

114TH CONGRESS
2D SESSION

H. R. 5112

To amend the Consumer Protection Act of 2010 to grant the Bureau of Consumer Financial Protection the authority to regulate certain acts and practices using processes and procedures consistent with and similar to those in place at the Federal Trade Commission, to encourage greater communication amongst regulators, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2016

Mr. LUETKEMEYER introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Consumer Protection Act of 2010 to grant the Bureau of Consumer Financial Protection the authority to regulate certain acts and practices using processes and procedures consistent with and similar to those in place at the Federal Trade Commission, to encourage greater communication amongst regulators, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Unfair or Deceptive
5 Acts or Practices Uniformity Act”.

1 **SEC. 2. BUREAU AUTHORITY OVER UNFAIR AND DECEP-**
2 **TIVE ACTS OR PRACTICES.**

3 (a) IN GENERAL.—Section 1031 of the Consumer Fi-
4 nancial Protection Act of 2010 (12 U.S.C. 5531) is
5 amended—

6 (1) in the heading of such section, by striking
7 “, **DECEPTIVE, OR ABUSIVE**” and inserting “**OR**
8 **DECEPTIVE**”;

9 (2) in subsection (a)—

10 (A) by striking “, deceptive, or abusive”
11 and inserting “or deceptive”; and

12 (B) by adding at the end the following:
13 “The Bureau may not take any action described
14 under this subsection against a covered person
15 or service provider unless the Bureau first
16 consults the covered person or service provider’s
17 primary financial regulatory agency, if any.”;

18 (3) in subsection (b)—

19 (A) by striking “, deceptive, or abusive”
20 and inserting “or deceptive”; and

21 (B) by inserting at the end the following:
22 “In prescribing any rule under this subsection,
23 the Bureau shall comply with the requirements
24 of section 18 of the Federal Trade Commission
25 Act (15 U.S.C. 57a) applicable to the Federal
26 Trade Commission when the Commission pre-

1 scribes rules and general statements of policy
2 under that section with respect to unfair or de-
3 ceptive acts or practices in or affecting com-
4 merce.”;

5 (4) by striking subsection (d); and

6 (5) by redesignating subsections (e) and (f) as
7 subsections (d) and (e), respectively.

8 (b) CONFORMING AMENDMENTS.—

9 (1) CONSUMER FINANCIAL PROTECTION ACT OF
10 2010.—The Consumer Financial Protection Act of
11 2010 (12 U.S.C. 5481 et seq.) is amended—

12 (A) by striking “, deceptive, and abusive”
13 each place such term appears and inserting
14 “and deceptive”; and

15 (B) by striking “, deceptive, or abusive”
16 each place such term appears and inserting “or
17 deceptive”.

18 (2) DODD-FRANK WALL STREET REFORM AND
19 CONSUMER PROTECTION ACT.—The table of contents
20 in section 1(b) of the Dodd-Frank Wall Street Re-
21 form and Consumer Protection Act is amended, in
22 the item relating to section 1031, by striking “, DE-
23 CEPTIVE, OR ABUSIVE” and inserting “OR DE-
24 CEPTIVE”.

1 (3) OMNIBUS APPROPRIATIONS ACT, 2009.—Sec-
2 tion 626(a)(1) of the Omnibus Appropriations Act,
3 2009 (15 U.S.C. 1638 note) is amended by striking
4 “, deceptive, or abusive” and inserting “or decep-
5 tive”.

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