

**Supporting Statement for the
Whistleblower Intake Guide
(FR 30; OMB No. 7100-NEW)**

Summary

The Board of Governors of the Federal Reserve System (Board), under authority delegated by the Office of Management and Budget (OMB), has implemented for three years the Whistleblower Intake Guide (FR 30; OMB No. 7100-NEW). The Whistleblower Intake Guide collects information regarding alleged misconduct or retaliation by a Board-supervised institution or an affiliated party of such institution. The information collected through the FR 30 assists in the Board's supervision of financial institutions.

The estimated total annual burden for the FR 30 is 3 hours.

Background and Justification

In September 2022, the Board issued a policy statement to promote the submission of whistleblower claims regarding misconduct, unsafe or unsound practices, or violations of law or regulation occurring at any Board-supervised entity or by a party affiliated with such entity.¹ The Board encourages anyone with such information to make a report.

In accordance with section 33 of the Federal Deposit Insurance Act,² an insured depository institution may not discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to the Board, to another federal banking agency,³ or to the Department of Justice regarding a possible violation of any law or regulation; or gross mismanagement, a gross waste of funds, an abuse of authority; or a substantial and specific danger to public health or safety by the depository institution or any director, officer, or employee of the institution.

In addition, section 34 of the Federal Deposit Insurance Act⁴ allows the Board, with the concurrence of the U.S. Attorney General, to pay a reward to a person who provides original information leading to recovery of a criminal fine, restitution, or civil penalty under certain authorities.⁵ Rewards cannot be paid to an officer or employee of the United States or of a state or local government who provides information obtained in the performance of official duties, or if a person deliberately causes or participates in the alleged violation of law or regulation, or knowingly or recklessly provides substantially false information to the Board or the Department of Justice.

¹ Policy Statement on Whistleblower Claims (SR 22-7/CA 22-7), <https://www.federalreserve.gov/supervisionreg/srletters/SR2207.htm>.

² 12 U.S.C. § 1831j.

³ The term "federal banking agency" here means the Board, Federal Deposit Insurance Corporation, Federal Housing Finance Agency, and Office of the Comptroller of the Currency (12 U.S.C. § 1831j(e)).

⁴ 12 U.S.C. § 1831k.

⁵ See 12 U.S.C. § 1831k(a)(1).

This information is not available from other sources. The Board’s Ombuds Office receives whistleblower claims directly from whistleblowers by telephone, email, mail, and online through the “contact us” page on the Board’s website.⁶ It also receives and provides referrals of whistleblower claims that are erroneously submitted to an agency that lacks jurisdiction over the claim, as well as referrals where jurisdiction is shared between the Board and another agency. However, some whistleblowers choose to report misconduct involving Board-supervised institutions by contacting other Federal Reserve staff. The Whistleblower Intake Guide, which should be utilized in such instances, provides a unique mechanism for the Federal Reserve to collect information about Board-supervised institutions that may be known by very few individuals. If this information were not collected, the Board may not be able to identify and respond to some instances where a Board-supervised institution or affiliated party engaged in an unsafe or unsound practice, a violation of law or regulation, or a violation of a consent order or written agreement issued by the Federal Reserve. The Board will continue to consult with other agencies as necessary and appropriate based on the subject matter of a given whistleblower claim.

Description of Information Collection

The Whistleblower Intake Guide would be used by Federal Reserve staff who are contacted directly by a whistleblower to collect the name and contact information of the whistleblower (unless they choose to remain anonymous); the institution and/or employees involved in the conduct the whistleblower is seeking to report; details about the alleged misconduct or retaliation,⁷ such as dates, location, and basis of knowledge; and whether any other Federal agencies or law enforcement are involved. Once the FR 30 is completed, the Board would open a case file.⁸

Personally Identifiable Information

Personally identifiable information (PII) obtained in this information collection may include whistleblower name, contact information, and bank account information. It may also include identifying information of individuals involved in the potential activity, misconduct, or wrongdoing claimed. The information provided is not sensitive in nature and is necessary to collect information on and potentially investigate a financial institution regulated by the Federal Reserve. Information collected as part of this process is stored in the System of Records BGFRS-11 Official General Files (83 FR 43872).

⁶ See Federal Reserve Board - Contact Us, <https://www.federalreserve.gov/apps/ContactUs/feedback.aspx?refurl=%2Faboutthefed%2Fwhistleblower-reporting.htm>.

⁷ Retaliation means discharge or other discrimination against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) submitted a whistleblower complaint.

⁸ Any information collected after a case file is opened, such as a report of whistleblower retaliation, interviews, and other evidence-gathering activities, would not be subject to the Paperwork Reduction Act (PRA). See 5 CFR 1320.4(a)(2) and (c), 5 CFR 1320.3(h)(9). Retaliation claims associated with whistleblower complaints that were submitted to the Board are not subject to the PRA. However, retaliation claims associated with whistleblower complaints submitted to the DOJ or another Federal banking agency, if they concern a Board-supervised entity, are subject to the PRA.

Respondent Panel

The FR 30 panel comprises employees of Board-supervised entities and members of the public.

Frequency and Time Schedule

The FR 30 is submitted on an event-generated basis.

Public Availability of Data

No data collected by this information collection are published.

Legal Status

The Board uses the information obtained through the FR 30 to discharge its statutory responsibilities, including those under the Federal Reserve Act (12 U.S.C. § 221 et seq.), Bank Holding Company Act of 1956 (12 U.S.C. § 1841 et seq.), Home Owners' Loan Act (12 U.S.C. § 1461 et seq.), and Federal Deposit Insurance Act (12 U.S.C. § 1811 et seq.). The FR 30 is voluntary.

Information disclosed to the Board under the FR 30 is kept confidential by the Board pursuant to exemptions 7(D) and 8 of the Freedom of Information Act (FOIA) because it is information compiled for law enforcement purposes that could reasonably be expected to disclose the identity of a confidential source and because it is information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions (5 U.S.C. §§ 552(b)(7)(D) and (b)(8)). Information disclosed to the Board under the FR 30 also may be kept confidential under exemption 4 of the FOIA if it is nonpublic commercial or financial information, which is customarily and actually treated as private by the respondent (5 U.S.C. § 552(b)(4)); or under exemption 6 of the FOIA if the disclosure of information would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. § 552(b)(6)).

Consultation Outside the Agency

The Board has consulted with other federal agencies regarding its efforts to promote whistleblower claims, including the Consumer Financial Protection Bureau, Federal Deposit Insurance Corporation, and National Credit Union Administration.

Public Comments

On September 8, 2023, the Board published an initial notice in the *Federal Register* (88 FR 62084) requesting public comment for 60 days on the implementation of the FR 30. The comment period for this notice expired on November 7, 2023. The Board did not receive any comments. The Board adopted the implementation of the FR 30 as originally proposed. On March 12, 2024, the Board published a final notice in the *Federal Register* (89 FR 17849).

Estimate of Respondent Burden

As shown in the table below, the estimated total annual burden for the FR 30 is 3 hours. The estimated number of respondents is based on the average number of employees of Board-supervised entities and members of the public that have reported alleged misconduct or retaliation over the last three years. The time per response will depend largely on the complexity of the alleged violation and the amount of information the whistleblower possesses in support of the allegations. These reporting requirements represent less than 1 percent of the Board’s total paperwork burden.

FR 30	<i>Estimated number of respondents</i>	<i>Estimated annual frequency</i>	<i>Estimated average hours per response</i>	<i>Estimated annual burden hours</i>
Reporting	5	1	0.5	3

The estimated total annual cost to the public for the FR 30 is \$90.⁹

Sensitive Questions

This information collection contains no questions of a sensitive nature, as defined by OMB guidelines.

Estimate of Cost to the Federal Reserve System

The estimated cost to the Federal Reserve System for collecting and processing this information collection is negligible.

⁹ The average consumer cost of \$30 is estimated using data from the Bureau of Labor Statistics (BLS), *Occupational Employment and Wages, May 2022*, published April 25, 2023, <https://www.bls.gov/news.release/ocwage.t01.htm>.