

**BUREAU OF CONSUMER FINANCIAL PROTECTION  
INFORMATION COLLECTION REQUEST**

**SUPPORTING STATEMENT PART A**

**APPLICATION FOR THE BUREAU'S ADVISORY COMMITTEES  
(OMB CONTROL NUMBER: 3170-0037)**

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**TERMS OF CLEARANCE:** None. The Office of Management and Budget (OMB) provided no terms of clearance when it last approved this information collection in September 2016.

**ABSTRACT:** The Director of the Consumer Financial Protection Bureau (CFPB or the Bureau) may invite individuals with special expertise to serve on the Bureau's advisory committees. The selection-related material will allow the Bureau to obtain information on the qualifications of individuals nominated to an advisory committee and will aid the Bureau in selecting members for service on an advisory committee. The selection-related information will also aid the Bureau in determining the appropriateness of participation in particular matters. The information collected from applicants will aid the Bureau in the exercise of its functions. The feedback collected will allow the Bureau to evaluate and improve its advisory committee program. Information collected will be used for vetting candidates, issue travel orders or provide reimbursement for travel expenses, as applicable.

This submission is requesting OMB to reinstate and thereby renew, for an additional three (3) years, its approval of this information collection request.

**JUSTIFICATION**

**1. Circumstances Necessitating the Data Collection**

On July 21, 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act was enacted, P.L. 111-203, 124 Stat. 1376 (2010) (Dodd-Frank Act). Title X of the Dodd-Frank Act created the CFPB and provides that the Director of the CFPB "shall establish a Consumer Advisory Board (CAB) 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 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 established three additional advisory committees: The Academic Research Council (ARC), the Community Bank Advisory Council (CBAC) and the Credit Union Advisory Council (CUAC). The Bureau may also establish additional bodies, panels, groups, sub-committees, or other similar groups (collectively referred to as “other Advisory Committees”) to advise and consult with the Bureau in the exercise of its functions. The ARC, CBAC and CUAC are discretionary advisory committees. All of the advisory committees have been governed by the Federal Advisory Committee Act (FACA) as required by the Consolidated Appropriations Act, 2016, Pub.L. 114-113 (Dec. 18, 2015) (“Omnibus bill”) amended the Consumer Financial Protection Act (CFPA) to clarify the applicability of the Federal Advisory Committee Act, 5 U.S.C. App. (FACA) to the Bureau. FACA established charters and advisory committee members are appointed by the Bureau’s Director.

The Bureau seeks a standard clearance from OMB to collect selection-related information from nominees to the advisory committees, 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 Committees as necessary to fulfill the Bureau’s functions under the Dodd-Frank Act.

Once selected, Bureau staff may ask members of the advisory committees, as part of their participation, to respond to questions, or to provide information/advice based upon their expertise on issues before the advisory committees that are related to the Bureau’s mission.

Collection instruments for the advisory committees include an application form to serve in an advisory committee, application to serve as a small entity representative, a financial disclosure form with questions about assets, affiliations, representations, financial interests and liabilities, and relevant professional experience. Collection instruments for other advisory committees also include questions about professional experience relevant to the particular advisory committee and/or certifications regarding financial interests relevant to a particular external group or a particular financial interest. Other collection instruments include: FBI background check form used for vetting applicants, a Travel Information form to process applicant’s travel vouchers.

Collection instruments also include certifications, 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 advisory committees and will aid the Bureau in selecting members for other Advisory Committees. The selection-related information will also aid the Bureau in determining the appropriateness of participation in particular matters. The information collected from members will aid the Bureau in the exercise of its functions. . 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 committee materials are collected online only through the Bureau's portal for such applications, unless an applicant request an accommodation for a disability that would render using the portal impractical.

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

Because qualifications for membership on the advisory committees are unique to the individual and the particular advisory committee, there is no opportunity to obtain this information from other sources, and this information collection therefore does not duplicate existing collections. The Bureau will not duplicate existing information when it asks members of the advisory committees 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 advisory committee 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 committees, 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 advisory committees have qualified candidates who meet established requirements relevant to the particular advisory committees and who can provide advice to the Bureau on topics before the particular advisory committee.

### **7. Circumstances Requiring Special Information Collection**

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 C.F.R. 1320. 5(d) (2).

## **8. Consultation outside the Agency**

In accordance with 5 C.F.R. § 1320.8(d)(1), the Bureau has published a notice *Federal Register* allowing the public 60 days to comment on the proposed extension of this currently approved collection of information. No responsive comments were received. Further and in accordance with 5 C.F.R. § 1320.5(a)(1)(iv), the Bureau has published a notice in the *Federal Register* allowing the public 30 days to comment on the submission of this information collection request to the OMB.

Additionally, as part of standard practice, the advisory committees provide an opportunity for participants to provide feedback on the experience, including the feedback on the forms.

## **9. Payments or Gifts to Respondents**

Consistent with Section 1014(d) of the Dodd-Frank Act, all members of the advisory committees 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 an advisory committee 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 committee.

## **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. For the advisory committees, the names, business affiliations and other agreed-upon biographical information of members may be released in a press release, on the Bureau's website and in other similar publications. This information is covered by the System of Records Notices (SORN), CFPB.016: CFPB Advisory Boards and Committees (83 FR 23435), published May, 2013 and the Industry, Expert, and Community Input and Engagement Privacy Impact Assessment (PIA), published November 21, 2014. Each of the information collection instruments contain a Privacy Act Statement informing them of expectations with respect to privacy.

## **11. Justification for Sensitive Questions**

The Bureau will be requesting date of birth and social security numbers from nominees to the advisory committees. Such information will also be needed for those individuals who are receiving compensation and/or reimbursement for travel expenses. The collection of the social security number on the application form is voluntary and is noted as such on the form but the failure to provide the form may mean the Bureau is unable to respond to the applicant's request. The Bureau will also request information necessary using the FBI Name Check form to complete a background check of potential advisory committee members. The collection of this information is authorized by Pub. L. No. 111-203, Title X, sections 1011,

1012, 1014, codified at 12 U.S.C. §§ 5491, 5492, 5494.

## 12. Estimated Burden of Information Collection

Based on program records and actual use of the forms, we estimate that, each year an average about 425 individuals will apply to serve on the advisory committees. Each of these individuals will spend between 10 and 60 minutes completing the information collections associated with the application process. Additionally, approximately 75 individuals, including some individual business representatives, will participate in the advisory committee vetting process. Each of these individuals will spend approximately 130 minutes completing the information collection associated with participation in the group, the FBI Name Check form, the CFPB travel information from and the feedback process, in addition to time spent in the application process. The total burden for all applicants and participants is estimated to be 491 hours, and \$0 annually. Exhibit 1 illustrates the breakdown of the burden associated with each of the forms associated with the Advisory Committees.

**Exhibit 1: Burden Hour Summary**

<b>Collection of Information</b>	<b>No. of Respondents</b>	<b>Frequency</b>	<b>Annual Responses</b>	<b>Average Response Time (Hour)</b>	<b>Annual Burden (Hours)</b>
Application to Serve on the Consumer Advisory Board	250*	1x	250	1	250
Application to serve on the Academic Research Council	15*	1x	15	.75	11
Application to serve on the Community Bank Advisory Council or Credit Union Advisory Council	150*	1x	150	1	150
Application to Serve as a Small Entity Representative	10*	1x	10	.17	2
FBI Name Check Form	30	1x	30	1	30
Financial Disclosure Form	70	3x	70	.17	12
CFPB Travel Information Form	70	3x	210	.17	36
<b>Totals</b>	<b>425</b>	<b>//////////</b>	<b>735</b>	<b>//////////</b>	<b>491</b>

\*Unique respondents. The remaining respondents are a subset of the unique respondents.

### **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**

The Bureau does not incur any unique or additional costs as a result of this collection of information.

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

The changes in burden reflect the Bureau's decision to discontinue and subsequently to seek a reinstatement of this collection of information; therefore, the burden change is considered a program change. The Bureau discontinued this information collection as it was undergoing certain revisions to enhance the utility of the collection.

The previously approved burden was 425 respondents, 805 responses, and 503 hours. As compared to the previous approval, the estimated number of respondents is projected to remain at 425, while the estimated number of responses has decreased from 805 to 735 and the estimated number of burden hours has decreased from 503 to 491. The reduction in the estimated number of responses and hours results from the Bureau removing the previously approved feedback survey from this OMB number. The Bureau is considering certain changes to this survey and will seek OMB approval separately in the future should it decide to reinstate the use of that survey instrument.

### **Exhibit 2: Summary of Burden Changes**

	<b>Respondents</b>	<b>Responses</b>	<b>Burden Hours</b>	<b>Cost Burden (O &amp; M)</b>
Total Burden Requested	425	735	491	0
Current OMB Inventory	0	0	0	0
Difference (+/-)	425	735	491	0
Program Change	425	735	491	0
Discretionary	0	0	0	0
New Statute	0	0	0	0
Violation	0	0	0	0
Adjustment	0	0	0	0

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

The names, business affiliations and other agreed-upon biographical information for members 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 advisory committees.

**18. Exceptions to the Certification Requirement**

The Bureau certifies that this collection of information is consistent with the requirements of 5 C.F.R. 1320.9, and the related provisions of 5 C.F.R. 1320.8(b) (3) and is not seeking an exemption to these certification requirements.

**SUPPORTING STATEMENT PART B COLLECTIONS EMPLOYEING  
STATISTICAL MEHTODS**

Not applicable. The collections of information (forms) inventories under OMB control number 3170-0037 do not use statistical methods.

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