

SUPPORTING STATEMENT

Disclosure, Recordkeeping and Reporting Requirements Related to FDIC's Official Sign and Advertising Requirements, False Advertising, Misrepresentation of Insured Status, and Misuse of the FDIC's Name or Logo.

(OMB Control No. 3064-0219)

INTRODUCTION

This submission is being made in connection with a Final Rule published in the *Federal Register* by the Federal Deposit Insurance Corporation (FDIC). On January 29, 2026, in connection with OMB Control No. 3064-0219, the FDIC published a Final Rule for FDIC Official Signs, Advertisement of Membership, False Advertising, Misrepresentation of Insured Status, and Misuse of the FDIC's Name or Logo. The FDIC is amending its signage requirements for insured depository institutions' (IDIs) digital deposit-taking channels and automated teller machines (ATMs) and like devices. This Final Rule is intended to address implementation issues and sources of potential confusion raised following the adoption of signage requirements for these banking channels in 2023. The Final Rule provides additional flexibility to IDIs while also enabling consumers to better understand when they are conducting business with an IDI and when their funds are protected by the FDIC's deposit insurance coverage. The current clearance for the collection expires on March 31, 2027. The FDIC is seeking extension, with revisions, of the ICR for a period of three years.

A. Justification.

1. Circumstances that make the collection necessary:

Consumers are increasingly relying on internet and mobile banking channels to access IDI banking services, bank branches are continually evolving to serve depositors, and financial technology (fintech) companies are offering consumers new options and alternatives for accessing banking products and services. While these developments are beneficial, they may make it more difficult for depositors and consumers to understand when they are conducting business with an IDI and when their funds are protected by FDIC deposit insurance. In addition, the FDIC has observed an increase in misleading representations about deposit insurance on the internet, which can result in consumer confusion and harm. These types of misleading statements create uncertainty and could dilute and undermine the confidence that underpins banks and our nation's broader financial system.

To address ongoing market and technological developments, the amendments to part 328 are intended to achieve several policy goals. Specifically, the FDIC intends to bring the certainty and confidence historically provided by the FDIC official sign found at banks' teller windows to IDI digital channels through which depositors are increasingly handling their banking needs today. These channels serve as the digital teller windows of the modern banking landscape, and it is critical that these channels provide clear, consistent, and accurate information about deposit

insurance upon which consumers, businesses, and other entities may base their financial decisions.

2. Use of the information:

The rule establishes sign requirements across all banking channels, including evolving digital channels, to better align with how depositors conduct business with IDIs today. The sign requirements are also intended to more clearly distinguish insured deposits from non-deposit products (which are not insured) and to help consumers distinguish IDIs from non-banks in the digital age. The rule allows consumers, businesses, and other entities to better understand when their funds are protected by FDICs deposit insurance, and when they may not be insured. At the same time, the sign requirements are intended to permit flexibility for IDIs and other firms in the marketing of their products and services.

This Final Rule is intended to address implementation issues and sources of potential confusion raised following the adoption of signage requirements for these banking channels in 2023. The Final Rule provides additional flexibility to IDIs while also enabling consumers to better understand when they are conducting business with an IDI and when their funds are protected by the FDIC's deposit insurance coverage.

3. Consideration of the use of improved information technology:

Any information technology may be used that permits review by FDIC examiners.

4. Efforts to identify duplication:

The information required is unique and does not duplicate information collected elsewhere.

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

As noted in the Regulatory Flexibility Act section of the Final Rule Preamble, the FDIC has certified that the Final Rule will not have a significant impact on a substantial number of small entities.

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

There would be a significant risk that consumers would be misled as to whether funds placed with an FDIC insured depository institution are, in fact, insured deposits.

7. Special circumstances necessitating collection inconsistent with 5 CFR Part 1320:

None.

8. Efforts to consult with persons outside the agency:

On August 19, 2025, the Board approved a Notice of Proposed Rulemaking (“Proposed Rule”)¹ that would amend certain signage requirements for IDIs’ digital deposit-taking channels and ATMs and like devices.

The FDIC received nine substantive comments from industry groups, a payments provider, a non-profit organization, and an individual. Several commenters were supportive of many aspects of the Proposed Rule, especially regarding limiting the kinds of pages and screens on which the official digital sign and non-deposit signage would be required. Commenters also requested additional clarity with respect to the proposed changes, including requesting that the FDIC provide specific examples of how IDIs may meet the signage display requirements and that IDIs be expressly permitted to provide additional disclosures beyond the required signage. Commenters also expressed views regarding the proposed January 1, 2027 compliance date, with many commenters requesting a later compliance date.

The Final Rule generally would adopt the amendments in the Proposed Rule with additional changes in response to comments received. The Final Rule would be effective 30 days following publication of the Final Rule in the *Federal Register*. Compliance with the Final Rule would be required as of April 1, 2027.

9. Payment to respondents:

None.

10. Any assurance of confidentiality:

The information will be kept private to the extent permitted by law.

11. Justification for questions of a sensitive nature:

There are no questions of a sensitive nature. No personally identifiable information is collected.

12. Burden estimate:

The FDIC has identified the following as Paperwork Reduction Act (PRA) information collection requirements:

- 1. Signs within Institution Premises – Banks < \$10 Billion, 12 CFR 328.3 (Third-Party Disclosure; Mandatory).** Section 328.3 imposes PRA third-party disclosure burden governing signage within the premises of insured depository institutions. This burden is associated with the display of signage for nondeposit products, segregating areas offering non-deposit products, and the use of electronic media. The FDIC believes the hourly burden for these activities differs among respondents. For purposes of PRA, the FDIC splits the burden into two information collection categories: one for banks with less than

¹ See 90 FR 40767 (Aug. 21, 2025).

\$10 billion in total consolidated assets (assets) and one for banks with at least \$10 billion in assets. This IC captures the burden for the former group.

2. **Signs within Institution Premises – Banks >= \$10 Billion, 12 CFR 328.3 (Third-Party Disclosure; Mandatory).** Section 328.3 imposes PRA third-party disclosure burden governing signage within the premises of insured depository institutions. This burden is associated with the display of signage for nondeposit products, segregating areas offering non-deposit products, and the use of electronic media. The FDIC believes the hourly burden for these activities differs among respondents. For purposes of PRA, the FDIC splits the burden into two ICs: one for banks with less than \$10 billion in total consolidated assets (assets) and one for banks with at least \$10 billion in assets. This IC captures the burden for the latter group.
3. **Signage for ATMs and Digital Deposit-taking Channels – Implementation, 12 CFR 328.4 and .5 (Third-Party Disclosure; Mandatory).** Sections 328.4 and 328.5 impose PRA third-party disclosure burden governing signs for ATMs as well as digital deposit-taking channels. This burden is associated with the display of signage for both deposit and non-deposit products. The FDIC believes banks will incur burdens in the first year to update their digital channels to incorporate the amended requirements in the rule. This IC captures the burden for these implementation activities.
4. **Signage for ATMs and Digital Deposit-taking Channels – Banks < \$10 Billion - Ongoing, 12 CFR 328.4 and .5 (Third-Party Disclosure; Mandatory).** Sections 328.4 and 328.5 impose PRA third-party disclosure burden governing signs for ATMs as well as digital deposit-taking channels. This burden is associated with the display of signage for deposit and non-deposit products. The FDIC believes that, in years subsequent to implementation, banks incur ongoing burdens to update and maintain their digital channels to ensure continual compliance with the requirements in the Final Rule. For purposes of PRA, the FDIC splits this ongoing burden into two ICs: one for banks with less than \$10 billion in total consolidated assets (assets) and one for banks with at least \$10 billion in assets. This IC captures the burden for the former group.
5. **Signage for ATMs and Digital Deposit-taking Channels – Banks >= \$10 Billion - Ongoing, 12 CFR 328.4 and .5 (Third-Party Disclosure; Mandatory).** Sections 328.4 and 328.5 impose PRA third-party disclosure burden governing signs for ATMs as well as digital deposit-taking channels. This burden is associated with the display of signage for deposit and non-deposit products. The FDIC believes that, in years subsequent to implementation, banks incur ongoing burdens to update and maintain their digital channels to ensure continual compliance with the requirements in the Final Rule. For purposes of PRA, the FDIC splits the burden into two ICs: one for banks with less than \$10 billion in total consolidated assets (assets) and one for banks with at least \$10 billion in assets. This IC captures the burden for the latter group.
6. **Policies and Procedures - Implementation, 12 CFR 328.8 (Recordkeeping; Mandatory).** Section 328.8 requires IDIs to establish and maintain written policies and procedures to achieve compliance with part 328, including the requirement to monitor and evaluate the activities of persons that provide deposit-related services to the Insured Depository Institution or offer the Insured Depository Institution's deposit-related

products or services to other parties. The FDIC believes the hourly burden for these activities can be categorized into two distinct ICs covering (1) implementation burdens incurred in the first year in which the policies and procedures are implemented and (2) ongoing burden incurred every subsequent year to maintain compliance. This IC captures the implementation burden.

7. **Policies and Procedures – Ongoing, 12 CFR 328.8 (Recordkeeping; Mandatory).** Section 328.8 requires IDIs to establish and maintain written policies and procedures to achieve compliance with part 328, including the requirement to monitor and evaluate the activities of persons that provide deposit-related services to the Insured Depository Institution or offer the Insured Depository Institution’s deposit-related products or services to other parties. The FDIC believes the hourly burden for these activities can be categorized into two distinct ICs covering (1) implementation burdens incurred in the first year in which the policies and procedures are implemented and (2) ongoing burden incurred every subsequent year to maintain compliance. This IC captures the ongoing burden.
8. **Insured Depository Institution Relationships - Implementation 12 CFR 328.102(b)(5) (Third-Party Disclosure; Mandatory).** Section 328.102(b)(5) requires covered non-bank entities to ensure that their public statements regarding deposit insurance comply with the requirements in part 328. The FDIC believes the hourly burden for these activities can be categorized into two distinct ICs covering (1) implementation burdens incurred in the first year in which the public statements are amended and (2) ongoing burden incurred every subsequent year to ensure continual compliance. This IC captures the implementation burden.
9. **Insured Depository Institution Relationships - Ongoing 12 CFR 328.102(b)(5) (Third-Party Disclosure; Mandatory).** Section 328.102(b)(5) requires covered non-bank entities to ensure that their public statements regarding deposit insurance comply with the requirements in part 328. The FDIC believes the hourly burden for these activities can be categorized into two distinct ICs covering (1) implementation burdens incurred in the first year in which the public statements are amended and (2) ongoing burden incurred every subsequent year to ensure continual compliance. This IC captures the ongoing burden.
10. **Request for Consent to Use Non-English Language Advertising Statement - 12 CFR 328.6(f) (Reporting; Required to Obtain or Retain a Benefit).** Section 328.6(f), requires IDIs to obtain prior written approval of the FDIC before using a non-English equivalent of the official FDIC advertising statement in an advertisement.

Estimated Annual Burden Summary

The estimated annual burden for OMB No. 3064-0219 is 355,389 hours as shown in Table 1, a decrease of 52,945 hours from the 2024 ICR estimate (408,334 hours). The reduction in estimated annual burden comes from (i) a decrease in the number of respondents due to fewer IDIs over time, (ii) a decrease in the average number of branches over time, and (iii) lower average time per response expected for ICs 3-5, associated with the 2026 FR amendments to 12 CFR sections 328.4 and 328.5.

Table 1. Summary of Estimated Annual Burden (OMB No. 3064-0219)

Information Collection (IC) (Obligation to Respond)	Type of Burden (Frequency of Response)	Number of Respondents	Number of Responses per Respondent	Average Time per Response (HH:MM)	Annual Burden (Hours)
1. Signs within Institution Premises – Banks < \$10B, 12 CFR 328.3 (Mandatory)	Third-Party Disclosure (Annual)	4,231	8	1:00	33,848
2. Signs within Institution Premises – Banks >= \$10B, 12 CFR 328.3 (Mandatory).	Third-Party Disclosure (Annual)	157	276	2:00	86,664
3. Signage for ATMs and Digital Deposit-taking Channels – Implementation, 12 CFR 328.4 and .5 (Mandatory).	Third-Party Disclosure (Annual)	4,388	0.333	41:00	59,901
4. Signage for ATMs and Digital Deposit-taking Channels –Banks < \$10B - Ongoing, 12 CFR 328.4 and .5 (Mandatory).	Third-Party Disclosure (Annual)	4,231	0.667	6:50	19,284
5. Signage for ATMs and Digital Deposit-taking Channels –Banks >= \$10B - Ongoing, 12 CFR 328.4 and .5 (Mandatory).	Third-Party Disclosure (Annual)	157	0.667	13:40	1,435
6. Policies and Procedures - Implementation, 12 CFR 328.8 (Mandatory).	Recordkeeping (Annual)	4,388	0.333	80:00	116,880
7. Policies and Procedures –Ongoing, 12 CFR 328.8 (Mandatory).	Recordkeeping (Annual)	4,388	0.667	12:00	35,124
8. Insured Depository Institution Relationships- Implementation 12 CFR 328.102(b)(5) (Mandatory).	Third-Party Disclosure (Annual)	1,500	0.333	2:30	1,250
9. Insured Depository Institution Relationships- Ongoing 12 CFR 328.102(b)(5) (Mandatory).	Third-Party Disclosure (Annual)	1,500	0.667	1:00	1,001

10. Request for Consent to Use Non-English Language Advertising Statement- 12 CFR 328.6(f) (Required to Obtain or Retain a Benefit).	Reporting (On occasion)	1	1	2:00	2
<i>Total Annual Burden (Hours):</i>					355,389
Source: FDIC.					

Note: The estimated annual IC time burden is the product, rounded to the nearest hour, of the estimated annual number of responses and the estimated time per response for a given IC. The estimated annual number of responses is the product, rounded to the nearest whole number, of the estimated annual number of respondents and the estimated annual number of responses per respondent. This methodology ensures the estimated annual burdens in the table are consistent with the values recorded in OMB's consolidated information system.

Estimated Hourly Burden Cost

The average hourly cost of compliance is based on the 75th percentile hourly wages for relevant occupations in the Depository Credit Intermediation sector, as reported by the Bureau of Labor Statistics (BLS) Occupational Employment and Wage Statistics (OEWS) for May 2024, adjusted for non-wage compensation using BLS Employer Cost of Employee Compensation (ECEC) data and updated through September 2025.

The estimates of allocations of labor provided by these occupations below are based on the SMEs' review of the FDIC's estimates used in the 2024 ICR. The SMEs and I believe that these estimates continue to be reasonable and appropriate. The estimated weighted hourly compensation rate and the occupational distribution for each IC are reported in Table 2. The hourly compensation rate for each IC is weighted by its annual estimated burden hours and then summed across all 10 ICs to obtain an estimated weighted average hourly cost of \$122.62 per hour for the entire ICR. This represents an approximately 51 percent increase in the estimated hourly compensation rate from the \$81.13 per hour estimated in the 2024 ICR. This increase is driven by updates to the BLS OEWS data from May 2021 in the 2024 ICR to May 2024 for this ICR.

Table 2. Summary of Hourly Burden Cost Estimate (OMB No. 3064-0219)

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. (\$158.33)	Lawyer (\$178.57)	Compl. Ofc. (\$80.32)	IT (\$115.86)	Fin. Anlst. (\$100.73)	Clerical (\$42.33)	

1. Signs within Institution Premises –Banks < \$10B, 12 CFR 328.3 (Mandatory)	9.52	0	0	0	0	0	100	\$42.33
2. Signs within Institution Premises –Banks >= \$10B, 12 CFR 328.3 (Mandatory).	24.39	100	0	0	0	0	0	\$158.33
3. Signage for ATMs and Digital Deposit-taking Channels – Implementation, 12 CFR 328.4 and .5 (Mandatory).	16.86	20	0	20	60	0	0	\$117.25
4. Signage for ATMs and Digital Deposit-taking Channels –Banks < \$10B - Ongoing, 12 CFR 328.4 and .5 (Mandatory).	5.43	10	0	10	80	0	0	\$116.55
5. Signage for ATMs and Digital Deposit-taking Channels –Banks >= \$10B - Ongoing, 12 CFR 328.4 and .5 (Mandatory).	0.40	10	0	10	80	0	0	\$116.55
6. Policies and Procedures - Implementation, 12 CFR 328.8 (Mandatory).	32.89	0	45	0	10	0	45	\$110.99
7. Policies and Procedures – Ongoing, 12 CFR 328.8 (Mandatory).	9.88	75	25	0	0	0	0	\$163.39
8. Insured Depository Institution Relationships- Implementation 12 CFR 328.102(b)(5) (Mandatory).	0.35	25	25	5	5	30	10	\$128.49
9. Insured Depository Institution Relationships- Ongoing 12 CFR 328.102(b)(5)	0.28	10	10	10	40	20	10	\$112.45

(Mandatory).								
10. Request for Consent to Use Non-English Language Advertising Statement- 12 CFR 328.6(f) (Required to Obtain or Retain a Benefit).	0.00	0	100	0	0	0	0	\$178.57
Weighted Average Hourly Compensation Rate:								\$122.62
<p>Source: Bureau of Labor Statistics: 'National Industry-Specific Occupational Employment and Wage Estimates: Industry: Credit Intermediation and Related Activities (5221 And 5223 only)' (May 2024), Employer Cost of Employee Compensation (March 2024), and Employment Cost Index (March 2024 and September 2025). Standard Occupational Classification (SOC) Codes: Exec. And Mgr = 11-0000 Management Occupations; Lawyer = 23-0000 Legal Occupations; Compl. Ofc. = 13-1040 Compliance Officers; IT = 15-0000 Computer and Mathematical Occupations; Fin. Anlst. = 13-2051 Financial and Investment Analysts; Clerical = 43-0000 Office and Administrative Support Occupations.</p>								
<p>Note: The estimated hourly compensation rate for a given IC is the average of the hourly compensation rates for the occupations used to comply with that IC, weighted by the estimated share of hours spent by each occupation. The weighted average hourly compensation rate for the entire ICR is the average of the estimated hourly compensation rates for all ICs, weighted by the share of hourly burden for IC. These hourly weights, as shown in the "Hourly Weight" column of this table, are the quotients of the estimated number of annual burden hours for each IC and the total estimated number of annual burden hours across all ICs.</p>								

Total Estimated Annual Compliance Cost

The total annual cost burden for OMB No. 3064-0219 is calculated by multiplying the total annual estimated burden hours for this ICR, as reported in Table 1, by the weighted average hourly compensation estimate, as reported in Table 2. Results are summarized in Table 3 below. The total annual cost burden for this IC is estimated as: 355,389 hours/year × \$122.62/hour = \$43,577,799 per year. This final estimate represents an approximately 32 percent increase in the estimated annual cost burden from the \$33,128,137 estimated in the 2024 ICR. As previously discussed in this memo, this increase is generally driven by the reduced burden hours being more than offset by the increase in wages, due to inflation adjustments.

Table 3. Total Estimated Cost Burden (OMB No. 3064-0219)			
Information Collection Request	Annual Burden (Hours)	Weighted Average Hourly Compensation Rate	Annual Respondent Cost
FDIC Official Sign and Advertising Requirements, False Advertising, Misrepresentation of Insured Status, and Misuse of the FDIC's Name or Logo	355,389	\$122.62	\$43,577,799
Total Annual Respondent Cost:			\$43,577,799
Source: FDIC.			

13. Estimate of annualized costs to respondents (excluding cost of hour burden in Item #12):

None.

14. Estimate of annualized costs to the government:

None.

15. Changes in burden:

The estimates discussed above result in a total estimated annual burden for OMB No. 3064-0219 of 355,389 hours as shown in Table 1, a decrease of 52,945 hours from the 2024 ICR estimate (408,334 hours). The reduction in estimated annual burden comes from (i) a decrease in the number of respondents due to fewer IDIs over time, (ii) a decrease in the average number of branches over time, and (iii) lower average time per response expected for ICs 3-5, associated with the 2026 FR amendments to 12 CFR sections 328.4 and 328.5.

16. Information collection where results are planned to be published for statistical use:

No publication for statistical use is contemplated.

17. Display of expiration date:

Not applicable.

18. Exceptions to certification statement:

Not applicable.

B. Collections of Information Employing Statistical Methods.

Not applicable.