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TEXT OF H.R. 2543, THE FINANCIAL SERVICES RACIAL EQUITY, INCLUSION, AND ECONOMIC JUSTICE ACT

[Showing the text of the Financial Services Racial Equity, Inclusion, and Economic Justice Act.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Financial Services Racial Equity, Inclusion, and Economic Justice Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EQUITY IN MONETARY POLICY

Sec. 101. Duty to minimize and eliminate racial disparities.
Sec. 102. Appearances before and reports to the Congress.

TITLE II—DIVERSITY DATA COLLECTION AND REPORTING

Subtitle A—Diversity and Inclusion Data Accountability and Transparency

Sec. 211. Disclosures by regulated entities.

Subtitle B—LGBTQ Business Equal Credit Enforcement and Investment

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TITLE IV—DIVERSITY IN FINANCIAL INSTITUTIONS AND CORPORATIONS

Subtitle A—Promoting New and Diverse Depository Institutions

Sec. 411. Study and strategic plan.

Subtitle B—Promoting Diversity and Inclusion in Banking

Sec. 421. Diversity and inclusion ratings.

Subtitle C—Improving Corporate Governance Through Diversity

Sec. 431. Submission of data relating to diversity by issuers.
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Sec. 442. Sense of Congress on funding the loan-loss reserve fund for small dollar loans.
Sec. 443. Definitions.
Sec. 444. Inclusion of women's banks in the definition of minority depository institution.
Sec. 445. Establishment of impact bank designation.
Sec. 446. Minority Depositories Advisory Committees.
Sec. 447. Federal deposits in minority depository institutions.
Sec. 448. Minority Bank Deposit Program.
Sec. 449. Diversity report and best practices.
Sec. 450. Investments in minority depository institutions and impact banks.
Sec. 451. Report on covered mentor-protege programs.
Sec. 452. Custodial deposit program for covered minority depository institutions and impact banks.
Sec. 453. Streamlined community development financial institution applications and reporting.
Sec. 454. Task force on lending to small business concerns.

Subtitle E—Expanding Opportunity for Minority Depository Institutions

Sec. 461. Establishment of Financial Agent Mentor-Protégé Program.

TITLE V—COMMUNITY DEVELOPMENT

Subtitle A—CDFI Bond Guarantee Program Improvement

Sec. 511. Sense of Congress.
Sec. 512. Guarantees for bonds and notes issued for community or economic development purposes.
Sec. 513. Report on the CDFI bond guarantee program.

Subtitle B—Expanding Financial Access for Underserved Communities

Sec. 521. Credit union service to underserved areas.
Sec. 522. Member business lending in underserved areas.
Sec. 523. Underserved area defined.
Sec. 524. Reports by the National Credit Union Administration.

TITLE I—EQUITY IN MONETARY POLICY

SEC. 101. DUTY TO MINIMIZE AND ELIMINATE RACIAL DISPARITIES.

The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 2B the following:

"SEC. 2C. DUTY TO MINIMIZE AND ELIMINATE RACIAL DISPARITIES.

''The Board of Governors of the Federal Reserve System and the Federal Open Market Committee shall exercise all duties and functions in a manner that fosters the elimination of disparities across racial and ethnic groups with respect to employment, income, wealth, and access to affordable credit, including actions in carrying out—

''(1) monetary policy;

''(2) regulation and supervision of banks, thrifts, bank holding companies, savings and loan

holding companies, and nonbank financial companies and systemically important financial market utilities designated by the Financial Stability Oversight Council;

''(3) operation of payment systems;

''(4) implementation of the Community Reinvestment Act of 1977;

''(5) enforcement of fair lending laws; and

''(6) community development functions.''.

SEC. 102. APPEARANCES BEFORE AND REPORTS TO THE CONGRESS.

Section 2B of the Federal Reserve Act (12 U.S.C. 225b) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''and'' at the end; and

(B) by striking subparagraph (B) and inserting the following:

''(B) economic developments and prospects for the future described in the report required in subsection (b), including a discussion of disparities in employment, income, and wealth across racial and ethnic groups as well as other specific segments of the population; and

''(C) plans, activities, and actions of the Board and the Federal Open Market Committee to minimize and eliminate disparities across racial and ethnic groups with respect to employment, wages, wealth, and access to affordable credit pursuant to section 2C.''; and

(2) in subsection (b)—

(A) by striking ''The Board'' and inserting the following:

''(1) IN GENERAL.—The Board''; and

(B) by adding at the end the following:

''(2) TREND INFORMATION.—

''(A) IN GENERAL.—Each report required under paragraph (1) shall include recent trends in the unemployment rate, labor force participation rate, employment to population ratio, median household income, and change in real earnings.

''(B) DEMOGRAPHIC INFORMATION.—The trends required to be reported under subparagraph (A) shall include a comparison among different demographic groups, including race (White, African-American, Latino, Native American, and Asian populations), ethnicity, gender, and educational attainment.''.

TITLE II—DIVERSITY DATA COLLECTION AND REPORTING

Subtitle A—Diversity and Inclusion Data Accountability and Transparency

SEC. 211. DISCLOSURES BY REGULATED ENTITIES.

Section 342(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5452(b)) is amended by adding at the end the following:

''(5) DISCLOSURES BY REGULATED ENTITIES.—The Director of each Office shall require entities with 100 employees or greater regulated by the applicable agency to provide such information as may be required to carry out the duties of the Director.''.

Subtitle B—LGBTQ Business Equal Credit Enforcement and Investment

SEC. 221. SMALL BUSINESS LOAN DATA COLLECTION.

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

(1) by inserting ''LGBTQ-owned,'' after ''minority-owned,'' each place such term appears;

(2) in subsection (e)(2)(G), by inserting '', sexual orientation, gender identity'' after ''sex''; and

(3) in subsection (h), by adding at the end the following:

''(7) LGBTQ-OWNED BUSINESS.—The term 'LGBTQ-owned business' means a business—

''(A) more than 50 percent of the ownership or control of which is held by 1 or more individuals self-identifying as lesbian, gay, bisexual, transgender, or queer; and

''(B) more than 50 percent of the net profit or loss of which accrues to 1 or more individuals self-identifying as lesbian, gay, bisexual, transgender, or queer.''.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the term ''sex'', as used within the Equal Credit Opportunity Act, includes an individual's sexual orientation and gender identity, and that this section, in part, clarifies that the sex, sexual orientation, and gender identity of the principal owners of a business should be collected under section 704B of the Equal Credit Opportunity Act as three separate forms of information.

TITLE III—ACCESS TO HOUSING AND LENDING

Subtitle A—Improving Language Access in Mortgage Servicing

SEC. 311. LANGUAGE ACCESS REQUIREMENTS AND RESOURCES.

(a) IN GENERAL.—Chapter 2 of title I of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129H the following:

"§ 129I. Language access requirements.

''(a) STANDARD LANGUAGE PREFERENCE FORM.—Not later than 90 days after the date of the enactment of this section, the Director of the Bureau of Consumer Financial Protection shall, after consulting with the Secretary of Agriculture, the Director of the Federal Housing Finance Agency, the Secretary of Veterans Affairs, and the Commissioner of the Federal Housing Authority, by rule, establish a standard language preference form which includes a standard language preference question asked in each of the 8 languages most commonly spoken by individuals with limited English proficiency, as determined by the Director of the Bureau using information published by the Director of the Bureau of the Census.

''(b) REQUIREMENTS FOR CREDITORS.—

''(1) USE OF STANDARD LANGUAGE PREFERENCE FORM BY CREDITORS.—

''(A) INCLUSION IN APPLICATION.—Each creditor shall include, in any written application used in connection with a residential mortgage loan, the standard language preference form established by the Director of the Bureau under subsection (a).

''(B) INCLUSION OF DISCLOSURE.—Each creditor may include with such standard language preference form a disclosure stating that documents and services may not be available in the preferred language indicated by the consumer on the standard language preference form.

''(C) DOCUMENTATION AND TRANSFER OF PREFERRED LANGUAGE INFORMATION.—If a creditor, or assignee of a creditor receives information about a language preference of a consumer through the standard language preference form, orally or in writing in connection with a residential mortgage loan, as determined by the Director of the Bureau, including from another creditor or a servicer, such creditor or assignee shall document this language pref-

erence in each file or electronic file of information associated with such consumer and shall transfer such information and the standard language preference form to any servicer of the loan and to any creditor that may own the loan in the future.

''(2) PROVISION OF TRANSLATED DOCUMENTS.—If a Federal agency or a State or local agency in the State or locality in which the residential property is located has produced a translation of a document used in association with a residential mortgage loan in the preferred language of a consumer documented by a creditor pursuant to paragraph (1)(C), such creditor shall—

''(A) provide such translation in addition to any English version of such document that would have been provided to such consumer who indicated such preferred language; and

''(B) include a notice on the English and translated versions indicating that the English version is the official and operative document and the translated version is for informational purposes only.

''(3) ORAL INTERPRETATION SERVICES.—

"(A) IN GENERAL.—If a creditor receives information about a language preference of a consumer through the standard language preference form, orally or in writing in connection with a residential mortgage loan, as determined by the Director of the Bureau, including from another creditor or a servicer, such creditor shall provide oral interpretation services to such consumer.

"(B) ORAL INTERPRETATION SERVICES.—If a creditor is required under subparagraph (A) to provide oral interpretation services to a consumer, such creditor shall ensure qualified oral interpretation services, as defined by the Director of the Bureau, are made available in the preferred language of the consumer for all oral communications between the such creditor and the consumer and these oral interpretation services may be provided by qualified staff of the creditor or a qualified third party.

"(4) NOTICE OF AVAILABLE LANGUAGE SERVICES.—If a creditor receives information about a language preference of a consumer through the standard language preference form, orally or in writing in connection with a residential mortgage loan,

as determined by the Director of the Bureau, including from another creditor or a servicer, such creditor shall not later than 10 business days after receiving such information, notify such consumer in writing, in the preferred language of the consumer, of any language services available, including the services required under paragraphs (2) and (3).

''(5) TRANSFER OF LANGUAGE PREFERENCE INFORMATION.—If a creditor transfers the servicing associated with a residential mortgage loan, such creditor shall notify the transferee servicer of any known language preference of the consumer associated with such residential mortgage loan.

''(6) INFORMATION ON WEBSITE.—Each creditor shall on the website of the creditor publish—

''(A) links to and explanatory information about the websites maintained by the Secretary of Housing and Urban Development and the Director of the Bureau of Consumer Financial Protection that identify housing counselors approved by the Department of Housing and Urban Development; and

''(B) a link to and explanatory information about the language resources website established by the Director of the Bureau of Con-

sumer Financial Protection, the Secretary of Housing and Urban Development, the Director of the Federal Housing Finance Agency, the Secretary of Agriculture, and the Secretary of Veterans Affairs under section 311(e) of the Financial Services Racial Equity, Inclusion, and Economic Justice Act.

''(c) TRANSLATION OF MORTGAGE DOCUMENTS.—With respect to each document published by the Federal Housing Finance Agency, the Bureau of Consumer Financial Protection, the Department of Housing and Urban Development, the Department of Veterans Affairs, and the Department of Agriculture and used in association with a residential mortgage loan transaction, including origination and servicing documents, the Director of the Bureau of Consumer Financial Protection and the Director of the Federal Housing Finance Agency shall jointly—

''(1) not later than 180 days after the date of the enactment of this section, publish versions of such documents translated into each of the 8 languages most commonly spoken by individuals with limited English proficiency, as determined by the Director of the Bureau of Consumer Financial Protection using information published by the Director of the Bureau of the Census; and

''(2) not later than 3 years after the date of the enactment of this section, publish versions of such documents translated into at least 4 additional languages spoken by individuals with limited English proficiency that are regionally prevalent in the United States, as determined by the Director of the Bureau of Consumer Financial Protection using information published by the Director of the Bureau of the Census.

''(d) RULEMAKING.—The Director may issue such rules as the Director determines necessary to implement this section.''.

(b) REQUIREMENTS FOR SERVICERS.—Section 6 of the Real Estate Settlement Procedures Act of 1974 is amended by adding at the end the following:

''(n) LANGUAGE ACCESS REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) INCLUSION IN NOTICES.—Each servicer shall include the standard language preference form with—

''(i) any notice required under section 1024.39(b) of title 12, Code of Federal Regulations;

''(ii) any notice required under section (c);

''(iii) any notice required under section 1024.41(b)(2) of title 12, Code of Federal Regulations;

''(iv) any notice required under section 1024.41(c)(2)(iii) of title 12, Code of Federal Regulations; and

''(v) any other additional notice as the Director of the Bureau of Consumer Financial Protection determines necessary.

''(B) INCLUSION OF DISCLOSURES.—A servicer may include with the standard language preference form a disclosure stating that documents and services may not be available in the preferred language of the borrower indicated by the consumer on the standard language preference form.

''(C) DOCUMENTATION AND TRANSFER OF PREFERRED LANGUAGE INFORMATION.—If a servicer or an assignee of a servicer receives information about a language preference of a borrower through the standard language preference form, orally or in writing in connection with a federally related mortgage, as determined by the Director of the Bureau, including from another servicer or creditor, such servicer or as-

signee shall document this language preference in each file or electronic file of information associated with such borrower and shall transfer such information and the standard language preference form to any other servicer that may service the loan in the future.

''(2) REQUIRED LANGUAGE SERVICES FOR SERVICERS.—

''(A) PROVISION OF TRANSLATED DOCUMENTS.—If a Federal agency, or a State or local agency in the State or locality in which the property subject to the federally related mortgage loan is to be located has produced a translation of a document used in associated with a federally related mortgage loan in the preferred language of a borrower as documented by the servicer pursuant to paragraph (1)(C), the servicer shall—

''(i) provide such translation in addition to any English version of such document that would have been provided to such borrower; and

''(ii) include a notice on the English and translated versions, in the preferred language of the borrower, indicating that

the English version is the official and operative document and the translated version is for informational purposes only.

''(B) ORAL INTERPRETATION SERVICES.—

''(i) IN GENERAL.—If a servicer receives information about a language preference of a borrower through the standard language preference form, orally or in writing in connection with a federally related mortgage, as determined by the Director of the Bureau, including from another creditor or a servicer, such servicer shall provide oral interpretation services to such borrower.

''(ii) ORAL INTERPRETATION SERVICES.—If a servicer is required under subparagraph (A) to provide oral interpretation services to a borrower, such servicer shall ensure qualified oral interpretation services, as defined by the Director of the Bureau, are made available in the preferred language of the borrower for all oral communications between the such servicer and the borrower and these oral interpretation services may be provided by qualified

staff of the borrower or a qualified third party.

''(3) NOTICE OF AVAILABLE LANGUAGE SERVICES.—If a servicer receives information about a language preference of a borrower through the standard language preference form, orally or in writing in connection with a federally related mortgage, as determined by the Director of the Bureau, including from another creditor or a servicer, such servicer shall, not later than 10 business days after receiving such information, notify such borrower in writing, in the preferred language of the borrower, of any language services available, including the services required under paragraph (2).

''(4) TRANSFER OF LANGUAGE PREFERENCE INFORMATION.—If a servicer transfers the servicing associated with a federally related mortgage loan, such servicer shall notify the transferee servicer of any known language preference of the borrower associated with such federally related mortgage loan.

''(5) STANDARD LANGUAGE PREFERENCE FORM DEFINED.—The term 'standard language preference form' means the standard language preference form established by the Director of the Bureau under section 129I of the Truth in Lending Act.

''(7) INFORMATION ON WEBSITE.—Each servicer shall on the website of the servicer publish—

''(A) links to and information about the websites maintained by the Secretary of Housing and Urban Development and the Director of the Bureau of Consumer Financial Protection that identify housing counselors approved by the Department of Housing and Urban Development; and

''(B) a link to and information about the language resources website established by the Director of the Bureau of Consumer Financial Protection, the Secretary of Housing and Urban Development, the Director of the Federal Housing Finance Agency, the Secretary of Agriculture, and the Secretary of Veterans Affairs under section 311(e) of the Financial Services Racial Equity, Inclusion, and Economic Justice Act.

''(9) RULEMAKING.—The Director of the Bureau of Consumer Financial Protection may issue such rules as the Director determines necessary to implement this section.''.

(c) CLERICAL AMENDMENT.—The table of sections in chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq) is amended by inserting after the item relating to section 129H the following:

"129I. Preferred language requirements.".

(d) REPORT.—Not later than 1 year after the date of the enactment of this section, and each year thereafter, the Director of the Bureau of Consumer Financial Protection, the Secretary of Housing and Urban Development, the Director of the Federal Housing Finance Agency, the Secretary of Agriculture, and the Secretary of Veterans Affairs shall submit a report to the Congress that contains—

(1) regulatory recommendations to enhance mortgage origination and servicing processes for persons with a preferred language that is not English;

(2) a description of any legislative changes needed to provide authority necessary to implement the regulatory recommendations; and

(3) a description of any progress on the implementation of any legislative or regulatory recommendation made in a previous report.

(e) LANGUAGE RESOURCE WEBSITE.—

(1) IN GENERAL.—The Director of the Bureau of Consumer Financial Protection, the Secretary of Housing and Urban Development, the Director of

the Federal Housing Finance Agency, the Secretary of Agriculture, and the Secretary of Veterans Affairs shall jointly not later than 1 year after the date of the enactment of this section establish and maintain a website that provides language resources for creditors, servicers, and consumers.

(2) WEBSITE REQUIREMENTS.—The website developed pursuant to paragraph (1) shall include—

(A) the translations of documents published pursuant to section 129I(c) of the Truth in Lending Act;

(B) a glossary of terms relating to residential mortgage loans and federally related mortgage loans, provided in each commonly spoken language;

(C) guidance for creditors and servicers working with persons who have a preferred language that is not English; and

(D) examples of notices that may be used by creditors and servicers to inform persons of available language services, provided in accordance with section 6(n)(2) of the Real Estate Settlement Procedures Act of 1974 and section 129I of the Truth in Lending Act.

(f) ADVISORY GROUP.—

(1) IN GENERAL.—The Director of the Bureau of Consumer Financial Protection shall establish an advisory group consisting of stakeholders, including industry groups, consumer groups, civil rights groups, and groups that have experience improving language access in housing finance transactions, to provide advice to the Director about—

(A) issues that arise relating to mortgage origination and servicing processes for persons with a preferred language that is not English; and

(B) the development of the standard language preference form by the Director under section 129I(a) of the Truth in Lending Act;

(C) updates to the language resource website established by the Director of the Bureau of Consumer Financial Protection, the Secretary of Housing and Urban Development, the Director of the Federal Housing Finance Agency, the Secretary of Agriculture, and the Secretary of Veterans Affairs under subsection (e).

(2) REQUIRED CONSULTING.—The Director of the Bureau of Consumer Financial Protection shall consult with the advisory group established pursuant

to paragraph (1) with respect to any issues that arise relating to mortgage origination and servicing processes for persons with a preferred language that is not English.

(g) HOUSING COUNSELING AGENCY LANGUAGE RESOURCES.—

(1) ENHANCED SEARCH CAPABILITIES.—

(A) HUD.—The Secretary of Housing and Urban Development shall not later than 1 year after the date of the enactment of this section update the website maintained by the Secretary that identifies housing counselors approved by the Department of Housing and Urban Development, to allow for searching for housing counseling agencies based on the language services they provide.

(B) BUREAU.—The Director of the Bureau of Consumer Financial protection shall not later than 1 year after the date of the enactment of this section update the website maintained by the Director that identifies housing counselors approved by the Department of Housing and Urban Development, to allow for searching for housing counseling agencies based on the language services they provide.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Department of Housing and Urban Development, such sums as are necessary to support language training for HUD-approved housing counselors, counseling agencies, and their staff.

(h) DEFINITIONS.—In this section:

(1) The term ''creditor'' has the meaning given the term in section 103 of the Truth in Lending Act and shall include any assignee of a creditor.

(2) The term ''director'' means the Director of the Bureau of Consumer Financial Protection.

(3) The term ''servicer'' has the meaning given the term in section 6(i) of the Real Estate Settlement Procedures Act of 1974.

(4) The term ''residential mortgage loan'' has the meaning given the term in section 103 of the Truth in Lending Act.

(5) The term ''federally related mortgage loan'' has the meaning given the term in section 3 of the Real Estate Settlement Procedures Act of 1974.

Subtitle B—Fair Lending for All

SEC. 321. OFFICE OF FAIR LENDING TESTING.

(a) ESTABLISHMENT.—There is established within the Bureau of Consumer Financial Protection an Office

of Fair Lending Testing (hereinafter referred to as the ''Office'').

(b) DIRECTOR.—The head of the Office shall be a Director, who shall—

(1) be appointed to a 5-year term by, and report to, the Director of the Bureau of Consumer Financial Protection;

(2) appoint and fix the compensation of such employees as are necessary to carry out the duties of the Office under this section; and

(3) provide an estimated annual budget to the Director of the Bureau of Consumer Financial Protection.

(c) CIVIL SERVICE POSITION.—The position of the Director shall be a career position within the civil service.

(d) TESTING.—

(1) IN GENERAL.—The Office, in consultation with the Attorney General and the Secretary of Housing and Urban Development, shall conduct testing of compliance with the Equal Credit Opportunity Act by creditors, through the use of individuals who, without any bona fide intent to receive a loan, pose as prospective borrowers for the purpose of gathering information.

(2) REFERRAL OF VIOLATIONS.—If, in carrying out the testing described under paragraph (1), the Office believes a person has violated the Equal Credit Opportunity Act, the Office shall refer such violation in writing to the Attorney General for appropriate action.

(e) REPORT TO CONGRESS.—Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f) is amended by adding at the end the following: ''In addition, each report of the Bureau shall include an analysis of the testing carried out pursuant to section 321 of the Financial Services Racial Equity, Inclusion, and Economic Justice Act, and each report of the Bureau and the Attorney General shall include a summary of criminal enforcement actions taken under section 706A.''.

SEC. 322. PROHIBITION ON CREDIT DISCRIMINATION.

(a) IN GENERAL.—Subsection (a) of section 701 of the Equal Credit Opportunity Act (15 U.S.C. 1691) is amended to read as follows:

''(a) It shall be unlawful to discriminate against any person, with respect to any aspect of a credit transaction—

''(1) on the basis of race, color, religion, national origin, sex (including sexual orientation and

gender identity), marital status, or age (provided the applicant has the capacity to contract);

''(2) on the basis of the person's zip code, or census tract;

''(3) because all or part of the person's income derives from any public assistance program; or

''(4) because the person has in good faith exercised any right under the Consumer Credit Protection Act.''.

(b) REMOVAL OF CERTAIN REFERENCES TO CREDITORS AND APPLICANTS AND DEFINITION ADDED.—The Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) is amended—

(1) in section 701(b)—

(A) by striking ''applicant'' each place such term appears and inserting ''person''; and

(B) in paragraph (2), by striking ''applicant's'' each place such term appears and inserting ''person's'';

(2) in section 702—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following:

''(g) The term 'aggrieved person' includes any person who—

''(1) claims to have been injured by a discriminatory credit practice; or

''(2) believes that such person will be injured by a discriminatory credit practice.'';

(3) in section 704A—

(A) in subsection (b)(1), by striking ''applicant'' each place such term appears and inserting ''aggrieved person''; and

(B) in subsection (c), by striking ''applicant'' and inserting ''aggrieved person'';

(4) in section 705—

(A) by striking ''the applicant'' each place such term appears and inserting ''persons''; and

(B) in subsection (a)—

(i) by striking ''a creditor to take'' and inserting ''taking''; and

(ii) by striking ''applicant'' and inserting ''person''; and

(5) in section 706—

(A) by striking ''creditor'' each place such term appears and inserting ''person'';

(B) by striking ''creditor's'' each place such term appears and inserting ''person's'';

(C) by striking ''creditors'' each place such term appears and inserting ''persons''; and

(D) in subsection (f), by striking ''applicant'' and inserting ''aggrieved person''.

SEC. 323. CRIMINAL PENALTIES FOR VIOLATIONS OF THE EQUAL CREDIT OPPORTUNITY ACT.

(a) IN GENERAL.—The Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) is amended by inserting after section 706 the following:

''§ 706A. Criminal penalties

''(a) INDIVIDUAL VIOLATIONS.—Any person who knowingly and willfully violates this title shall be fined not more than $50,000, or imprisoned not more than 1 year, or both.

''(b) PATTERN OR PRACTICE.—

''(1) IN GENERAL.—Any person who engages in a pattern or practice of knowingly and willfully violating this title shall be fined not more than $100,000 for each violation of this title, or imprisoned not more than twenty years, or both.

''(2) PERSONAL LIABILITY OF EXECUTIVE OFFICERS AND DIRECTORS OF THE BOARD.—Any executive officer or director of the board of an entity who knowingly and willfully causes the entity to engage in a pattern or practice of knowingly and willfully

violating this title (or who directs another agent, senior officer, or director of the entity to commit such a violation or engage in such acts that result in the director or officer being personally unjustly enriched) shall be—

''(A) fined in an amount not to exceed 100 percent of the compensation (including stock options awarded as compensation) received by such officer or director from the entity—

''(i) during the time period in which the violations occurred; or

''(ii) in the one to three year time period preceding the date on which the violations were discovered; and

''(B) imprisoned for not more than 5 years.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) is amended by inserting after the item relating to section 706 the following:

''706A. Criminal penalties.''.

SEC. 324. REVIEW OF LOAN APPLICATIONS.

(a) IN GENERAL.—Subtitle C of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5531 et seq.) is amended by adding at the end the following:

"SEC. 1038. REVIEW OF LOAN APPLICATIONS.

"(a) IN GENERAL.—The Bureau shall carry out reviews of loan applications and the process of taking loan applications being used by covered persons to ensure such applications and processes do not violate the Equal Credit Opportunity Act or any other Federal consumer financial law.

"(b) PROHIBITION AND ENFORCEMENT.—If the Bureau determines under subsection (a) that any loan application or process of taking a loan application violates the Equal Credit Opportunity Act or any other Federal consumer financial law, the Bureau shall—

"(1) prohibit the covered person from using such application or process; and

"(2) take such enforcement or other actions with respect to the covered person as the Bureau determines appropriate.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended by inserting after the item relating to section 1037 the following:

"Sec. 1038. Review of loan applications.".

SEC. 325. MORTGAGE DATA COLLECTION.

(a) IN GENERAL.—Section 304(b)(4) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(b)(4)) is amended by striking "census tract, income level, racial

characteristics, age, and gender'' and inserting ''the applicant or borrower's zip code, census tract, income level, race, color, religion, national origin, sex, marital status, sexual orientation, gender identity, and age''.

(b) PROTECTION OF PRIVACY INTERESTS.—Section 304(h)(3)(A) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(h)(3)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

''(ii) zip code, census tract, and any other category of data described in subsection (b)(4), as the Bureau determines to be necessary to satisfy the purpose described in paragraph (1)(E), and in a manner consistent with that purpose; and''.

Subtitle C—Promoting and Advancing Communities of Color Through Inclusive Lending

SEC. 331. STRENGTHENING DIVERSE AND MISSION-DRIVEN COMMUNITY FINANCIAL INSTITUTIONS.

(a) MINORITY LENDING INSTITUTION SET-ASIDE IN PROVIDING ASSISTANCE.—

(1) IN GENERAL.—Section 108 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4707) is amended by adding at the end the following:

''(i) MINORITY LENDING INSTITUTION SET-ASIDE IN PROVIDING ASSISTANCE.—Notwithstanding any other provision of law, in providing any assistance to community development financial institutions, the Fund shall reserve 40 percent of such assistance for minority lending institutions.''.

(2) DEFINITIONS.—Section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702) is amended by adding at the end the following:

''(22) MINORITY LENDING INSTITUTION.—The term 'minority lending institution' has the meaning given that term under section 523(c) of division N of the Consolidated Appropriations Act, 2021.''.

(b) OFFICE OF MINORITY LENDING INSTITUTIONS.—Section 104 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703) is amended by adding at the end the following:

''(l) CDFI OFFICE OF MINORITY LENDING INSTITUTIONS.—There is established within the Fund an Office

of Minority Lending Institutions, which shall oversee assistance provided by the Fund to minority lending institutions.''.

(c) REPORTING ON MINORITY LENDING INSTITUTIONS.—Section 117 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716) is amended by adding at the end the following:

''(g) REPORTING ON MINORITY LENDING INSTITUTIONS.—Each report required under subsection (a) shall include a description of the extent to which assistance from the Fund are provided to minority lending institutions.''.

(d) SUBMISSION OF DATA RELATING TO DIVERSITY BY COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.—Section 104 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703), as amended by subsection (b), is further amended by adding at the end the following:

''(m) SUBMISSION OF DATA RELATING TO DIVERSITY.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'executive officer' has the meaning given the term in section 230.501(f) of title 17, Code of Federal Regulations, as in ef-

fect on the date of enactment of this subsection; and

''(B) the term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.

''(2) SUBMISSION OF DISCLOSURE.—Each Fund applicant and recipient shall provide the following:

''(A) Data, based on voluntary self-identification, on the racial, ethnic, and gender composition of—

''(i) the board of directors of the institution;

''(ii) nominees for the board of directors of the institution; and

''(iii) the executive officers of the institution.

''(B) The status of any member of the board of directors of the institution, any nominee for the board of directors of the institution, or any executive officer of the institution, based on voluntary self-identification, as a veteran.

''(C) Whether the board of directors of the institution, or any committee of that board of directors, has, as of the date on which the institution makes a disclosure under this paragraph,

adopted any policy, plan, or strategy to promote racial, ethnic, and gender diversity among—

"(i) the board of directors of the institution;

"(ii) nominees for the board of directors of the institution; or

"(iii) the executive officers of the institution.

"(3) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this subsection, and annually thereafter, the Fund shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and make publicly available on the website of the Fund, a report—

"(A) on the data and trends of the diversity information made available pursuant to paragraph (2); and

"(B) containing all administrative or legislative recommendations of the Fund to enhance the implementation of this title or to promote diversity and inclusion within community development financial institutions.".

(e) OFFICE OF DIVERSE AND MISSION-DRIVEN COMMUNITY FINANCIAL INSTITUTIONS.—

(1) ESTABLISHMENT.—There is established within the Department of the Treasury the Office of Diverse and Mission-Driven Community Financial Institutions.

(2) LEADERSHIP.—The Office of Diverse and Mission-Driven Community Financial Institutions shall be led by a Deputy Assistant Secretary for Diverse and Mission-Driven Community Financial Institutions, who shall be appointed by the Secretary of the Treasury, in consultation with the Department of the Treasury's Director of Office of Minority and Women Inclusion.

(3) FUNCTIONS.—The Office of Diverse and Mission-Driven Community Financial Institutions, pursuant to the direction of the Secretary, shall have the authority—

(A) to monitor and issue reports regarding—

(i) community development financial institutions, minority depository institutions, and minority lending institutions; and

(ii) the role such institutions play in the financial system of the United States, including the impact they have on providing financial access to low- and moderate-income communities, communities of color, and other underserved communities;

(B) to serve as a resource and Federal liaison for current and prospective community development financial institutions, minority depository institutions, and minority lending institutions engaging with the Department of the Treasury, the Community Development Financial Institutions Fund (''CDFI Fund''), other Federal government agencies, including by providing contact information, resources, technical assistance, and other support for entities wishing—

(i) to become certified as a community development financial institution, and maintain the certification;

(ii) to obtain a banking charter, deposit insurance, or otherwise carry on banking activities in a safe, sound, and responsible manner;

(iii) to obtain financial support through private sector deposits, investments, partnerships, and other means;

(iv) to expand their operations through internal growth and acquisitions;

(v) to develop and upgrade their technology, cybersecurity resilience, compliance systems, data reporting systems, and their capacity to support their communities, including through partnerships with third-party companies;

(vi) to obtain grants, awards, investments and other financial support made available through the CDFI Fund, the Board of Governors of the Federal Reserve System, the Central Liquidity Facility, the Federal Home Loan Banks, and other Federal programs;

(vii) to participate as a financial intermediary with respect to various Federal and State programs and agencies, including the State Small Business Credit Initiative and programs of the Small Business Administration; and

(viii) to participate in Financial Agent Mentor-Protégé Program of the Department of the Treasury and other Federal programs designed to support private sector partnerships;

(C) to provide resources to the public wishing to learn more about minority depository institutions, community development financial institutions, and minority lending institutions, including helping the Secretary implement the requirements under section 334, publishing reports issued by the Office on the website of the Department of the Treasury and providing hyperlinks to other relevant reports and materials from other Federal agencies;

(D) to provide policy recommendations to the Secretary, the CDFI Fund, other relevant Federal agencies, and Congress on ways to further strengthen Federal support for community development financial institutions, minority depository institutions, and minority lending institutions;

(E) to assist the Secretary in carrying out the Secretary's responsibilities under section 308 of the Financial Institutions Reform, Re-

covery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) to preserve and promote minority depository institutions in consultation with the Chairman of the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Chairman of the National Credit Union Administration, and the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation;

(F) to carry out other duties of the Secretary of the Treasury required by this Act and the amendments made by this Act, and to perform such other related duties and authorities as may be assigned by the Secretary.

(f) STRENGTHENING FEDERAL EFFORTS AND INTERAGENCY COORDINATION TO PROMOTE DIVERSE AND MISSION-DRIVEN COMMUNITY FINANCIAL INSTITUTIONS.—

(1) SENIOR OFFICIALS DESIGNATED.—The Chairman of the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Chairman of the National Credit Union Administration, the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, and the Director of the Bureau of Consumer Financial

Protection shall each, in consultation with their respective Director of Office of Minority and Women Inclusion, designate a senior official to be their respective agency's officer responsible for promoting minority depository institutions, community development financial institutions, and minority lending institutions, including to fulfill obligations under section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) to preserve and promote minority depository institutions.

(2) INTERAGENCY WORKING GROUP.—The Deputy Assistant Secretary for Diverse and Mission-Driven Community Financial Institutions shall regularly convene meetings, no less than once a quarter, of an interagency working group to be known as the ''Interagency Working Group to Promote Diverse and Mission-Driven Community Financial Institutions'', which shall consist of the senior officials designated by their respective agencies under paragraph (1), along with the Director of the Community Development Financial Institutions Fund and such other government officials as the Deputy Assistant Secretary may choose to invite, to examine and discuss the state of minority depository institutions,

community development financial institutions, and minority lending institutions, and actions the relevant agencies can take to preserve, promote, and strengthen these institutions.

(3) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this subsection, and annually thereafter, the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Chairman of the National Credit Union Administration, the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, and the Director of the Bureau of Consumer Financial Protection shall submit a joint report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the work that has been done the prior year to preserve, promote, and strengthen community development financial institutions, minority depository institutions, and minority lending institutions, along with any policy recommendations on actions various government agencies and Congress should take to preserve, promote, and strengthen community development financial institutions, mi-

nority depository institutions, and minority lending institutions.

SEC. 332. CAPITAL INVESTMENTS, GRANTS, AND TECHNOLOGY SUPPORT FOR MDIS AND CDFIS.

(a) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Emergency Capital Investment Fund $4,000,000,000.

(b) CONFORMING AMENDMENTS TO ALLOW FOR ADDITIONAL PURCHASES OF CAPITAL.—Section 104A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703a) is amended—

(1) in subsection (c), by striking paragraph (2); and

(2) in subsection (e), by striking paragraph (2).

(c) USE OF FUNDS FOR CDFI FINANCIAL AND TECHNICAL ASSISTANCE.—Section 104A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703a) is amended by adding at the end the following:

''(p) USE OF FUNDS FOR CDFI FINANCIAL AND TECHNICAL ASSISTANCE.—The Secretary may transfer amounts in the Emergency Capital Investment Fund to the Fund for the purpose of providing financial and technical assistance grants to community development financial institutions certified by the Secretary.''.

(d) TECHNOLOGY GRANTS FOR MDIS AND CDFIS.—Section 104A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703a), as amended by subsection (c), is further amended by adding at the end the following:

"(q) TECHNOLOGY GRANTS FOR MDIS AND CDFIS.—

"(1) STUDY AND REPORT ON CERTAIN TECHNOLOGY CHALLENGES.—

"(A) STUDY.—The Secretary shall carry out a study on the technology challenges impacting minority depository institutions and community development financial institutions with respect to—

"(i) internal technology capabilities and capacity of the institutions to process loan applications and otherwise serve current and potential customers through the internet, mobile phone applications, and other tools;

"(ii) technology capabilities and capacity of the institutions, provided in partnership with third party companies, to process loan applications and otherwise serve current and potential customers

through the internet, mobile phone applications, and other tools;

"(iii) cybersecurity; and

"(iv) challenges and solutions related to algorithmic bias in the deployment of technology.

"(B) REPORT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that includes the results of the study required under subparagraph (A).

"(2) TECHNOLOGY GRANT PROGRAM.—

"(A) PROGRAM AUTHORIZED.—The Secretary shall carry out a technology grant program to make grants to minority depository institutions and community development financial institutions to address technology challenges impacting such institutions.

"(B) APPLICATION.—To be eligible to be awarded a grant under this paragraph, a minority depository institution or community development financial institution shall submit an

application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(C) USE OF FUNDS.—A minority depository institution or community development financial institution that is awarded a grant under this paragraph may use the grant funds to—

''(i) enhance or adopt technologies that—

''(I) shorten loan approval processes;

''(II) improve customer experience;

''(III) provide additional services to customers;

''(IV) facilitate compliance with applicable laws, regulations, and program requirements, including testing to ensure that the use of technology does not result in discrimination, and helping to satisfy data reporting requirements; and

"(V) help ensure privacy of customer records and cybersecurity resilience or

"(ii) carry out such other activities as the Secretary determines appropriate.

"(3) FUNDING.—The Secretary may use amounts in the Emergency Capital Investment Fund to make grants under paragraph (2), but not to exceed $250,000,000 in the aggregate.".

(e) PILOT PROGRAM FOR ESTABLISHING DE NOVO CDFIS AND MDIS.—Section 104A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703a), as amended by subsections (c) and (d), is further amended by adding at the end the following:

"(r) PILOT PROGRAM FOR ESTABLISHING DE NOVO CDFIS AND MDIS.—

"(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Fund and the appropriate Federal banking agencies, shall establish a pilot program to provide competitive grants to a person for the purpose of providing capital for such person to establish a minority depository institution or a community development financial institution.

''(2) APPLICATION.—A person desiring a grant under this subsection shall submit to the Secretary an application in such form and containing such information as the Secretary determines appropriate.

''(3) DISBURSEMENT.—Before disbursing grant amounts to a person selected to receive a grant under this subsection, the Secretary shall ensure that such person has received approval from the appropriate Federal banking agency (or such other Federal or State agency from whom approval is required) to establish a minority depository institution or a community development financial institution, as applicable.

''(4) FUNDING.—The Secretary may use amounts in the Emergency Capital Investment Fund to make grants under paragraph (2), but not to exceed $100,000,000 in the aggregate.''.

(f) GUIDANCE FOR SUBCHAPTER S AND MUTUAL BANKS.—Not later than 30 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System and the Secretary shall issue guidance regarding how Emergency Capital Investment Program investments (whether made before or after the date of enactment of this Act) are considered for purposes of various prudential requirements, including debt to equity, leverage

ratio, and double leverage ratio requirements with respect to subchapter S and mutual bank recipients of such investments.

SEC. 333. SUPPORTING YOUNG ENTREPRENEURS PROGRAM.

Section 108 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4707), as amended by section 2(a)(1), is further amended by adding at the end the following:

''(j) SUPPORTING YOUNG ENTREPRENEURS PROGRAM.—

''(1) IN GENERAL.—The Fund shall establish a Supporting Young Entrepreneurs Program under which the Fund may provide financial awards to the community development financial institutions that the Fund determines have the best programs to help young entrepreneurs get the start up capital needed to start a small business.

''(2) NO MATCHING REQUIREMENT.—The matching requirement under subsection (e) shall not apply to awards made under this subsection.

''(3) FUNDING.—In carrying out this subsection, the Fund may use—

"(A) amounts in the Emergency Capital Investment Fund, but not to exceed $100,000,000 in the aggregate; and

"(B) such other funds as may be appropriated by Congress to the Fund to carry out the Supporting Young Entrepreneurs Program.".

SEC. 334. MAP OF MINORITY DEPOSITORY INSTITUTIONS AND COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the CDFI Fund and the Federal banking agencies, shall establish an interactive, searchable map showing the geographic locations of the headquarters and branch locations of minority depository institutions and community development financial institutions that have been certified by the Secretary. Such map shall also provide a link to the website of each such minority depository institution and community development financial institution.

(b) DEFINITIONS.—In this section:

(1) CDFI FUND.—The term "CDFI Fund" means the Community Development Financial Institutions Fund established under section 104(a) of the

Riegle Community Development and Regulatory Improvement Act of 1994.

(2) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' has the meaning given in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994.

(3) FEDERAL BANKING AGENCY.—The term ''Federal banking agency''—

(A) has the meaning given in section 3 of the Federal Deposit Insurance Act; and

(B) means the National Credit Union Administration.

(4) MINORITY DEPOSITORY INSTITUTION.—The term ''minority depository institution'' has the meaning given in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

SEC. 335. REPORT ON CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.

Section 117(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(a)) is amended—

(1) by striking ''The Fund'' and inserting the following:

''(1) IN GENERAL.—The Fund'';

(2) by striking ''and the Congress'' and inserting '', the Congress, and the public''; and

(3) by adding at the end the following:

''(2) REPORT ON CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.—The annual report required under paragraph (1) shall include a report on community development financial institutions ('CDFIs') that have been certified by the Secretary of the Treasury, including a summary with aggregate data and analysis, to the fullest extent practicable, regarding—

''(A) a list of the types of organizations that are certified as CDFIs, and the number of each type of organization;

''(B) the geographic location and capacity of different types of certified CDFIs;

''(C) the primary lines of business for different types of certified CDFIs, as well as any secondary lines of business;

''(D) human resources and staffing information for different types of certified CDFIs, including—

''(E) the types of development services provided by different types of certified CDFIs;

''(F) the target markets of different types of certified CDFIs and the amount of products and services offered by CDFIs to those target markets, including—

''(i) the number and amount of loans and loan guarantees made in those target markets;

''(ii) the number and amount of other investments made in those target markets; and

''(iii) the number and amount of development services offered in those target markets; and

''(G) such other information as the Director of the Fund may determine necessary to promote transparency of the impact of different types of CDFIs, while carrying out this report in a manner that seeks to minimize data reporting requirements from certified CDFIs when feasible, including utilizing information gathered from other regulators under section 104(l).''.

SEC. 336. CONSULTATION AND MINIMIZATION OF DATA REQUESTS.

Section 104 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703) is amended by adding at the end the following:

''(l) CONSULTATION AND MINIMIZATION OF DATA REQUESTS.—

''(1) IN GENERAL.—In carrying out its duties, the Fund shall—

''(A) periodically, and no less frequent than once a year, consult with the applicable Federal regulator of certified CDFIs and applicants to be a certified CDFI ('applicants)';

''(B) seek to gather any relevant information on certified CDFIs and applicants from the applicable Federal regulator to minimize duplicative data collection requests made by the Fund of certified CDFIs and applicants and to expedite certification, re-certification, or other relevant processes administered by the Fund.

''(2) APPLICABLE FEDERAL REGULATOR DEFINED.—In this subsection, the term 'applicable Federal regulator' means—

''(A) with respect to a certified CDFI or an applicant that is regulated by both an appropriate Federal banking agency and the Bureau

of Consumer Financial Protection, the Bureau of Consumer Financial Protection;

''(B) with respect to a certified CDFI or an applicant that is not regulated by the Bureau of Consumer Financial Protection, the appropriate Federal banking agency for such applicant; or

''(C) the Bureau of Consumer Financial Protection, with respect to a certified CDFI or an applicant—

''(i) that is not regulated by an appropriate Federal banking agency; and

''(ii) that offers or provides consumer financial products or services (as defined in section 1002 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481).''.

SEC. 337. ACCESS TO THE DISCOUNT WINDOW OF THE FEDERAL RESERVE SYSTEM FOR MDIS AND CDFIS.

The Board of Governors of the Federal Reserve System shall establish a process under which minority depository institutions and community development financial institutions may have access to the discount window, at the seasonal credit interest rate most recently published on

the Federal Reserve Statistical Release on selected interest rates (daily or weekly).

SEC. 338. STUDY ON SECURITIZATION BY CDFIS.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Community Development Financial Institutions Fund and such other Federal agencies as the Secretary determines appropriate, shall carry out a study on—

(1) the use of securitization by CDFIs;

(2) any barriers to the use of securitization as a source of liquidity by CDFIs; and

(3) any authorities available to the Government to support the use of securitization by CDFIs to the extent it helps serve underserved communities.

(b) REPORT.—Not later than the end of the 1-year period beginning on the date of enactment of this Act, the Secretary shall issue a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing—

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) any legislative or administrative recommendations of the Secretary that would promote

the responsible use of securitization to help CDFIs in reaching more underserved communities.

(c) CDFI DEFINED.—The term ''CDFI'' has the meaning given the term ''community development financial institution'' under section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994.

TITLE IV—DIVERSITY IN FINANCIAL INSTITUTIONS AND CORPORATIONS

Subtitle A—Promoting New and Diverse Depository Institutions

SEC. 411. STUDY AND STRATEGIC PLAN.

(a) IN GENERAL.—The Federal banking regulators shall jointly—

(1) conduct a study about the challenges faced by proposed depository institutions, including proposed minority depository institutions, seeking de novo depository institution charters; and

(2) submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate and publish publically, not later than 18 months after the date of the enactment of this section—

(A) an analysis based on the study conducted pursuant to paragraph (1);

(B) any findings from the study conducted pursuant to paragraph (1); and

(C) any legislative recommendations that the Federal banking regulators developed based on the study conducted pursuant to paragraph (1).

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this section, the Federal banking regulators shall jointly submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate and publish publically a strategic plan based on the study conducted pursuant to subsection (a) and designed to help proposed depository institutions (including proposed minority depository institutions) successfully apply for de novo depository institution charters in a manner that promotes increased availability of banking and financial services, safety and soundness, consumer protection, community reinvestment, financial stability, and a level playing field.

(2) CONTENTS OF STRATEGIC PLAN.—The strategic plan described in paragraph (1) shall—

(A) promote the chartering of de novo depository institutions, including—

(i) proposed minority depository institutions; and

(ii) proposed depository institutions that could be certified as community development financial institutions; and

(B) describe actions the Federal banking regulators may take that would increase the number of depository institutions located in geographic areas where consumers lack access to a branch of a depository institution.

(c) PUBLIC INVOLVEMENT.—When conducting the study and developing the strategic plan required by this section, the Federal banking regulators shall invite comments and other feedback from the public to inform the study and strategic plan.

(d) DEFINITIONS.—In this section:

(1) DEPOSITORY INSTITUTION.—The term ''depository institution'' has the meaning given in section 3 of the Federal Deposit Insurance Act, and includes a ''Federal credit union'' and a ''State credit

union'' as such terms are defined, respectively, under section 101 of the Federal Credit Union Act.

(2) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' has the meaning given in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994.

(3) FEDERAL BANKING REGULATORS.—The term ''Federal banking regulators'' means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Director of the Bureau of Consumer Financial Protection.

(4) MINORITY DEPOSITORY INSTITUTION.—The term ''minority depository institution'' has the meaning given in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

Subtitle B—Promoting Diversity and Inclusion in Banking

SEC. 421. DIVERSITY AND INCLUSION RATINGS.

(a) IN GENERAL.—The Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301 et

seq.) is amended by inserting after section 342 the following:

"SEC. 342A. DIVERSITY AND INCLUSION RATINGS.

"(a) IN GENERAL.—The Board of Governors, the Comptroller of the Currency, the Corporation, and the National Credit Union Administration Board, in assigning a rating to a depository institution under the Uniform Financial Institutions Rating System (or an equivalent rating by any such agency under a comparable rating system) shall include a diversity and inclusion component that examines—

"(1) whether the depository institution has effective policies in place to encourage diversity and inclusion in the hiring practices of the institution;

"(2) whether the depository institution provides training to the employees of the institution, that is appropriate to the size and resources of the institution, on diversity and inclusion; and

"(3)(A) with respect to a depository institution with total consolidated assets of $1,000,000,000 or less, whether such depository institution has designated an individual to serve as a Diversity and Inclusion Officer who reports to the Chief Executive Officer of the institution on all diversity and inclusion matters; or

''(B) with respect to a depository institution with total consolidated assets of more than $1,000,000,000, whether such depository institution—

''(i) has designated an individual to serve as a Diversity and Inclusion Officer; and

''(ii) has established a committee for diversity and inclusion that holds meetings quarterly and that includes in its membership the Diversity and Inclusion Officer designated under clause (i) and the Chief Executive Officer of the institution.

''(b) APPLICATION TO MINORITY DEPOSITORY INSTITUTIONS.—In carrying out subsection (a) with respect to minority depository institutions, the Board of Governors, the Comptroller of the Currency, the Corporation, and the National Credit Union Administration Board shall—

''(1) assign such institutions the most favorable rating with respect to the diversity and inclusion component described under subsection (a); and

''(2) exempt such institutions from any examination procedures related to the diversity and inclusion component described under subsection (a).

''(c) DEFINITIONS.—In this section:

''(1) DEPOSITORY INSTITUTION.—The term 'depository institution' means a depository institution or a credit union.

''(2) MINORITY DEPOSITORY INSTITUTION.—The term 'minority depository institution' means an entity that is—

''(A) a minority depository institution, as defined in section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note); or

''(B) considered to be a minority depository institution by—

''(i) the appropriate Federal banking agency; or

''(ii) the National Credit Union Administration, in the case of an insured credit union.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended by inserting after the item relating to section 342 the following:

''Sec. 342A. Diversity and inclusion ratings.''.

Subtitle C—Improving Corporate Governance Through Diversity

SEC. 431. SUBMISSION OF DATA RELATING TO DIVERSITY BY ISSUERS.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

''(s) SUBMISSION OF DATA RELATING TO DIVERSITY.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'executive officer' has the meaning given the term in section 230.501(f) of title 17, Code of Federal Regulations, as in effect on the date of enactment of this subsection; and

''(B) the term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.

''(2) SUBMISSION OF DISCLOSURE.—Each issuer required to file an annual report under subsection (a) shall disclose in any proxy statement and any information statement relating to the election of directors filed with the Commission the following:

''(A) Data, based on voluntary self-identification, on the racial, ethnic, and gender composition of—

''(i) the board of directors of the issuer;

''(ii) nominees for the board of directors of the issuer; and

''(iii) the executive officers of the issuer.

''(B) The status of any member of the board of directors of the issuer, any nominee for the board of directors of the issuer, or any executive officer of the issuer, based on voluntary self-identification, as a veteran.

''(C) Whether the board of directors of the issuer, or any committee of that board of directors, has, as of the date on which the issuer makes a disclosure under this paragraph, adopted any policy, plan, or strategy to promote racial, ethnic, and gender diversity among—

''(i) the board of directors of the issuer;

''(ii) nominees for the board of directors of the issuer; or

''(iii) the executive officers of the issuer.

''(3) ALTERNATIVE SUBMISSION.—In any 1-year period in which an issuer required to file an annual report under subsection (a) does not file with the Commission a proxy statement or an information statement relating to the election of directors, the issuer shall disclose the information required under paragraph (2) in the first annual report of issuer that the issuer submits to the Commission after the end of that 1-year period.

''(4) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this subsection, and annually thereafter, the Commission shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, and publish on the website of the Commission, a report that analyzes the information disclosed under paragraphs (2) and (3) and identifies any trends with respect to such information.

''(5) BEST PRACTICES.—

''(A) IN GENERAL.—The Director of the Office of Minority and Women Inclusion of the Commission shall, not later than 3 years after

the date of enactment of this subsection, and every 3 years thereafter, publish best practices for compliance with this subsection.

''(B) COMMENTS.—The Director of the Office of Minority and Women Inclusion of the Commission may, pursuant to subchapter II of chapter 5 of title 5, United States Code, solicit public comments related to the best practices published under subparagraph (A).''.

SEC. 432. DIVERSITY ADVISORY GROUP.

(a) DEFINITIONS.—For the purposes of this section:

(1) ADVISORY GROUP.—The term ''Advisory Group'' means the Diversity Advisory Group established under subsection (b).

(2) COMMISSION.—The term ''Commission'' means the Securities and Exchange Commission.

(3) ISSUER.—The term ''issuer'' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(b) ESTABLISHMENT.—The Commission shall establish a Diversity Advisory Group, which shall be composed of representatives from—

(1) the Federal Government and State and local governments;

(2) academia; and

(3) the private sector.

(c) STUDY AND RECOMMENDATIONS.—The Advisory Group shall—

(1) carry out a study that identifies strategies that can be used to increase gender, racial, and ethnic diversity among members of boards of directors of issuers; and

(2) not later than 270 days after the date on which the Advisory Group is established, submit to the Commission, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that—

(A) describes any findings from the study conducted under paragraph (1); and

(B) makes recommendations regarding strategies that issuers could use to increase gender, racial, and ethnic diversity among board members.

(d) ANNUAL REPORT.—Not later than 1 year after the date on which the Advisory Group submits the report required under subsection (c)(2), and annually thereafter, the Commission shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of

the Senate a report that describes the status of gender, racial, and ethnic diversity among members of the boards of directors of issuers.

(e) PUBLIC AVAILABILITY OF REPORTS.—The Commission shall make all reports of the Advisory Group available to issuers and the public, including on the website of the Commission.

(f) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Advisory Group or the activities of the Advisory Group.

Subtitle D—Ensuring Diversity in Community Banking

SEC. 441. SHORT TITLE.

This subtitle may be cited as the ''Ensuring Diversity in Community Banking Act''.

SEC. 442. SENSE OF CONGRESS ON FUNDING THE LOAN-LOSS RESERVE FUND FOR SMALL DOLLAR LOANS.

The sense of Congress is the following:

(1) The Community Development Financial Institutions Fund (the ''CDFI Fund'') is an agency of the Department of the Treasury, and was established by the Riegle Community Development and Regulatory Improvement Act of 1994. The mission

of the CDFI Fund is ''to expand economic opportunity for underserved people and communities by supporting the growth and capacity of a national network of community development lenders, investors, and financial service providers''. A community development financial institution (a ''CDFI'') is a specialized financial institution serving low-income communities and a Community Development Entity (a ''CDE'') is a domestic corporation or partnership that is an intermediary vehicle for the provision of loans, investments, or financial counseling in low-income communities. The CDFI Fund certifies CDFIs and CDEs. Becoming a certified CDFI or CDE allows organizations to participate in various CDFI Fund programs as follows:

(A) The Bank Enterprise Award Program, which provides FDIC-insured depository institutions awards for a demonstrated increase in lending and investments in distressed communities and CDFIs.

(B) The CDFI Program, which provides Financial and Technical Assistance awards to CDFIs to reinvest in the CDFI, and to build the capacity of the CDFI, including financing product development and loan loss reserves.

(C) The Native American CDFI Assistance Program, which provides CDFIs and sponsoring entities Financial and Technical Assistance awards to increase lending and grow the number of CDFIs owned by Native Americans to help build capacity of such CDFIs.

(D) The New Market Tax Credit Program, which provides tax credits for making equity investments in CDEs that stimulate capital investments in low-income communities.

(E) The Capital Magnet Fund, which provides awards to CDFIs and nonprofit affordable housing organizations to finance affordable housing solutions and related economic development activities.

(F) The Bond Guarantee Program, a source of long-term, patient capital for CDFIs to expand lending and investment capacity for community and economic development purposes.

(2) The Department of the Treasury is authorized to create multi-year grant programs designed to encourage low-to-moderate income individuals to establish accounts at federally insured banks, and to improve low-to-moderate income individuals' access to such accounts on reasonable terms.

(3) Under this authority, grants to participants in CDFI Fund programs may be used for loan-loss reserves and to establish small-dollar loan programs by subsidizing related losses. These grants also allow for the providing recipients with the financial counseling and education necessary to conduct transactions and manage their accounts. These loans provide low-cost alternatives to payday loans and other nontraditional forms of financing that often impose excessive interest rates and fees on borrowers, and lead millions of Americans to fall into debt traps. Small-dollar loans can only be made pursuant to terms, conditions, and practices that are reasonable for the individual consumer obtaining the loan.

(4) Program participation is restricted to eligible institutions, which are limited to organizations listed in section 501(c)(3) of the Internal Revenue Code and exempt from tax under 501(a) of such Code, federally insured depository institutions, community development financial institutions and State, local, or Tribal government entities.

(5) According to the CDFI Fund, some programs attract as much as $10 in private capital for every $1 invested by the CDFI Fund. The Administration and the Congress should prioritize appropria-

tion of funds for the loan loss reserve fund and technical assistance programs administered by the Community Development Financial Institution Fund.

SEC. 443. DEFINITIONS.

In this subtitle:

(1) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' has the meaning given under section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

(2) MINORITY DEPOSITORY INSTITUTION.—The term ''minority depository institution'' has the meaning given under section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note), as amended by this Act.

SEC. 444. INCLUSION OF WOMEN'S BANKS IN THE DEFINITION OF MINORITY DEPOSITORY INSTITUTION.

Section 308(b)(1) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by striking ''means any'' and inserting the following: ''means—

''(A) any''; and

(3) in clause (iii) (as so redesignated), by striking the period at the end and inserting ''; or''; and

(4) by inserting at the end the following new subparagraph:

''(B) any bank described in clause (i), (ii), or (iii) of section 19(b)(1)(A) of the Federal Reserve Act—

''(i) more than 50 percent of the outstanding shares of which are held by 1 or more women; and

''(ii) the majority of the directors on the board of directors of which are women.''.

SEC. 445. ESTABLISHMENT OF IMPACT BANK DESIGNATION.

(a) IN GENERAL.—Each Federal banking agency shall establish a program under which a depository institution with total consolidated assets of less than $10,000,000,000 may elect to be designated as an impact bank if the total dollar value of the loans extended by such depository institution to low-income borrowers is greater than or equal to 50 percent of the assets of such bank.

(b) NOTIFICATION OF ELIGIBILITY.—Based on data obtained through examinations of depository institutions, the appropriate Federal banking agency shall notify a depository institution if the institution is eligible to be designated as an impact bank.

(c) APPLICATION.—Regardless of whether or not it has received a notice of eligibility under subsection (b), a depository institution may submit an application to the appropriate Federal banking agency—

(1) requesting to be designated as an impact bank; and

(2) demonstrating that the depository institution meets the applicable qualifications.

(d) LIMITATION ON ADDITIONAL DATA REQUIREMENTS.—The Federal banking agencies may only impose additional data collection requirements on a depository institution under this section if such data is—

(1) necessary to process an application submitted by the depository institution to be designated an impact bank; or

(2) with respect to a depository institution that is designated as an impact bank, necessary to ensure the depository institution's ongoing qualifications to maintain such designation.

(e) REMOVAL OF DESIGNATION.—If the appropriate Federal banking agency determines that a depository institution designated as an impact bank no longer meets the criteria for such designation, the appropriate Federal banking agency shall rescind the designation and notify the depository institution of such rescission.

(f) RECONSIDERATION OF DESIGNATION; APPEALS.—Under such procedures as the Federal banking agencies may establish, a depository institution may—

(1) submit to the appropriate Federal banking agency a request to reconsider a determination that such depository institution no longer meets the criteria for the designation; or

(2) file an appeal of such determination.

(g) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Federal banking agencies shall jointly issue rules to carry out the requirements of this section, including by providing a definition of a low-income borrower.

(h) REPORTS.—Each Federal banking agency shall submit an annual report to the Congress containing a description of actions taken to carry out this section.

(i) FEDERAL DEPOSIT INSURANCE ACT DEFINITIONS.—In this section, the terms ''depository institution'', ''appropriate Federal banking agency'', and ''Fed-

eral banking agency'' have the meanings given such terms, respectively, in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

SEC. 446. MINORITY DEPOSITORIES ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—Each covered regulator shall establish an advisory committee to be called the ''Minority Depositories Advisory Committee''.

(b) DUTIES.—Each Minority Depositories Advisory Committee shall provide advice to the respective covered regulator on meeting the goals established by section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) to preserve the present number of covered minority institutions, preserve the minority character of minority-owned institutions in cases involving mergers or acquisitions, provide technical assistance, and encourage the creation of new covered minority institutions. The scope of the work of each such Minority Depositories Advisory Committee shall include an assessment of the current condition of covered minority institutions, what regulatory changes or other steps the respective agencies may be able to take to fulfill the requirements of such section 308, and other issues of concern to covered minority institutions.

(c) MEMBERSHIP.—

(1) IN GENERAL.—Each Minority Depositories Advisory Committee shall consist of no more than 10 members, who—

(A) shall serve for one two-year term;

(B) shall serve as a representative of a depository institution or an insured credit union with respect to which the respective covered regulator is the covered regulator of such depository institution or insured credit union; and

(C) shall not receive pay by reason of their service on the advisory committee, but may receive travel or transportation expenses in accordance with section 5703 of title 5, United States Code.

(2) DIVERSITY.—To the extent practicable, each covered regulator shall ensure that the members of the Minority Depositories Advisory Committee of such agency reflect the diversity of covered minority institutions.

(d) MEETINGS.—

(1) IN GENERAL.—Each Minority Depositories Advisory Committee shall meet not less frequently than twice each year.

(2) NOTICE AND INVITATIONS.—Each Minority Depositories Advisory Committee shall—

(A) notify the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate in advance of each meeting of the Minority Depositories Advisory Committee; and

(B) invite the attendance at each meeting of the Minority Depositories Advisory Committee of—

(i) one member of the majority party and one member of the minority party of the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(ii) one member of the majority party and one member of the minority party of any relevant subcommittees of such committees.

(e) NO TERMINATION OF ADVISORY COMMITTEES.—The termination requirements under section 14 of the Federal Advisory Committee Act (5 U.S.C. app.) shall not apply to a Minority Depositories Advisory Committee established pursuant to this section.

(f) DEFINITIONS.—In this section:

(1) COVERED REGULATOR.—The term ''covered regulator'' means the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

(2) COVERED MINORITY INSTITUTION.—The term ''covered minority institution'' means a minority depository institution (as defined in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note)).

(3) DEPOSITORY INSTITUTION.—The term ''depository institution'' has the meaning given under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(4) INSURED CREDIT UNION.—The term ''insured credit union'' has the meaning given in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(g) TECHNICAL AMENDMENT.—Section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended by adding at the end the following new paragraph:

''(3) DEPOSITORY INSTITUTION.—The term 'depository institution' means an 'insured depository in-

stitution' (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and an insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).''.

SEC. 447. FEDERAL DEPOSITS IN MINORITY DEPOSITORY INSTITUTIONS.

(a) IN GENERAL.—Section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended—

(1) by adding at the end the following new subsection:

''(d) FEDERAL DEPOSITS.—The Secretary of the Treasury shall ensure that deposits made by Federal agencies in minority depository institutions and impact banks are collateralized or insured, as determined by the Secretary. Such deposits shall include reciprocal deposits as defined in section 337.6(e)(2)(v) of title 12, Code of Federal Regulations (as in effect on March 6, 2019).''; and

(2) in subsection (b), as amended by section 6(g), by adding at the end the following new paragraph:

''(4) IMPACT BANK.—The term 'impact bank' means a depository institution designated by the appropriate Federal banking agency pursuant to sec-

tion 445 of the Ensuring Diversity in Community Banking Act.''.

(b) TECHNICAL AMENDMENTS.—Section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended—

(1) in the matter preceding paragraph (1), by striking ''section—'' and inserting ''section:''; and

(2) in the paragraph heading for paragraph (1), by striking ''FINANCIAL'' and inserting ''DEPOSITORY''.

SEC. 448. MINORITY BANK DEPOSIT PROGRAM.

(a) IN GENERAL.—Section 1204 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended to read as follows:

''SEC. 1204. EXPANSION OF USE OF MINORITY DEPOSITORY INSTITUTIONS.

''(a) MINORITY BANK DEPOSIT PROGRAM.—

''(1) ESTABLISHMENT.—There is established a program to be known as the 'Minority Bank Deposit Program' to expand the use of minority depository institutions.

''(2) ADMINISTRATION.—The Secretary of the Treasury, acting through the Fiscal Service, shall—

''(A) on application by a depository institution or credit union, certify whether such depos-

itory institution or credit union is a minority depository institution;

''(B) maintain and publish a list of all depository institutions and credit unions that have been certified pursuant to subparagraph (A); and

''(C) periodically distribute the list described in subparagraph (B) to—

''(i) all Federal departments and agencies;

''(ii) interested State and local governments; and

''(iii) interested private sector companies.

''(3) INCLUSION OF CERTAIN ENTITIES ON LIST.—A depository institution or credit union that, on the date of the enactment of this section, has a current certification from the Secretary of the Treasury stating that such depository institution or credit union is a minority depository institution shall be included on the list described under paragraph (2)(B).

''(b) EXPANDED USE AMONG FEDERAL DEPARTMENTS AND AGENCIES.—

''(1) IN GENERAL.—Not later than 1 year after the establishment of the program described in subsection (a), the head of each Federal department or agency shall develop and implement standards and procedures to prioritize, to the maximum extent possible as permitted by law and consistent with principles of sound financial management, the use of minority depository institutions to hold the deposits of each such department or agency.

''(2) REPORT TO CONGRESS.—Not later than 2 years after the establishment of the program described in subsection (a), and annually thereafter, the head of each Federal department or agency shall submit to Congress a report on the actions taken to increase the use of minority depository institutions to hold the deposits of each such department or agency.

''(c) DEFINITIONS.—For purposes of this section:

''(1) CREDIT UNION.—The term 'credit union' has the meaning given the term 'insured credit union' in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

''(2) DEPOSITORY INSTITUTION.—The term 'depository institution' has the meaning given in section

3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(3) MINORITY DEPOSITORY INSTITUTION.—The term 'minority depository institution' has the meaning given that term under section 308 of this Act.''.

(b) CONFORMING AMENDMENTS.—The following provisions are amended by striking ''1204(c)(3)'' and inserting ''1204(c)'':

(1) Section 808(b)(3) of the Community Reinvestment Act of 1977 (12 U.S.C. 2907(b)(3)).

(2) Section 40(g)(1)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(g)(1)(B)).

(3) Section 704B(h)(4) of the Equal Credit Opportunity Act (15 U.S.C. 1691c–2(h)(4)).

SEC. 449. DIVERSITY REPORT AND BEST PRACTICES.

(a) ANNUAL REPORT.—Each covered regulator shall submit to Congress an annual report on diversity including the following:

(1) Data, based on voluntary self-identification, on the racial, ethnic, and gender composition of the examiners of each covered regulator, disaggregated by length of time served as an examiner.

(2) The status of any examiners of covered regulators, based on voluntary self-identification, as a veteran.

(3) Whether any covered regulator, as of the date on which the report required under this section is submitted, has adopted a policy, plan, or strategy to promote racial, ethnic, and gender diversity among examiners of the covered regulator.

(4) Whether any special training is developed and provided for examiners related specifically to working with depository institutions and credit unions that serve communities that are predominantly minorities, low income, or rural, and the key focus of such training.

(b) BEST PRACTICES.—Each Office of Minority and Women Inclusion of a covered regulator shall develop, provide to the head of the covered regulator, and make publicly available best practices—

(1) for increasing the diversity of candidates applying for examiner positions, including through outreach efforts to recruit diverse candidate to apply for entry-level examiner positions; and

(2) for retaining and providing fair consideration for promotions within the examiner staff for purposes of achieving diversity among examiners.

(c) COVERED REGULATOR DEFINED.—In this section, the term ''covered regulator'' means the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

SEC. 450. INVESTMENTS IN MINORITY DEPOSITORY INSTITUTIONS AND IMPACT BANKS.

(a) CONTROL FOR CERTAIN INSTITUTIONS.—Section 7(j)(8)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(8)(B)) is amended to read as follows:

''(B) 'control' means the power, directly or indirectly—

''(i) to direct the management or policies of an insured depository institution; or

''(ii)(I) with respect to an insured depository institution, of a person to vote 25 per centum or more of any class of voting securities of such institution; or

''(II) with respect to an insured depository institution that is an impact bank (as designated pursuant to section 445 of the Ensuring Diversity in Community Banking Act) or a minority depository institution (as defined in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989),

of an individual to vote 30 percent or more of any class of voting securities of such an impact bank or a minority depository institution.''.

(b) RULEMAKING.—The Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) shall jointly issue rules for de novo minority depository institutions and de novo impact banks (as designated pursuant to section 445) to allow 3 years to meet the capital requirements otherwise applicable to minority depository institutions and impact banks.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Federal banking agencies shall jointly submit to Congress a report on—

(1) the principal causes for the low number of de novo minority depository institutions during the 10-year period preceding the date of the report;

(2) the main challenges to the creation of de novo minority depository institutions and de novo impact banks; and

(3) regulatory and legislative considerations to promote the establishment of de novo minority depository institutions and de novo impact banks.

SEC. 451. REPORT ON COVERED MENTOR-PROTEGE PROGRAMS.

(a) REPORT.—Not later than 6 months after the date of the enactment of this Act and annually thereafter, the Secretary of the Treasury shall submit to Congress a report on participants in a covered mentor-protege program, including—

(1) an analysis of outcomes of such program;

(2) the number of minority depository institutions that are eligible to participate in such program but do not have large financial institution mentors; and

(3) recommendations for how to match such minority depository institutions with large financial institution mentors.

(b) DEFINITIONS.—In this section:

(1) COVERED MENTOR-PROTEGE PROGRAM.—The term ''covered mentor-protege program'' means a mentor-protege program established by the Secretary of the Treasury pursuant to section 45 of the Small Business Act (15 U.S.C. 657r).

(2) LARGE FINANCIAL INSTITUTION.—The term ''large financial institution'' means any entity—

(A) regulated by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit In-

surance Corporation, or the National Credit Union Administration; and

(B) that has total consolidated assets greater than or equal to $50,000,000,000.

SEC. 452. CUSTODIAL DEPOSIT PROGRAM FOR COVERED MINORITY DEPOSITORY INSTITUTIONS AND IMPACT BANKS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall issue rules establishing a custodial deposit program under which a covered bank may receive deposits from a qualifying account.

(b) REQUIREMENTS.—In issuing rules under subsection (a), the Secretary of the Treasury shall—

(1) consult with the Federal banking agencies;

(2) ensure each covered bank participating in the program established under this section—

(A) has appropriate policies relating to management of assets, including measures to ensure the safety and soundness of each such covered bank; and

(B) is compliant with applicable law; and

(3) ensure, to the extent practicable that the rules do not conflict with goals described in section 308(a) of the Financial Institutions Reform, Recov-

ery, and Enforcement Act of 1989 (12 U.S.C. 1463 note).

(c) LIMITATIONS.—

(1) DEPOSITS.—With respect to the funds of an individual qualifying account, an entity may not deposit an amount greater than the insured amount in a single covered bank.

(2) TOTAL DEPOSITS.—The total amount of funds deposited in a covered bank under the custodial deposit program described under this section may not exceed the lesser of—

(A) 10 percent of the average amount of deposits held by such covered bank in the previous quarter; or

(B) $100,000,000 (as adjusted for inflation).

(d) REPORT.—Each quarter, the Secretary of the Treasury shall submit to Congress a report on the implementation of the program established under this section including information identifying participating covered banks and the total amount of deposits received by covered banks under the program.

(e) DEFINITIONS.—In this section:

(1) COVERED BANK.—The term ''covered bank'' means—

(A) a minority depository institution that is well capitalized, as defined by the appropriate Federal banking agency; or

(B) a depository institution designated pursuant to section 445 of the Ensuring Diversity in Community Banking Act that is well capitalized, as defined by the appropriate Federal banking agency.

(2) INSURED AMOUNT.—The term ''insured amount'' means the amount that is the greater of—

(A) the standard maximum deposit insurance amount (as defined in section 11(a)(1)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(E))); or

(B) such higher amount negotiated between the Secretary of the Treasury and the Federal Deposit Insurance Corporation under which the Corporation will insure all deposits of such higher amount.

(3) FEDERAL BANKING AGENCIES.—The terms ''appropriate Federal banking agency'' and ''Federal banking agencies'' have the meaning given those terms, respectively, under section 3 of the Federal Deposit Insurance Act.

(4) QUALIFYING ACCOUNT.—The term ''qualifying account'' means any account established in the Department of the Treasury that—

(A) is controlled by the Secretary; and

(B) is expected to maintain a balance greater than $200,000,000 for the following 24-month period.

SEC. 453. STREAMLINED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION APPLICATIONS AND REPORTING.

(a) APPLICATION PROCESSES.—Not later than 12 months after the date of the enactment of this Act and with respect to any person having assets under $3,000,000,000 that submits an application for deposit insurance with the Federal Deposit Insurance Corporation that could also become a community development financial institution, the Federal Deposit Insurance Corporation, in consultation with the Administrator of the Community Development Financial Institutions Fund, shall—

(1) develop systems and procedures to record necessary information to allow the Administrator to conduct preliminary analysis for such person to also become a community development financial institution; and

(2) develop procedures to streamline the application and annual certification processes and to reduce costs for such person to become, and maintain certification as, a community development financial institution.

(b) IMPLEMENTATION REPORT.—Not later than 18 months after the date of the enactment of this Act, the Federal Deposit Insurance Corporation shall submit to Congress a report describing the systems and procedures required under subsection (a).

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Section 17(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)(1)) is amended—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) by redesignating subparagraph (F) as subparagraph (G);

(C) by inserting after subparagraph (E) the following new subparagraph:

''(F) applicants for deposit insurance that could also become a community development financial institution (as defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994), a minority

depository institution (as defined in section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989), or an impact bank (as designated pursuant to section 445 of the Ensuring Diversity in Community Banking Act); and''.

(2) APPLICATION.—The amendment made by this subsection shall apply with respect to the first report to be submitted after the date that is 2 years after the date of the enactment of this Act.

SEC. 454. TASK FORCE ON LENDING TO SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Small Business Administration shall establish a task force to examine methods for improving relationships between the Small Business Administration and community development financial institutions, minority depository institutions, and impact banks (as designated pursuant to section 445) to increase the volume of loans provided by such institutions to small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)).

(b) REPORT TO CONGRESS.—Not later than 18 months after the establishment of the task force described

in subsection (a), the Administrator of the Small Business Administration shall submit to Congress a report on the findings of such task force.

Subtitle E—Expanding Opportunity for Minority Depository Institutions

SEC. 461. ESTABLISHMENT OF FINANCIAL AGENT MENTOR-PROTÉGÉ PROGRAM.

(a) IN GENERAL.—Section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended by adding at the end the following new subsection:

''(d) FINANCIAL AGENT MENTOR-PROTÉGÉ PROGRAM.—

''(1) IN GENERAL.—The Secretary of the Treasury shall establish a program to be known as the 'Financial Agent Mentor-Protégé Program' (in this subsection referred to as the 'Program') under which a financial agent designated by the Secretary or a large financial institution may serve as a mentor, under guidance or regulations prescribed by the Secretary, to a small financial institution to allow such small financial institution—

''(A) to be prepared to perform as a financial agent; or

''(B) to improve capacity to provide services to the customers of the small financial institution.

''(2) OUTREACH.—The Secretary shall hold outreach events to promote the participation of financial agents, large financial institutions, and small financial institutions in the Program at least once a year.

''(3) EXCLUSION.—The Secretary shall issue guidance or regulations to establish a process under which a financial agent, large financial institution, or small financial institution may be excluded from participation in the Program.

''(4) REPORT.—The Office of Minority and Women Inclusion of the Department of the Treasury shall include in the report submitted to Congress under section 342(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act information pertaining to the Program, including—

''(A) the number of financial agents, large financial institutions, and small financial institutions participating in such Program; and

''(B) the number of outreach events described in paragraph (2) held during the year covered by such report.

''(5) DEFINITIONS.—In this subsection:

''(A) FINANCIAL AGENT.—The term 'financial agent' means any national banking association designated by the Secretary of the Treasury to be employed as a financial agent of the Government.

''(B) LARGE FINANCIAL INSTITUTION.—The term 'large financial institution' means any entity regulated by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the National Credit Union Administration that has total consolidated assets greater than or equal to $50,000,000,000.

''(C) SMALL FINANCIAL INSTITUTION.—The term 'small financial institution' means—

''(i) any entity regulated by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the National Credit Union Administration that has total consolidated assets lesser than or equal to $2,000,000,000; or

''(ii) a minority depository institution.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

TITLE V—COMMUNITY DEVELOPMENT

Subtitle A—CDFI Bond Guarantee Program Improvement

SEC. 511. SENSE OF CONGRESS.

It is the sense of Congress that the authority to guarantee bonds under section 114A of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4713a) (commonly referred to as the ''CDFI Bond Guarantee Program'') provides community development financial institutions with a sustainable source of long-term capital and furthers the mission of the Community Development Financial Institutions Fund (established under section 104(a) of such Act (12 U.S.C. 4703(a)) to increase economic opportunity and promote community development investments for underserved populations and distressed communities in the United States.

SEC. 512. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

Section 114A of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4713a) is amended—

(1) in subsection (c)(2), by striking ", multiplied by an amount equal to the outstanding principal balance of issued notes or bonds";

(2) in subsection (e)(2)(B), by striking "$100,000,000" and inserting "$25,000,000"; and

(3) in subsection (k), by striking "September 30, 2014" and inserting "the date that is 4 years after the date of enactment of the CDFI Bond Guarantee Program Improvement Act of 2022".

SEC. 513. REPORT ON THE CDFI BOND GUARANTEE PROGRAM.

Not later than 1 year after the date of enactment of this Act, and not later than 3 years after such date of enactment, the Secretary of the Treasury shall issue a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the effectiveness of the CDFI bond guarantee program established under section 114A of the Community Development Bank-

ing and Financial Institutions Act of 1994 (12 U.S.C. 4713a).

Subtitle B—Expanding Financial Access for Underserved Communities

SEC. 521. CREDIT UNION SERVICE TO UNDERSERVED AREAS.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended—

(1) in subsection (c)(2)—

(A) by striking ''the field of membership category of which is described in subsection (b)(2),'';

(B) by amending subparagraph (A) to read as follows:

''(A) the Board determines that the local community, neighborhood, or rural district is an underserved area; and''; and

(C) in subparagraph (B), by inserting ''not later than 2 years after having such underserved area added to the credit union's charter,'' before ''the credit union''; and

(2) by adding at the end the following:

''(h) CHANGE OF FIELD OF MEMBERSHIP TO INCLUDE UNDERSERVED AREAS.—

''(1) IN GENERAL.—If an existing Federal credit union applies to the Board to alter or expand the field of membership of the credit union to serve an underserved area, the credit union shall submit a business and marketing plan with such application that explains the credit union's ability and intent to serve the population of the underserved area through the change in field of membership.

''(2) REPORT BY CREDIT UNION.—Not later than 2 years after the date on which a Federal credit union's application described under paragraph (1) is approved, the credit union, as part of the ordinary course of the examination cycle and supervision process, shall submit a report to the Administration that includes—

''(A) an estimate of the number of members of the credit union who are members by reason of the application;

''(B) a description of the types of financial services utilized by members of the credit union who are members by reason of the application; and

''(C) an update of the credit union's implementation of the business and marketing plan described under paragraph (1).''.

SEC. 522. MEMBER BUSINESS LENDING IN UNDERSERVED AREAS.

Section 107A(c)(1)(B) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(1)(B)) is amended—

(1) in clause (iv), by striking ''or'' at the end;

(2) in clause (v), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(vi) that is made to a member or associated borrower that lives in or operates in an underserved area.''.

SEC. 523. UNDERSERVED AREA DEFINED.

Section 101 of the Federal Credit Union Act (12 U.S.C. 1752) is amended—

(1) in paragraph (8), by striking ''; and'' and inserting a period;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(10) The term 'underserved area' means a geographic area consisting of one or more population census tracts or one or more counties, that encompass or are located within—

''(A) an investment area, as defined under section 103(16) of the Community Development

Banking and Financial Institutions Act of 1994;

''(B) groups of contiguous census tracts in which at least 85 percent individually qualify as low-income communities, as defined under section 45D(e) of the Internal Revenue Code of 1986; or

''(C) an area that is more than ten miles, as measured from each point along the area's perimeter, from the nearest branch of a depository institution (as defined under section 3 of the Federal Deposit Insurance Act) or credit union.''.

SEC. 524. REPORTS BY THE NATIONAL CREDIT UNION ADMINISTRATION.

(a) INITIAL REPORT.—Not later than 3 years after the date of enactment of this Act, but no sooner than 2 years after the date of enactment of this Act, the National Credit Union Administration shall issue a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the implementation of the amendments made by this subtitle.

(b) UPDATE.—The National Credit Union Administration shall issue an updated report on the implementa-

tion of the amendments made by this subtitle to the committees described under subsection (a) on the date that is 5 years after the date on which the Administration issues the initial report under subsection (a).

