

March 2, 2026

By electronic delivery to:

<https://www.reginfo.gov/public/do/PRAMain>

Mr. Alex Goodenough
Senior Policy Analyst
Office of Information and Regulatory Affairs
Office of Management and Budget
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Mr. Anthony May
Paperwork Reduction Act Officer
Consumer Financial Protection Bureau
1700 G Street, NW
Washington, DC 20552

Re: Notice and Request for Comment, Consumer Response Intake Form, Docket No. CFPB-2026-0005, 91 Fed. Reg. 4,066 (Jan. 30, 2026)

Dear Mr. Goodenough and Mr. May,

The American Bankers Association¹ (ABA) appreciates the opportunity to comment on the Consumer Financial Protection Bureau's (Bureau or CFPB) request for an extension, with modification, of the Office of Management and Budget's (OMB) approval of the existing information collection titled "Consumer Response Intake Form" (Extension Request).² Consumers use the Consumer Response Intake Form (Intake Form) to submit a complaint to the Bureau regarding a financial product or service, which the Bureau forwards to the appropriate financial service provider for response.

The Intake Form asks for information about the product or service referenced in the complaint and information about the consumer filing the complaint. In 2022, the Bureau proposed to add four fields to the Intake Form to capture certain demographic information about the consumer: (1) gender; (2) race; (3) whether the consumer is of Hispanic, Latino, or Spanish origin; and (4) the consumer's preferred language.³ At that time, ABA objected to these changes, noting that the collection of this information could not be used to conduct a fair and reliable fair lending analysis and could encourage the Bureau to exceed its statutory authority to enforce the fair

¹ The American Bankers Association is the voice of the nation's \$25.3 trillion banking industry, which is composed of small, regional and large banks that together employ over 2 million people, safeguard \$20.1 trillion in deposits and extend \$13.5 trillion in loans.

² Notice and Request for Comment, Consumer Response Intake Form, Docket No. CFPB-2026-0005, 91 Fed. Reg. 4,066 (Jan. 30, 2026).

³ Notice and Request for Comment, Consumer Response Intake Form, Docket No. CFPB-2022-0069, 87 Fed. Reg. 60,385 (Oct. 5, 2022).

lending laws.⁴ Despite our raising these concerns, OMB under the Biden Administration approved the changes to the Intake Form.⁵

ABA reiterates our objection to the inclusion of these four fields on the Intake Form, and we ask the Bureau to remove them. Unless and until the Bureau removes these fields, OMB should deny re-approval of the Intake Form. We also recommend that the Bureau expand its “Credit and consumer reporting complaint notice” – which is posted on the landing page of the online complaint submission form – to address consumers who use the Bureau’s complaint process to dispute information provided by a bank or other furnisher on the consumer’s credit report, as described below.

Relatedly, we call on the Bureau to take steps to mitigate abuse of its consumer complaint system by credit repair organizations. We would welcome the opportunity to meet with Bureau staff to discuss ideas for doing so.

I. The Bureau Should Modify the Intake Form to Remove the Four Demographic Categories Added in 2022

As OMB is aware, the Paperwork Reduction Act (PRA) requires OMB to analyze whether a proposed information collection (or proposed modification of an existing collection) provides practical benefit to the agency and minimizes burden on members of the public who will be asked to complete the agency’s form.⁶ We do not believe the collection of demographic information satisfies these standards.

ABA and our member banks support fair, objective, and transparent enforcement of civil rights and fair lending laws. However, we are concerned that the collection of information about the gender, race, and ethnicity of a consumer submitting a complaint will be used to compare the treatment of different demographic groups, and we do not believe it can be used to conduct a fair and reliable fair lending analysis. As the Bureau acknowledges, the complaints submitted do not reflect a “statistical sample of consumers’ experiences in the marketplace” and are “not necessarily representative of all consumers’ experiences with a financial product or company.”⁷ Instead, complaints are submitted by a self-selecting cohort of consumers—i.e., those consumers who have the time and inclination to submit a complaint to the Bureau. Also, providing the demographic information is voluntary, and some consumers choose not to provide it. Therefore, the demographic information collected reflects a *subset* of those consumers who chose to submit a complaint. This data cannot fairly and reliably be used to reach conclusions regarding whether a bank is treating all customers equitably.

⁴ See Letter from Jonathan Thessin, Am. Bankers Ass’n, to Lindsay Abate, Office of Mgmt. & Budget (Nov. 4, 2022), <https://www.aba.com/advocacy/policy-analysis/cfpb-ltr-consumer-response-intake-form> [hereinafter, ABA 2022 Letter].

⁵ Notice of Office of Management and Budget Action, ICR Ref. No. 202205-3170-001 (Feb. 9, 2023), <https://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3170-0011>.

⁶ Paperwork Reduction Act of 1995, 44 U.S.C. § 3506(c)(2); 5 C.F.R. § 1320.8(d).

⁷ Bureau of Consumer Fin. Prot., Consumer Complaint Database, <https://www.consumerfinance.gov/data-research/consumer-complaints/> (last visited Mar. 2, 2026) [hereinafter, CFPB Database Webpage].

Even if complaints were submitted by a representative sample of consumers, the complaints themselves cannot support a fair lending analysis. The Bureau has acknowledged that complaints “may contain factually incorrect information,”⁸ and that its staff “do not . . . verify that [consumers’] experiences are accurate or unbiased.”⁹ Besides containing information that is potentially false and misleading, the “complaint” may be (a) an inquiry about a product or service; (b) based on a misunderstanding of the product’s terms of service; or (c) a “rant” about a company or industry practice that is not founded on a specific interaction between a consumer and the company. Without assurance that complaints reflect legitimate dissatisfaction with a bank’s products or services, it would be irresponsible to draw conclusions about whether members of protected groups are being treated unfairly.¹⁰

We also are concerned that the CFPB now, or in the future, could use this demographic data improperly to bring discrimination claims relating to bank products and services—without statutory authorization. Congress through the Equal Credit Opportunity Act prohibits discrimination in the extension of credit, and the CFPB has authority to enforce that prohibition.¹¹ But Congress did not authorize the CFPB to enforce fair lending laws beyond credit transactions, as a federal court conclusively held in 2023.¹² The Bureau’s collection of demographic information about the complainant would invite the Bureau to look for disparities based on race, etc., across all complaints, not just those related to extensions of credit. For this reason, the Bureau should rescind the four demographic fields added in 2022. We urge OMB to deny the Bureau’s request for re-approval of the Intake Form unless and until the Bureau makes these changes.

⁸ Notice of Proposed Policy Statement with Request for Public Comment, 79 Fed. Reg. 42,765, 42,767 (July 23, 2014).

⁹ CFPB Database Webpage, *supra* note 7, at 1. The U.S. Department of the Treasury during President Trump’s first term reached the same conclusion that the Bureau’s database of complaints submitted by consumers “lacks appropriate safeguards.” U.S. Dep’t of Treas., *A Financial System That Creates Economic Opportunities: Banks and Credit Unions* 87 (June 2017), <https://www.cii.org/files/A%20Financial%20System.pdf>. The Treasury Department noted criticism that the “database may provide misleading or incomplete information to consumers because it does not indicate whether a complaint reflects dissatisfaction with legitimate terms of service, as opposed to actual wrongdoing, and does not provide information on the size of the relevant market.” *Id.*

¹⁰ We appreciate that the Bureau states on the Intake Form that “the company’s response and communications about [the consumer’s] complaint may not be provided in [the consumer’s] preferred language.” In 2022, we asked the Bureau to include this language if it obtained approval for the four demographic fields. *See* ABA 2022 Letter, *supra* note 4, at 3. Nonetheless, we ask the Bureau and OMB to remove this question for the reasons described in this letter.

¹¹ *See* Equal Credit Opportunity Act, 15 U.S.C. §§ 1691–1691f; Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111–203, § 1085, 124 Stat. 2083–85 (2010).

¹² *See* Chamber of Commerce of the United States of America v. Consumer Fin. Prot. Bureau, No. 6:22-cv-00381, Order (E.D. Tex. Sept. 8, 2023); *see also* Am. Bankers Ass’n, *Unfairness and Discrimination: Examining the CFPB’s Conflation of Distinct Statutory Concepts* (2022), <https://www.aba.com/advocacy/policy-analysis/unfairness-and-discrimination>.

II. The Bureau Should Make Changes to its Complaint Process to Facilitate the Timely and Efficient Resolution of Disputes Over Consumer Report Information

We appreciate that, on February 4, 2026, the Bureau published a “Credit and consumer reporting complaint notice” on the landing page of the online complaint submission form (the notice). The first page of the notice states:¹³

This Consumer Complaint Portal is designed to help consumers, including to resolve complaints against credit reporting agencies.

Consistent with the law, consumers must first dispute inaccurate or incomplete information on their credit report with the credit reporting agency. Premature submissions slow down the system for those most in need of help and who have correctly followed the process.

Have you submitted your dispute to a credit reporting agency more than 45 days ago, or is your dispute with them no longer pending?

If not, do not submit your complaint here at this time.

We strongly support this notice. However, ABA urges the Bureau to extend this notice to consumers whose dispute is with a bank or other furnisher of the information on the credit report. The Fair Credit Reporting Act (FCRA) allows a consumer to dispute the accuracy or completeness of their consumer report information either with the consumer reporting agency¹⁴ or with the furnisher of the disputed information.¹⁵ The entity receiving the dispute must then investigate and resolve the disputes they receive.

The Bureau should direct consumers to dispute the accuracy or completeness of their consumer report information directly with the furnisher first, because the furnisher is better positioned than the Bureau to resolve the dispute efficiently. Until the furnisher has had the opportunity to investigate and resolve a dispute, as anticipated by the FCRA, it should not be the subject of a public consumer complaint. Allowing consumers to use the complaint process as the first resort to dispute information on their consumer report can damage public opinion about a furnisher and increase the likelihood that it will be subject to a legal complaint filed by a plaintiffs’ attorney. Thus, ABA recommends that the Bureau broaden its notice to encourage consumers to file a complaint about a furnisher only after they have disputed the credit report information with the furnisher and the furnisher has had the opportunity to investigate and resolve any potential errors.

¹³ Consumer Fin. Prot. Bureau, Credit and Consumer Reporting Complaint Notice, <https://www.consumerfinance.gov/complaint/credit-and-consumer-reporting-complaint-notice/> (last visited Mar. 2, 2026). The version of the notice displayed on the Bureau’s webpage is in all caps and bold. We have removed the all-caps and bold to make the text easier to read in this letter.

¹⁴ See 15 U.S.C. § 1681i.

¹⁵ See *id.* § 1681s-2(a)(8).

Relatedly (and admittedly not directly pertinent to the information collection currently subject to comment), ABA wishes to take this opportunity to address a related issue regarding abuse of the consumer complaint process, by credit repair organizations (CROs) and bots.

Banks understand the crucial importance not only to the financial system but also to individual consumers of furnishing accurate and complete consumer information and take seriously their duty to investigate any consumer disputes. However, the increasing volume of frivolous complaints is a serious concern. As discussed above, the FCRA contemplates that consumers will file complaints disputing the accuracy of the consumer's credit on their credit report with either the CRA or the furnisher. This process facilitates the efficient resolution of the consumer's dispute regarding the reporting of their credit. Despite this, CROs and others use the Bureau's complaint handling system to file FCRA disputes in the form of consumer complaints, as described below. This impairs the ability of banks, CRAs, and others to respond efficiently to disputes and results in a high volume of frivolous complaints.

Specifically, CROs, social media influencers, and others promising consumers a quick fix submit or encourage consumers to submit disputes and complaints in an attempt to have accurate, negative information removed from credit reports (a form of fraud known as "credit washing"). Removing accurate, negative information from the credit reporting system would introduce hidden risk into the credit system, which causes lenders to tighten their credit standards. Typically, however, removals based on meritless disputes are only temporary, and accurate information is ultimately restored to the consumer file. CROs and others waste consumers' money and time, and furnishers' resources, by causing high volumes of meritless FCRA disputes to be filed. While the largest CRAs were the subject of the vast majority (3.9 million) of the almost 4.8 million complaints about credit reporting submitted to the CFPB between January 1, 2024 and June 30, 2025,¹⁶ furnishers are also overwhelmed by the increasing numbers of complaints and the increasing number that appear to be credit-washing attempts. Investigating FCRA disputes is a time- and resource-intensive process, especially for the many community banks whose FCRA compliance processes are manual.

Congress recognized the negative effects of CROs and expressly stated in the FCRA that furnishers are not required to investigate disputes prepared by or submitted by CROs.¹⁷ However, this benefit is diminished when CROs use the Bureau's complaint system to dispute information while posing as consumers or direct consumers to file complaints CROs have prepared. We ask the Bureau to take steps to identify CROs filing complaints and to prevent them from improperly filing complaints with the Bureau. We would welcome the opportunity to discuss these challenges further with you and your colleagues at the CFPB.

¹⁶ See CFPB, *Annual Report of Credit and Consumer Reporting Complaints: An Analysis of Complaint Responses by Equifax, Experian, and TransUnion* 6 (Dec. 2025), https://files.consumerfinance.gov/f/documents/cfpb_fcra-611e-report_2025-12.pdf.

¹⁷ 15 U.S.C. § 1681s-2(a)(8)(G).

Thank you for your consideration of these views.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Thessin". The signature is written in a cursive style with a large, looped initial "J".

Jonathan Thessin
Vice President/Senior Counsel
Consumer & Regulatory Compliance
Regulatory Compliance and Policy