

December 30, 2011

Carolyn Skinner
Consumer Response
Consumer Financial Protection Bureau
1500 Pennsylvania Ave., N.W.
(Attn: 1801 L Street)
Washington, D.C. 20220
Infocollection.comments@cfpb.gov

Re: Docket ID CFPB-2011-0033; Request for Generic Information Collection

Dear Ms. Skinner:

The American Bankers Association submits this comment in response to the Bureau of Consumer Financial Protection's proposal for a generic clearance of information collections including consumer complaint and inquiry processing. ABA opposes such a generic clearance on behalf of its membership that represents banks of all sizes and charters (with a majority of members holding less than \$165 million in assets) and is the voice for the nation's \$13 trillion banking industry and its two million employees.

The Bureau of Consumer Financial Protection seeks a generic clearance because they believe such a streamlined process will allow the Bureau to implement a wide range of information collections arising from the statutory mandate regarding consumer complaint handling. However, ABA believes that implementing the processes in support of such a core statutory mission with significant implications for complaint resolution and supervisory processes is not a proper use of a "generic clearance." As the Office of Management and Budget Memorandum of April 7, 2010 implementing the President's Open Government Directive stated, a generic clearance is limited to low-burden collections that *do not raise substantive or policy issues* and where the *specifics* of each collection *cannot be determined until shortly before the data are to be collected*. The memorandum gives three examples where a generic clearance is appropriate: "customer satisfaction surveys, focus group testing, and website usability surveys."

ABA does not believe that consumer complaint and inquiry intake information collections fit such standards. As the Bureau is aware, ABA and its members are

actively, and on an ongoing basis, engaged with Bureau staff in the roll-out of the agency's consumer complaint and inquiry processes. We have filed on our own and jointly with other trade association numerous comments on the substantive and policy implications of the Bureau's proposal in this area. Short circuiting the Bureau's obligations to continue to obtain public and industry comment on a process that presents issues at each implementation phase is not the purpose of a generic clearance.

Contrary to the Bureau's assertion that the consumer complaint activities bestowed upon it by the Dodd-Frank Act (DFA) are largely unprecedented; in reality, insured depository institutions have long been subject to consumer complaint processing by their prudential regulators. This is the responsibility largely assumed by the Bureau and asserted with respect to its implementation of DFA 1034 authority over the depositories covered by DFA 1025(a) jurisdiction. Historically, this is an established information collection with important supervisory and individual consumer claim implications. It is not an area characterized by short turn-around satisfaction or usability surveys. Rather it is an area that is the subject of on-going Congressional and public reporting as well as supervisory application that requires careful and consistent handling of data in order to make reliable evaluations and studies about consumer protection issues over time on aggregate and institution specific bases. Because the Bureau has rejected the adoption of the existing complaint handling procedures of the prudential regulators, they have disturbed the existing course of dealing and caused accepted standards to be re-examined. All of this contributes to important substantive and policy issues that warrant continued public and industry input—not generic rubber-stamping.

In addition, the consumer complaint and inquiry handling process is also designed to fulfill the statutory mandate for individualized response to complaints received. Such individualized complaint processing with important privacy and potentially valuable remedial ramifications is hardly the low-burden collection contemplated for generic clearance.

Furthermore, if there is an aspect of the complaint handling process that is unprecedented it is the applicability of the process to non-bank financial service providers that have been part of a Federal Trade Commission complaint handling process that has not historically expected or been capable of monitoring for individualized complaint response by those within its jurisdiction. However, the implications of the Bureau's DFA responsibilities to assure a uniform application of DFA

1034(a) across banks and non-banks raise precisely the type of substantive and policy issues that are not suitable for generic clearance.

ABA and its members are constructively engaged with the Bureau (and by necessity the prudential regulators and other government agencies) to realize a process that conforms to the Bureau's mission in step with its authorities and resources as they become available. Consumer responsiveness is a priority for ABA members and we fear that the still unfinished transition of complaint handling may prejudice customers and bankers.

Consequently ABA strongly urges the Bureau to withdraw, or the Office of Information and Regulatory Affairs of the Office of Management and Budget to deny, the Bureau's request for generic clearance of any consumer complaint and inquiry handling information collections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard R. Riese". The signature is fluid and cursive, with a large initial "R" and "R".

Richard R. Riese
Senior Vice President