

**Supporting Statement for
Disclosure and Reporting
of CRA-Related Agreements
(12 CFR Part 35)
OMB Control No. 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 and 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 its 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 an 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 NGEPs 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*. 75 FR 3785 (January 22, 2010). No comments were received.

9. Payment to Respondents.

None.

10. Confidentiality.

The statute provides that an agreement “shall be in its entirety fully disclosed.” 12 U.S.C. 1831y(a)(1). 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.” 12 U.S.C. 1831y(h)(2)(A).

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 35.8) 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, affiliates of national banks, and NGEPS. The OCC estimates that a total of 573 national banks, affiliates, and NGEPS will enter into covered agreements. The OCC further estimates that there will be an average of 2.026 responses per respondent per year resulting in 1,161 responses per year. Finally, the OCC estimates that it will take a respondent, on average, 1.039 hours to file a response. This results in an annual burden estimate of 1,206 burden hours for this collection.

573 respondents x 2.026 responses = 1,161 responses
1,161 responses x 1.039 hours per response = 1,206 burden hours

13. Estimate of annualized costs to respondents.

Not applicable.

14. Estimate of annualized cost to the Federal Government.

Not applicable.

15. Changes in burden.

Former burden:

362 respondents x 7.8 responses per respondent = 2,813 responses
2,813 responses x 1.4 hours per response = 3,899 total burden hours

Current burden:

573 respondents x 2.026 responses per respondent = 1,161 responses
1,161 responses x 1.039 hours per response = 1,206 total burden hours

Difference:

+ 211 respondents; - 5.774 responses per respondent; - 0.361 hours per response; - 2,693 total burden hours

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.