AMENDMENT TO THE RULES COMMITTEE PRINT

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OFFERED BY MS. VELÁZQUEZ OF NEW YORK

At the end of subtitle C of title III, add the following:

SEC. 339. SUPERVISION OF NONDEPOSITORY PERSONS OFFERING OR MAKING SMALL BUSINESS LOANS.

(a) In general.—The Consumer Financial Protection Act of 2010 (12 U.S.C. 5481 et seq.) is amended by inserting after section 1024 the following:

“SEC. 1024A. SUPERVISION OF NONDEPOSITORY PERSONS OFFERING OR MAKING SMALL BUSINESS LOANS.

“(a) Definitions.—In this section:

“(1) Covered nondepository lender.—The term ‘covered nondepository lender’ means a financial institution (as defined under section 704B(h) of the Equal Credit Opportunity Act (15 U.S.C. 1691e–2(h))) that—

“(A) is not a depository institution or credit union; and

“(B) is required to compile, maintain, and report information pursuant to section 704B of

“(2) ECOA TERMS.—The terms ‘minority-owned business’, ‘women-owned business’, and ‘small business’ have the meaning given those terms, respectively, under section 704B(h) of the Equal Credit Opportunity Act (15 U.S.C. 1691e–2(h)).

“(b) SUPERVISION.—

“(1) IN GENERAL.—The Bureau shall require reports and conduct examinations on a periodic basis of covered nondepository lenders for purposes of—

“(A) assessing compliance with the requirements of the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.);

“(B) obtaining information about the activities and compliance systems or procedures of the covered nondepository lender; and

“(C) detecting and assessing risks to minority-owned businesses, women-owned businesses, and small businesses and to markets for credit to such businesses.

“(2) RISK-BASED SUPERVISION PROGRAM.—The Bureau shall exercise its authority under paragraph (1) in a manner designed to ensure that such exercise, with respect to covered nondepository lend-
ers, is based on the assessment by the Bureau of the
risks posed to minority-owned businesses, women-
owned businesses, and small businesses in the rel-
evant product markets and geographic markets, and
taking into consideration, as applicable—

“(A) the asset size of the covered non-
 depository lender;

“(B) the volume of transactions involving
 extending credit to minority-owned businesses,
 women-owned businesses, and small businesses
 in which the covered nondepository lender en-
gages;

“(C) the risks to minority-owned busi-
 nesses, women-owned businesses, and small
 businesses created by the provision of such
 credit;

“(D) the extent to which the covered non-
depository lender is subject to oversight by
State authorities for fair lending in the provi-
sion of such credit; and

“(E) any other factors that the Bureau de-
termines to be relevant to a class of covered
nondepository lenders.”.

(b) CLERICAL AMENDMENT.—The table of contents
in section 1(b) of the Dodd-Frank Wall Street Reform and
Consumer Protection Act is amended by inserting after the item relating to section 1024 the following:

“Sec. 1024A. Supervision of nondepository persons offering or making small business loans.”.