

and the Federal Trade Commission ("FTC"), recognizing that effective cooperation is essential to provide consistency and ensure a level playing field for products or Services, hereby enter into this

The CFPB was established by the Consumer Financial Protection Act of 2010 ("CFPB Act"), 12 U.S.C. § 5481 et seq. The CFPB is an independent agency with the authority to implement and enforce Federal consumer financial laws for the purpose of ensuring that consumers have access to markets for Consumer Financial Products and Services and that the markets for Consumer Financial Products and Services are fair, transparent, and competitive.

The Federal Reserve Bank of Atlanta ("FRB Atlanta") is a member of the Federal Reserve System ("FRS") and exercises its authority under the FRC Act and other laws to prevent business practices that are competitive, deceptive or unfair to consumers, and to enhance informed consumer choice and public understanding of competitive processes. The FTC's jurisdiction in the financial marketplace extends to financial products and services offered or provided to consumers by persons other than banks, thrifts, federal credit unions, bona fide nonprofit organizations, and others exempt from the FTC's jurisdiction under the FTC Act. For purposes of this MOU, FTC includes FTC staff.

II. Definitions

For purposes of this Memorandum of Understanding:

A. "Confidential Supervisory Information" shall mean any information the CFPB

C. **"Consumer Sentinel Network"** shall mean the secure and searchable Internet-based consumer complaint database the FTC administers and makes available to federal,

WHEREAS, the CFP Act requires the CFPB and the FTC to enter into an agreement for coordinating certain law enforcement activities under Section 1024(c)(3) of the CFP Act, including procedures for notice to the other agency, where feasible, prior to initiating a civil action, and the agencies seek to closely coordinate such activities to promote consistency in law enforcement and to prevent duplicative or conflicting actions,

WHEREAS, the CFP Act requires the CFPB and the FTC to enter into an agreement to avoid duplication or conflict with respect to certain rulemaking activities and the agencies seek to closely coordinate such rulemakings to promote the development and application of consistent regulatory provisions,

WHEREAS, the CFP Act requires, under Section 1024(a)(2) of the CFP Act, to coordinate

1. The agencies shall coordinate law enforcement activities regarding the offering or provision of Consumer Financial Products or Services by MOU Covered Persons under the MOU Consumer Financial Laws, including conducting joint investigations where appropriate, to minimize duplication of efforts and burden on MOU Covered Persons.

2. The agencies shall coordinate on maximizing efficiencies and resources by seeking opportunities to share resources and eliminate redundancies.

3. As requested, but not less than annually, the Bureau's Assistant Director for the Office of Enforcement and the FTC's Associate Director of the Division of Financial Practices, or their designees, shall discuss legal issues presented by on-going or contemplated enforcement actions, with the objective of ensuring, to the greatest extent possible, that legal interpretations of the MOU Consumer Financial Laws taken in those matters are consistent.

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notify the other agency of the action it may take. If ten (10) business days advance notice is not practicable, notice shall be provided as soon as practicable, but in no event later than the time of

2. The FTC shall consult with the CFPB, in accordance with Section 1100C of the CFP Act, regarding rulemakings under the Telemarketing and Consumer Fraud and Abuse Prevention Act covering the conduct of MOU Covered Persons in connection with offering or providing Consumer Financial Products or Services.

3. With respect to the Omnibus Appropriations Act of 2009, Public Law 111-8, 123 Stat. 524 (2009); the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692-1692p; the Fair Credit Reporting Act, 15 U.S.C. §§ 1681-1681y; and the Telemarketing and Consumer Fraud and Abuse Prevention Act, the publishing agency shall notify the other agency no later than thirty (30) days before the publication of an Advance Notice of Proposed Rulemaking. Such notification shall include (1) a description of the issues that the document may address or a draft of the document itself and (2) the expected date of issuance of the document. If thirty (30) days' notice is not practicable, notice shall be provided as soon as practicable.

4. The agencies shall meet upon request of either agency, but no less than twice annually, to discuss additions or subtractions to the Unified Agenda of Regulatory and Deregulatory Actions that relate to rulemakings that apply MOU Consumer Financial Laws to the conduct of MOU Covered Persons.

B. Consultation on Rulemakings Regarding the Prohibition on Unfair, Deceptive,

comments filed in response to an Advance Notice of Proposed Rulemaking or Notice of Proposed Rulemaking as soon as practicable unless the non-publishing agency declines to consult.

VI. Agency Guidance

A. To promote consistency in guidance provided to MOU Covered Persons, the CFPB and the FTC shall confer as requested by the agencies, but at least once annually, to discuss initiatives regarding agency policy statements and interpretive rules to be published in the Federal Register, agency bulletins, and agency advisory opinions that interpret or apply MOU Consumer Financial Laws to the conduct of MOU Covered Persons in connection with offering or providing Consumer Financial Products or Services. This provision does not apply to CFPB regulatory implementation material such as frequently asked questions, small entity compliance guides, webinars, charts and other quick reference materials, and rule 487.02(m)(2.8(d)-11.1(d)(3)(on)(ly)1k

1. Upon written request by the FTC, and pursuant to 12 C.F.R. § 1070.43(a), the CFPB shall provide the FTC with an examination report, including a revised examination report, pertaining to any MOU Covered Person subject to the FTC's jurisdiction. Such reports shall be provided within ten (10) business days of the request unless doing so is impracticable. If the CFPB revises an examination report previously provided to the FTC, the CFPB shall notify the FTC as soon as practicable of such revision.

2. Upon written request by the FTC to the CFPB, and pursuant to CFPB regulation 12 C.F.R. § 1070.43(6) and the CFPB's other policies and procedures, the CFPB will provide the FTC with Confidential Supervisory Information pertaining to any MOU Covered Person subject to the FTC's jurisdiction unless it has good cause not to do so and explains to FTC staff why it will not provide the information. Such requests will be acted on by CFPB as soon as practicable.

VIII. Coordination in Strategic and Operational Planning

Cooperation and coordination on projects between the agencies avoids duplication and the imposition of unnecessary burdens on MOU Covered Persons. To foster long-term cooperation and coordination, the agencies shall meet periodically to engage in strategic and operational planning, such as by discussing significant upcoming rulemaking, guidance, law enforcement, and other activities either agency is contemplating taking with respect to MOU Covered Persons in offering or providing Consumer Financial Products or Services.

IX. Consumer Complaints

A. Pursuant to Section 1013(b)(3)(A) of the CFP Act, the Bureau facilitates the centralized collection of, monitoring of, and response to consumer complaints regarding Consumer Financial Products and Services. The CFPB shall coordinate with the FTC to route complaints to the FTC, where appropriate. Specifically, CFPB shall share consumer complaint information with the FTC into the Consumer Sentinel Network so that such information will be made available to all other law enforcement organizations that use Sentinel, subject to the limitations of Section 1013(6)(3)(0) of the CFP Act. The FTC will make consumer complaint information available to the CFPB through the Consumer Sentinel Network. The agencies shall make best efforts to direct consumers to the agency best situated to assist the consumers with their individual complaints. The agencies shall cooperate in the receipt, handling, monitoring, and routing of consumer complaints concerning Consumer Financial Products of Services.

B. The agencies will make consumer complaint information available to each other through secure electronic interfaces subject to the standards applicable to Federal agencies for protection of the confidentiality of personally identifiable information and for data security and

Financial Products and Services pursuant to Section 1013(b)(3)(D).

B. The agencies' responsibilities, if any, under CFP Act §1034 , Response to Consumer Complaints and Inquiries, are not addressed in this MOU.

X. Consumer Education

A. General Coordination

The agencies shall confer periodically to keep informed about current and upcoming activities, and identify opportunities to enhance distribution and, where appropriate, ensure consistency of information in consumer and business education materials intended for public distribution regarding Consumer Financial Products or Services that MOU Covered Persons offer or provide to consumers.

B. Military Service Members

The FTC and the CFPB's Office of Service Member Affairs shall confer periodically and may consider outreach, education, and other initiatives to empower military service members and their families to make well-informed decisions regarding Consumer Financial Products or Services, including, but not limited to, decisions relating to the financing motor vehicle dealers offer to consumers, especially motor vehicle dealers in proximity to military installations.

XI. Research

A. The Assistant Director for the Office of Research at the CFPB (or his or her designee) and the Deputy Director for Consumer Protection of the Bureau of Economics at the FTC (or his or her designee) shall meet no less than once every six months to discuss all ongoing and anticipated agency Research Projects and other agency research activities pertaining to MOU Covered Persons offering or providing Consumer Financial Products or Services

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confidentiality, or other protection applicable to information provided pursuant to this MOU. All

Rules, 12 C.F.R. Part I 070.

XIII. Liaison

Unless agreed upon otherwise by the agencies, notices, communication, coordination, and/or consultation will be provided as follows. Where this MOU requires that the CFPB provide notice to the FTC, such notice shall be provided to the Associate Director of the Division of Financial Practices or the As



Joseph J. Simons, Chairman
Federal Trade Commission



Kathleen L. Kraninger, Director
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