insignificant data. For this reason, HUD has revised § 81.64 to create a selfpolicing mechanism. The specific categories of information listed in the section—i.e., Housing Advisory Council material, press releases, investor reports, proxy statements, and seller-servicer guides—must all be provided to the Secretary. For all other information released to entities outside the GSE, if the GSE determines that such information is relevant to the Secretary's regulatory responsibilities under FHEFSSA or its Charter Act, the GSE must provide the information to the Secretary. At the same time, the Secretary continues to have the authority to request information on an as-needed basis.

Other Information and Analyses, Section 81.65

Freddie Mac opposed § 81.65 of the proposed rule, which stated that "GSEs shall furnish to the Secretary the data underlying the reports required under this subpart." Freddie Mac called such "open-ended" requirements burdensome, costly, and not reasonably related to the Secretary's mission. Freddie Mac said that any additional reports the Secretary may wish to require must be related to Charter Act activities of the GSEs. Fannie Mae also objected to this requirement and suggested that "underlying data" should instead be requested by HUD on a caseby-case and "as-needed" basis.

The Secretary's broad authority to require reports under section 1327 of FHEFSSA encompasses the authority to require additional analyses and reports that the Secretary considers "appropriate." However, requirements in the proposed rule for the GSEs to submit "underlying data" were not intended to require that the GSEs submit a massive quantity of data as a matter of course in support of each report. In fact, underlying data will only be sought by the Secretary on a case-bycase basis. Therefore, any required submission of underlying data will be the subject of a specific request from the Secretary to one or both GSEs and will be based on an actual need for supporting data in order to fulfill the Secretary's responsibilities. The final rule has been clarified to this effect.

Other Reporting Issues

Published simultaneously with this final rule is an Appendix E which is a list entitled "Required Loan-level Data Elements" which details the reporting formats and the loan-level data elements required to be collected and compiled by each GSE on each single-family and multifamily mortgage purchased. The

Secretary may revise the list of loanlevel data by notice to the GSEs. Fannie Mae, referencing the proposed rule's loan-level data listings, objected to submitting the following data elements, identified by their numerical listing in the Appendix to the proposed rule:

- For single-family mortgage purchases—Number 24, Refinancing Loan from Own Portfolio; Number 31, Lender Institution; Number 38, Public Subsidy Program; Numbers 45 and 46, Family size of borrower (and coborrower); and Numbers 54 and 55, Low- and Moderate-Income Goal flag and Special Affordable Housing Goal flag; and
- For multifamily mortgage purchases—Number 26, Lender institution; Number 36, Low and Moderate-Income Goal flag; and Number 37, Special Affordable Housing Goal flag.

Fannie Mae's objections to these data elements were based, variously, on relevancy, unavailability of the data in existing information databases, unreliability of data furnished by lenders, and availability of the data to HUD by other means. In addition, Fannie Mae commented that the furnishing of "lender institution" data would violate confidentiality between Fannie Mae and its lenders.

Data Element Number 24, Refinancing Loan from Own Portfolio, is not required in the final rule, because these data were required under the interim notices for technical monitoring purposes that no longer apply.

Data Elements Number 31 (Single-family) and Number 26 (Multifamily), designating Lender Institution (Element Number 27 in Appendix E of this final rule), are important elements for the monitoring of GSE reporting. The name of the lender institution will facilitate the Secretary's verification of loans reported as being sold to the GSEs. Since these data are already reported by lenders under HMDA, disclosing the lender institution would not violate confidentiality between the GSEs and their lenders.

Data Element Number 38, Public Subsidy Program data (for single-family properties), have not been reported by Fannie Mae because it asserts that the data are of such poor quality that the data are not meaningful. Freddie Mac has reported public subsidy data to HUD, but Freddie Mac's data indicates that public subsidies are involved in less than one-quarter of one percent of its single-family mortgage purchases. Given the available data, this data element has been deleted from the list of required data elements.

Data Elements Numbers 45 and 46, Family size of borrower (and coborrower), are not currently collected by the GSEs, and the final rule does not require the GSEs to collect these data at this time. However, because family size is an important element for determining the affordability of units, the Secretary reserves the right to collect these data at a later date.

Data Elements Numbers 54 and 55 (Single-family) and Numbers 36 and 37 (Multifamily), Low- and Moderate-Income Goal flag and Special Affordable Housing Goal flag, are not required fields under the final rule. The Secretary has determined that this information can be derived from other data elements.

Although HAC commented that the Secretary should use census tracts/ BNAs instead of counties, in the definition of rural areas, HAC also commented that, if a county-based definition is used, the Secretary should insist that the GSEs at least report their progress under the Geographically Targeted Goal by census tract/BNA, "so that HUD can determine the extent to which the GSEs are meeting the goal in purchasing mortgages in 'served' portions of counties." Accordingly although the Secretary has changed the definition of rural areas from a census tract to a county basis (as discussed above), the final rule (at Data Element Number 7) requires the BNA locations for mortgage purchases, to facilitate research and analyses of GSE purchases in non-metropolitan areas. Since 1993, the GSEs have been reporting to HUD BNA locations of mortgages located in non-metropolitan areas.

Subpart F-Access to Information

FHEFSSA requires the Secretary to establish a public-use database and release to the public certain categories of information submitted by the GSEs concerning their mortgage purchases. The statute also requires protection of proprietary information the GSEs submit to the Secretary.

FHEFSSA requires a public-use database so that the public will have access to data and information on the GSEs' performance toward meeting the Charter Act purposes of providing mortgage credit to the broadest range of families throughout the nation. Congress indicated its intent that the GSE public-use database supplement HMDA data.⁶⁸ In complying with the public-use database requirements, HUD will make publicly available maximum nonproprietary mortgage purchase data and information to the widest range of

⁶⁸ See, e.g., S. Rep. at 39.