



April 1, 2020

Memorandum to: William E. Bestani
Policy Analyst
Office of Information and Regulatory Affairs
Office of Management and Budget

From: Manny Cabeza
Regulatory Counsel
Federal Deposit Insurance Corporation
Legal Division

RE: Emergency PRA Clearance Request – Consolidated Reports of Condition and Income (Call Report) (OMB Control No. 3064-0052); and Advanced Capital Adequacy Framework Regulatory Reporting Requirements (FFIEC 101) (OMB Control No. 3064-0159).

Pursuant to the Office of Management and Budget's Paperwork Reduction Act emergency processing procedures (5 CFR § 1320.13), the Federal Deposit Insurance Corporation (FDIC), in coordination with the Board of Governors of the Federal Reserve System (Board), and the Office of the Comptroller of the Currency (OCC), (collectively, the "agencies"), each of which is submitting a separate request for emergency PRA clearance, hereby requests immediate approval of revisions to the above-referenced information collections.

The FDIC has determined that (1) the collection of information within the scope of this request is needed prior to the expiration of time periods established under 5 C.F.R. § 1320.12; (2) this collection of information is essential to the mission of the FDIC; and (3) the FDIC cannot reasonably comply with the normal clearance procedures because an unanticipated event has occurred and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information.

Summary of Revisions

In response to the recent market disruptions due to COVID-19, the agencies have issued several interim final rules to encourage banks to continue lending to households and businesses. These rules all affect the calculation of risk-based capital for banking organizations effective for the first quarter of 2020, for the Call Report quarter ending March 31, 2020, and for advanced approaches and Category III banking organizations filing the FFIEC 101. While the Call Report would typically be due by April 30, 2020, the agencies are permitting institutions an additional 30-day grace period to file due to the ongoing disruptions from COVID-19. A summary of the three rules and the related reporting changes are provided in the Addendum to the existing Supporting Statement submitted by the FDIC for each of these information collections, which is being submitted to OMB with this request. The interim final rules affect instructions for data items on the Call Report, and instructions for data items on the FFIEC 101 report.

In addition, on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act)¹ became law. Section 4013 of the CARES Act permits banking organizations flexibility in modifying loans related to COVID-19. The statute also permits the agencies to collect information about the volume of loans modified under this section. Since the agencies anticipate a significant amount of activity related to these modifications will occur in the second quarter, 2020, the agencies are requesting emergency clearance to add a new reporting item for these loans. A new data item would be added to the Call Report forms starting in the second quarter of 2020.

The revisions to this information collection through interim final rules prevent the FDIC from clearing the collection under 5 C.F.R. § 1320.11, which covers only collections of information contained in proposed rules. As noted in 5 C.F.R. § 1320.5(c)(1), the FDIC must clear the collection under 5 C.F.R. § 1320.10, which relates to information collections not contained in proposed rules or current rules. There is insufficient time to obtain clearance under 5 C.F.R. § 1320.10 prior to the rules' effective dates in March 2020. Therefore, the FDIC is requesting emergency clearance for these revisions. The agencies plan to request comment on the revisions after the emergency clearance through the standard PRA process, including both 60-day and 30-day notices with requests for comment.

¹ Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134 Stat. 281 (March. 27, 2020).