

**Supporting Statement regarding:  
Disclosure and Reporting of CRA-Related Agreements  
(12 CFR Part 35)**

**OMB Control Number 1557-0219**

Background

National banks and their affiliates occasionally enter into agreements with nongovernmental entities or persons (NGEPs) that are related to national banks' Community Reinvestment Act (CRA) responsibilities. Section 48 of the Federal Deposit Insurance Act (FDI Act) requires disclosure of certain of these agreements and imposes reporting requirements on national banks and other insured depository institutions (IDIs), their affiliates, and NGEPs. 12 U.S.C. 1831y. As mandated by the FDI Act, the OCC, the Federal Deposit Insurance Corporation, the Federal Reserve Board, and the Office of Thrift Supervision (hereinafter referred to collectively as the agencies), issued regulations to implement these disclosure and reporting requirements. The reporting provisions of these regulations constitute collections of information under the Paperwork Reduction Act (PRA). The regulation issued by the OCC is codified at 12 CFR 35; the collections of information contained in that regulation are known as "CRA Sunshine."

The OCC requests that the OMB renew its PRA approval of CRA Sunshine for three additional years.

1. Circumstances that make the collection necessary.

Section 48 of the FDI Act applies to written agreements that: (1) are made in fulfillment of the CRA, (2) involve funds or other resources of an IDI or affiliate with an aggregate value of more than \$10,000 in a year, or loans with an aggregate principal value of more than \$50,000 in a year, and (3) are entered into by an IDI or affiliate of an IDI and a NGEP. 12 U.S.C. 1831y(e).

The parties to a covered agreement must make the agreement available to the public and the appropriate agency. The parties also must file a report annually with the appropriate agency concerning the disbursement, receipt and use of funds or other resources under the agreement. The collections of information in CRA Sunshine implement these statutorily mandated disclosure and reporting requirements. 12 U.S.C. 1831y(a)-(c).

2. Use of Information.

Public disclosure of covered agreements enables the public to know which insured depository institutions, affiliates, and nongovernmental entities and persons enter into such agreements, as well as the terms of the agreements.

3. Consideration of the use of improved information technology.

Each institution is free to use any technology that is reasonable and appropriate for its circumstances.

4. Efforts to identify duplication.

CRA Sunshine information does not duplicate information collected elsewhere.

5. Methods used to minimize burden if the collection has significant impact on substantial number of small entities.

None. CRA Sunshine does not have a significant impact on a substantial number of small entities. In any case, the FDI Act does not permit exceptions or provide alternatives for small entities.

6. Consequences to the Federal Program if the collections were conducted less frequently.

Less frequent collection would be in violation of a Federal statute.

7. Special Circumstances necessitating collection inconsistent with 5 CFR 1320.

None. This collection is consistent with 5 CFR 1320.

8. Efforts to consult with persons outside the agency.

The burden estimates were published for 60 days of comment in the Federal Register. 72 FR 1802 (January 16, 2007). No comments were received.

9. Payment to Respondents

None.

10. Confidentiality.

The statute provides that an agreement “shall be in its entirety fully disclosed.” It also provides that in carrying out their responsibilities to prescribe regulations, “each appropriate Federal banking agency shall ... ensure ... that proprietary and confidential information is protected.”

The agencies’ regulations provide that covered agreements will be made available to the public in accordance with the Freedom of Information Act (FOIA) and implementing regulations. The agencies’ regulations (See 12 CFR part 35) also provide that a party to a covered agreement may request confidential treatment of proprietary and confidential information under those procedures.

11. Justification for questions of a sensitive nature.

None. There are no questions of a sensitive nature.

12. Burden estimate.

The information collections are found in 12 CFR 35.4(b); 35.6(b)(1); 35.6(c)(1); 35.6(d)(1)(i) and (ii); 35.6(d)(2); 35.7(b); and 35.7(f)(2)(ii).

For OCC, respondents are national banks and their affiliates, and NGEPS. The OCC estimates that a total of 362 national banks, affiliates, and NGEPS will enter into covered agreements. The OCC further estimates that there will be an average of 7.8 responses per respondent per year resulting in 2,813 responses per year. Finally, the OCC estimates that it will take a respondent, on average, 1.4 hours to file a response. This results in an annual burden estimate of 3,899 burden hours for this collection.

362 respondents x 7.8 responses = 2,813 responses  
2,813 responses x 1.4 hours = 3,899 burden hours

13. Estimate of annualized costs to respondents.

None.

14. Estimate of annualized cost to the Federal Government.

The costs to the government are unknown at this time.

15. Changes in burden.

This submission involves no change to burden.

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

Not applicable.

17. Display of Expiration Date.

Not applicable.

18. Exceptions to the certification statement.

None.

19. Collections of Information Employing Statistical Methods.

Not applicable.