

origin. The Equal Credit Opportunity Act (ECOA) (15 U.S.C. 1691 *et seq.*) prohibits discrimination in any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, age, receipt of income from public assistance, or exercise of any right under the Consumer Credit Protection Act (CCPA) (15 U.S.C. 1601 *et seq.*). The OCC is responsible for ensuring that national banks and federal savings associations comply with those laws. This information collection is needed to promote compliance and for the OCC to fulfill its statutory responsibilities.

The OCC uses the data to determine whether an institution treated applicants consistently and made credit decisions commensurate with the applicants' qualifications and in compliance with ECOA and CCPA.

The information collection requirements are as follows:

- 12 CFR 27.3(a) requires national banks that are required to collect data on home loans under 12 CFR part 203<sup>1</sup> to present the data on Form FR HMDA-LAR,<sup>2</sup> or in automated format in accordance with the HMDA-LAR instructions, and to include one additional item (the reason for denial) on the HMDA-LAR. Section 27.3(a) also lists exceptions to the HMDA-LAR recordkeeping requirements. Federal savings associations report this information to the OCC pursuant to 12 CFR 128.6 and the CFPB's Regulation C, 12 CFR part 1003.

- 12 CFR 27.3(b) lists the information national banks shall attempt to obtain from an applicant as part of a home loan application and sets forth the information that banks must disclose to an applicant.

- 12 CFR 27.3(c) sets forth additional information national banks must maintain in the loan file.

- 12 CFR 27.4 states that the OCC may require a national bank to maintain a Fair Housing Inquiry/Application Log found in Appendix III to part 27 if there is reason to believe that the bank is engaging in discriminatory practices or if analysis of the data compiled by the bank under the Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*) and 12 CFR part 203 indicates a pattern of significant variation in the number of home loans between census tracts with similar incomes and home ownership levels differentiated only by race or national origin. Section 27.4(a)(2) also

requires a log if complaints filed with the Comptroller or letters in the Community Reinvestment Act file are found to be substantive in nature, indicating that the bank's home lending practices are, or may be, discriminatory.

- 12 CFR 27.5 requires a national bank to maintain the information required by § 27.3 for 25 months after the bank notifies the applicant of action taken on an application or after withdrawal of an application.

- 12 CFR 27.7 requires a national bank to submit the information required by §§ 27.3(a) and 27.4 to the OCC upon its request prior to a scheduled examination using the Monthly Home Loan Activity Format form in Appendix I to part 27 and the Home Loan Data Form in Appendix IV to part 27. Section 27.7(c)(3) states that a bank with fewer than 75 home loan applications in the preceding year will not be required to submit such forms unless the home loan activity is concentrated in the few months preceding the request for data, indicating the likelihood of increased activity over the subsequent year or there is cause to believe that a bank is not in compliance with the fair housing laws based on prior examinations and/or complaints, among other factors.

- Section 27.7(d) provides that if there is cause to believe that a bank is in noncompliance with fair housing laws, the Comptroller may require submission of additional Home Loan Data Submission Forms. The Comptroller may also require submission of the information maintained under § 27.3(a) and Home Loan Data Submission Forms at more frequent intervals.

OCC-regulated institutions now have access to a CFPB-developed web-based data submission and edit-check system (the HMDA Platform) that may be used to process HMDA data. Some institutions, typically those with small volumes of reported loans or those who do not use a vendor or other software to prepare their HMDA data for submission, will still need a software solution for integrating HMDA data from paper records or electronic systems. Therefore, the CFPB created a prototype "LAR Formatting Tool" which will allow financial institutions with small volumes of reported loans, or those who do not use a vendor or other software to prepare their HMDA data for submission, to enter HMDA data and to create a pipe delimited text file to upload to the HMDA Platform. The institution can then proceed through the interactive Web pages of the HMDA Platform to process HMDA data.

*Type of Review:* Regular.

*Affected Public:* Businesses or other for-profit.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 1,927.

*Estimated Total Annual Burden:* 31,704 hours.

The OCC issued a notice for 60 days of comment regarding this collection on June 5, 2017, 82 FR 25917. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: August 28, 2017.

**Karen Solomon,**

*Deputy Chief Counsel, Office of the Comptroller of the Currency.*

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## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### Agency Information Collection Activities; Information Collection Renewal; Submission for OMB Review; Basel II Interagency Supervisory Guidance for the Supervisory Review Process (Pillar 2)

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

The OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid

<sup>1</sup> This regulation has been transferred to the Consumer Financial Protection Bureau (CFPB) (12 CFR part 1003).

<sup>2</sup> Loan Application Register, <http://www.ffiec.gov/hmda/pdf/hmdalar2011.pdf>.

Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled "Basel II Interagency Supervisory Guidance for the Supervisory Review Process (Pillar 2)." The OCC also is giving notice that it has sent the collection to OMB for review.

**DATES:** Comments must be received by October 5, 2017.

**ADDRESSES:** Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557-0242, 400 7th Street SW., Suite 3E-218, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465-4326 or by electronic mail to [prainfo@occ.treas.gov](mailto:prainfo@occ.treas.gov). You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649-6700 or, for persons who are deaf or hard of hearing, TTY, (202) 649-5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557-0242, U.S. Office of Management and Budget, 725 17th

Street NW., #10235, Washington, DC 20503 or by email to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Shaquita Merritt, OCC Clearance Officer, (202) 649-5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649-5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

The OCC is requesting that OMB extend its approval of this collection.

*Title of Information Collection:* Basel II Interagency Supervisory Guidance for the Supervisory Review Process (Pillar 2).

*OMB Control No.:* 1557-0242.

*Frequency of Response:* Event-generated.

*Affected Public:* National banks.

*Abstract:* In 2008, the agencies<sup>1</sup> issued a supervisory guidance document for implementing the supervisory review process (Pillar 2).<sup>2</sup> Sections 37, 41, 43, and 46 of the guidance contain information collections. Section 37 provides that banks should state clearly the definition of capital used in any aspect of its internal capital adequacy assessment process (ICAAP) and document any changes in the internal definition of capital. Section 41 provides that banks should maintain thorough

documentation of ICAAP. Section 43 specifies that the board of directors should approve the bank's ICAAP, review it on a regular basis, and approve any changes. Boards of directors, under section 46, should periodically review the assessment of overall capital adequacy and to analyze how measures of internal capital adequacy compare with other capital measures (such as regulatory or accounting).

*Estimated Burden:*

*Number of Respondents:* 23.

*Estimated Burden per Respondent:* 140 hours.

*Total Estimated Annual Burden:* 3,220 hours.

The OCC issued a notice for 60 days of comment on June 7, 2017, 82 FR 26569. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's burden estimates, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: August 28, 2017.

**Karen Solomon,**

*Deputy Chief Counsel, Office of the Comptroller of the Currency.*

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<sup>1</sup> OCC, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation.

<sup>2</sup> 73 FR 44620 (July 31, 2008).