



Americans for Financial Reform
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Groups Urge Strong Opposition to HR 3193, CFPB Rollback Package Under Consideration on House Floor This Week

Dear Representative,

On behalf of Americans for Financial Reform and other undersigned organizations, we urge you to oppose HR 3193, the so-called “Consumer Financial Protection and Soundness Improvement Act of 2013,” which is a Rules Committee rollup of a package of bills designed to gut the Consumer Financial Protection Bureau. The bill is scheduled for a floor vote as early as this week. We urge you to oppose this legislation.

The CFPB was established as a centerpiece of the Wall Street Reform and Consumer Protection Act in 2010 and took over as the nation’s lead consumer financial regulator on 21 July 2011. Any remaining uncertainty over its authority to protect consumers in both the bank and non-bank financial marketplaces was erased upon the Senate confirmation of its director, Richard Cordray, on 16 July 2013 by a vote of 66-34.

Since July 2011, the CFPB has been doing its job of protecting consumers and establishing rules and guidelines so that markets will work in an open, transparent and fair way. It is putting money back in the pockets of defrauded consumers, including, for example, refunds of over \$700 million to consumers from credit card companies that had treated them unfairly, along with refunds of hundreds of millions more from abusive practices ranging from unfair mortgage servicing to auto loan pricing discrimination to deceptive practices aimed at service members.

The CFPB has been on the job helping service members and veterans, seniors, students and other consumers at high risk of financial fraud. Important new rules it has put in place include new standards so that abusive mortgages like those that helped cause the financial crisis cannot return and new protections to prevent people from being gouged when they send money to family abroad. Further, the CFPB is the only federal financial regulator that has met all of its regulatory deadlines, and it has received praise even from industry leaders for its transparency and openness.

HR 3193 includes several bills previously passed in the Financial Services Committee. If the bill were to become law, it would seriously undermine the CFPB's ability to protect the public in a range of ways. We urge you to oppose HR 3193 and any similar proposals designed to hobble the CFPB and prevent it from doing its job.

Here is a summary of the Rules Committee package now known as HR 3193:

- The bill includes the original H.R. 3193 (Duffy), which would weaken the CFPB's independence by strengthening the Financial Stability Oversight Council's already-unique authority to overturn CFPB rules. The CFPB is already the only agency whose rules can be overturned by other regulators.
- HR 3193 now also includes HR 2385 (Duffy), the so-called CFPB Pay Fairness Act, which would reduce CFPB pay schedules and thereby make the CFPB the only federal financial regulator where salaries are not based on the Federal Reserve Board's salary schedules. This will have the effect of making it harder for the CFPB to attract and keep qualified employees, and would also send the message that consumer protection is a lower priority than other bank regulatory functions. Congress recognized the necessity of allowing the CFPB – just like the other financial regulators - to hire above General Schedule salary levels in order to compete for employees with banking sector experience, and it is important that the agency maintain this ability.
- HR 3193 now also includes HR 2446 (Bachus), the so-called Responsible Consumer Financial Protection Regulations Act, which would revisit the issue of a director vs. a commission structure for the CFPB; that is a question that has already been asked and answered. Congress determined that a single director structure, identical to that used by both the regional Federal Reserve banks and the larger and more powerful national bank regulator, the OCC (the OCC can actually shut down financial institutions), was proper for the CFPB. Furthermore, while there are financial regulators that are led by five-member boards, there is no evidence that this structure is more effective. In fact, five-member boards can tend towards more gridlock, even with the presence of a strong chairman. Revisiting this issue is a recipe for disaster—delaying rule-making and enforcement actions in progress and threatening both the certainty and continuity that makes sense for the regulated industry – as well as for consumers. Having a strong director at the helm of the agency is vital in ensuring that the CFPB can effectively implement critical reforms to protect consumers, lower the risks of a repeat financial and housing crisis and level the playing field between banks and non-banks. Further, by requiring that at least one commissioner be the Vice Chairman for Supervision of the Federal Reserve, the bill makes it extremely likely that at least 3, or a majority, of the Commission would be bank and financial industry friendly, rather than focused on policing the markets for consumers.

- HR 3193 now also includes H.R. 3519 (Neugebauer), the so-called Bureau of Consumer Financial Protection Accountability and Transparency Act of 2013, which would undo the CFPB's independence from the often-politicized Congressional appropriations process. Again, this provision radically singles CFPB out from protections against political interference that are currently granted to the Federal Reserve, the OCC and the FDIC. Subjecting the CFPB to the appropriations process would give Wall Street and the worst elements of the financial services industry endless lobbying opportunities to deny the CFPB the funding to do its job if and when the regulator took action the industry did not like.
- HR 3193 also now includes H.R. 2571 (Duffy), the so-called Consumer Right to Financial Privacy Act, which is redundant since it would require the CFPB to protect consumer privacy, something it already does when consumers submit personally identifiable information (PII) to it, under existing privacy protection requirements of Section 1022 of the Dodd-Frank Act of 2010, and something it already does when it studies datasets that do not include PII. As the Director and his colleagues have repeatedly testified, the CFPB does not collect information to study consumers; rather, it collects data—as other regulators do – in order to study markets. Indeed, a number of privacy organizations have previously indicated that they have no concerns with the CFPB's collection and use of data. The bulk of the CFPB's data collection is of de-identified datasets from industry vendors. The CFPB cannot identify individual consumers from these data because the personally identifiable information (PII) has already been stripped.
- The inclusion of HR 2571's further amendment to the 1978 Right to Financial Privacy Act (eliminating 12 USC Section 3413(r) of RFPA) would illogically limit the CFPB's supervisory access in a way that is different than that of all the other prudential regulators, including the OCC, Federal Reserve, Federal Reserve Banks and the FDIC, among numerous other exceptions provided by Section 3413 (exceptions (a)-(q) would be retained, only (r), affecting the CFPB, would be removed). The agency's data resources help it to fulfill its mandate to examine financial products and act as an advocate for consumers. This is important in allowing the agency to counteract the information edge enjoyed by large banks, which are too often able to offer consumers products that add nothing of value but whose fees add considerably to bank profitability.

Thank you for your consideration of our views. If accepted, the proposed legislation would weaken the Consumer Bureau, prevent it from doing its job and instead serve the interests of Wall Street. We urge you to oppose this and any similar bills designed to handcuff the CFPB at the expense of consumers. The CFPB is the first federal agency with only one job — protecting consumers in the financial marketplace. The agency is doing that job well, and there is much work that remains to be done. The bills incorporated into HR 3193 would take away the tools it needs to do its job and undermine

its mission. Passage of HR 3193 would harm consumers and empower the worst elements of the financial industry.

Sincerely,

National Signatories

AFL-CIO

American Federation of State, County and Municipal Employees (AFSCME)

Alliance for a Just Society

Americans for Financial Reform

Center for Digital Democracy

Center for Responsible Lending

Communications Workers of America

Consumer Action

Consumer Federation of America

Consumers Union

Demos

International Brotherhood of Teamsters

The Leadership Conference on Civil and Human Rights

Main Street Alliance

NAACP

National Association of Consumer Advocates

National Consumer Law Center (on behalf of its low-income clients)

National Council of La Raza

National Fair Housing Alliance

National People's Action

National Urban League

New Economy Project

Public Citizen

Reinvestment Partners

The Greenlining Institute

U.S. PIRG

United Automobile, Aerospace &, Agricultural Implement Workers of America

Woodstock Institute

State and Local Signatories

Arizona PIRG

California Reinvestment Coalition

CALPIRG

Center for American Progress

Central New York Citizens in Action, Inc.

CNY FAIR HOUSING

ConnPIRG

CoPIRG

Cypress Hills Local Development Corp. (NYC)

District Council 37, AFSCME (NYC)
Empire Justice Center (NY)
Empowering and Strengthening *Ohio's* People (ESOP)
Fifth Avenue Committee
Florida PIRG
Genesee Coop FCU (NY)
Georgia PIRG
Grow Brooklyn
Home Defenders League
Illinois PIRG
Iowa PIRG
Legal Aid Bureau of Buffalo, Inc.
Legal Services for the Elderly, Disabled or Disadvantaged of WNY, Inc.
Lower East Side People's FCU (NYC)
Margert Community Corporation
Maryland PIRG
MASSPIRG
MoPIRG
NCPIRG
Neighborhood Housing Services of New York City
Neighborhood Preservation Coalition of NYS, Inc.
Neighbors Helping Neighbors
NHPIRG
NJPIRG
NMPIRG
NYPIRG
Ohio PIRG
OSPIRG
PennPIRG
PIRG in Michigan
Pratt Area Community Council (NYC)
RIPIRG
SUNY Buffalo Law School Consumer Financial Advocacy Clinic
Teamsters Local 237 NYC
TexPIRG
The Institute for College Access & Success and its Project on Student Debt
VPIRG
WashPIRG
Western New York Law Center
WISPIRG

Following are the partners of Americans for Financial Reform.

All the organizations support the overall principles of AFR and are working for an accountable, fair and secure financial system. Not all of these organizations work on all of the issues covered by the coalition or have signed on to every statement.

- AARP
- A New Way Forward
- AFL-CIO
- AFSCME
- Alliance For Justice
- American Income Life Insurance
- American Sustainable Business Council
- Americans for Democratic Action, Inc
- Americans United for Change
- Campaign for America's Future
- Campaign Money
- Center for Digital Democracy
- Center for Economic and Policy Research
- Center for Economic Progress
- Center for Media and Democracy
- Center for Responsible Lending
- Center for Justice and Democracy
- Center of Concern
- Center for Effective Government
- Change to Win
- Clean Yield Asset Management
- Coastal Enterprises Inc.
- Color of Change
- Common Cause
- Communications Workers of America
- Community Development Transportation Lending Services
- Consumer Action
- Consumer Association Council
- Consumers for Auto Safety and Reliability
- Consumer Federation of America
- Consumer Watchdog
- Consumers Union
- Corporation for Enterprise Development
- CREDO Mobile
- CTW Investment Group
- Demos
- Economic Policy Institute
- Essential Action
- Green America
- Greenlining Institute
- Good Business International

- HNMA Funding Company
- Home Actions
- Housing Counseling Services
- Home Defender's League
- Information Press
- Institute for Agriculture and Trade Policy
- Institute for Global Communications
- Institute for Policy Studies: Global Economy Project
- International Brotherhood of Teamsters
- Institute of Women's Policy Research
- Krull & Company
- Laborers' International Union of North America
- Lawyers' Committee for Civil Rights Under Law
- Main Street Alliance
- Move On
- NAACP
- NASCAT
- National Association of Consumer Advocates
- National Association of Neighborhoods
- National Community Reinvestment Coalition
- National Consumer Law Center (on behalf of its low-income clients)
- National Consumers League
- National Council of La Raza
- National Council of Women's Organizations
- National Fair Housing Alliance
- National Federation of Community Development Credit Unions
- National Housing Resource Center
- National Housing Trust
- National Housing Trust Community Development Fund
- National NeighborWorks Association
- National Nurses United
- National People's Action
- National Urban League
- Next Step
- OpenTheGovernment.org
- Opportunity Finance Network
- Partners for the Common Good
- PICO National Network
- Progress Now Action
- Progressive States Network
- Poverty and Race Research Action Council
- Public Citizen
- Sargent Shriver Center on Poverty Law
- SEIU
- State Voices
- Taxpayer's for Common Sense
- The Association for Housing and Neighborhood Development
- The Fuel Savers Club

- The Leadership Conference on Civil and Human Rights
- The Seminal
- TICAS
- U.S. Public Interest Research Group
- UNITE HERE
- United Food and Commercial Workers
- United States Student Association
- USAction
- Veris Wealth Partners
- Western States Center
- We the People Now
- Woodstock Institute
- World Privacy Forum
- UNET
- Union Plus
- Unitarian Universalist for a Just Economic Community

List of State and Local Partners

- Alaska PIRG
- Arizona PIRG
- Arizona Advocacy Network
- Arizonans For Responsible Lending
- Association for Neighborhood and Housing Development NY
- Audubon Partnership for Economic Development LDC, New York NY
- BAC Funding Consortium Inc., Miami FL
- Beech Capital Venture Corporation, Philadelphia PA
- California PIRG
- California Reinvestment Coalition
- Century Housing Corporation, Culver City CA
- CHANGER NY
- Chautauqua Home Rehabilitation and Improvement Corporation (NY)
- Chicago Community Loan Fund, Chicago IL
- Chicago Community Ventures, Chicago IL
- Chicago Consumer Coalition
- Citizen Potawatomi CDC, Shawnee OK
- Colorado PIRG
- Coalition on Homeless Housing in Ohio
- Community Capital Fund, Bridgeport CT
- Community Capital of Maryland, Baltimore MD
- Community Development Financial Institution of the Tohono O'odham Nation, Sells AZ
- Community Redevelopment Loan and Investment Fund, Atlanta GA
- Community Reinvestment Association of North Carolina
- Community Resource Group, Fayetteville A
- Connecticut PIRG
- Consumer Assistance Council
- Cooper Square Committee (NYC)
- Cooperative Fund of New England, Wilmington NC

- Corporacion de Desarrollo Economico de Ceiba, Ceiba PR
- Delta Foundation, Inc., Greenville MS
- Economic Opportunity Fund (EOF), Philadelphia PA
- Empire Justice Center NY
- Empowering and Strengthening Ohio's People (ESOP), Cleveland OH
- Enterprises, Inc., Berea KY
- Fair Housing Contact Service OH
- Federation of Appalachian Housing
- Fitness and Praise Youth Development, Inc., Baton Rouge LA
- Florida Consumer Action Network
- Florida PIRG
- Funding Partners for Housing Solutions, Ft. Collins CO
- Georgia PIRG
- Grow Iowa Foundation, Greenfield IA
- Homewise, Inc., Santa Fe NM
- Idaho Nevada CDFI, Pocatello ID
- Idaho Chapter, National Association of Social Workers
- Illinois PIRG
- Impact Capital, Seattle WA
- Indiana PIRG
- Iowa PIRG
- Iowa Citizens for Community Improvement
- JobStart Chautauqua, Inc., Mayville NY
- La Casa Federal Credit Union, Newark NJ
- Low Income Investment Fund, San Francisco CA
- Long Island Housing Services NY
- MaineStream Finance, Bangor ME
- Maryland PIRG
- Massachusetts Consumers' Coalition
- MASSPIRG
- Massachusetts Fair Housing Center
- Michigan PIRG
- Midland Community Development Corporation, Midland TX
- Midwest Minnesota Community Development Corporation, Detroit Lakes MN
- Mile High Community Loan Fund, Denver CO
- Missouri PIRG
- Mortgage Recovery Service Center of L.A.
- Montana Community Development Corporation, Missoula MT
- Montana PIRG
- New Economy Project
- New Hampshire PIRG
- New Jersey Community Capital, Trenton NJ
- New Jersey Citizen Action
- New Jersey PIRG
- New Mexico PIRG
- New York PIRG
- New York City Aids Housing Network
- New Yorkers for Responsible Lending

- NOAH Community Development Fund, Inc., Boston MA
- Nonprofit Finance Fund, New York NY
- Nonprofits Assistance Fund, Minneapolis M
- North Carolina PIRG
- Northside Community Development Fund, Pittsburgh PA
- Ohio Capital Corporation for Housing, Columbus OH
- Ohio PIRG
- OligarchyUSA
- Oregon State PIRG
- Our Oregon
- PennPIRG
- Piedmont Housing Alliance, Charlottesville VA
- Michigan PIRG
- Rocky Mountain Peace and Justice Center, CO
- Rhode Island PIRG
- Rural Community Assistance Corporation, West Sacramento CA
- Rural Organizing Project OR
- San Francisco Municipal Transportation Authority
- Seattle Economic Development Fund
- Community Capital Development
- TexPIRG
- The Fair Housing Council of Central New York
- The Loan Fund, Albuquerque NM
- Third Reconstruction Institute NC
- Vermont PIRG
- Village Capital Corporation, Cleveland OH
- Virginia Citizens Consumer Council
- Virginia Poverty Law Center
- War on Poverty - Florida
- WashPIRG
- Westchester Residential Opportunities Inc.
- Wigamig Owners Loan Fund, Inc., Lac du Flambeau WI
- WISPIRG

Small Businesses

- Blu
- Bowden-Gill Environmental
- Community MedPAC
- Diversified Environmental Planning
- Hayden & Craig, PLLC
- Mid City Animal Hospital, Pheonix AZ
- UNET

