

7(a) lending program.<sup>19</sup> This includes federally insured depository institutions, credit unions, and nonbanks.<sup>20</sup>

When the PPP opened on April 3, 2020, demand for PPP loans far exceeded the initial \$349 billion of funding for PPP loans and those funds were exhausted in less than two weeks. Congress subsequently provided another \$310 billion (including \$60 billion specifically to be lent by smaller banks and credit unions), bringing the total funding for the PPP to \$659 billion. The second round of funding became available on April 27, 2020 and was not exhausted. When the PPP closed on August 8, 2020, \$133 billion remained available.

While the PPP was active, Congress made additional funds available, changed the term for new PPP loans, and revised other program requirements. The SBA also issued numerous interim final rules related to the program and lenders. PPP lenders were responsible for ensuring that their participation in the PPP complied not only with the CARES Act and SBA rules, but also with other applicable laws, including ECOA.

#### Fair Lending Risk

Examiners' review of small business lenders' PA responses identified certain issues that may pose fair lending risks.

In implementing the PPP, multiple lenders adopted a policy that restricted access to PPP loans beyond the eligibility requirements of the CARES Act and rules and orders issued by the SBA (an "overlay"). Specifically, several small business lenders restricted access by limiting eligibility for PPP loans to existing customers (an "existing customer overlay"). The Bureau's PA work in this area revealed that the existing customer overlay fell into two general categories:

(1) Restrictive policies that allowed only small businesses with a pre-existing relationship (or certain type of pre-existing relationship) with the institution the opportunity to apply for a PPP loan; and

(2) less restrictive policies that required small businesses without a pre-existing relationship to first become customers of the financial institution (usually by opening a business deposit account) and then apply for a PPP loan.

<sup>19</sup>The 7(a) loan program is the SBA's primary program for providing financial assistance to small businesses. The program's name comes from section 7(a) of the Small Business Act, 15 U.S.C. 636(a). The SBA offers several different types of loans through the program.

<sup>20</sup>Institutions that were not SBA-certified did have to apply to the SBA and receive delegated authority to process PPP loan applications.

Examiners determined that an overlay restricting access to PPP loans for small businesses that do not have an existing relationship with the institution, while neutral on its face, may have a disproportionate negative impact on a prohibited basis and run a risk of violating the ECOA and Regulation B. The small business lenders provided business justifications for their use of existing customer overlays, with the majority of institutions noting that they adopted such overlays because of Know Your Customer legal requirements, the prevention of fraud, or both. Several institutions also offered other, operational reasons for adopting this overlay, including managing extreme demand and enabling the institution to process as many applications as possible before funds were depleted. Examiners noted the challenges faced by small business lenders in implementing the PPP during a nationwide emergency and found that the institutions' stated reasons for adopting their overlays reflected legitimate business needs during part or all of the review period. Examiners did not, however, conduct a full analysis of any institution's overlay, and did not make any determination about whether an institution's use of the overlay complies with ECOA or Regulation B. Examiners encouraged the small business lenders to consider the fair lending risks associated with participation in the PPP, in further implementation of the PPP, and in any new lending program and to evaluate and address any risks.

#### 4. Conclusion

The Bureau is committed to being as transparent as possible about its supervisory findings and will continue to publish *Supervisory Highlights* to aid Bureau-supervised entities in their efforts to comply with Federal consumer financial law. While the Bureau's PA reviews are substantially complete, in some instances, examiners identified issues that require follow up. The Bureau will follow-up on risks identified during PAs in the course of its regular supervisory work and findings may be shared in future editions of *Supervisory Highlights*.

#### 5. Signing Authority

The Director of the Bureau, Kathleen L. Kraninger, having reviewed and approved this document, is delegating the authority to electronically sign this document to Grace Feola, a Bureau Federal Register Liaison, for purposes of publication in the **Federal Register**.

Dated: January 19, 2021.

**Grace Feola,**

*Federal Register Liaison, Bureau of Consumer Financial Protection.*

[FR Doc. 2021-01601 Filed 1-26-21; 8:45 am]

**BILLING CODE 4810-AM-P**

## COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY

### Privacy Act of 1974; System of Records

**AGENCY:** Council of the Inspectors General on Integrity and Efficiency (CIGIE).

**ACTION:** Notice of a new system of records.

**SUMMARY:** CIGIE proposes to establish a system of records that is subject to the Privacy Act of 1974. Pursuant to Public Law 116-136, CIGIE proposes this system of records in furtherance of the statutory mandate of CIGIE's Pandemic Response Accountability Committee (PRAC) to promote transparency and conduct oversight of the funds disseminated per the Coronavirus Aid, Relief, and Economic Security Act (CARES Act); the Coronavirus Preparedness and Response Supplemental Appropriations Act of 2020; the Families First Coronavirus Response Act; and any other act primarily making appropriations for Coronavirus response and related activities.

**DATES:** This proposal will be effective without further notice on February 26, 2021 unless comments are received that would result in a contrary determination.

**ADDRESSES:** Submit comments identified by "CIGIE-5" by any of the following methods:

1. *Federal Rulemaking Portal:* <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by searching for CIGIE-5. Select the link "Comment Now" that corresponds with "CIGIE-5." Follow the instructions provided on the screen. Please include your name, company name (if any), and "CIGIE-5" on your attached document.

2. *Mail:* Council of Inspectors General on Integrity and Efficiency, 1717 H Street NW, Suite 825, Washington, DC 20006. ATTN: Virginia Grebasch/CIGIE-5, Notice of New System of Records.

3. *Email:* [comments@cigie.gov](mailto:comments@cigie.gov).

**FOR FURTHER INFORMATION CONTACT:** Virginia Grebasch, Senior Counsel, Pandemic Response Accountability Committee, Council of the Inspectors

General on Integrity and Efficiency, (202) 292–2600 or [comments@cigie.gov](mailto:comments@cigie.gov).

**SUPPLEMENTARY INFORMATION:** In 2008, Congress established CIGIE as an independent entity within the executive branch in order to address integrity, economy, and effectiveness issues that transcend individual Government agencies; and increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspector General. CIGIE's membership is comprised of all Inspectors General whose offices are established under the Inspector General Act of 1978, as amended, 5 U.S.C. app (IG Act), as well as the Controller of the Office of Federal Financial Management, a designated official of the Federal Bureau of Investigation (FBI), the Director of the Office of Government Ethics, the Special Counsel of the Office of Special Counsel, the Deputy Director of the Office of Personnel Management, the Deputy Director for Management of the Office of Management and Budget (OMB), and the Inspectors General of the Office of the Director of National Intelligence, Central Intelligence Agency, Library of Congress, Capitol Police, Government Publishing Office, Government Accountability Office, and the Architect of the Capitol. The Deputy Director for Management of OMB serves as the Executive Chairperson of CIGIE.

Section 15010 of Public Law 116–136, established the PRAC as a committee within CIGIE. The mission of the PRAC is to promote transparency and conduct and support oversight to: (1) Prevent and detect fraud, waste, abuse, and mismanagement of covered funds; and (2) mitigate major risks that cut across programs and agencies with respect to covered funds. The term “covered funds” means any funds, including but not limited to loans, that are made available in any form to any non-Federal entity, not including an individual, under: The CARES Act; the Coronavirus Preparedness and Response Supplemental Appropriations Act of 2020; the Families First Coronavirus Response Act; or any other act primarily making appropriations for the Federal Government's Coronavirus response and related activities.

The new system of records described in this notice, the PRAC Data Warehouse System (CIGIE–5), will enable CIGIE to carry out its responsibilities to promote transparency and conduct oversight of covered funds. In accordance with 5 U.S.C. 552a(r), CIGIE has provided a report of this new

system of records to OMB and to Congress. The new system of records reads as follows:

**SYSTEM NAME AND NUMBER:**

PRAC Data Warehouse System (PDWS)—CIGIE–5.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

The location of paper records contained within the PDWS is the headquarters of the Council of the Inspectors General on Integrity and Efficiency (CIGIE), 1717 H Street NW, Suite 825, Washington, DC 20006. Records maintained in electronic form are principally located in contractor-hosted data centers in the United States. Contact the System Manager identified below for additional information.

**SYSTEM MANAGER(S):**

Executive Director, Pandemic Response Accountability Committee, Council of the Inspectors General on Integrity and Efficiency, 1717 H Street NW, Suite 825, Washington, DC 20006, (202) 292–2600, [cigie.information@cigie.gov](mailto:cigie.information@cigie.gov).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 11 of the Inspector General Act of 1978, as amended, 5 U.S.C. app (IG Act); 5 U.S.C. 301; 44 U.S.C. 3101; Public Law 116–136; Public Law 116–123; and Public Law 116–127.

**PURPOSE(S) OF THE SYSTEM:**

To carry out the PRAC's responsibilities to promote transparency and conduct oversight of any funds, including but not limited to loans, that are made available in any form to any non-Federal entity, not including an individual, under: Public Law 116–136; Public Law 116–123; and Public Law 116–127; or any other act primarily making appropriations for Coronavirus response and related activities (Coronavirus Funds). The term “Coronavirus response” means the Federal Government's response to the nationwide public health emergency declared by the Secretary of Health and Human Services, retroactive to January 27, 2020, pursuant to 42 U.S.C. 247d as a result of confirmed cases of the novel Coronavirus, COVID–19, in the United States (Coronavirus Response).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

This system contains records on individuals acting in a personal capacity who relate to PRAC efforts undertaken in support of its mission to promote transparency and conduct and support

oversight of Coronavirus Funds and the Coronavirus Response to prevent and detect fraud, waste, abuse, and mismanagement and mitigate major risks that cut across programs and agencies. Individuals include but are not limited to those who have applied for, sought, or received Federal funds. These records are comingled with information concerning individuals in their entrepreneurial/sole-proprietor capacity; however, this information is not subject to the Privacy Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system maintains records that contribute to the transparency of Coronavirus Funds and the Coronavirus Response and effective oversight of fraud, waste, abuse, and mismanagement and mitigation of major risks that cut across programs and agencies related to Coronavirus Funds and the Coronavirus Response. These records may include, but are not limited to, records concerning: Coronavirus Funds and other Federal funding; the Coronavirus Response; individuals in their personal capacity or individuals who are employees or representatives of businesses, corporations, tribal governments, not-for-profit organizations, or other organizations that have applied for, sought, or received Coronavirus Funds or have been involved in any capacity in the Coronavirus Response. Such records may include, but are not limited to these individuals' home addresses, telephone numbers, social security numbers or tax identifications numbers, company business addresses, business financial information and records, bank account information, payroll records, personal contact information, business affiliations, and employment history.

**RECORD SOURCE CATEGORIES:**

Publicly and/or commercially available data sets and other source material; Federal agencies; and individuals and entities, including states and local jurisdictions, tribal governments, businesses, corporations, and other organizations, that have applied for, sought, or received Coronavirus Funds or other Federal funds or have been involved in any capacity in the Coronavirus Response.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), all or portions of the records or information contained in this system may specifically be disclosed outside of CIGIE as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To a Member of Congress in response to an inquiry from that Member made at the request of the individual. In such cases, however, the Member's right to a record is no greater than that of the individual.

B. If the disclosure of certain records to the Department of Justice (DOJ) is relevant and necessary to litigation, CIGIE may disclose those records to the DOJ. CIGIE may make such a disclosure if one of the following parties is involved in the litigation or has an interest in the litigation:

1. CIGIE or any component thereof; or
2. Any employee or former employee of CIGIE in his or her official capacity; or
3. Any employee or former employee of CIGIE in his or her individual capacity when the DOJ has agreed to represent the employee; or
4. The United States, if CIGIE determines that litigation is likely to affect CIGIE or any of its components.

C. If disclosure of certain records to a court, adjudicative body before which CIGIE is authorized to appear, individual or entity designated by CIGIE or otherwise empowered to resolve disputes, counsel or other representative, party, or potential witness is relevant and necessary to litigation, CIGIE may disclose those records to the court, adjudicative body, individual or entity, counsel or other representative, party, or potential witness. CIGIE may make such a disclosure if one of the following parties is involved in the litigation or has an interest in the litigation:

1. CIGIE or any component thereof; or
2. Any employee or former employee of CIGIE in his or her official capacity; or
3. Any employee or former employee of CIGIE in his or her individual capacity when the DOJ has agreed to represent the employee; or
4. The United States, if CIGIE determines that litigation is likely to affect CIGIE or any of its components.

D. To the appropriate Federal, state, local, tribal, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, if the information is relevant to a violation or potential violation of civil or criminal law or regulation within the jurisdiction of the receiving entity.

E. To officials and employees of any Federal agency to the extent the record contains information that is relevant to that agency's decision concerning the hiring, appointment, or retention of an employee; issuance of a security clearance; execution of a security or

suitability investigation; or classification of a job.

F. To the National Archives and Records Administration (NARA) pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

G. To contractors, grantees, consultants, volunteers, or other individuals performing or working on a contract, interagency agreement, service, grant, cooperative agreement, job, or other activity for CIGIE and who have a need to access the information in the performance of their duties or activities for CIGIE.

H. To appropriate agencies, entities, and persons when: CIGIE suspects or has confirmed that there has been a breach of the system of records; CIGIE has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, CIGIE (including its information systems, programs, and operations), the Federal Government, or national security; and the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with CIGIE's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

I. To another Federal agency or Federal entity, when: CIGIE determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in responding to a suspected or confirmed breach; or preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

J. To Federal agencies and independent certified public accounting firms that have a need for the information in order to audit the financial statements of CIGIE.

K. To an organization or an individual in the public or private sector if there is reason to believe the recipient is or could become the target of a particular criminal activity or conspiracy, or to the extent the information is relevant to the protection or life or property.

L. To officials of CIGIE, as well as CIGIE members and their employees, who have need of the information in the performance of their duties.

M. To the Office of Personnel Management (OPM) in accordance with OPM's responsibility for evaluation and oversight of Federal personnel management.

N. To appropriate agencies, entities, and persons, to the extent necessary to respond to or refer correspondence.

O. To the news media and the public, unless it is determined that release of the specific information would constitute an unwarranted invasion of personal privacy.

P. To populate public-facing government websites to promote transparency of Coronavirus Funds and the Coronavirus Response, unless it is determined that release of the specific information would constitute an unwarranted invasion of personal privacy.

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Information within this system of records is maintained in paper/or electronic form.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

These records are retrieved by the name or other programmatic identifier assigned to the individuals on whom they are maintained.

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

The information is retained and disposed of in accordance with the General Records Schedule and/or the CIGIE records schedule applicable to the record and/or otherwise required by the Federal Records Act and implementing regulations.

#### **ADMINISTRATIVE, TECHNICAL AND PHYSICAL SAFEGUARDS:**

Paper records are located in locked file storage areas or in specified areas to which only authorized personnel have access. Electronic records are protected from unauthorized access through password identification procedures, limited access, firewalls, and other system-based protection methods.

#### **RECORD ACCESS PROCEDURES:**

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing to the System Manager listed above. CIGIE has published a rule, entitled "Privacy Act Regulations," to establish its procedures relating to access, maintenance, disclosure and amendment of records which are in a CIGIE system of records per the Privacy Act, promulgated at 5 CFR part 9801 ([https://www.ecfr.gov/cgi-bin/text-idx?SID=c3344b4e456f682fe915c0e982f8ce94&mc=true&tpl=/ecfrbrowse/Title05/5cfr9801\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=c3344b4e456f682fe915c0e982f8ce94&mc=true&tpl=/ecfrbrowse/Title05/5cfr9801_main_02.tpl)).

**CONTESTING RECORD PROCEDURES:**

See “Records Access Procedures” above.

**NOTIFICATION PROCEDURES:**

See “Records Access Procedures” above.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

N/A.

Dated: January 15, 2021.

**Allison C. Lerner,**

*Chairperson of the Council of the Inspectors General on Integrity and Efficiency.*

[FR Doc. 2021-01429 Filed 1-26-21; 8:45 am]

**BILLING CODE P****DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. CP21-24-000]

**Breitburn Operating L.P.; Notice of Application and Establishing Intervention Deadline**

Take notice that on January 7, 2021, Breitburn Operating L.P. (Breitburn), 1111 Bagby Street, Suite 1600, Houston, Texas 77002, filed in the above referenced docket an application pursuant to section 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission’s regulations to abandon the limited jurisdiction certificate issued on November 14, 2008 in Docket No. CP08-473-000. Specifically, Breitburn request to abandon the operation of 8.3-mile, 12-inch diameter pipeline located in Meade County, Kentucky (Cardinal Line). The Cardinal Line is not currently delivering natural gas to Texas Gas Transmission, LLC (Texas Gas), and upon receiving the authorization requested, Breitburn will disconnect the Cardinal Line from its interconnect with Texas Gas and transfer the inactive Cardinal Line to Nucor Corporation (Nucor) to be used in the future by Nucor or a successor entity to provide natural gas supply to Nucor’s steel mill, which is currently under development. The Cardinal Line does not transport third-party gas, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission’s Home Page (<http://>

[ferc.gov](http://ferc.gov)) using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission’s Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Any questions concerning this application should be directed to Caleb Cooley, Pipeline Compliance Lead, Maverick Natural Resources, LLC, 1111 Bagby Street, Suite 1600, Houston, Texas 77002, by telephone at (903) 291-6511, or by email at [caleb.cooley@mavresources.com](mailto:caleb.cooley@mavresources.com).

Pursuant to section 157.9 of the Commission’s Rules of Practice and Procedure,<sup>1</sup> within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission’s public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff’s issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission’s public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff’s FEIS or EA.

**Public Participation**

There are two ways to become involved in the Commission’s review of this project: You can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on February 11, 2021.

**Comments**

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or

specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before February 11, 2021.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (CP21-24-000) in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission’s website at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission’s website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on “eRegister.” You will be asked to select the type of filing you are making; first select “General” and then select “Comment on a Filing”; or

(3) You can file a paper copy of your comments by mailing them to the following address below.<sup>2</sup> Your written comments must reference the Project docket number (CP21-24-000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Persons who comment on the environmental review of this project will be placed on the Commission’s environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission’s environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the

<sup>2</sup> Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

<sup>1</sup> 18 CFR (Code of Federal Regulations) 157.9.