

Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

OMB Control Number: 3060-0390.

Title: Broadcast Station Annual Employment Report, FCC Form 395-B.

Form Number: FCC-395-B.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, Not-for-profit institutions.

Number of Respondents and Responses: 14,000 respondents, 14,000 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority of this collection of information is contained in 47 U.S.C. 154(i) and 334.

Total Annual Burden: 14,000 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 395-B, the “Broadcast Station Annual Employment Report,” is a data collection device used by the Commission to assess industry employment trends and provide reports to Congress. By the form, broadcast licensees and permittees identify employees by gender and race/ethnicity in ten specified major job categories in the form.

OMB Control Number: 3060-1003.

Title: Communications Disaster Information Reporting System (DIRS).

Form No.: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; Federal Government; and/or State, local or tribal governments.

Number of Respondents and Responses: 400 respondents and 104,000 responses.

Estimated Time per Response: 0.1-0.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Mandatory and Voluntary. For Support Recipients, the obligation to report is mandatory. For all other DIRS participants, the obligation to report is voluntary. Statutory authority for collecting this

information from satellite providers is contained in 47 U.S.C. 151 et. seq., 154(i), 218, 303(r) of the Communications Act of 1934, as amended.

Total Annual Burden: 16,320 hours.

Total Annual Costs: No Cost(s).

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality:

The information collection from respondents shall be treated as presumptively confidential upon filing. The Commission will limit direct access to DIRS reports to select Commission staff and, with protections at least as strong as required by the Freedom of Information Act (FOIA), with select federal and potentially state agency partners, including the Department of Homeland Security (DHS). The Commission will not publish the individual submissions but may publish this information on an aggregated basis in daily communications status reports. The Commission will also work with respondents to ensure that any concerns regarding the confidentiality of their DIRS filings are resolved in a manner consistent with Commission rules.

Needs and Uses: The Commission launched DIRS in 2007 pursuant to its mandate to promote the safety of life and property through the use of wire and radio communication as required by the Communications Act of 1934, as amended. DIRS is a voluntary, efficient and web-based system that communications companies may use to report their infrastructure status during times of crisis (e.g., related to a disaster). DIRS uses a number of template forms tailored to different communications sectors (i.e., wireless, wireline, broadcast, and cable) to facilitate the entry of this information. To use DIRS, a company first inputs its emergency contact information. After this, they submit information using the template form appropriate for their communications sector. OMB initially approved the DIRS information collection in 2007 under OMB Control Number 3060-1003, and OMB has approved multiple revisions and extensions of the collection since that time. (See OMB Control No. 3060-1003; 07/21/2007; 06/08/2012; 07/02/2015; 07/17/2018.)

The Commission is now revising the DIRS information collection to provide for one new form tailored to satellite communications providers and to update its previous burden estimates. First, the new form has the same general scope as existing forms, already approved by OMB, but is tailored to satellite providers’ networks. Since OMB’s 2007 approval, satellite

providers have been expressly authorized to participate in DIRS, but DIRS does not currently include a tailored form for them to do so. Collecting this information from satellite providers via DIRS is necessary to meet the Commission’s goals of restoring communications quickly and ensuring that emergency and defense personnel have access to effective communications during disaster events, thus helping fulfill the Commission’s public safety mandate.

Second, as a part of the Commission’s response to the 2017 hurricane season, the Commission adopted the *PR and USVI Funds Order* to improve Puerto Rico and the U.S. Virgin Island’s communications networks’ resiliency and recovery efforts, amongst other purposes. (*PR and USVI Funds Order*, FCC 19-95, para. 1-9). The *PR and USVI Funds Order* requires Support Recipients to report in DIRS. The Commission requests a revision of the currently approved collection to include mandatory DIRS reporting for Support Recipients. Mandatory DIRS reporting will allow the Commission to track networking hardening efforts and increase Support Recipients’ accountability, which the Commission expects will improve network hardening efforts and make networks more resilient in future. The *PR and USVI Funds Order* does not otherwise alter DIRS.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

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FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of the FDIC’s Response to Exception Requests Pursuant to Recordkeeping for Timely Deposit Insurance Determination

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of the FDIC’s response to exception requests pursuant to the Recordkeeping for Timely Deposit Insurance Determination rule.

SUMMARY: In accordance with its rule regarding recordkeeping for timely deposit insurance determination, the FDIC is providing notice to covered institutions that it has granted a time-limited exception concerning the information technology system requirements and general recordkeeping requirements for certain accounts that

require data cleanup, system updates, or customer outreach to make a deposit insurance determination and a time-limited exception from information technology system requirements and general recordkeeping requirements for certain internal (work-in-process) accounts that require an additional 24 hours (48 hours in total) post failure to obtain beneficial ownership information from internal business lines necessary to make a deposit insurance determination.

DATES: The FDIC's grants of exception relief were effective as of May 28, 2020.

FOR FURTHER INFORMATION CONTACT: Benjamin Schneider, Section Chief, Division of Complex Institution Supervision and Resolution; bschneider@fdic.gov; 917-320-2534.

SUPPLEMENTARY INFORMATION: The FDIC has granted two exception requests pursuant to the FDIC's rule entitled "Recordkeeping for Timely Deposit Insurance Determination," codified at 12 CFR part 370 (part 370).¹ Part 370 generally requires covered institutions to implement the information technology system and recordkeeping capabilities needed to quickly calculate the amount of deposit insurance coverage available for each deposit account in the event of failure. Pursuant to section 370.8(b)(1), one or more covered institutions may submit a request in the form of a letter to the FDIC for an exception from one or more of the requirements of part 370 if circumstances exist that would make it impracticable or overly burdensome to meet those requirements. Pursuant to section 370.8(b)(3), a covered institution may rely upon another covered institution's exception request which the FDIC has previously granted by notifying the FDIC that it will invoke relief from certain part 370 requirements and demonstrating that the covered institution has substantially similar facts and circumstances to those of the covered institution that has already received the FDIC's approval. The notification letter must also include the information required under section 370.8(b)(1) and cite the applicable notice published pursuant to section 370.8(b)(2). Unless informed otherwise by the FDIC within 120 days after receipt of a complete notification for exception, the exception will be deemed granted subject to the same conditions set forth in the FDIC's published notice.

These grants of relief may be rescinded or modified upon material change of circumstances or conditions related to the subject accounts, or upon

failure to satisfy conditions applicable to each. These grants of relief will be subject to ongoing FDIC review, analysis, and verification during the FDIC's routine part 370 compliance tests. The following exceptions were granted by the FDIC as of May 28, 2020.

I. Certain Deposit Accounts for Which the Covered Institution's Information Technology System Is Not Capable of Completing Deposit Insurance Calculation Process Because Additional Time Is Required for Data Clean Up, System Updates, and Customer Outreach

The FDIC granted a time-limited exception from the information technology requirements set forth in section 370.3 and general recordkeeping requirements set forth in section 370.4(a) of the rule to allow a covered institution to perform data cleanup, system updates, or customer outreach for certain legacy deposit accounts (including a limited number of joint accounts, formal trust accounts, informal revocable trust accounts, accounts with limited instances of erroneous or missing data, and government accounts) so that the covered institution's deposit account records and part 370-compliant IT system capabilities can be used to calculate deposit insurance for those accounts. The covered institution did not collect, or have a mechanism to collect, such account information prior to the FDIC's adoption of part 370 and anticipates that it may not be able to collect such information before its compliance date.

In connection with the FDIC's grant of relief, the covered institution has represented that it will confirm evidence of joint ownership for a limited number of joint accounts; review records and obtain the number of beneficiaries for informal revocable trusts accounts; classify formal trust accounts with the proper ownership, right and capacity code; review and update records for accounts with missing or incomplete information in limited instances; obtain official custodian information needed to calculate deposit insurance coverage for government deposit accounts; and perform system updates. The covered institution will also perform, when necessary, customer outreach to update deposit records for the subject accounts. As conditions of relief, the covered institution will ensure that holds can be placed on all deposit accounts subject to this time-limited exception in the event of its failure until sufficient information is obtained to enable calculation of deposit insurance coverage; submit a

status report to the FDIC when deemed appropriate by the FDIC during the exception relief period; and immediately notify the FDIC of any change in relevant circumstances or conditions.

II. Certain Internal Accounts That Require an Additional 24 Hours Post Failure for the Covered Institution To Obtain Beneficial Ownership Information From Internal Business Lines Necessary To Make a Deposit Insurance Determination

The FDIC granted a time-limited exception from the information technology requirements set forth in section 370.3 and general recordkeeping requirements set forth in section 370.4(a) of the rule for certain internal (work-in-process) accounts that will require an additional 24 hours (48 hours in total) post failure to obtain beneficial ownership information from internal business lines necessary to make a deposit insurance determination. The covered institution identified these internal accounts as accounts utilized for functions such as clearing, settlement, suspense, funding, transfers, escheatment, holding unclaimed property or seized assets, garnishment, work-in-process, or other functions where an institution acts as an intermediary to facilitate a transaction. Such accounts do not qualify for alternative recordkeeping and most transactions in the accounts settle more than 48 hours after initiation of the instruction.

In connection with the FDIC's grant of relief, the covered institution described the internal (work-in-process) accounts in detail, including, account titling, the number of accounts, account balances, data and trends regarding transaction settlement cycles, business-as-usual processes in place, funds above and below \$250,000, and zero-balance accounts. The covered institution has represented that it will maintain the capability to place holds on the deposit accounts subject to the exception in the event of its failure until a deposit insurance determination can be made; place all such accounts into the pending file of the covered institution's part 370 output files; document procedures and processes to upload the data into the covered institution's deposit insurance calculation engine; and certify that the covered institution can obtain information from internal business lines necessary to make a deposit insurance determination within 48 hours after appointment of the FDIC as receiver. As conditions of relief, the covered institution will be capable of conducting a deposit insurance determination for

¹ 12 CFR part 370.

all subject internal accounts within 48 hours after appointment of the FDIC as receiver; provide annually, data regarding the number of and amount of deposits held in such covered internal accounts; provide a final copy of the documentation that describes the processes put in place to obtain beneficial ownership information necessary to make an insurance determination within 48 hours of failure for the internal accounts; make reasonable efforts, in the ordinary course of upgrading its information technology systems, to implement an information technology solution that would permit a deposit insurance determination for the excepted accounts within 24 hours; and immediately bring to the FDIC's attention any change of circumstances or conditions.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on May 29, 2020.

Robert E. Feldman,

Executive Secretary.

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FEDERAL HOUSING FINANCE AGENCY

[No. 2020-N-11]

Notice of Order: Revisions to Data Requirements for Enterprise Public Use Database To Include New Home Mortgage Disclosure Act Data Elements

AGENCY: Federal Housing Finance Agency.

ACTION: Notice of order.

SUMMARY: An Order issued by the Federal Housing Finance Agency (FHFA) on May 27, 2020 revises data requirements for the Enterprise Public Use Database (PUDB) and modifies FHFA's previous Enterprise PUDB Orders issued in 2010 and 2011. The Enterprise PUDB contains data related to single-family and multifamily mortgages purchased by the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) (collectively, the Enterprises) in a calendar year. FHFA publishes the PUDB annually pursuant to the requirements of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act). The Order revises the PUDB to include data elements that the Enterprises collected in 2018 from their loan sellers that are the same as those required to be reported under the Home Mortgage Disclosure Act of 1975

(HMDA), and sets out the privacy protections for the HMDA data. The Order also adds geographic indicators related to the Enterprise Duty to Serve program to the Enterprise PUDB to provide greater transparency to the public about the Enterprises' Duty to Serve activities. All the data specifications set out in the Order apply to future annual PUDB releases, until further modified by FHFA. A new 2018 PUDB will be released by FHFA containing the data elements added by the Order, replacing an interim PUDB released on September 23, 2019 that does not include the new HMDA data elements or Duty to Serve geographic indicators. The revised matrices setting out the PUDB data requirements and privacy and proprietary protection modifications are available on FHFA's website at <https://www.fhfa.gov/DataTools/Downloads/Pages/Public-Use-Databases.aspx>. The expansion of the PUDB data requirements will enhance transparency about the Enterprises' mortgage purchase activities.

DATES: The Order is applicable May 27, 2020.

FOR FURTHER INFORMATION CONTACT: For questions on data or methodology, contact Ian Keith, Senior Program Analyst, (202) 649-3114, Ian.Keith@fhfa.gov; for legal questions, contact Maura Dundon, Assistant General Counsel, (202) 649-3961, Maura.Dundon@fhfa.gov, or Sharon Like, Managing Associate General Counsel, (202) 649-3057, Sharon.Like@fhfa.gov (these are not toll-free numbers); Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. The Telecommunications Device for the Deaf is (800) 877-8339.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory and Regulatory Requirements

The Safety and Soundness Act, as amended by the Housing and Economic Recovery Act of 2008 (HERA), requires FHFA to make publicly available, by September 30 of each year, certain loan-level mortgage data elements related to single-family and multifamily mortgages purchased by the Enterprises in the previous calendar year.¹ FHFA

¹ 12 U.S.C. 4543, 4546(d). Section 1122 of HERA transferred authority over these public data requirements from the Department of Housing and Urban Development (HUD) to FHFA. Public Law 110-289, 122 Stat. 2689 (July 30, 2008). A HUD regulation still in effect at FHFA sets out the general standards and procedures governing the Enterprise PUDB. 24 CFR Subpart F (§§ 81.71-81.75). HERA

publishes the required Enterprise mortgage data annually in the Enterprise PUDB.² The data elements in the PUDB, and their privacy or proprietary modifications, are set out in matrices and data dictionaries.³

The PUDB must contain the mortgage data elements required to be reported to FHFA by the Enterprises, which include the same data elements required to be reported under HMDA.⁴ The HMDA data must be disclosed in the PUDB at the census tract level.⁵ The HMDA data may not be withheld from the PUDB to protect any Enterprise proprietary interests, but must be withheld or modified to protect borrower privacy, subject to the privacy considerations set forth in section 304(j) of HMDA.⁶ The non-HMDA data in the PUDB may receive proprietary and privacy protections.⁷

HMDA is a mortgage data disclosure statute enacted in 1975. HMDA requires that covered financial institutions annually submit to the appropriate Federal agency loan-level data related to the loans they originated or purchased in a calendar year.⁸ The CFPB

section 1302 provides that all HUD regulations "shall remain in effect . . . until modified, terminated, set aside, or superseded" by FHFA. 12 U.S.C. 4511 note. Because FHFA has not yet adopted its own regulation governing the PUDB, FHFA administers the PUDB under the HUD regulation's general standards and procedures and FHFA Orders applying them to the data published in the PUDB.

² The Enterprise PUDBs are available on FHFA's website at <https://www.fhfa.gov/DataTools/Downloads/Pages/Public-Use-Databases.aspx>. HUD continues to host the pre-HERA PUDB datasets at <https://www.huduser.gov/portal/datasets/gse.html>.

³ The matrices for the PUDB prior to this revision are published at 76 FR at 60037-60046. The updated matrices have been published on the FHFA website at the link indicated in the SUMMARY above. The data dictionaries will also be published on the FHFA website.

⁴ The Safety and Soundness Act requires the PUDB to include data submitted by the Enterprises to FHFA in the mortgage reports required under the Federal National Mortgage Association Charter Act, 12 U.S.C. 1723a(m), and the Federal Home Loan Mortgage Corporation Act, 12 U.S.C. 1456(e) (Charter Acts). 12 U.S.C. 4543(a)(1). These mortgage reports and the PUDB are required to include the same data elements required to be reported under HMDA, 12 U.S.C. 2801 *et seq.*, subject to the privacy considerations in 12 U.S.C. 2803(j). 12 U.S.C. 4543(a)(2), 4546(d)(1).

⁵ 12 U.S.C. 4543(a)(2). "Census tract level" means that the mortgage data is disclosed in individual loan records, which include the census tract location of the mortgaged property as a geographic identifier.

⁶ 12 U.S.C. 4543(b)(2), 4546(d).

⁷ 12 U.S.C. 4543(b)(1), 4546(a); 24 CFR 81.72(b)(3), (c)(1).

⁸ The Enterprises are not subject to HMDA reporting requirements under Regulation C because they do not originate mortgage loans, which is prohibited by their Charter Acts, and Regulation C only applies to institutions that originate mortgage loans. See 12 U.S.C. 1719(a)(2), 1454(a)(5), and 12 CFR 1003.2(g). Instead, the Safety and Soundness