June 30, 2026

The Honorable French Hill
Chairman
Committee on Financial Services
United States House of Representatives
Washington, DC 20515

The Honorable Maxine Waters
Ranking Member
Committee on Financial Services
United States House of Representatives
Washington, DC 20515

Re: Letter in Support of the Earned Wage Access Consumer Protection Act

Dear Chairman Hill, Ranking Member Waters, and Members of the Committee:

On behalf of the American Fintech Council (AFC),[1] I write to express our strong support for H.R. 9330, the Earned Wage Access Consumer Protection Act (the Act) and to thank the Committee for taking up this important legislation.[2] As we have long maintained, Earned Wage Access (EWA) is not a loan and should not be regulated as such. The Act recognizes this fact by establishing a pragmatic, consumer-protective framework for the EWA industry that captures the unique nuances of the financial service.

A standards-based organization, the American Fintech Council (AFC) is the largest and most diverse trade association representing financial technology (fintech) companies and innovative banks. On behalf of over 150 member companies and partners, AFC promotes a transparent, inclusive, and customer-centric financial system by supporting responsible innovation in financial services and encouraging sound public policy. AFC members foster competition in consumer finance and pioneer products to better serve underserved consumer segments and geographies.

EWA services help to reconnect work and reward for the benefit of employees. EWA provides workers with a crucial service by enabling them to access the wages they have already earned between paychecks, helping to break the arbitrary pay-period cycle. In doing so, EWA helps workers avoid the fees that flow from that cycle, such as overdraft fees and late fees, and reduces

[1] AFC's membership spans technology platforms, non-bank lenders, banks, payments providers, loan servicers, credit bureaus, and personal financial management companies.
[2] Earned Wage Access Consumer Protection Act, H.R. 9330, 119th Cong. (2026), available at https://docs.house.gov/meetings/BA/BA00/20260630/119430/BILLS-119HR9330ih.pdf.

reliance on high-cost alternatives like payday loans. EWA is not a niche product but a financial tool that millions of Americans already rely on. According to the Urban Institute, workers accessed approximately $31.9 billion in earned wages in 2022 alone, across roughly 10 million users.[3] For workers living paycheck to paycheck, EWA has become an essential means of managing the timing of wages they have already earned, and federal legislation is needed to preserve that access on consistent terms nationwide. The evidence for these benefits is causal and growing: the most rigorous independent study to date, a University of Oregon analysis of comprehensive administrative data covering more than one million users, found that first-time EWA usage increased net monthly income by $334, an 11.5 percent increase, with no statistically significant increase in overdraft fees or other bank fees.[4] In short, EWA allows workers to direct more of the reward for their work toward supporting their families and contributing to the economy.

Importantly, the appropriate regulatory treatment of EWA is no longer an open question. In December 2025, the Consumer Financial Protection Bureau issued a definitive Advisory Opinion concluding that Covered EWA is not credit under Regulation Z, and that expedited-delivery fees and voluntary tips are not finance charges.[5] That conclusion is consistent with EWA's nonrecourse, no-interest structure and with the position AFC has maintained across both Democratic and Republican administrations. However, advisory opinions are not law. Congress must now do what the CFPB cannot, establish permanent, statutory certainty for EWA providers and the workers who depend on them.

The Act reflects the policy aims AFC has championed and incorporates the consumer protections that are appropriate to this service. In particular, the Act requires that consumers be offered a no-cost option to access their earned wages; mandates clear and conspicuous disclosures regarding any fees, tips, and limits before a consumer enters into an agreement and before each disbursement; ensures tips are genuinely voluntary and never a condition of service; and establishes robust dispute-resolution procedures. The Act further prohibits providers from compelling payment through civil suits, arbitration, third-party debt collectors, or debt buyers, and bars the reporting of a consumer's EWA activity to consumer reporting agencies. Taken together, these provisions deliver meaningful consumer protections that fit the parameters of the service rather than forcing EWA into a legacy lending framework ill-suited to it.

Critically, the Act provides the regulatory clarity that both consumers and providers need. By establishing clear definitions for what constitutes EWA services and confirming that EWA, when provided in compliance with the Act, is not credit, a loan, or debt under federal law, the legislation avoids the patchwork of inconsistent state classifications that threaten to improperly subject EWA to legacy lending regulation. That patchwork is not a hypothetical concern. The

---

[3]Grote, Mae Watson, Renee Wu, and Thea Garon. "How Are Earned Wage Access Products Regulated in Your State?" Urban Institute (May 2026) available at https://www.urban.org/sites/default/files/2026-05/How_Are_Earned_Wage_Access_Products_Regulated_in_Your_State%20%282%29.pdf.

[4]Jonathan M.V. Davis, "The Impacts of Earned Wage Access," University of Oregon (Nov. 2025), available at https://assets.ctfassets.net/9bmss1jcvj9u/5EJKZ88JUrOs3pDQHmoIs9/0f27191ba836ae29c0ae7a453e2821b2/Davis_Impacts_of_Earned_Wage_Access_2025_Final.pdf.

[5]Consumer Financial Protection Bureau. "Truth in Lending (Regulation Z); Non-application to Earned Wage Access Products." Advisory Opinion, 90 FR 60069, (Dec. 2025) available at https://www.federalregister.gov/documents/2025/12/23/2025-23735/truth-in-lending-regulation-z-non-application-to-earned-wage-access-products.

aforementioned May 2026 Urban Institute analysis of every enacted state EWA law found a fragmented and inconsistent landscape in which no two states have arrived at the same framework.[6] The Act's balanced approach to the relationship between federal and state law preserves states' ability to enforce laws of general applicability, including those addressing fraud and unfair or deceptive acts or practices, while ensuring that compliant EWA services can continue to be offered nationwide.

AFC supports the Earned Wage Access Consumer Protection Act because it recognizes the important distinction between EWA services and lending products, creates functional disclosure requirements and consumer protections tailored to the service, and ensures that EWA is not subjected to laws designed for fundamentally different products. The pragmatic, consumer-protective approach established in the Act will create a sensible federal standard for the EWA industry and ensure the continued development of responsible EWA services for American workers.

We commend Representative Steil for his introduction of this important legislation, and for his leadership and commitment to bettering Americans' financial futures. We thank the Committee for taking up the Earned Wage Access Consumer Protection Act and for its continued work to provide American workers with safe, transparent access to the wages they have already earned. AFC and its members stand ready to serve as a resource to you and your staff, and we look forward to working with the Committee to support the bill's passage.

Sincerely,

Ian P. Moloney
Chief Policy Officer
American Fintech Council

Cc:
The Honorable Bryan Steil

[6] Ibid., [Urban Institute].