

Supporting Statement A

Disclosure and Reporting of CRA-Related Agreements (12 CFR Part 35)

OMB Control No. 1557-0219

Background

National banks, Federal savings associations and their affiliates occasionally enter into agreements with nongovernmental entities or persons (NGEPs) that are related to their 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, and the Federal Reserve Board (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 133 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 allows the public to determine 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. 12 CFR 35.7(d)(3), however, provides that the annual report filed by a NGEF may consist of a report prepared for any other purpose.

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.

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*. 78 FR 16361 (March 14, 2013). 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. (See 12 CFR 35.8) The agencies’ regulations 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)-(d); 35.7(b) and (f); 133.4(b); 133.6(b)-(d); and 133.7(b) and (f).

Section No.	Requirement	Number of Respondents	Total Number Of Responses	Estimated Response Time	Estimated Annual Burden Hours
35.4(b) 133.4(b) <i>Disclosure</i>	IDI notification to NGEF that it is party to CRA agreement	9	379	1	379
35.6(b) 133.6(b) <i>Disclosure</i>	NGEF and IDI make copy of covered agreements available	388	388	1	388
35.6(c) 133.6(c) <i>Disclosure</i>	NGEF discloses covered agreements to OCC	0	0	0	0
35.6(d) 133.6(d) <i>Disclosure</i>	IDI provides to OCC copy of agreement or list of covered agreements	9			
	List of Agreements		5	1	5
	Copies of Agreements		4	1	4
35.7(b) 133.7(b) <i>Reporting</i>	NGEF and IDI file annual report with OCC	388			
	Annual reports filed by IDIs		5	4	20
	Annual Reports filed by NGEFs		1	4	4
35.7(f) 133.7(f) <i>Reporting</i>	IDI receives alternative version of annual report from NGEF and files report with OCC	0	0	0	0
Totals		388	782		800

Number of IDIs that were party to Agreements: 9

NGEFs that were party to an Agreement: 379

Number of Annual Reports Filed with OCC: 6

Number of Agreements: 379

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:

1,166 respondents
1,393 total burden hours

Current burden:

388 respondents
800 burden hours

Difference:

- 778 respondents
- 593 burden hours

The decrease in burden is due to the availability of more accurate burden estimates.

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.

B. Collections of Information Employing Statistical Methods.

Not applicable.