

## SUPPORTING STATEMENT

### CERTIFICATION OF COMPLIANCE WITH MANDATORY BARS TO EMPLOYMENT

OMB 3064-0121

#### INTRODUCTION

The FDIC is requesting OMB renewal of this collection, based on the reporting requirements included in 12 CFR 336, Subpart B, “Minimum Standards of Fitness for Employment with the Federal Deposit Insurance Corporation” of the FDIC Rules and Regulations. This rule implements Section 19 of the Resolution Trust Corporation Completion Act ("Completion Act"), P.L.103-204, by (among other things) prescribing a certification, with attachments in some cases, relating to job applicants' fitness and integrity.

#### A. JUSTIFICATION

##### 1. Circumstances and Need

The Completion Act, enacted on December 17, 1993, prohibits any person from becoming employed by, or providing service to or on behalf of, the FDIC who does not meet minimum standards of competence, experience, integrity, and fitness. More specifically, the statute provides that the FDIC shall issue regulations implementing provisions that prohibit any person from becoming employed who has been convicted of any felony; has been removed from, or prohibited from participating in the affairs of, any insured depository institution pursuant to any final enforcement action by any appropriate federal banking agency; demonstrated a pattern or practice of defalcation regarding obligations to insured depository institutions; or caused a substantial loss to federal deposit insurance funds. The collection of information proposed here, which is contained in 12 CFR 336, would implement these mandatory bars to employment through a certification, signed by job applicants prior to an offer of employment.

##### 2. Use of the Information Collected

The information would assist the FDIC in identifying applicants who meet the criteria for mandatory bars to employment.

##### 3. Use of Technology to Reduce Burden

In most cases, applicants are required to provide only their signature. In some additional cases, they are required to attach information. The need for the signatures makes electronic submissions impracticable.

##### 4. Effort to Identify Duplication

There is no duplicate source of information.

5. Minimizing the Burden on Small Entities

Not applicable. The FDIC notes, however, that in most cases, applicants are required to provide only their signature. In some additional cases, they are required to attach information. In this way, the burden is minimized to the greatest extent possible consistent with the statutory mandate.

6. Consequence of Less Frequent Collections

These are occasional collections, one time only for each applicant.

7. Special Circumstances

Not applicable.

8. Summary of Public Comments

A “first” Federal Register notice (attached) seeking comment was published on March 18, 2009 (74 FR 11582). No comments were received.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality

All required records are subject to the confidentiality requirements of the Privacy Act.

11. Information of a Sensitive Nature

This collection asks applicants for employment with the FDIC to provide potentially sensitive information about their past history. This information is necessary to permit the FDIC to comply with the Completion Act, and to assure that its workforce does not include individuals who are barred by law from employment with the FDIC. Persons from whom the information is requested are advised of the reason for the collection.

12. Estimates of Annualized Burden

Number of respondents: 600  
Number of responses per respondent: 1  
Total annual responses: 600  
Time per response: 10 minutes

Total annual burden: 99 hours  
Previous Burden: 33 hours  
Change in hours: 66

13. Total Annual Cost Burden

None.

14. Annualized Cost to the Federal Government

De minimus.

15. Reason for Program Changes or Adjustments

The number of respondents has increased.

16. Publication

No publication is made of the information.

17. Display of Expiration Date

Because this certification form is not expected to change within three years of OMB approval, and because it is expected that there will be a continuing need to use the form for more than three years, it is hereby requested that OMB not require the FDIC to display the expiration date on the certification form.

18. Exceptions to Certification

None.

B. STATISTICAL METHODS

Not applicable.

Attachments

1. Statutory mandate (Section 19 of the Resolution Trust Corporation Completion Act)
2. 12 CFR Part 336
3. Form 2120/16
4. First Federal Register notice; second Federal Register notice

