

February 4, 2025

The Honorable Scott Bessent
Secretary
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

Dear CFPB Acting Director and Secretary Bessent:

On behalf of the undersigned trade associations, we write to respectfully request that the Consumer Financial Protection Agency (CFPB) rescind its rule on the Registry of Nonbank Covered Persons Subject to Certain Agency and Court Orders (NBR Orders Rule) finalized on June 3, 2024.¹ We are concerned that the rule will be overtly used to “name and shame” highly regulated entities rather than act as a useful tool to effectively monitor and reduce any potential risks to consumers from legitimate bad actors in the financial marketplace.

The U.S. consumer financial services market is one of the most highly regulated in the world and services millions of Americans well, enabling them to achieve their economic goals. The members of our organizations invest substantial resources in ensuring compliance at the federal and state levels. Unfortunately, the CFPB’s registry will unnecessarily increase compliance costs for consumer financial products while providing no additional consumer protections or useful information for Americans.

Last year, the Small Business Administration Office of Advocacy “encouraged the CFPB to withdraw” the rule and highlighted the “CFPB’s conclusion about costs is confusing and contradictory.”² Furthermore, the SBA Office of Advocacy was also concerned that the rule “may have negative reputational costs for the covered nonbanks that are on the website.”³ The SBA Office of Advocacy’s concerns demonstrate that CFPB’s registry only seeks to impede the ability of financial providers, including small institutions, to serve new and existing customers.

The Conference of State Bank Supervisors (CSBS) raised several concerns, including the “CFPB’s registry will be expansive, costly, and complex for covered nonbank entities, particularly small nonbank firms, and the Bureau notes it will have little impact on consumer behavior.”⁴ CSBS also noted that “public enforcement actions are already reported by state regulators and the CFPB in the Nationwide Multistate Licensing System & Registry (“NMLS”).”⁵ After the rule was finalized, CSBS publicly stated it was “disappointed that the CFPB is proceeding with its Public Orders Registry.”⁶

¹ CFPB, [CFPB Creates Registry to Detect Corporate Repeat Offenders](#) (June 3, 2024)

² SBA Office of Advocacy, Proposed Rulemaking – [Registry of Nonbank Covered Persons Subject to Certain and Court Orders](#) (March 28, 2023)

³ *Id.*

⁴ Conference of State Bank Supervisors, Proposed Rulemaking – [Registry of Nonbank Covered Persons Subject to Certain Agency and Court Orders](#) (March 31, 2023).

⁵ *Id.*

⁶ [CSBS President and CEO Statement on CFPB Public Orders Registry](#) (June 3, 2024)

Thank you for your attention to this important issue as the new Administration considers its goals and objectives. Our organizations welcome the opportunity to further engage with the CFPB on this topic, but we do not believe this registry aligns with the Bureau's mission.

Sincerely,

ACA International
American Financial Services Association
American Fintech Council
Consumer Data Industry Association
Electronic Transactions Association
Financial Technology Association
Online Lenders Alliance
Receivables Management Association International
U.S. Chamber of Commerce