

**Supporting Statement
Record and Disclosure Requirements
CFPB Regulations B, E, M, Z, and DD
FRB Regulation CC
OMB Control No. 1557-0176**

A. Justification.

1. *Circumstances that make collection necessary:*

This submission covers the Consumer Financial Protection Bureau's (CFPB) Regulations B, E,¹ M, Z, and DD and Board of Governors of the Federal Reserve System's (FRB) Regulation CC. The burden imposed by these regulations was assigned to OCC pursuant to a 1984 agreement between the FRB and OMB. The OCC is seeking OMB approval to extend the expiration date for these collections. However, because the CFPB and FRB issued and maintain these regulations, their supporting statements may provide additional information.²

2. *Use of the information:*

Regulation B – 12 CFR 1002 - Equal Credit Opportunity Act

This regulation prohibits lenders from discriminating against credit applicants on certain prohibited bases. The regulation also requires creditors to notify applicants of action taken on their credit application, to report credit history in the names of both spouses on an account, to retain records of credit applications, to collect information about the applicant's race and other personal characteristics in applications for certain dwelling-related loans, and to provide applicants with copies of appraisal reports used in connection with credit transactions.

Regulation E – 12 CFR 1005 - Electronic Fund Transfers (Except Prepaid Card Provisions 1557-0346)

This regulation carries out the purposes of the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*), which establishes the basic rights, liabilities, and responsibilities of consumers who use electronic fund transfers and remittance transfer services and of financial institutions or other persons that offer these services.

Regulation M – 12 CFR 1013 - Consumer Leasing

This regulation implements the consumer leasing provisions of the Truth in Lending Act, including by requiring meaningful disclosure of leasing terms.

Regulation Z – 12 CFR 1026 - Truth in Lending

¹ Except Prepaid Card Provisions Approved under OMB Control No. 1557-0346.

² See OMB Control Nos. 7100-0199 through 7100-0202, 7100-0235, 7100-0247, 7100-0271, 3170-0004, 3170-0006, 3170-0008, and 3170-0013 through 3170-0015.

This regulation is intended to promote the informed use of consumer credit by requiring disclosures about its terms and cost, including to ensure that consumers are provided with greater and more timely information on the nature and costs of the residential real estate settlement process, and to effect certain changes in the settlement process for residential real estate that will result in more effective advance disclosure to home buyers and sellers of settlement costs. The regulation gives consumers the right to cancel certain credit transactions that involve a lien on a consumer's principal dwelling, regulates certain credit card practices, and provides a means for fair and timely resolution of credit billing disputes. Other provisions include rules specific to credit card accounts, certain dwelling-secured transactions, home-equity plans, and private education loans.

Regulation DD – 12 CFR 1030 - Truth in Savings

This regulation requires depository institutions to provide disclosures to enable consumers to make meaningful comparisons among accounts at depository institutions.

Regulation CC – 12 CFR 229 - Availability of Funds and Collection of Checks

This regulation includes timeframes to govern the availability of funds deposited in checking accounts, rules to govern the collection and return of checks and electronic checks, and general provisions to govern the use of substitute checks.

3. *Consideration of the use of improved information technology:*

Institutions may use any technology that is reasonable and appropriate for its circumstances.

4. *Efforts to identify duplication:*

These requirements and disclosures are unique and cover an institution's particular circumstances. No duplication with other regulatory requirements exists.

5. *If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.*

There are no alternatives that would result in further lowering the burden on small institutions, while still accomplishing the purposes of the rules.

6. *Consequences to the Federal program if the collection were conducted less frequently:*

The public would not be protected adequately and negative safety and soundness consequences could result.

7. *Special circumstances necessitating collection inconsistent with 5 CFR part 1320:*

Not applicable. The collection is conducted in accordance with the guidelines in 5 CFR part 1320.

8. Efforts to consult with persons outside the agency:

The OCC issued a notice for 60 days of comment on October 2, 2020, 85 FR 62367. No comments were received.

9. Payment to respondents:

There is no payment to respondents.

10. Any assurance of confidentiality:

The information collected will be kept private to the extent permitted by law.

11. Justification for questions of a sensitive nature:

No questions of a sensitive nature are involved.

12. Burden estimate:

Regulation B:

1,110 respondents @ 1 response each = 1,110 responses
1,110 responses @ 174 hours each = 193,140 burden hours

Regulation E (Except Prepaid Card Provisions Cleared under OMB Control No. 1557-0346)

1,110 respondents @ 1 response each = 1,110 responses
1,110 responses @ 625 hours each = 693,750

Regulation M:

1,110 respondents @ 1 response each = 1,110 responses
1,110 responses @ 50 hours each = 55,500 burden hours

Regulation Z:

1,110 respondents @ 1 response each = 1,110 responses
1,110 responses @ 1,458 hours each = 1,618,380 burden hours

Regulation DD:

1,110 respondents @ 1 response each = 1,110 responses
1,110 responses @ 150 hours each = 166,500 burden hours

Regulation CC:

1,110 respondents @ 1 response/record each = 1,110 responses
1,110 responses @ 191 hours each = 212,010 burden hours

Total: 1,110 respondents; burden hours

$2,939,280 \times \$115.19 = \$ 338,575,663.20$

To estimate wages, the OCC reviewed May 2019 data for wages (by industry and occupation) from the U.S. Bureau of Labor Statistics (BLS) for credit intermediation and related activities excluding nondepository credit intermediaries (NAICS 5220A1). To estimate compensation costs associated with the rule, the OCC uses \$115.19 per hour, which is based on the average of the 90th percentile for six occupations adjusted for inflation (3.1 percent as of Q1 2020 according to the BLS), plus an additional 33.4 percent for benefits (based on the percent of total compensation allocated to benefits as of Q4 2019 for NAICS 522: credit intermediation and related activities).

13. *Estimate of annualized cost to respondents:*

Not applicable.

14. *Estimate of annualized costs to the government:*

Not applicable.

15. *Change in burden:*

$4,639,952 \text{ minus } 2,939,280 = -1,700,672$

The decrease in burden is due to the decrease in the number of regulated entities and the transfer of the burden for Regulation C to a separate information collection.

16. *Information regarding collections whose results are planned to be published for statistical use:*

The OCC has no plans to publish the information for statistical use.

17. *Exceptions to certification statement.*

None.

B. Collections of information employing statistical methods.

Not applicable.