



1400 Eye Street NW Suite 450 | Washington DC 20005 | t. 202.657.0670 | f. 202.657.0671 | www.firstfocus.org

Submitted via www.regulations.gov

December 18, 2023

Rohit Chopra
Director
Consumer Financial Protection Bureau
1700 G Street, NW
Washington, D.C. 20552

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

Dear Mr. Chopra,

On behalf of First Focus on Children, thank you for the opportunity to comment on the proposed rule concerning Section 1033 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“the Dodd-Frank Act”) that will create a legally binding consumer financial data right. The Notice of Proposed Rulemaking (“NPRM”) on Required Rulemaking on Personal Financial Data Rights establishes strong consumer data and safety protections and fosters a competitive and innovative financial services ecosystem. To ensure the rule provides the same rights and protections to financially vulnerable consumers who depend on public benefits as it does to the affluent, we write to urge the CFPB to include Electronic Benefit Transfer (“EBT”) accounts within the scope of the final rule.

More than 14 million children across the country rely on Supplemental Nutrition Assistance Program (“SNAP”) benefits, distributed and administered through EBT accounts, for access to nutritious food that they need to grow and thrive.¹ SNAP reduced food insecurity by 8.6% and lifted 1.4 million children out of poverty in 2022.² However, the EBT accounts managed by their parents are administered by for-profit EBT processors that are not required to provide account holders with reliable electronic access to their accounts. The inability to access their EBT account data may prevent parents from being able to adequately manage their SNAP dollars, meaning that they may unknowingly run out of funds, and food, before the end of the month. Due to a lack of security of EBT accounts, SNAP recipients may not be able to access their accounts and flag fraudulent transactions — a loss for both the government and children alike.

A strong section 1033 rulemaking should allow EBT accounts to be protected like checking accounts, which are covered by the NPRM and serve a similar function in supporting daily purchases. SNAP recipients deserve the same access to their benefits and accounts as wealthy consumers do to their checking accounts. EBT account

¹ King, Michael D., Giefer, Katherine G. “Nearly a Third of Children Who Receive SNAP Participate in Two or More Additional Programs” United States Census Bureau. June 30, 2021.

<https://www.census.gov/library/stories/2021/06/most-children-receiving-snap-get-at-least-one-other-social-safety-net-benefit.html>.

² Schrider, Emily A., Creamer, John. “Poverty in the United States: 2022.” United States Census Bureau. September 12, 2023. <https://www.census.gov/library/publications/2023/demo/p60-280.html>.

holders don't have the luxury of waiting for future CFPB rulemakings to gain the same personal financial data rights and protections as wealthier consumers. The Bureau has an obligation to ensure that consumers who rely on public benefits receive equitable treatment under Section 1033 of the Dodd-Frank Act in the initial rule the CFPB intends to finalize next year. This assurance would allow families to ensure that they can arrive at the grocery store without the fear of a declined card and ensure that they can put food on their children's tables.

Conclusion

Thank you for the opportunity to submit comments on this proposed rule. We appreciate your work to help families make the most of SNAP and responsibly manage their benefits to keep their children fed.

Sincerely,

A handwritten signature in blue ink that reads "Bruce Lesley". The signature is written in a cursive style with a blue highlight behind it.

Bruce Lesley
President, First Focus on Children