber:** House

Cosponsors (18 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Ackerman, Gary L. [D-NY-5]	D · NY		Jul 8, 2009
Rep. Capuano, Michael E. [D-MA-8]	D · MA		Jul 8, 2009
Rep. Ellison, Keith [D-MN-5]	D · MN		Jul 8, 2009
Rep. Grayson, Alan [D-FL-8]	D · FL		Jul 8, 2009
Rep. Green, Al [D-TX-9]	D · TX		Jul 8, 2009
Rep. Gutierrez, Luis V. [D-IL-4]	D · IL		Jul 8, 2009
Rep. Maloney, Carolyn B. [D-NY-14]	D · NY		Jul 8, 2009
Rep. Miller, Brad [D-NC-13]	D · NC		Jul 8, 2009
Rep. Sherman, Brad [D-CA-27]	D · CA		Jul 8, 2009
Rep. Speier, Jackie [D-CA-12]	D · CA		Jul 8, 2009
Rep. Waters, Maxine [D-CA-35]	D · CA		Jul 8, 2009
Rep. Watt, Melvin L. [D-NC-12]	D · NC		Jul 8, 2009
Rep. Slaughter, Louise McIntosh [D-NY-28]	D · NY		Jul 20, 2009
Rep. Jackson, Jesse L., Jr. [D-IL-2]	D · IL		Jul 31, 2009
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		Sep 10, 2009
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Oct 20, 2009
Rep. Davis, Danny K. [D-IL-7]	D · IL		Oct 29, 2009
Rep. Chu, Judy [D-CA-32]	D · CA		Nov 6, 2009

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Discharged from	Oct 29, 2009
Financial Services Committee	House	Markup By	Oct 22, 2009

Subjects & Policy Tags

Policy Area:

Finance and Financial Sector

Related Bills

Bill	Relationship	Last Action
111 HR 4173	Related bill	Jul 21, 2010: Became Public Law No: 111-203.

Consumer Financial Protection Agency Act of 2009 - Establishes the Consumer Financial Protection Agency as an independent executive agency to regulate the provision of consumer financial products or services (products or services) under: (1) this Act; (2) consumer finance laws including the Electronic Funds Transfer Act, the Equal Credit Opportunity Act, provisions of the Fair Credit Reporting Act, the Fair Debt Collection Practices Act, the Home Mortgage Disclosure Act, the Real Estate Settlement Procedures Act, the Truth in Lending Act, and the Truth in Savings Act; and (3) transferred authorities concerning consumer financial protection functions of the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation (FDIC), the Federal Trade Commission (FTC), and the National Credit Union Administration (NCUA).

Requires the Agency to establish a Consumer Advisory Board to advise and consult with the Agency in the exercise of its functions and to provide information on emerging practices in the products or services industry.

Requires collection of annual fees or assessments to recover amounts expended by the Agency.

Establishes in the Treasury the Consumer Financial Protection Agency Civil Penalty Fund for deposit of any civil penalty obtained against a person in a judicial or administrative action under this Act.

Requires the Agency to seek to promote transparency, simplicity, fairness, accountability, and access in the market for consumer financial products or services. Authorizes the Agency to take administrative actions to: (1) prevent a person from committing or engaging in an unfair, deceptive, or abusive act or practice under federal law in connection with any transaction with a consumer for a product or service; (2) ensure the appropriate and effective disclosure or communication to consumers of associated costs, benefits, and risks; (3) guide the manner, settings, and circumstances for the provision of products or services to ensure that their risks, costs, and benefits are fully and accurately represented to consumers; and (4) approve pilot disclosures to consumers.

Encourages states to prescribe standards applicable to persons (other than insured depository institutions or credit unions) to deter and detect unfair, deceptive, abusive, fraudulent, or illegal transactions in the provision of products or services. Authorizes the Agency to prescribe regulations establishing minimum standards.

Defines "standard consumer financial product or services" and allows the Agency to prescribe regulations or guidance concerning the offering of them at or before the time an alternative consumer financial product or service is offered.

Sets forth prohibitions regarding marketing and advertising, agreement terms and fees, refusals to permit access to records, and providing assistance in unfair, deceptive, or abusive acts or practices.

Describes the enforcement authorities of states under this Act.

Describes the investigative and adjudicatory authorities and procedures of the Agency, including procedures for referral for the institution of criminal proceedings.

Provides identification and availability requirements for the maintenance of records of the number and dollar amounts of deposit accounts for each branch, automated teller machine at which deposits are accepted, and other deposit-taking service facility with respect to any financial institution.

Amends the Equal Credit Opportunity Act to require each financial institution, in the case of an application for credit for a

small business, to: (1) inquire whether the business is a women- or minority-owned business; and (2) maintain a separate record of the responses to such inquiry. Restricts access to such information by loan underwriters or other employees of the financial institution. Requires such information to be compiled and maintained by each financial institution and submitted annually to the Agency, which shall make it available for public disclosure.

Amends the Federal Trade Commission Act to require the FTC, in any investigation or proceeding in which it appears that an unfair or deceptive act or practice is being committed in connection with the marketing, sale, provision, or delivery of a product or service, to consult and coordinate with the Agency as the agencies deem appropriate. Makes it unlawful for any person, knowingly or recklessly, to provide substantial assistance to another in violating any provision of the Act or any other Act enforceable by the FTC that relates to unfair or deceptive acts or practices.

Precludes FTC rulemaking authority with regard to the marketing, sale, provision, or delivery to an individual of a consumer financial product or service that is subject to the jurisdiction of the Agency. Revises other FTC rulemaking procedures regarding: (1) rule publication; (2) meetings with outside parties; (3) communications of investigative personnel outside the rulemaking record; and (4) judicial review.

Actions Timeline

- **Dec 9, 2009:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 111-367, Part I.
- **Oct 29, 2009:** Subcommittee on Commerce, Trade and Consumer Protection Discharged.
- **Oct 29, 2009:** Committee Consideration and Mark-up Session Held.
- **Oct 29, 2009:** Ordered to be Reported (Amended) by the Yeas and Nays: 33 - 19.
- **Oct 22, 2009:** Committee Consideration and Mark-up Session Held.
- **Oct 22, 2009:** Ordered to be Reported (Amended) by the Yeas and Nays: 39 - 29.
- **Jul 8, 2009:** Introduced in House
- **Jul 8, 2009:** Referred to House Financial Services
- **Jul 8, 2009:** Referred to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Jul 8, 2009:** Referred to House Energy and Commerce
- **Jul 8, 2009:** Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
- **Jul 8, 2009:** Subcommittee Hearings Held.