

September 14, 2017

**By electronic delivery to:**  
[www.regulations.gov](http://www.regulations.gov)

Bureau of Consumer Financial Protection  
Attention: PRA Office  
1700 G Street, N.W.  
Washington, DC 20552

Re: Generic Information Collection Plan for Consumer Complaint and Information Collection System; Docket No. CFPB-2017-0022, OMB Control No. 3170-0042.

PRA Officer:

The American Bankers Association<sup>1</sup> (ABA) submits this comment in response to the Bureau of Consumer Financial Protection's (Bureau) request for approval,<sup>2</sup> under the Paperwork Reduction Act of 1995,<sup>3</sup> of an existing generic clearance "to test and pilot new and improved questions for possible inclusion" on the Bureau's Consumer Response Intake Form (Intake Form Generic Clearance).<sup>4</sup> Consumers must complete the intake form to submit a complaint to the Bureau about a financial product or service.

ABA does not object to the Bureau's use of a generic clearance to conduct testing on questions that it may seek to include in the intake form, as long as the Bureau provides separate notice and an opportunity for public comment should it seek to modify that form. However, the Bureau has no statutory authority to collect complaints regarding small businesses. Rather, section 1013(b)(3) of Dodd-Frank Act authorizes the Bureau's consumer response unit only to "facilitate the centralized collection of, and monitoring of, and response to *consumer* complaints regarding *consumer* financial products or services."<sup>5</sup>

Notwithstanding this unambiguous statutory directive, the Bureau, using a generic clearance, has tested intake form questions intended to permit "consumers to identify themselves as submitting

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<sup>1</sup> The American Bankers Association is the voice of the nation's \$17 trillion banking industry, which is composed of small, regional and large banks that together employ more than 2 million people, safeguard \$13 trillion in deposits and extend more than \$9 trillion in loans.

<sup>2</sup> Notice and Request for Comment, Generic Information Collection Plan for Consumer Complaint and Information Collection System (Testing and Feedback), OMB Control No. 3170-0042, 82 Fed. Reg. 33,071 (July 19, 2017); 82 Fed. Reg. 35,189 (July 28, 2017) (corrected notice).

<sup>3</sup> Paperwork Reduction Act of 1995, Pub. L. No. 104-13 (codified at 44 U.S.C. § 3501 et seq.).

<sup>4</sup> Supporting Statement Part A, Generic Information Collection Plan for Consumer Complaint and Information Collection System (Testing and Feedback), 60-day Federal Register Notice (July 19, 2017), <https://www.regulations.gov/document?D=CFPB-2017-0022-0003>.

<sup>5</sup> Dodd-Frank Wall Street Reform and Consumer Protection Act § 1013(b)(3), Pub. L. No. 111-203, 124 Stat. 1376 (emphasis added).

a complaint on behalf of a *small business*.<sup>6</sup> The consumer Bureau has no authority to collect and monitor the resolution of complaints regarding financial products and services used by small businesses. That authority lies with the prudential bank regulators.

ABA urges the Bureau to re-submit its request for re-approval of the Intake Form Generic Clearance with a certification that the Bureau will not use the clearance to conduct testing related to the collection of, monitoring of, or response to complaints submitted by small businesses.

Thank you for your attention to this comment.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Thessin". The signature is written in a cursive, flowing style.

Jonathan Thessin  
Senior Counsel, Center for Regulatory Compliance

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<sup>6</sup> Submit a Complaint – Small Business Intake User Experience Test, Request for Approval Under the Generic Clearance for Consumer Complaint and Information Collection System (Testing and Feedback), OMB Control No. 3170-0042 (approved Dec. 28, 2016), [https://www.reginfo.gov/public/do/PRAViewIC?ref\\_nbr=201504-3170-002&icID=224862](https://www.reginfo.gov/public/do/PRAViewIC?ref_nbr=201504-3170-002&icID=224862) (select “IC Template 3170-0042”) (emphasis added).