

### Questions on the Availability of Small Business Credit

Similarly, the small business lending process is affected by many Federal banking laws and the regulations that implement them. While these laws are generally intended to promote the safety and soundness of financial institutions and a competitive, efficient banking system, they may also have the effect of increasing lenders' costs or preventing consideration of new, but effective, credit delivery vehicles. These results can inhibit or restrict credit availability.

*Question (9).* Please identify any laws or implementing regulations that have a direct and significant effect on the small business credit process. Examples include the items listed below; commenters may also identify and comment on other Federal banking statutes and implementing rules not included on this list.

a. Lending Limits (12 U.S.C. 84) and 12 CFR part 32 (OCC); 12 CFR 563.93 (OTS);

b. Leasing (12 U.S.C. 24(Seventh)), (12 U.S.C. 24(Tenth)); 12 CFR part 23 (OCC);

c. National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.); 12 CFR part 22 (OCC); 12 CFR part 339 (FDIC); 12 CFR part 760 (NCUA); 12 CFR 563.48 (OTS); 12 CFR 208.8 (FRB);

d. Real Estate Lending Guidelines (12 U.S.C. 1828o; 12 CFR part 34, subpart D (OCC); 12 CFR part 208, subpart C (FRB); 12 CFR part 365 (FDIC); 12 CFR 563.101 (OTS); and

e. Real Estate Appraisals (12 U.S.C. 3331; 12 CFR part 34, subpart C (OCC); 12 CFR part 225 (FRB); 12 CFR part 323 (FDIC); 12 CFR parts 545, 563, and 564 (OTS).

For each law or regulation identified in response to Question (9), commenters are invited to address the following questions:

*Question (10).* What are the principal benefits of the law? What are its principal costs or burdens? Does the law or regulation impede small businesses' access to credit? If so, how?

*Question (11).* Does this law or regulation duplicate, or overlap with, any other Federal law or regulation in a significant way?

*Question (12).* How could this law or regulation be changed to achieve its purpose in a way that is less costly or burdensome?

Lenders also adopt policies and establish procedures that are not required by statute or regulation but that nonetheless may have important effects on credit availability. Examples include the location of a lender's branches, its

underwriting policies and procedures, and the ways in which it makes information about credit available to consumers.

*Question (13).* Please identify any significant non-statutory, non-regulatory policies or procedures used by lenders that impede the process of obtaining small business credit or that limit or restrict small business credit availability.

*Question (14).* Can the policy or procedure be modified to achieve the lender's objectives in a way that eliminates or reduces the restriction on small business credit availability? If so, how?

*Question (15).* Are small businesses adequately informed, through advertising or other means, about the availability of financial products and services? If not, please identify ways in which the flow of information to small businesses could be improved.

There are other features of the overall Federal regulatory scheme that may affect credit availability. For example, the supervisory practices of the agencies that regulate lending institutions may have an impact on lending processes.

*Question (16).* Please identify any other aspects of the government's administration of Federal laws, regulations, or programs, or its oversight of the lending process, that limit or restrict the availability of credit to small businesses. Include any specific suggestions for improvement in the way the agencies or departments involved in this study, as described above, manage their statutory responsibilities.

*Question (17).* What specific revisions to the supervisory practices of the Federal banking agencies would allow lending institutions greater flexibility in managing the risks of small business lending (e.g., expanding existing options for reviewing small business loans on a portfolio performance basis, rather than an individual loan basis).

Dated: August 11, 1995.

**Richard S. Carnell,**

*Assistant Secretary of the Treasury.*

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### Office of Thrift Supervision

#### Public Information Collection Requirements Submitted to OMB for Review

August 16, 1995.

The Office of Thrift Supervision (OTS) has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork

Reduction Act of 1980, Public Law 96-11. Copies of the submission(s) may be obtained by calling the OTS Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the OTS Clearance Officer, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

*OMB Number:* 1550-0011.

*Form Number:* Not applicable.

*Type of Review:* Revision of a currently approved collection.

*Title:* General reporting and recordkeeping requirements.

*Description:* To provide the Office of Thrift Supervision with the means to determine the integrity of savings associations' records and operations when examining for safety, soundness, and regulatory compliance.

*Estimated Number of Respondents/Recordkeepers:* 1512.

*Estimated Burden Hours Per Respondent/Recordkeeper:* 3145.14 avg. hrs.

*Frequency of Response:* On occasion.

*Estimated Total Respondent/Recordkeeping Burden:* 4,755,465 hrs.

*Clearance Officer:* Colleen M. Devine, (202) 906-6025, Office of Thrift Supervision, 1700 Street, NW., Washington, DC 20552.

*OMB Reviewer:* Milo Sunderhauf, (202) 395-7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

**Catherine C. M. Teti,**

*Director, Records Management and Information Policy.*

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### Public Information Collection Requirements Submitted to OMB for Review

August 14, 1995.

The Office of Thrift Supervision (OTS) has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-11. Copies of the submission(s) may be obtained by calling the OTS Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the OTS Clearance Officer, Office of Thrift Supervision, 1700 G Street, NW., Washington, D.C. 20552.

*OMB Number:* Renewal

*Form Number:* OTS Form 248

*Type of Review:* Renewal of Existing Collection