

118TH CONGRESS
1ST SESSION

S. 3095

To amend the Consumer Financial Protection Act of 2010 to clarify the funding of the Bureau of Consumer Financial Protection.

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2023

Mr. HAGERTY (for himself and Mrs. BRITT) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Consumer Financial Protection Act of 2010 to clarify the funding of the Bureau of Consumer Financial Protection.

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 “Federal Reserve Loss
5 Transparency Act”.

6 **SEC. 2. BUREAU FUNDING.**

7 Section 1017(a) of the Consumer Financial Protec-
8 tion Act of 2010 (12 U.S.C. 5497(a)) is amended—

1 (1) by redesignating paragraphs (3) through
2 (5) as paragraphs (4) through (6), respectively; and

3 (2) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) PROHIBITION ON TRANSFER WHEN THE
6 FEDERAL RESERVE BANKS INCUR A LOSS.—Notwith-
7 standing paragraph (1), no transfer may be made to
8 the Bureau if the Federal reserve banks, in the ag-
9 gregate, incurred an operating loss in the most re-
10 cently completed calendar quarter until the loss is
11 offset with subsequent earnings.”.

12 **SEC. 3. CALCULATION OF NET EARNINGS USING GAAP.**

13 Section 7 of the Federal Reserve Act is amended—

14 (1) by redesignating the second subsection (b)
15 (12 U.S.C. 290) (relating to the use of earnings
16 transferred to the Secretary) and subsection (c) (12
17 U.S.C. 531) as subsections (c) and (d), respectively;
18 and

19 (2) by adding at the end the following:

20 “(e) CALCULATION OF NET EARNINGS AND TOTAL
21 CAPITAL USING GAAP.—For purposes of this section,
22 earnings and total capital shall be calculated in accordance
23 with United States generally accepted accounting prin-
24 ciples.”.