



441 G St. N.W.  
Washington, DC 20548

B-330736

February 14, 2019

The Honorable Mike Crapo  
Chairman  
The Honorable Sherrod Brown  
Ranking Member  
Committee on Banking, Housing, and Urban Affairs  
United States Senate

The Honorable Maxine Waters  
Chairwoman  
The Honorable Patrick McHenry  
Ranking Member  
Committee on Financial Services  
House of Representatives

Subject: *Bureau of Consumer Financial Protection: Disclosure of Loan-Level HMDA Data*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Bureau of Consumer Financial Protection (CFPB) entitled "Disclosure of Loan-Level HMDA Data" (CFPB-2017-0025). We received the rule on January 28, 2019. It was received by Congress on January 24, 2019. It was published in the *Federal Register* as final policy guidance on January 31, 2019. 84 Fed. Reg. 649. CFPB released this final policy guidance on its website on December 21, 2018.

The final rule describes modifications that CFPB intends to apply to the loan-level data that financial institutions report under the Home Mortgage Disclosure Act (HMDA) and Regulation C before the data is disclosed to the public. CFPB stated that the final rule applies to HMDA data compiled by financial institutions in or after 2018 and made available to the public by CFPB beginning in 2019.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). The final rule was published in the *Federal Register* on January 31, 2019. 84 Fed. Reg. 649. The rule was received by both the House and the Senate on January 24, 2019. The final guidance was released on CFPB's website on December 21, 2018, and therefore the final rule does not have the required 60-day delay in its effective date from its release. However, CFPB notes that its submission to Congress and GAO is at least 60 days prior to the date CFPB will first publish loan-level HMDA data consistent with the guidance. CFPB expects to publish such information on March 29, 2019.

Enclosed is our assessment of CFPB's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact me at (202) 512-8156.

signed

Shirley A. Jones  
Managing Associate General Counsel

Enclosure

cc: Sue-Yun Ahn  
Senior Counsel, Legal Division  
Bureau of Consumer Financial Protection

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE  
ISSUED BY THE  
BUREAU OF CONSUMER FINANCIAL PROTECTION  
ENTITLED  
“DISCLOSURE OF LOAN-LEVEL HMDA DATA”  
(CFPB-2017-0025)

(i) Cost-benefit analysis

The Bureau of Consumer Financial Protection (CFPB) did not discuss the costs and benefits of the final rule.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603-605, 607, and 609

CFPB determined that because the final rule is exempt from the notice and comment rulemaking requirements under the Administrative Procedure Act (APA), the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

As an independent agency, CFPB is not subject to the Act.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

CFPB concluded that the final rule is a non-binding general statement of policy and/or a rule of agency organization, procedure, or practice exempt from the notice and comment rulemaking requirements under the Act pursuant to 5 U.S.C. § 553(b).

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501-3520

CFPB determined that this final rule does not impose any new nor revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring Office of Management and Budget approval under the Act.

Statutory authorization for the rule

CFPB stated that this rule was promulgated pursuant to the Home Mortgage Disclosure Act and the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Executive Order No. 12,866 (Regulatory Planning and Review)

As an independent agency, CFPB is not subject to the Order.

Executive Order No. 13,132 (Federalism)

As an independent agency, CFPB is not subject to the Order.