

Rules and Regulations

Federal Register

Vol. 85, No. 212

Monday, November 2, 2020

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1003

[Docket No. CFPB–2019–0021]

RIN 3170–AA76

Home Mortgage Disclosure (Regulation C); Correction of Supplementary Information

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule; correction.

SUMMARY: On April 16, 2020, the Consumer Financial Protection Bureau (Bureau) issued the “Home Mortgage Disclosure (Regulation C)” final rule (HMDA Thresholds Final Rule). The Section-by-Section Analysis in the Supplementary Information to the HMDA Thresholds Final Rule contained several clerical errors regarding the estimated cost savings in annual ongoing costs from various possible closed-end coverage thresholds as compared to the then-current coverage threshold of 25 closed-end mortgage loans. This document corrects those errors.

DATES: This correction is effective on November 2, 2020.

FOR FURTHER INFORMATION CONTACT: Jaydee DiGiovanni, Counsel; or Amanda Quester or Alexandra Reimelt, Senior Counsels, Office of Regulations, at 202–435–7700 or <https://reginquiries.consumerfinance.gov>. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION: On April 16, 2020, the Bureau issued the “Home Mortgage Disclosure (Regulation C)” final rule (HMDA Thresholds Final Rule), which adjusts the permanent thresholds for reporting data about closed-end mortgage loans and open-

end lines of credit in Regulation C.¹ The Section-by-Section Analysis in part V of the Supplementary Information to the HMDA Thresholds Final Rule contained several clerical errors regarding the estimated cost savings in annual ongoing costs from various possible closed-end coverage thresholds as compared to the then-current coverage threshold of 25 closed-end mortgage loans.² This document corrects those errors. Specifically, in the first and second columns on page 28374 and in the third column on page 28383 of volume 85 of the **Federal Register**:

- The phrase “institutions that originate between 25 and 49 closed-end mortgage loans would save approximately \$3.7 million per year in total annual ongoing costs, relative to the current threshold of 25” should read “institutions that originate between 25 and 49 closed-end mortgage loans would save approximately \$2.0 million per year in total annual ongoing costs, relative to the current threshold of 25”;
- The phrase “institutions that originate between 25 and 99 closed-end mortgage loans will save approximately \$11.2 million per year, relative to the current threshold of 25” should read “institutions that originate between 25 and 99 closed-end mortgage loans will save approximately \$6.4 million per year, relative to the current threshold of 25”; and
- The phrase “institutions would save approximately \$27.2 million and \$45.4 million, respectively, relative to the current threshold of 25” should read “institutions would save more, relative to the current threshold of 25.”

The HMDA Thresholds Final Rule includes the Bureau’s consideration of the potential benefits, costs, and impacts of the final rule in the Dodd-Frank Act section 1022(b) analysis in part VII of the Supplementary Information.³ As the Bureau explained in part V of the Supplementary

Information, part VII.E of the Supplementary Information provides a more comprehensive discussion of the Bureau’s costs estimates than part V.⁴ These changes to part V correct the clerical errors on pages 28374 and 28383 to conform the cost estimates provided on those pages to the Bureau’s analysis of the costs of the final rule provided in part VII.E of the Supplementary Information, including the estimates provided in table 2 on page 28392 and in the second and third columns on page 28396.

Correction

Accordingly, the Bureau makes the following corrections to FR Doc. 2020–08409 published on May 12, 2020 (85 FR 28364):

1. On page 28374, in the first column, in the 39th to 43rd lines, revise “institutions that originate between 25 and 49 closed-end mortgage loans would save approximately \$3.7 million per year in total annual ongoing costs, relative to the current threshold of 25” to read “institutions that originate between 25 and 49 closed-end mortgage loans would save approximately \$2.0 million per year in total annual ongoing costs, relative to the current threshold of 25”;

2. On page 28374, in the first column, in the 47th through 50th lines, and in the second column, in the 1st line, revise “institutions that originate between 25 and 99 closed-end mortgage loans will save approximately \$11.2 million per year, relative to the current threshold of 25” to read “institutions that originate between 25 and 99 closed-end mortgage loans will save approximately \$6.4 million per year, relative to the current threshold of 25”;

3. On page 28374, in the second column, in the 3rd through 6th lines, revise “institutions would save approximately \$27.2 million and \$45.4 million, respectively, relative to the current threshold of 25” to read “institutions would save more, relative to the current threshold of 25”;

4. On page 28383, in the third column, in the 2nd to 7th lines, revise “institutions that originate between 25 and 49 closed-end mortgage loans would save approximately \$3.7 million per year in total annual ongoing costs relative to the current threshold of 25”

¹ Home Mortgage Disclosure (Regulation C), 85 FR 28364 (May 12, 2020).

² Effective July 1, 2020, the coverage threshold for closed-end mortgage loans increased to 100.

³ Specifically, section 1022(b)(2)(A) of the Dodd-Frank Act calls for the Bureau to consider the potential benefits and costs of a regulation to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products or services; the impact on depository institutions and credit unions with \$10 billion or less in total assets as described in section 1026 of the Dodd-Frank Act; and the impact on consumers in rural areas.

⁴ E.g., 85 FR at 28371, 28374 n.68, 28381, 28383 n.137, 28384 n.141.

to read “institutions that originate between 25 and 49 closed-end mortgage loans would save approximately \$2.0 million per year in total annual ongoing costs, relative to the current threshold of 25”;

5. On page 28383, in the third column, in the 10th through 14th lines, revise “institutions that originate between 25 and 99 closed-end mortgage loans will save approximately \$11.2 million per year, relative to the current threshold of 25” to read “institutions that originate between 25 and 99 closed-end mortgage loans will save approximately \$6.4 million per year, relative to the current threshold of 25”; and

6. On page 28383, in the third column, in the 17th through 20th lines, revise “institutions would save approximately \$27.2 million and \$45.4 million, respectively, relative to the current threshold of 25” to read “institutions would save more, relative to the current threshold of 25.”

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

Dated: October 9, 2020.

Laura Galban,

Federal Register Liaison, Bureau of Consumer Financial Protection.

[FR Doc. 2020–22891 Filed 10–30–20; 8:45 am]

BILLING CODE 4810-AM-P

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 124, 125, and 129

RIN 3245-AH18

Use of Federal Surplus Property for Veteran-Owned Small Businesses and Small Businesses in Disaster Areas and Puerto Rico

AGENCY: U.S. Small Business Administration.

ACTION: Final rule.

SUMMARY: The U.S. Small Business Administration (SBA) is amending its regulations to expand access to the U.S. General Services Administration’s (GSA) Federal Surplus Personal Property Donation Program for certain small business concerns in accordance with the Recovery Improvements for Small Entities After Disaster Act of 2015 (RISE Act), the Veterans Small Business Enhancement Act, and the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (NDAA). These

Acts provide that small businesses in disaster areas, veteran-owned small businesses, and small business concerns located in Puerto Rico, respectively, should be considered for surplus personal property distributions. SBA, in coordination with GSA, is enacting certain procedures for determining which firms may participate in GSA’s existing surplus personal property program, and under what conditions.

DATES: This rule is effective December 2, 2020.

FOR FURTHER INFORMATION CONTACT: Donna Fudge, Office of Policy, Planning and Liaison, 409 Third Street SW, Washington, DC 20416.

SUPPLEMENTARY INFORMATION:

General Background

On January 21, 2020, SBA issued a proposed rule to implement three new statutory programs regarding the transfer of surplus personal property to certain small businesses. 85 FR 3273. As noted in SBA’s proposed rule, GSA operates the Federal Surplus Personal Property Donation Program (Donation Program) under the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and other applicable laws. See 41 CFR part 102–37. Currently, eligible state and local government agencies and nonprofit organizations can obtain personal property that the Federal Government no longer needs through the Donation Program. More information is available on the GSA website at <https://www.gsa.gov/buying-selling/government-property-for-sale-or-disposal/personal-property-for-reuse-sale/for-state-agencies-and-public-organizations/>.

SBA received 32 comments. Of those 32 comments, 30 were supportive. SBA received several unsupportive comments that requested SBA not adopt clear statutory requirements. SBA has noted these comments and has provided a more thorough response to each of those comments below.

The Veterans Small Business Enhancement Act

The Veterans Small Business Enhancement Act, Public Law 115–416 (January 2, 2019), codified in the Small Business Act at 15 U.S.C 657b(g), provides that veteran-owned small businesses should have access to surplus government personal property. SBA is adding a new subpart F, containing § 125.100, to 13 CFR part 125 to implement these changes.

SBA is adding this subpart to detail the new statutory authority. As noted in SBA’s proposed rule, GSA and the State

Agencies for Surplus Property (SASPs) already maintain a compliance and oversight role with regard to the distribution of surplus personal property. As such, veteran-owned small business concerns that receive surplus personal property will generally follow the same guidelines and procedures as other recipients through GSA’s Donation Program.

The language added in § 125.100(a) references the regulations that govern the GSA Donation Program, and the requirements that concerns will need to meet to use the Donation Program. There were no comments on this paragraph and language is being adopted as proposed.

SBA received three comments on the proposed language for § 125.100(b)(1). For this section, SBA proposed language to incorporate the requirement that a concern will need to be verified by the Department of Veterans Affairs (VA) as a small business owned and controlled by veterans in order to be eligible for the Donation Program. One commenter agreed with SBA’s proposed regulation. Two commenters requested that SBA remove the requirement regarding verification by the VA. The commenters requested that SBA drop this requirement because they believed it creates an obstacle to participation that could limit the number of small businesses that use the Donation Program. As noted in the proposed rule, the requirement that participants be verified by the VA comes directly from the Small Business Act and is a statutory requirement. The statutory language states that access to the Donation Program is available only to “to small business concerns owned and controlled by veterans (as verified by the Secretary of Veterans Affairs under section 8127 of title 38, United States Code)”. 15 U.S.C. 657b(g)(2). SBA does not have the authority to disregard clear statutory language when promulgating regulations and program requirements, and therefore, SBA will not be removing this requirement.

SBA is adding § 125.100(c) to provide the requirements for the use of surplus personal property received, and the repercussions for misusing the surplus personal property. The proposed language references GSA and SASP guidelines for use of surplus personal property because, as mentioned above, veteran-owned small businesses will be treated similarly to other recipients with regard to the use, maintenance, and retention of surplus personal property. SBA received one comment on the proposed language. This comment requested that the final rule provide more specificity and detail regarding