

114TH CONGRESS
2D SESSION

H. R. 5490

To amend the Consumer Financial Protection Act of 2010 to require that no deference be given to the interpretation of consumer financial law by the Bureau of Consumer Financial Protection, to define the scope of judicial review of Bureau actions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2016

Mrs. LOVE introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on the Judiciary, 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 amend the Consumer Financial Protection Act of 2010 to require that no deference be given to the interpretation of consumer financial law by the Bureau of Consumer Financial Protection, to define the scope of judicial review of Bureau actions, 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,*

1 **SECTION 1. NO DEFERENCE TO THE INTERPRETATION OF**
2 **CONSUMER FINANCIAL LAW BY THE BUREAU**
3 **OF CONSUMER FINANCIAL PROTECTION.**

4 (a) NO DEFERENCE TO BUREAU INTERPRETATION
5 OVER THE INTERPRETATION OF ANOTHER AGENCY.—

6 The Consumer Financial Protection Act of 2010 (12
7 U.S.C. 5481 et seq.) is amended—

8 (1) in section 1022(b)(4)—

9 (A) by striking “(A) IN GENERAL.—”; and

10 (B) by striking subparagraph (B); and

11 (2) in section 1061(b)(5)(E)—

12 (A) by striking “affords the—” and all
13 that follows through “(i) Federal Trade Com-
14 mission” and inserting “affords the Federal
15 Trade Commission”;

16 (B) by striking “; or” and inserting a pe-
17 riod; and

18 (C) by striking clause (ii).

19 **SEC. 2. SCOPE OF JUDICIAL REVIEW OF BUREAU ACTIONS.**

20 Section 1022 of the Consumer Financial Protection
21 Act of 2010 (12 U.S.C. 5512) is amended by adding at
22 the end the following:

23 “(e) SCOPE OF JUDICIAL REVIEW OF AGENCY AC-
24 TIONS.—Notwithstanding any other provision of law, in
25 any judicial review of an agency action of the Bureau pur-
26 suant to chapter 7 of title 5, United States Code, to the

1 extent necessary to decision and when presented, the re-
2 viewing court shall determine the meaning or applicability
3 of the terms of an agency action of the Bureau and decide
4 de novo all relevant questions of law, including the inter-
5 pretation of constitutional and statutory provisions, and
6 rules made by the Bureau. Notwithstanding any other pro-
7 vision of law, this subsection shall apply in any action for
8 judicial review of an agency action of the Bureau author-
9 ized under any provision of law. No law may exempt any
10 such civil action from the application of this subsection
11 except by specific reference to this subsection.”.

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