

CONSUMER FINANCIAL PROTECTION BUREAU
STANDARD INFORMATION COLLECTION REQUEST –
SUPPORTING STATEMENTS A and B
APPLICATION FOR ADVISORY BOARDS, GROUPS, AND COMMITTEES
(OMB CONTROL NUMBER: 3170-XXXX)

Terms of Clearance: None.

A. JUSTIFICATION

1. Circumstances Necessitating the Data Collection

On July 21, 2010, President Barack Obama signed into law the Dodd-Frank Wall Street Reform and Consumer Protection Act, P.L. 111-203, 124 Stat. 1376 (2010) (Dodd-Frank Act). Title X of the Dodd-Frank Act created the Consumer Financial Protection Bureau (CFPB or the Bureau) and provides that the Director of the CFPB “shall establish a Consumer Advisory Board to advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws, and to provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.” *See* Dodd-Frank Act § 1014.

Pursuant to Section 1014(b) of the Dodd-Frank Act, in appointing members to the Consumer Advisory Board (CAB), “the Director shall seek to assemble experts in consumer protection, financial services, community development, fair lending and civil rights, and consumer financial products or services and representatives of depository institutions that primarily serve underserved communities, and representatives of communities that have been significantly impacted by higher-priced mortgage loans, and seek representation of the interests of covered persons and consumers, without regard to party affiliation.”

In addition to the CAB, the Bureau anticipates that it may establish additional advisory boards, bodies, panels, groups, committees, pilot program advisors or other similar groups (collectively referred to as “other Advisory Groups”) to advise and consult with the Bureau in the exercise of its functions. Most of these other Advisory Groups will be discretionary; some may be required by the Dodd Frank Act.¹ Some, such as the CAB, may be formal, with a charter, appointments made by the Director, etc.; others may be more informal. Two additional Advisory Groups that the Bureau has already established are the Credit Union Advisory Council and the Community Bank Advisory Council.

¹ For example, the Dodd-Frank Act requires the Bureau to comply with the Small Business Regulatory Fairness Act (SBREFA) and to convene a review panel (SBREFA Panel) prior to issuing certain proposed rules. Once convened, the SBREFA Panel meets with and collects feedback from representatives of small entities on the potential impacts that a proposed rule may have on small entities subject to the rule and any significant, less burdensome alternatives to the proposed rule that accomplish the objectives of applicable statutes.

The CAB and other Advisory Groups may invite individuals with special expertise to advise the groups on an ad hoc basis (Special Advisors).

The Bureau seeks a standard clearance from OMB to collect selection-related information from nominees to the CAB, such as background information, information related to financial holdings, and other supplemental information relevant to the application process. The Bureau may collect similar information from potential candidates for other Advisory Groups, members of other Advisory Groups, and Special Advisors to the CAB and other Advisory Groups, as relevant to the particular group. The Bureau may use this information to screen potential candidates for, members of, and advisors to CAB and other Advisory Groups for status as a federally registered lobbyist and/or status as a convicted felon.

Once selected, Bureau staff may ask members of the CAB and other Advisory Groups and Special Advisors, as part of their participation, to respond to questions, or to provide information/advice based upon their expertise on issues before the CAB and other Advisory Groups that are related to the Bureau's exercise of its functions.

Collection instruments for the CAB include a nomination form with questions about assets and income, affiliations and representations, financial interests and liabilities, and relevant professional experience. Collection instruments for other Advisory Groups or for Special Advisors also include these same types of questions as the CAB questions, as well as questions about professional experience relevant to the particular group and/or certifications regarding financial interests relevant to a particular group or a particular meeting or project.

Additionally, nominees, applicants, members, former members, and Special Advisors may be asked to provide information/feedback on their experiences with the selection process or participation in the group. Collection instruments include feedback forms and other similar questionnaires about the experience on or with the CAB or other Advisory Groups, including the experience with the Bureau's information collections. The Bureau anticipates that additional feedback forms will be submitted for clearance under our proposed "Fast Track clearance" - Generic Clearance for the Collection of Qualitative Feedback on the Service Delivery of the Consumer Financial Protection Bureau (OMB CONTROL NUMBER: 3170-XXXX) (77 FR 63798).

Collection instruments also include an FBI name check form, a tax check form, appointment forms, travel order forms and travel reimbursement forms.

2. Use of the Information

The selection-related information will allow the Bureau to obtain information on the qualifications of individuals nominated to the CAB and will aid the Bureau in selecting members for other Advisory Groups. The selection-related information from potential Special Advisors will aid the Bureau in selecting Special Advisors to the CAB and other Advisory Groups. The selection-related information will also aid the Bureau in determining the appropriateness of participation in particular matters. The information collected/advice from members and Special

Advisors will aid the Bureau in the exercise of its functions. The feedback collected will allow the Bureau to evaluate and improve its advisory group program. Information collected will be used to issue travel orders or provide reimbursement for travel expenses, as applicable.

3. Use of Information Technology

Selection-related materials and advisory group materials may be accepted via e-mail, telephone, facsimile, web-based tools or other electronic means. Some participation information may be collected via these means as well.

4. Efforts to Identify Duplication

Because qualifications for membership on the CAB and other Advisory Groups are unique to the individual and the particular advisory group, there is no opportunity to obtain this information from other sources, and this information collection therefore does not duplicate existing collections. The Bureau also will not duplicate existing information when it asks members of the CAB and other Advisory Groups to answer questions and to provide information and advice based on their expertise. These answers, information, and advice will be based on the unique interaction among the group members and the Bureau.

5. Efforts to Minimize Burdens on Small Entities

Information collections under this clearance are not anticipated to burden small entities. The Bureau anticipates that the majority of information collected will be from individuals, not small entities. Individuals from small business and other small entities may be asked to participate voluntarily in particular advisory groups, but this information collection should not significantly burden small businesses or other small entities.

6. Consequences of Less Frequent Collection and Obstacles to Burden Reduction

Without this collection, the Bureau could not ensure that the CAB and other Advisory Groups have qualified candidates who meet established requirements relevant to the particular advisory group and who can provide advice to the Bureau on topics before the particular advisory group.

7. Circumstances Requiring Special Information Collection

Not Applicable.

8. Consultation Outside the Agency

The Bureau published a 60 day notice announcing this proposed collection on February 24, 2012 (77 FR 11073). The Bureau received one submission, which was not within the scope of the request for information in the 60 day notice. The Bureau will provide OMB with any comments received on the 30 day notice, published on June 1, 2012 (77 FR 32594).

9. Payments or Gifts to Respondents

Members of the CAB who are not full-time employees of the United States will receive compensation and be allowed travel expenses consistent with Section 1014(d) of the Dodd-Frank Act. Members of certain other Advisory Groups, as well as Special Advisors to the CAB and other Advisory Groups, may also receive compensation and may be allowed travel expenses, including transportation and subsistence, while away from their homes or regular places of business. Whether a group is compensated and allowed travel expenses will be based upon a determination by the Bureau, and will depend on the unique circumstances of the particular advisory group.

10. Assurances of Confidentiality

All information collection activities will be conducted in full compliance with the requirements of the Privacy Act, 5 U.S.C. § 552a, and collection instruments will contain a Privacy Act statement consistent with the Privacy Act and the Bureau's confidentiality regulations at 12 C.F.R. Part 1070, et seq. Once potential nominees to the CAB are identified, the Bureau will notify the nominees that their name, business affiliation and other biographical information will be shared with the Federal Bureau of Investigation for purposes of background checks. If FBI background checks will be performed for other Advisory Group nominees, those nominees will also be notified. For the CAB and other Advisory Groups, the names, business affiliations and other agreed-upon biographical information of members and Special Advisors may be released in a press release, on the Bureau's website and in other similar publications.

11. Justification for Sensitive Questions

The Bureau will be requesting date of birth and social security numbers from nominees to certain groups, including the CAB, in order to perform a background check. Such information will also be needed for those individuals who are receiving compensation and/or reimbursement for travel expenses.

12. Estimated Burden of Information Collection

We estimate that, each year:

- Approximately 200 individuals, including some individual business representatives, will participate in the CAB and other Advisory Boards.
- Each individual will spend approximately 1.5 hours related to the above-mentioned information collections, including those related to the selection process, the appointment process, the participation in the group, the travel reimbursement process and the feedback process;

Therefore, the total annual burden hours are estimated to be 302, with a cost burden of \$0.

13. Estimated Total Annual Cost Burden to Respondents or Record-keepers

There will be no annualized capital or start-up costs for the respondents to collect and submit this information.

14. Estimated Cost to the Federal Government

We estimate it will take approximately 500 hours of federal government employee time during the selection-process, the appointment process, the group organization process, the travel reimbursement process and the feedback process. The employees are generally at the equivalent of the General Schedule (GS) 14, Step 5.

Salary Costs -- \$34,495 (\$68.99* x 500 hours)

*These hourly salary figures are based on the *Salary Table 2011-GS Rates Frozen at 2010 Levels* for GS14/5, at \$45.99, incorporating a 1.5 multiplier for benefits for a total of \$68.99.

15. Program Changes or Adjustments

Not applicable. This is a new collection.

16. Plans for Tabulation, Statistical Analysis, and Publication

The names, business affiliations and other agreed-upon biographical information for members and Special Advisors may be released in a press release, on the Bureau's website and in other similar publications. No other statistical analysis or publication is expected to result from this collection.

17. Display of Expiration Date

Not applicable. We intend to display the expiration date with the OMB Control Number on any instruments given to nominees, applicants, or members of the CAB or Advisory Boards.

18. Exceptions to the Certification Requirement

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods.