SUPPORTING STATEMENT

CERTIFICATION OF COMPLIANCE WITH MANDATORY BARS TO EMPLOYMENT

OMB (3064-0121)

INTRODUCTION

The FDIC is requesting approval from the OMB to extend, without change, a currently approved information collection (OMB Control No. 3064-0121), based on the reporting requirements articulated in 12 C.F.R. Part 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. The information collection expires on February 28, 2025.

A. JUSTIFICATION

1. Circumstances that make the collection necessary:

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 C.F.R. Part 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

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

3. Consideration of the use of improved information technology:

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 duplication. The information is not available elsewhere.

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

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

6. Consequences to the Federal program if the collection were conducted less frequently:

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

7. Special circumstances necessitating collection inconsistent with 5 CFR 1320.5(d)(2):

There are no special circumstances. This information collection is conducted in accordance with the guidelines in 5 CFR 1320.5(d)(2).

8. Efforts to consult with persons outside the agency:

FDIC published a notice in the Federal Register informing the public of its intent to renew this information collection and seeking public comment. That notice was published on December 9, 2024 (89 FR 97612). No comments have been received. On March 3, 2025 FDIC published a second notice in the Federal Register (90 FR 11050) informing the public that the agency is submitting a request to OMB for the renewal of this information collection. That notice provides for an additional 30-day comment period and if any comments are received, FDIC will address them as instructed by OMB.

9. Payment or Gift to Respondents

No payments or gifts will be provided to respondents.

10. Any assurance of confidentiality:

Information collected will be kept private to the extent allowed by law. All required records are subject to the confidentiality requirements of the Privacy Act.

11. Justification for questions 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. Estimate of Hour Burden Including Annualized Hourly Costs:

Summary of Estimated Annual Burden (OMB No. 3064-0121)					
Information Collection (IC) (Obligation to Respond)	Type of Burden (Frequency of Response)	Number of Respondents	Number of Responses per Respondent	Time per Response (HH:MM)	Annual Burden (Hours)
1. Form 2120/16, (Mandatory)	Reporting (Annual)	866	1	00:10	144
				Total Annual Burden (Hours):	***144***
Source: FDIC.					

Summary of Hourly Burden Cost Estimate (OMB No. 3064-0121)								
Information Collection (IC) (Obligation to Respond)	Hourly Weight (%)	Percentage Shares of Hours Spent by and Hourly Compensation Rates for each Occupation Group (by Collection)						Estimated Hourly Compensation Rate
		Exec. & Mgr. ($146.13)	Lawyer ($182.07)	Compl. Ofc. ($77.07)	IT ($110.91)	Fin. Anlst. ($100.28)	Clerical ($39.39)	
1. Form 2120/16, (Mandatory)	100.00	0.89	4.72	14.91	3.63	68.81	7.05	$97.19
							Weighted Average Hourly Compensation Rate:	***$97.19***

Total Estimated Cost Burden (OMB No. 3064-0121)			
Information Collection Request	Annual Burden (Hours)	Weighted Average Hourly Compensation Rate	Annual Respondent Cost
Certification of Compliance with Mandatory Bars to Employment	144	$97.19	$13,995
		Total Annual Respondent Cost:	***$13,995***
Source: FDIC.			

13. Estimate of Start-up Costs to Respondents:

None.

14. Estimate of annualized costs to the government:

None.

15 Analysis of change in burden:

There has been no change in the method or substance of this information collection. The increase in total estimated annual burden from 88 hours in 2022 to 144 hours currently is due to an increase in the estimated number of respondents.

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

The results of this collection will not be published for statistical use.

17. Display of Expiration Date

The expiration date will be displayed on the form.

18. Exceptions to Certification Statement

None.

B. STATISTICAL METHODS

Not applicable.