

**CONSUMER FINANCIAL PROTECTION BUREAU  
REQUEST FOR EMERGENCY PROCESSING AND APPROVAL  
STREAMLINING INHERITED REGULATIONS**

**EMERGENCY JUSTIFICATION**

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). Under the Dodd-Frank Act, on July 21, 2011, rulemaking authority under Federal consumer financial laws was transferred from seven other Federal agencies to the Consumer Financial Protection Bureau (Bureau). Accordingly, the Bureau assumed responsibility over various regulations that these agencies had issued under this rulemaking authority.

During the month of December, through the course of fourteen Federal Register notices, the Bureau republished the prior agencies' regulations implementing fourteen consumer laws ("the inherited regulations") as regulations of the Bureau. These republished regulations incorporate only technical changes and do not impose substantive obligations. But the Bureau believes there may be opportunities to streamline the inherited regulations by updating, modifying, or eliminating outdated, unduly burdensome, or necessary provisions.

The purpose of this data collection is to help the Bureau identify priority areas for such streamlining. The Bureau respectfully requests emergency processing and approval of the collection of information discussed below in order that its information collection may take place during the comment period for the related Federal Register notice. The initial comment period for that notice ends on March 5, 2012. The notice provides an additional 30 days, until April 3, 2012, for the public to respond to previously submitted comments. The concurrence between the proposed collection and the Federal Register notice period will minimize confusion among respondents, who might otherwise believe that the information collection is in addition to (rather than a substitute for) the information sought by the Federal Register notice. The standard approval procedures would make such concurrence impossible.

**CONSUMER FINANCIAL PROTECTION BUREAU  
INFORMATION COLLECTION REQUEST – SUPPORTING STATEMENT  
STREAMLINING INHERITED REGULATIONS  
(OMB CONTROL NUMBER: 3170-XXXX)**

**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). Under the Dodd-Frank Act, on July 21, 2011, rulemaking authority under Federal consumer financial laws was transferred from seven other Federal agencies to the Consumer Financial Protection Bureau (Bureau). Accordingly, the Bureau assumed responsibility over various regulations that these agencies had issued under this rulemaking authority.

During the month of December, through the course of fourteen Federal Register notices, the Bureau republished the prior agencies' regulations implementing fourteen consumer laws ("the inherited regulations") as regulations of the Bureau. These republished regulations incorporate only technical changes and do not impose new substantive obligations. But the Bureau believes there may be opportunities to streamline the inherited regulations by updating, modifying, or eliminating outdated, unduly burdensome, or necessary provisions.

The purpose of this data collection is to help the Bureau identify priority areas for such streamlining. The Bureau's effort to identify and address such priorities is and will continue to be based in part on guidance provided by the Office of Management and Budget Memorandum for the Heads of Independent Regulatory Agencies, M-11-28, "Executive Order 13579, 'Regulation and Independent Regulatory Agencies'" (July 22, 2011). That guidance discusses the importance of opportunities for public participation in the development of any retrospective analysis plan. Consistent with this guidance, the Bureau seeks to reach interested parties through two mechanisms. The first mechanism is a *Federal Register* notice. On December 5, 2011, a notice titled "Streamlining Inherited Regulations" was published in the *Federal Register*. The notice seeks comment in writing, or through the regulations.gov website. The data collection for which the Bureau now seeks approval would be the second mechanism. In order to reach respondents that might not be inclined to respond to the *Federal Register* notice, the Bureau seeks to collect input from interested parties through a specialized web tool on the CFPB website.

Accordingly, the Bureau requests approval from the Office of Management and Budget (OMB) to collect information regarding potential priorities for streamlining regulations from populations that may be interested in the scope and application of the Bureau's authority and that would not be inclined to respond to the *Federal Register* notice through the standard procedures.

## **2. Use of the Information**

The collected information will be used to assist the Bureau in determining its priorities for streamlining the inherited regulations.

## **3. Use of Information Technology**

The proposed collection will be entirely electronic. Submissions will be made through a web tool established and maintained by the Bureau.

The Bureau adopted this means of collecting data due to its wide reach, and because the Bureau believes that the structure of the web tool will both make it easier for respondents to provide informed and focused responses, and for the Bureau to review responses.

## **4. Efforts to Identify Duplication**

With this collection, the Bureau seeks to collect much of the same type of information that the Bureau is seeking to collect through its December 5, 2011 Federal Register notice. The Bureau is seeking permission to collect data through an additional mechanism, a specialized web tool, in order to expand its reach to individuals and entities that might not respond to the *Federal Register* notice, for reasons such as a lack of comfort or familiarity with the *Federal Register* format or response process.

The Bureau's strategy of seeking input through multiple mechanisms is based in part on the guidance provided by the OMB Memorandum for the Heads of Independent Regulatory Agencies, M-11-28, which discusses the importance of opportunities for public participation in the development of any retrospective analysis plan.

## **5. Efforts to Minimize Burdens on Small Entities**

By providing respondents the opportunity to comment either through the specialized web-tool, or electronically or in writing in response to the December 5, 2011 *Federal Register* notice, the Bureau has sought to minimize burdens on entities of all sizes. Entities and individuals may choose the method of responding that imposes the least burden upon them. For example, compliance officers at small entities or individuals who are not accustomed to the standard *Federal Register* format and related comment procedures may find the Bureau's web tool less daunting or less burdensome to use than the standard *Federal Register* format and the comment procedures listed therein.

Burden is further minimized because response is entirely voluntary, and respondents can choose whether to respond to some or all questions.

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

Without this collection, the Bureau would benefit only from comments received in response to the Federal Register notice in writing, or through the regulations.gov website. The Bureau believes that these two channels of input will not be sufficient for its purposes, which include reaching as broad a range of interested parties as possible. With its web tool, the Bureau intends to present its questions in a format that may be more accessible than the Federal Register notice, due to length and presentation.

The frequency of collection is not applicable because the survey is entirely voluntary and may be answered at the leisure of the respondent, if at all. There is no need to collect information from an individual more than once.

**7. Circumstances Requiring Special Information Collection**

Not applicable.

**8. Consultation Outside the Agency**

The Bureau solicited suggestions from representatives of community banks and credit unions in developing the web-tool and tested a draft version of its web-tool with local community bankers.

**9. Payments or Gifts to Respondents**

Not applicable.

**10. & 11. Assurances of Confidentiality/Justification for Sensitive Questions**

The web-tool will not include any required submissions. Furthermore, the web tool will inform respondents before they submit their comments that the following information will be publicly available on regulations.gov (if submitted): the commenter's name, organization, state of the organization, type of organization, and streamlining suggestions (with any information collected to categorize such suggestions, such as the regulation involved).

The Bureau will give respondents the option to submit information that the Bureau does not intend to publish on regulations.gov or any other website in individual form: phone number, email address, whether or not the respondent works in the organization's compliance office, and the assets or revenues of the organization. The Bureau seeks such information in order to better understand the origin of comments, and provide a means for the Bureau to contact respondents in case of follow-up questions related to their comments. The Bureau may publish information other than email addresses and phone numbers in aggregate form.

## **12. Estimated Burden of Information Collection**

The Bureau estimates that 500 individuals, entities, or other respondents will submit information on the Bureau's website. In response to two *Federal Register* notices seeking similar information for the Department of the Treasury, the Department of the Treasury received a total of 14 comments.<sup>1</sup> The Department of Housing and Urban Development, by contrast, received input from 42 commenters in response to a Federal Register notice seeking similar information,<sup>2</sup> and the Environmental Protection Agency received hundreds of comments regarding its plan for retrospective analysis of regulations, after it published a *Federal Register* notice and posted a specialized website, that linked to 15 dockets established on the regulations.gov website. Across two comment periods, the agency received over 800 comments.<sup>3</sup> The Bureau believes that due to the extent of press coverage regarding the Bureau, the Bureau will receive more public comments than either the Department of the Treasury or the Department of Housing and Urban Development, even though the reach of the Department of the Treasury's regulations is nearly economy wide. On the other hand, the Bureau believes that a number of respondents will send comments through the channels advertised in the Federal Register notice (including www.regulations.gov), rather than through the website, as part of the proposed data collection. As a result, the Bureau believes that the collection will result in fewer responses than the EPA received across two comment periods, and through multiple media.

The Bureau estimates that each respondent will spend an average of one hour submitting information.

The Bureau has no way of estimating the labor costs for this collection, as the Bureau cannot predict what types of individuals might participate to the collection, and whether those individuals will be responding on behalf of their employer or not.

## **13. Estimated Total Annual Cost Burden to Respondents or Recordkeepers**

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**

None. There will be no annualized capital or start-up costs for the government to receive this information. No services were purchased in connection with this collection.

## **15. Program Changes or Adjustments**

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<sup>1</sup>Department of the Treasury, *Plan for Retrospective Analysis of Existing Rules* (Aug. 22, 2011).

<sup>2</sup>Department of Housing and Urban Development, *Plan for Retrospective Review of Regulatory Actions under E.O. 13563* (2011).

<sup>3</sup>U.S. Environmental Protection Agency, *Improving Our Regulations: Final Plan for Periodic Retrospective Reviews of Existing Regulations* (Aug. 2011).

Not applicable. This is a new collection.

**16. Plans for Tabulation, Statistical Analysis, and Publication**

The Bureau intends to conduct the information collection from the date that approval is received until April 3, 2012, the closing date of the period for individuals to submit comments to the Bureau's *Federal Register* notice, and then to comment on previously submitted comments.

The Bureau plans to review the information received in response to this collection, along with the information received in response to its *Federal Register* notice. Any analysis of information collected will be conducted in a non-scientific, non-generalizable way, though the Bureau has not yet decided the exact form of any such analysis.

As described in response to questions 10 and 11, comments submitted through the Bureau's web-tool will be published on the regulations.gov website.

The Bureau may publish a summary or some other discussion of the information received or the timeline for the completion of its streamlining project. Similarly, aggregate user information may present interesting statistics worthy of publication to the Bureau's web-site in some form. No individualized information will be published or collected for analysis except as described in sections 10 and 11 above. Publication of information will be subject to our ability to draw findings that would be of interest to a general public audience. Aggregate information will be shared with policymakers within the Bureau upon their request.

**17. Display of Expiration Date**

Not applicable. The Bureau does not seek approval not to display the expiration date.

**18. Exceptions to the Certification Requirement**

None.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

Not applicable. Due to the structural limitations of this type of information collection - most importantly, the inability to select a properly randomized and stratified sample - the responses will not be representative of any larger group. Because the results of the survey are not statistically valid representations of a larger group, nor meant to be, statistical methods cannot reduce burden or improve the accuracy of results.