

118TH CONGRESS
1ST SESSION

S. 1159

To amend the Equal Credit Opportunity Act to modify the requirements associated with small business loan data collection, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2023

Mr. BOOZMAN (for himself, Mr. DAINES, Ms. LUMMIS, Mr. CRAMER, Mr. GRASSLEY, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Equal Credit Opportunity Act to modify the requirements associated with small business loan data collection, 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 “Small Lenders Exempt
5 from New Data and Excessive Reporting Act” or the
6 “Small LENDER Act”.

7 **SEC. 2. SMALL BUSINESS LOAN DATA COLLECTION.**

8 Section 704B of the Equal Credit Opportunity Act
9 (15 U.S.C. 1691c–2) is amended—

1 (1) in subsection (g), by adding at the end the
2 following:

3 “(4) COMPLIANCE.—

4 “(A) IN GENERAL.—With respect to any
5 rules or guidance issued under this subsection
6 on or after the date of enactment of this para-
7 graph, the Bureau shall provide a financial in-
8 stitution a 3-year period to comply with that
9 rule or guidance, regardless of the date on
10 which that financial institution began the oper-
11 ations of the financial institution.

12 “(B) SAFE HARBOR.—With respect to any
13 rules or guidance issued under this subsection
14 on or after the date of enactment of this para-
15 graph, beginning on the date after the last day
16 of the 3-year period described in subparagraph
17 (A), the Bureau shall provide a 2-year safe har-
18 bor to financial institutions during which each
19 such financial institution shall be required to
20 comply with the rule or guidance but shall not
21 be subject to any penalties for failure to com-
22 ply.”; and

23 (2) in subsection (h)—

24 (A) by striking paragraph (1) and insert-
25 ing the following:

1 “(1) FINANCIAL INSTITUTION.—The term ‘fi-
 2 nancial institution’ means any partnership, com-
 3 pany, corporation, association (incorporated or unin-
 4 corporated), trust, estate, cooperative organization,
 5 or other entity that—

6 “(A) engages in any financial activity; and

7 “(B) in each of the 2 calendar years pre-
 8 ceding the first day of the safe harbor period
 9 described in subsection (g)(4)(B), originated
 10 not less than 500 credit transactions for small
 11 businesses.”; and

12 (B) by striking paragraph (2) and insert-
 13 ing the following:

14 “(2) SMALL BUSINESS.—The term ‘small busi-
 15 ness’ means any entity with gross annual revenues
 16 of not more than \$1,000,000 in the most recently
 17 completed fiscal year preceding the first day of the
 18 safe harbor period described in subsection
 19 (g)(4)(B).”.

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