

118TH CONGRESS
1ST SESSION

H. R. 1749

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2023

Mr. FITZGERALD (for himself, Mr. NORMAN, Mr. FALLON, and Mrs. MILLER of Illinois) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Small Business, and Financial Services, 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

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.”.

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