

Congress of the United States
Washington, DC 20510

December 21, 2023

The Honorable Rohit Chopra
Director
Consumer Financial Protection Bureau
1700 G Street, NW
Washington, DC 20552

Re: Docket No. CFPB-2023-0052, Required Rulemaking on Personal Financial Data Rights

Dear Director Chopra:

As the Consumer Financial Protection Bureau (CFPB) works to finalize its rulemaking implementing Section 1033 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, we write to strongly urge you to include Electronic Benefit Transfer (EBT) accounts within the scope of the final rulemaking.

The CFPB's proposed rule covers Regulation E asset accounts and Regulation Z, as well as digital wallets, and once finalized and implemented, will improve access to affordable financial services products, tools, and services to ensure that consumers have control over when and how their data is used by third party financial providers. We commend the Bureau for crafting a rule that establishes consumer financial data rights and will implement strong data and privacy protections for consumers as they utilize the products and services of their choosing. However, we are concerned that the CFPB's proposed rule as currently drafted would not extend the same rights and protections to the millions of consumers who rely on EBT accounts to put food on the table each month.

As you know, over 41 million people across the country receive Supplemental Nutrition Assistance Program (SNAP) benefits, which are distributed and administered through EBT accounts to eligible participants. As the proposed rule acknowledges, EBT accountholders currently experience limitations with regards to accessing their accounts through frequent data unavailability, intentional restrictions by data processors or data holders, and slow connectivity. EBT processors are currently not required to provide EBT accountholders with access to their data and often create obstacles and restrictions when an accountholder attempts to access their information. Additionally, third parties seeking access to EBT account holders' data to assist with finance management are unable to provide this service due to routine blockages, slow connection rates, and outright restrictions.


Failure to include EBT in the scope of the final rulemaking risks dire consequences for those who rely on public benefits to feed their families. EBT accounts are used by households in a manner that is similar to Regulation E asset accounts; consumers make frequent, often daily, purchases, and typically spend their accounts down to \$0 each month. Continuing to limit EBT account holders' access to balance and transaction data in a more competitive marketplace will

hinder these consumers' ability to protect themselves from fraud and benefits theft, to plan for unexpected emergencies down the road, or to simply access or monitor their EBT account in a safe and secure manner. Conversely, the inclusion of EBT accounts under the CFPB's final rule implementing Section 1033 of the Dodd-Frank Act will facilitate a competitive marketplace in which EBT account holders enjoy unfettered access to their data, as well as to third-party service providers that can help them better manage their benefits.

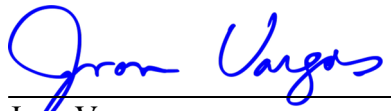
The CFPB's Section 1033 proposed rule asks for public input as to whether EBT accounts should be added to the scope of the rule in future rulemakings. But these consumers, perhaps more than any others, cannot wait for future CFPB rule proposals. Having identified the data access challenges that EBT households face each month, we implore the CFPB to unequivocally include EBT accounts in its final Section 1033 rulemaking next year.

Thank you for your continued work to finalize a Section 1033 rule that will provide increased competition in the financial sector and allow consumers the ability to access and share their financial information safely and securely. On behalf of the millions of our constituents who rely on public benefits to manage their household finances, we urge the CFPB to include EBT accounts within the scope of its final rulemaking implementing Section 1033 of the Dodd-Frank Act.


Sincerely,



Joyce Beatty
Member of Congress



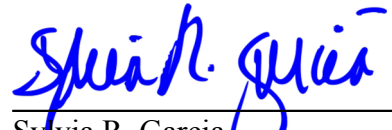
Juan Vargas
Member of Congress



Jim Tokuda
Member of Congress



Eleanor Holmes Norton
Member of Congress



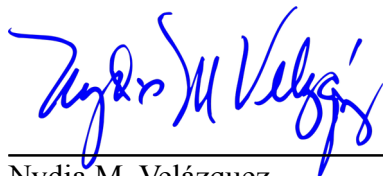
Sylvia R. Garcia
Member of Congress



Gregory W. Meeks
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Nydia M. Velázquez
Member of Congress



Sean Casten
Member of Congress



Al Green
Member of Congress
Scion of the Enslaved
Africans -
Sacrificed to Make America
Great



Bill Foster
Member of Congress



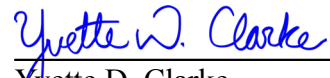
Dan Goldman
Member of Congress



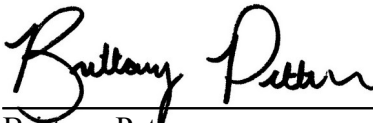
André Carson
Member of Congress



Nikema Williams
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Yvette D. Clarke
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Brittany Pettersen
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