

**Capitol Comments**

**September 2013**

# *When there is a deadline associated with an item, you will see this graphic:*

# 

# Recent News

# CFPB bulletin warns against employer exclusive use of payroll cards

# The CFPB published [CFPB Bulletin 2013-10](http://files.consumerfinance.gov/f/201309_cfpb_payroll-card-bulletin.pdf)[[1]](#endnote-1) reminding employers that they cannot require their employees to receive wages on payroll cards. The bulletin also explains some of the federal consumer protections that apply to payroll cards, such as fee disclosure, access to account history, limited liability for unauthorized use, and error resolution rights.

***Comment: Under Reg. E, an employer can require employees to receive their wages electronically, but the employer can’t dictate the financial institution used by the employee. An employer may offer a payroll card at a financial institution of the employer’s choice as long as it gives the employee other options.***

# CFPB bulletin on entities supplying info to consumer reporting agencies

# The CFPB put on notice companies that supply information to consumer reporting companies. The CFPB released [CFPB Bulletin 2013-09](http://files.consumerfinance.gov/f/201309_cfpb_bulletin_furnishers.pdf)[[2]](#endnote-2) stressing that, under the law, these companies, called furnishers, are responsible for investigating consumer disputes forwarded by the consumer reporting companies. Furnishers are also responsible for reviewing all relevant information provided with the disputes, including documents submitted by consumers.

***Comment: According to the bulletin:***

***In general, with respect to disputes received by furnishers from CRAs, the CFPB expects each furnisher to comply with the FCRA by:***

***(1) Maintaining a system reasonably capable of receiving from CRAs information regarding disputes, including supporting documentation;***

***(2) Conducting an investigation of the disputed information including reviewing:***

***a. “all relevant information” forwarded by the CRA and;***

***b. the furnisher’s own information with respect to the dispute;***

***(3) Reporting the results of the investigation to the CRA that sent the dispute;***

***(4) Providing corrected information to every nationwide CRA that received the information if the information is inaccurate or incomplete; and***

***(5) Modifying or deleting the disputed information, or permanently blocking the reporting of the information if the information is incomplete or inaccurate, or cannot be verified.***

***If your bank is not currently maintaining a process that meets these requirements, you should take immediate steps to comply with the requirements of the law.***

# Bernanke to host town hall with educators

# Chairman Ben S. Bernanke will host a town hall meeting with educators from across the country on November 13. The educators will join the Chairman at 6 p.m. CST in the Board Room of the Federal Reserve Board's main building in Washington, D.C., and participate via videoconference from Federal Reserve Bank offices throughout the country. The Chairman will speak briefly about the history of the Federal Reserve and then respond to questions from both in-person and videoconference participants.

# The event will be webcast live at [www.ustream.tv/channel/federalreserve](Javascript:exitWindow('www.ustream.tv/channel/federalreserve','ext')) Twitter users can follow the Federal Reserve Board's feed, [@FederalReserve](Javascript:exitWindow('https://twitter.com/federalreserve','ext')), and join the discussion about the event by using the hashtag: #FedTownHall.  After the event, the Board will post a transcript and video recording at www.federalreserve.gov.

**Fed/CSBS community banking research conference announced**

The Federal Reserve and the Conference of State Bank Supervisors announced today that “Community Banking in the 21st Century,” a national community banking research and policy conference, will be webcast live from the Federal Reserve Bank of St. Louis Oct. 2-3, 2013.

The webcast will be available for viewing via the St. Louis Fed web site at www.stlouisfed.org/live beginning at 2 p.m. Central Time on Wednesday, Oct. 2, when Federal Reserve Chairman Ben Bernanke kicks off the conference along with CSBS President and CEO John Ryan and Federal Reserve Bank of St. Louis President James Bullard.

Community bankers, academics, policymakers and bank supervisors from across the country will gather at the conference to focus on the challenges and opportunities facing the 21st century community bank. Research of note for the community banking sector will be presented along with the findings of a comprehensive series of community banker town halls hosted this past spring and summer by state bank commissioners. [Conference agenda](http://www.stlouisfed.org/banking/community-banking-conference/CBRC-2013-agenda-new.pdf)[[3]](#endnote-3).

**OCC: Current economic conditions in Indian Country**

The OCC published the latest edition of its [*Community Developments Investments*](http://www.occ.gov/publications/publications-by-type/other-publications-reports/cdi-newsletter/extending-credit-indian-country-aug-2013/indian-country-ezine-table-of-contents.html)*[[4]](#endnote-4)* newsletter entitled “Extending Credit in Indian Country: How Banks Use Federal Programs to Promote Economic Development.”

This issue reviews current economic conditions in Indian Country, presents examples of how national banks and federal savings associations can use federal programs to lend and invest in this market, and provides a primer on Community Reinvestment Act implications for OCC-regulated institutions that seek to do business in Indian Country.

***Comment: The publication points out that there are many opportunities even for banks with little or no experience with Native American communities. The publication says that banks can collaborate with Native CDFIs to provide loans, technical assistance, and financial education. Banks already well-versed in SBA programs, such as the 7(a) loan guarantee program, can use the programs to extend loans to Native small businesses. Also, banks can take advantage of other federal loan guarantee programs to mitigate the risks of lending in Indian Country. This newsletter touches on three such programs: the U.S. Department of Housing and Urban Development’s Section 184 Indian Home Loan Guarantee Program; the U.S. Department of Agriculture’s Business and Industry Guaranteed Loan Program; and the U.S. Department of the Interior’s Loan Guarantee, Insurance, and Interest Subsidy Program. Bank loans and investments in these areas may qualify for CRA consideration. Send this to your CRA officer.***

**NACHA—Financial Institution Responsibilities: Payday Lending**

To ensure clarity on FI responsibilities around payday lending, NACHA has issued [additional guidance](https://www.nacha.org/content/financial-institution-responsibilities)[[5]](#endnote-5) in the form of ACH Operations Bulletins to reiterate NACHA Operating Rules requirements.

**Revised RESPA and Reg. Z examination procedures**

The Fed issued two Consumer Affairs Letters regarding revised exam procedures:

[CA 13-13 Revised RESPA Interagency Examination Procedures](http://www.federalreserve.gov/bankinforeg/caletters/caltr1313.htm)[[6]](#endnote-6)

[CA 13-12 Revised Interagency Examination Procedures for Regulation Z](http://www.federalreserve.gov/bankinforeg/caletters/caltr1312.htm)[[7]](#endnote-7)

***Comment: The RESPA procedures incorporate amendments to the CFPB' s Reg. X finalized through July 10, 2013. The CFPB is also expected to finalize a separate proposal containing additional clarifications to the mortgage servicing rule in the fall. The Fed anticipates issuing corresponding interagency revisions to the Reg. X examination procedures shortly after the rulemaking is finalized. The Reg. Z procedures incorporate amendments to Reg. Z finalized through June 12, 2013. On July 10, 2013, the CFPB issued a final rule clarifying, correcting, or amending the servicing, ATR/QM, and escrow rules. The CFPB is also expected to finalize a separate proposal containing additional clarifications in the fall. The Fed anticipates issuing corresponding interagency revisions to the Reg. Z examination procedures shortly after the latter rulemaking is finalized. The Fed also expects to include updated examiner worksheets at that time.***

**CFPB blogs**

[Reminder: Accessing your scholarships and student loan funds](http://www.consumerfinance.gov/blog/reminder-accessing-your-scholarships-and-student-loan-funds/)[[8]](#endnote-8)

[Save the date: Banking on Campus](http://www.consumerfinance.gov/blog/save-the-date-banking-on-campus/)[[9]](#endnote-9) (Discussion on financial products marketed to college students: 12 noon CDT; Monday, September 30; Washington, D.C.)

# [Save the date: Join us for a Consumer Advisory Board meeting in Jackson, Mississippi](http://www.consumerfinance.gov/blog/save-the-date-join-us-for-a-consumer-advisory-board-meeting-in-jackson-mississippi/)[[10]](#endnote-10)

### [A federal partnership to increase financial capability for workers with disabilities](http://www.consumerfinance.gov/blog/a-federal-partnership-to-increase-financial-capability-for-workers-with-disabilities/)[[11]](#endnote-11) (CFPB announces a partnership with the Office of Disability Employment Policy)

[It’s back to school season, so let’s have the #MoneyTalk](http://www.consumerfinance.gov/blog/its-back-to-school-season-so-lets-have-the-moneytalk/)[[12]](#endnote-12)

**CFPB finds mortgage servicing problems at banks/nonbanks**

The CFPB issued a [Supervisory Highlights](http://files.consumerfinance.gov/f/201308_cfpb_supervisory-highlights_august.pdf)[[13]](#endnote-13) report detailing mortgage servicing problems at banks and nonbanks. The report found that many nonbanks lack robust systems for ensuring they are following federal laws.

***Comment:*** ***In supervising both bank and nonbank servicers, CFPB examiners have uncovered problems that can be harmful to consumers. These include:***

* ***Sloppy account transfers***
* ***Poor payment processing***
* ***Loss mitigation mistakes***

***The CFPB found that many nonbank institutions are:***

* ***Missing a comprehensive consumer compliance program***
* ***Lacking formal policies and procedures***
* ***Forgoing independent consumer compliance audits***

***Not many community banks have entered into a third-party relationship to outsource mortgage servicing. But any outsourced activity requires a clearly defined system of risk management controls built into the management system that governs compliance operations, including controls over activities by these third parties. It is important to conduct regular reviews of the adequacy of its oversight and controls over third-party relationships.***

# Fed: Holiday currency information For the 2013 holiday season, the Federal Reserve Banks will process holiday currency special requests during two separate ordering periods. The special ordering periods will be Friday, October 18 through Thursday, October 24 and Friday, December 6 through Thursday, December 12. All orders placed during the special ordering period must be picked up from the Federal Reserve’s docks by the Friday following the last order day, that is, Friday, October 25, and Friday, December 13, respectively. Please ensure your institution has made appropriate transit accommodations, as no orders will be held over to the following week.

# Fuel economy stickers for used cars

# The Deparment of Energy has come up with online, [printable fuel economy labels](http://www.fueleconomy.gov/feg/UsedCarLabel.jsp)[[14]](#endnote-14) for use when selling a used vehicle. Enter a vehicle’s year, make, model, and option online, and the fuel economy tool will create a label that can be affixed to the car’s window for prospective buyers.

# *Comment: If you occasionally have vehicles in the parking lot you are trying to resale, you might consider placing a fuel economy label in the window so prospective buyers will know the fuel economy ratings of the vehicle. The estimates produced by the tool are for when the vehicles were new—and the labels state that.*

# http://www.fueleconomy.gov/feg/EpaLabels/Gr33614.png

# OCC updates OREO in Comptroller’s Handbook

# OCC issued the [“Other Real Estate Owned” booklet of the Comptroller’s Handbook](http://www.occ.gov/news-issuances/bulletins/2013/bulletin-2013-20.html)[[15]](#endnote-15). This updated booklet replaces a similarly titled booklet issued in March 1990 (and examination procedures issued in April 1998). The updated booklet also replaces section 251, “Real Estate Owned and Repossessed Assets,” issued in December 2010 as part of the OTS Examination Handbook for the examination of federal savings associations.

# *Comment: The booklet discusses similarities and differences in the statutes and regulations unique to national banks and federal savings associations.*

Publications, reports, studies, testimony & speeches

**Treasury: The Financial Crisis Five Years Later**

Treasury released a [report](http://www.treasury.gov/connect/blog/Pages/The-Financial-Crisis-Five-Years-Later.aspx)[[16]](#endnote-16) that uses charts to track the response, reform, and progress during the five years following the Financial Crisis of 2008.

**FDIC reports financial institutions’ 2nd quarter income**

Commercial banks and savings institutions insured by the [FDIC reported](http://www.fdic.gov/news/news/press/2013/pr13075.html)[[17]](#endnote-17) aggregate net income of $42.2 billion in the second quarter of 2013, a $7.8 billion (22.6 percent) increase from the $34.4 billion in profits that the industry reported a year earlier. This is the 16th consecutive quarter that earnings have registered a year-over-year increase. Increased noninterest income, lower noninterest expenses, and reduced provisions for loan losses accounted for the increase in earnings from a year ago. Year-over-year earnings increased at more than half (53.8 percent) of the 6,940 insured institutions reporting financial results. The proportion of banks that were unprofitable fell to 8.2 percent, from 11.3 percent a year earlier.

[Quarterly Banking Profile, 2nd Quarter of 2013](http://www2.fdic.gov/qbp/qbpSelect.asp?menuItem=QBP)[[18]](#endnote-18)

[Remarks by Martin J. Gruenberg, FDIC Chairman](http://www.fdic.gov/news/news/speeches/spaug2913.html)[[19]](#endnote-19)

***Comment: According to the*** [***American Banker***](http://www.americanbanker.com/issues/178_168/the-alarming-figure-in-the-fdics-otherwise-glowing-earnings-report-1061699-1.html?ET=americanbanker:e16725:735398a:&st=email&utm_source=editorial&utm_medium=email&utm_campaign=AB_PDF_Daily_Briefing_082913)***[[20]](#endnote-20), FDIC Chairman Martin Gruenberg sees a dark lining in this silver cloud—lower unrealized gains on available-for-sale securities. According to the August 29th article, “the decline was another warning for regulators and bankers concerned that some institutions have not appropriately matched the price and terms of their assets and liabilities with a continued rise in rates.”***

## **CFPB toolkit for teachers and other public servants with student debt**

The CFPB launched a [toolkit](http://www.consumerfinance.gov/pressreleases/cfpb-launches-toolkit-to-help-teachers-and-other-public-servants-tackle-student-debt/)[[21]](#endnote-21) to empower school districts and other public service organizations to help their employees pay off student loan debt. The CFPB is asking these employers to make a pledge to inform their employees of their options. Up to a quarter of the U.S. workforce is in public service and may be eligible for existing student loan debt forgiveness programs, according to a CFPB report also released today.

The Public Service & Student Debt [report](http://files.consumerfinance.gov/f/201308_cfpb_public-service-and-student-debt.pdf)[[22]](#endnote-22) analyzes existing student loan benefits and options for public service organizations.

**Brisk credit union growth in 2nd quarter**

Second-quarter data show federally insured credit unions saw brisk loan growth, their highest net worth ratio since 2008 and record membership levels, the [National Credit Union Administration reported](http://www.ncua.gov/News/Pages/NW20130829SecondQuarterData.aspx)[[23]](#endnote-23).

**Analysis of summary statistics for 2012 CRA Data Fact Sheet**

An [analysis](http://www.ffiec.gov/hmcrpr/cra_fs13.htm)[[24]](#endnote-24) was released based on data compiled by the three Federal banking agency members of the FFIEC with CRA responsibilities —the Fed, the FDIC, and the OCC. The analysis was conducted using data compiled for institutions reporting under CRA regulations.

**FDIC Consumer News, Summer 2013**

The [Summer 2013 issue of FDIC Consumer News](http://www.fdic.gov/consumers/consumer/news/cnsum13/Summer2013C.pdf)[[25]](#endnote-25) contains many articles aimed at assisting consumers, including tips on protecting finances, scam artists targeting older adults, borrowing from homes, helping relatives, and FDIC insurance facts.

**FedFlash for September**

The [September updates](http://www.frbservices.org/fedflash/index.html)[[26]](#endnote-26) include articles on new FedLine security token driver software; Next Generation VPN Solution initiative; changes to Paid Item adjustments effective September 30; new FedReceipt RTNs, RDFI alert service for FedACH that can notify incoming reversals; and the redesigned $100 note (including distribution plan).

**Fed issues latest FedFocus**

[FedFocus](http://www.frbservices.org/fedfocus/index.html)[[27]](#endnote-27) provides the latest Federal Reserve Financial Services news. Each edition keeps you informed about hot topics in the industry, as well as provides insight into the value of Federal Reserve Financial Services. The September edition of FedFocus includes these topics: seeking input on the payment system; the potential benefit of electronic payment orders; implementation of Dodd-Frank remittance rule; and the redesigned $100 note.

**Refinance volume down slightly in 2nd quarter**

According to the Federal Housing Finance Agency’s [*Refinance Report, Second Quarter 2013,*](http://www.fhfa.gov/webfiles/25494/2Q2013Refinancereport.pdf)[[28]](#endnote-28) the total volume of home refinances decreased slightly in the second quarter of 2013 and refinances through the HARP also declined somewhat, according to the Federal Housing Finance Agency’s Second Quarter 2013 Refinance Report. Total refinance volume was just below 1.3 million while HARP refinances stood at close to 280,000.

This marks the third straight quarter in which HARP refinances have declined, but refinances through the program remain well above average levels prior to program enhancements last year. To date, more than 2.7 million refinances have now been completed through HARP since the program began in April 2009.

**HUD guidance on reverse mortgages or Home Equity Conversion Mortgage program**

# HUD published [new guidance](http://portal.hud.gov/hudportal/documents/huddoc?id=2013-28HECMAttachment.pdf)[[29]](#endnote-29) to manage risk associated with the FHA) reverse mortgage or *Home Equity Conversion Mortgage Program*.

***Comment: The HECM Financial Assessment and Property Charge Guide (Guide) provides underwriting guidance and documentation requirements for***

***completing the financial assessment of HECM mortgagors (mortgagors) that***

***is a requirement for mortgage approval. Specifically, this Guide provides***

***policy requirements on:***

***• performing the credit history analysis and cash flow/residual income***

***analysis;***

***• evaluating extenuating circumstances and compensating factors;***

***• evaluating the results of the financial assessment to determine eligibility***

***for the HECM;***

***• determining if funding sources for property charges from HECM proceeds***

***will be required;***

***• completing a financial assessment worksheet; and***

***• verification requirements and documentation standards for credit, income,*** ***and expenses.***

**FDIC state profiles**

# FDIC issued the [State Profiles for the 2nd quarter of 2013](http://www.fdic.gov/bank/analytical/stateprofile/index.html)[[30]](#endnote-30). Click on the state whose profile you want to see.

**Obama administration releases August housing scorecard**

# OCC and HUD released the [August edition](http://portal.hud.gov/hudportal/documents/huddoc?id=HUDaugnat2013scd.pdf)[[31]](#endnote-31) of the Obama Administration's Housing Scorecard – a comprehensive report on the nation’s housing market. The latest data show important progress across many key indicators—as home prices, purchases of new homes, and sales of existing homes continue to show strong annual gains—although officials caution that the overall recovery remains fragile. The full Housing Scorecard is available online at [www.hud.gov/scorecard](http://portal.hud.gov/hudportal/HUD?src=/initiatives/Housing_Scorecard).

# *Comment: The number of underwater homeowners decreased by more than 40% while home prices continue to show strong annual gains.*

# Agency rulemaking:

*Selected final rules since last Capitol Comments:*

****[**CFPB finalizes amendments to the 2013 Mortgage Rules under the ECOA (Reg. B), RESPA (Reg. X) , and the TILA (Reg. Z)**](http://files.consumerfinance.gov/f/201309_cfpb_titlexiv_updates.pdf)**[[32]](#endnote-32) This final rule amends certain mortgage rules issued by the CFPB in January 2013. These proposed amendments focus primarily on clarifying , revising , or amending provisions on : (1) loss mitigation procedures under Regulation X’s servicing provisions; (2) amounts counted as loan originator compensation to retailers of manufactured homes and their employees for purposes of applying points and fees thresholds under the Home Ownership and Equity Protection Act and the qualified mortgage rules in Regulation Z ; (3) exemptions available to creditors that operate predominantly in “rural or underserved” areas for various purposes under the mortgage regulations ; (4) application of the loan originator compensation rules to bank tellers and similar staff; and ( 5 ) the prohibition on creditor - financed credit insurance. The Bureau also is proposing to adjust the effective dates for certain provisions of the loan originator compensation rules. In addition, the Bureau is proposing technical and wording changes for clarification purposes to Regulations B, X, and Z.**

**This rule changes the effective date of §§ 1026.25(c)(2), 1026.36(a), (b), (d), (e), (f), and (j) and commentary to §§ 1026.25(c)(2) and 1026.36(a), (b), (d), (e), (f), and (j) in Supp. I to part 1026, as adopted by the 2013 Loan Originator Compensation Final Rule, 78 FR 11280 (Feb.15, 2013), to January 1, 2014. In addition, the amendments to §§ 1026.35(b)(2)(iii), 1026.36(a),**

**(b), and (j), and commentary to §§ 1026.25(c)(2), 1026.35 and 1026.36(a), (b), (d), and (f) in Supp. I to part 1026 adopted by this final rule are effective January 1, 2014. All other provisions**

**of this final rule are effective January 10, 2014.** [Click here to read the press release.](http://www.consumerfinance.gov/pressreleases/cfpb-finalizes-modifications-to-mortgage-rules/)[[33]](#endnote-33)

***Comment: This amendment changes the effective date of several loan originator compensation rules from January 10, 2014, to January 1, 2014, thus making the accounting simpler.***

***According the CFPB release, the amendments:***

* ***Outline procedures for obtaining follow-up information on loss-mitigation applications***
* ***Facilitate servicers offering of short-term forbearance plans***
* ***Facilitate lending in rural or underserved areas***
* ***Make clarifications about financing of credit insurance premiums***
* ***Clarify the definition of a loan originator***
* ***Clarify the points and fees thresholds for manufactured housing employees***
* ***Revise effective dates of Loan Originator rule and ban on financing credit insurance***

***Most significantly, the amendment revises two exceptions available to small creditors operating in predominantly “rural” or “underserved” areas while the Bureau re-examines the underlying definitions of “rural” or “underserved” over the next two years, as it recently announced it would do in Ability-to-Repay and Qualified Mortgage Standards Under the Truth in Lending Act (Reg. Z) (May 2013 ATR Final Rule). First, the final rule extends an exception to the general prohibition on balloon features for high-cost mortgages under §1026.32(d)(1)(ii)(C) to allow all small creditors, regardless of whether they operate predominantly in “rural” or “underserved” areas, to continue originating balloon high-cost mortgages if the loans meet the requirements for qualified mortgages under §§1026.43(e)(6) or 1026.43(f). In addition, the final amendment amends an exemption from the requirement to establish escrow accounts for higher-priced mortgage loans under the §1026.35(b)(2)(iii)(A) for small creditors that extend more than 50 percent of their total covered transactions secured by a first lien in “rural” or “underserved” counties during the preceding calendar year. To prevent creditors that qualified for the exemption in 2013 from losing eligibility in 2014 or 2015 because of changes in which counties are considered rural while the Bureau is re-evaluating the underlying definition of “rural,” the CFPB amended this provision to allow creditors to qualify for the exemption if they extended more than 50 percent of their total covered transactions in rural or underserved counties in any of the previous three calendar years (assuming the other criteria for eligibility are also met).***[**FDIC adopts interim rule revising risk-based and leverage capital requirements**](https://www.federalregister.gov/articles/2013/09/10/2013-20536/regulatory-capital-rules-regulatory-capital-implementation-of-basel-iii-capital-adequacy-transition)**[[34]](#endnote-34)** The FDIC is adopted an interim final rule that revises its risk-based and leverage capital requirements for FDIC-supervised institutions. This interim final rule is substantially identical to a joint final rule issued by the OCC and the Federal Reserve (together, with the FDIC, the agencies). The interim final rule consolidates three separate notices of proposed rulemaking that the agencies jointly published in the Federal Register on August 30, 2012, with selected changes. The interim final rule implements a revised definition of regulatory capital, a new common equity tier 1 minimum capital requirement, a higher minimum tier 1 capital requirement, and, for FDIC-supervised institutions subject to the advanced approaches risk-based capital rules, a supplementary leverage ratio that incorporates a broader set of exposures in the denominator. The interim final rule incorporates these new requirements into the FDIC's prompt corrective action framework. In addition, the interim final rule establishes limits on FDIC-supervised institutions' capital distributions and certain discretionary bonus payments if the FDIC-supervised institution does not hold a specified amount of common equity tier 1 capital in addition to the amount necessary to meet its minimum risk-based capital requirements. The interim final rule amends the methodologies for determining risk-weighted assets for all FDIC-supervised institutions. The interim final rule also adopts changes to the FDIC's regulatory capital requirements that meet the requirements of section 171 and section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

The interim final rule also codifies the FDIC's regulatory capital rules, which have previously resided in various appendices to their respective regulations, into a harmonized integrated regulatory framework. In addition, the FDIC is amending the market risk capital rule (market risk rule) to apply to state savings associations.

The FDIC is issuing these revisions to its capital regulations as an interim final rule. The FDIC invites comments on the interaction of this rule with other proposed leverage ratio requirements applicable to large, systemically important banking organizations. This interim final rule otherwise contains regulatory text that is identical to the common rule text adopted as a final rule by the Federal Reserve and the OCC. This interim final rule enables the FDIC to proceed on a unified, expedited basis with the other federal banking agencies pending consideration of other issues. Specifically, the FDIC intends to evaluate this interim final rule in the context of the proposed well-capitalized and buffer levels of the supplementary leverage ratio applicable to large, systemically important banking organizations, as described in a separate Notice of Proposed Rulemaking (NPR) published in the Federal Register August 20, 2013.

The FDIC is seeking commenters' views on the interaction of this interim final rule with the proposed rule regarding the supplementary leverage ratio for large, systemically important banking organizations. Comments are due on or before November 12, 2013.

***Selected federal rule proposals with open comment periods:***

[**Agencies repropose risk retention rule**](http://www.federalreserve.gov/newsevents/press/bcreg/bcreg20130828a1.pdf)**[[35]](#endnote-35)** This proposal was issued jointly by the Fed, HUD, the FDIC, FHFA, the OCC, and the SEC. The rule would provide asset-backed securities (ABS) sponsors with several options to satisfy the risk retention requirements. The original proposal generally measured compliance with the risk retention requirements based on the par value of securities issued in a securitization transaction and included a so-called premium capture provision. The agencies are now proposing that risk retention generally be based on fair value measurements without a premium capture provision. Comments must be received on or before October 30, 2013.

***Comment: As required by the Dodd-Frank Act, the proposal would define QRM and exempt securitizations of QRMs from risk retention. The new proposal would define QRMs to have the same meaning as the term qualified mortgages as defined by the CFPB. The new proposal also requests comment on an alternative definition of QRM that would include certain underwriting standards in addition to the qualified mortgage criteria.***

***Similar to the original proposal, under the new proposal, securitizations of commercial loans, commercial mortgages, or automobile loans of low credit risk would not be subject to risk retention. Further, the rule would recognize the full guarantee on payments of principal and interest provided by Fannie Mae and Freddie Mac for their residential mortgage-backed securities as meeting the risk retention requirements while Fannie Mae and Freddie Mac are in conservatorship or receivership and have capital support from the U.S. government. This provision also is unchanged from the original proposal.***

[**Stress test guidance for medium-sized firms**](http://www.federalreserve.gov/newsevents/press/bcreg/bcreg20130730a1.pdf)**[[36]](#endnote-36) Three federal bank regulatory agencies are seeking comment on proposed guidance describing supervisory expectations for stress tests conducted by financial companies with total consolidated assets between $10 billion and $50 billion. These medium-sized companies are required to conduct annual company-run stress tests beginning this fall under rules the agencies issued in October 2012 to implement a provision in the Dodd-Frank Act. To help these companies conduct stress tests appropriately scaled to their size, complexity, risk profile, business mix, and market footprint, the Fed, the FDIC, and the OCC proposed guidance to provide additional details tailored to these companies. The stress test rules allow flexibility to accommodate different approaches by different companies in the $10 billion to $50 billion asset range. Consistent with this flexibility, the proposed guidance describes general supervisory expectations for Dodd-Frank Act stress tests, and, where appropriate, provides examples of practices that would be consistent with those expectations. The public comment period on the proposed supervisory guidance will be open until September 25, 2013.**

# *Selected federal proposed rulemaking with closed comment periods—final rule not yet issued:*

[**Agencies propose rule to exempt subset of higher-priced mortgage loan from appraisal requirements**](http://www.federalreserve.gov/newsevents/press/bcreg/bcreg20130710a1.pdf)[[37]](#endnote-37) The Board, CFPB, FDIC, FHFA, NCUA, and OCC issued a proposed rule that would create exemptions from certain appraisal requirements for a subset of higher-priced mortgage loans. The proposed exemptions are intended to save borrowers time and money and to promote the safety and soundness of creditors. The appraisal requirements for higher-priced mortgages were imposed by the Dodd-Frank Ac. Under the Dodd-Frank Act, mortgage loans are considered to be higher-priced if they are secured by a consumer's home and have interest rates above a certain threshold.

The proposed rule would provide that the following three types of higher-priced mortgage loans would be exempt from the Dodd-Frank Act appraisal requirements: loans of $25,000 or less; certain "streamlined" refinancing; and certain loans secured by manufactured housing. Comments must be received on or before September 9, 2013.

[**CFPB: Proposes Consumer Financial Civil Penalty Fund**](https://www.federalregister.gov/articles/2013/05/07/2013-10318/consumer-financial-civil-penalty-fund)**[[38]](#endnote-38)** The Dodd-Frank Act establishes a “Consumer Financial Civil Penalty Fund” (Civil Penalty Fund) into which the CFPB must deposit any civil penalty it obtains against any person in any judicial or administrative action under Federal consumer financial laws. Under the Act, funds in the Civil Penalty Fund may be used for payments to the victims of activities for which civil penalties have been imposed under Federal consumer financial laws. In addition, to the extent that such victims cannot be located or such payments are otherwise not practicable, the CFPB may use funds in the Civil Penalty Fund for the purpose of consumer education and financial literacy programs. This proposal is related to a final rule published simultaneously with this proposal. That final rule implements the statutory Civil Penalty Fund provisions by articulating the Bureau's interpretation of what kinds of payments to victims are appropriate and by establishing procedures for allocating funds for such payments to victims and for consumer education and financial literacy programs. Comments were due by July 8, 2013.

***Comment: Click*** [***here***](http://www.consumerfinance.gov/budget/civil-penalty-fund/)***[[39]](#endnote-39) to learn about the CFPB’s Civil Penalty Fund.***

[**CFPB: Proposes temporarily delaying the effective date of prohibition on creditors financing credit insurance premiums on certain dwelling secured transactions**](https://www.federalregister.gov/articles/2013/05/10/2013-11223/loan-originator-compensation-requirements-under-the-truth-in-lending-act-regulation-z-prohibition-on) **The CFPB proposed to temporarily delay the June 1, 2013, effective date of a prohibition on creditors financing credit insurance premiums in connection with certain consumer credit transactions secured by a dwelling. The prohibition was adopted in the Loan Originator Compensation Requirements under the Truth in Lending Act (Regulation Z) Final Rule, issued on January 20, 2013. Temporary delay of the effective date would permit the CFPB to clarify, before the provision takes effect, its applicability to transactions other than those in which a lump-sum premium is added to the loan amount at closing. Comments closed on May 25, 2013.**

***Comment: This is likely in response to concerns expressed by interested parties as to whether premiums for some credit insurance products can be charged on a periodic basis.***

[**CFPB: Proposes amendments to Qualified Mortgages and Servicing under the RESPA and Reg. Z**](https://www.federalregister.gov/articles/2013/05/02/2013-09750/amendments-to-the-2013-mortgage-rules-under-the-real-estate-settlement-procedure-act-regulation-x)[[40]](#endnote-40) **This rule proposes amendments to some o f the final mortgage rules issued by the CFPB in January of 2013. These amendments clarify or correct provisions on (1) the relation to State law of Regulation X’s servicing provisions; (2) the small servicer exemption from certain servicing rules; (3) the use of government - sponsored enterprise and Federal agency purchase, guarantee or insurance eligibility for determining qualified mortgage status; and (4) the determination of debt and income for purposes of originating qualified mortgages. The comment period closed on June 3, 2013.**

***Comment: The*** [***CFPB blog***](http://www.consumerfinance.gov/blog/proposed-clarifications-of-the-ability-to-repayqm-and-mortgage-servicing-rules/)***[[41]](#endnote-41) states that this proposal addresses five topics: Debt-to-income; Contract variances and the temporary QM provision; Purchase, guarantee or insurability status and temporary QM; No field preemption under Reg. X; and Small servicer exemption.***

[**HUD: Proposal to streamline reporting requirements for small supervised lenders and mortgagees**](https://www.federalregister.gov/articles/2013/04/18/2013-09131/federal-housing-administration-fha-approval-of-lending-institutions-and-mortgagees-streamlined)**[[42]](#endnote-42) This proposed rule would streamline the FHA financial statement reporting requirements for lenders and mortgagees who are supervised by federal banking agencies and whose consolidated assets do not meet the thresholds set by their supervising federal banking agencies for submission of audited financial statements (currently set at $500 million in consolidated assets). HUD's regulations currently require all supervised lenders and mortgagees to submit annual audited financial statements as a condition of FHA lender approval and recertification. Through this proposed rule, in lieu of the annual audited financial statements, small supervised lenders and mortgagees would be required to submit the unaudited financial regulatory reports that align with their fiscal year ends and are required to be submitted to their supervising federal banking agencies. Small supervised lenders and mortgagees would only be required to submit audited financial statements if HUD determines that the supervised lenders or mortgagees pose heightened risk to the FHA insurance fund. Comment period closed on June 17, 2013.**

[**Agencies propose clarifications to the Interagency Q&A regarding CRA**](https://www.federalregister.gov/articles/2013/03/18/2013-06075/community-reinvestment-act-interagency-questions-and-answers-regarding-community-reinvestment-notice)[[43]](#endnote-43)The OCC, Board, and FDIC (collectively, the Agencies) are proposing to clarify their Interagency Questions and Answers Regarding Community Reinvestment to address several community development issues. The Agencies propose to revise five questions and answers, which address (i) community development activities outside institutions' assessment areas, both in the broader statewide or regional area and in nationwide funds; (ii) additional ways to determine whether recipients of community services are low- or moderate-income; and (iii) providing a community development service by serving on the board of directors of a community development organization. The Agencies also propose to add two new questions and answers, one of which addresses the treatment of community development performance in determining an institution's lending test rating, and the other addresses the quantitative consideration given to a certain type of community development investment. Finally, the Agencies also propose to redesignate one question and answer without substantive change.Click [here](http://www.federalreserve.gov/newsevents/press/bcreg/20130318a.htm)[[44]](#endnote-44) to see the Agencies’ press release. Comments closed on May 17, 2013**.**

[**CFPB: Proposes integrated Mortgage Disclosures**](https://www.federalregister.gov/articles/2012/08/23/2012-17663/integrated-mortgage-disclosures-under-the-real-estate-settlement-procedures-act-regulation-x-and-the)   
Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act (Regulation Z)  
Notice of proposed rulemaking  
The comment period closed on November 6, 2012.

[**CFPB: Proposes High-Cost Mortgage and Homeownership Counseling Amendments**](https://www.federalregister.gov/articles/2012/08/15/2012-17059/high-cost-mortgage-and-homeownership-counseling-amendments-to-the-truth-in-lending-act-regulation-z) to the Truth in Lending Act (Regulation Z) and Homeownership Counseling Amendments to the Real Estate Settlement Procedures Act (Regulation X). The comment period closed on September 7, 2012.  
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Selected upcoming final federal rule compliance dates:

10.28.2013 [CFPB: Final Consumer protection rule on international remittances (Reg. E)](http://www.consumerfinance.gov/remittances-transfer-rule-amendment-to-regulation-e/) This rule was followed by a clarification: [CFPB Final Rule: Clarificatory amendment and technical correction to a final rule and official interpretation of disclosures for remittance transactions (Reg. E)](https://www.federalregister.gov/articles/2013/08/14/2013-19503/electronic-fund-transfers-regulation-e-correction)

11.04.2013 [Final rule prohibiting issuing credit card unless ability to make payments is considered (Reg. Z)](https://www.federalregister.gov/articles/2013/05/03/2013-10429/truth-in-lending-regulation-z)

01.01.2014 [Regulatory Capital Rules (Basel III)](http://www.federalreserve.gov/bcreg20130702a.pdf) The Fed approved a Basel III final rule. The final rule minimizes burden on smaller, less complex financial institutions. For more details, refer to the [Federal Reserve’s Press Release](http://www.federalreserve.gov/newsevents/press/bcreg/20130702a.htm)[[45]](#endnote-45). The FDIC Board of Directors approved an [interim final rule](http://www.fdic.gov/news/board/2013/2013-07-09_notice_dis_a_res.pdf)[[46]](#endnote-46) that adopts with revisions the three notices of proposed rulemaking (NPRs) that the banking agencies proposed last year related to Basel III and the standardized approach. The FDIC Board also approved a joint interagency [Notice of Proposed Rulemaking](http://www.fdic.gov/news/board/2013/2013-07-09_notice_dis_b_res.pdf)[[47]](#endnote-47) to strengthen the supplementary leverage requirements for the largest most systemically important banking organizations. The OCC announced ([NR 2013-110](http://www.occ.gov/news-issuances/news-releases/2013/nr-occ-2013-110.html)[[48]](#endnote-48)) that it approved a final rule revising regulatory capital rules applicable to national banks and federal savings associations.

01.10.2014 CFPB: [Loan Originator Compensation Requirements Under TILA/Regulation Z](http://www.consumerfinance.gov/regulations/loan-originator-compensation-requirements-under-the-truth-in-lending-act-regulation-z/)[[49]](#endnote-49) Amendments to §1026.36(h) and (i), which are a prohibition on financing credit insurance in connection with consumer credit transactions secured by a dwelling, and which were to be effective on June 1, 2013, will now be effective on January 10, 2014 after clarifications are adopted. Click [here](http://files.consumerfinance.gov/f/201305_cfpb_final-rule_credit-insurance-effective-date-delay-final-rule-for-ofr-submission.pdf)[[50]](#endnote-50) to read the notice of the delay of the effective date.

01.10.2014 CFPB: [RESPA/Regulation X and TILA/Regulation Z Mortgage Servicing](http://www.consumerfinance.gov/regulations/2013-real-estate-settlement-procedures-act-regulation-x-and-truth-in-lending-act-regulation-z-mortgage-servicing-final-rules/)[[51]](#endnote-51) RESPA final rule includes servicer’s’ obligations to correct errors asserted by mortgage loan borrowers; provide certain information requested by such borrowers; and provide protection to such borrowers in connection with force-placed insurance. The Reg. .Z final rule includes initial rate adjustment notices, periodic statements for residential mortgage loans, crediting of mortgage payments; and responses to requests for payoff amounts. This final rule was further corrected, clarified, and amended: [CFPB finalizes corrections, clarifications, and amendments to mortgage rules](https://www.federalregister.gov/articles/2013/07/24/2013-16962/amendments-to-the-2013-mortgage-rules-under-the-real-estate-settlement-procedures-act-regulation-x)[[52]](#endnote-52): ●Clarifies how to determine a consumer’s debt-to-income (DTI) ratio: ●Explains that CFPB’s RESPA rule does not preempt the field of servicing regulation by states. ●Establishes which mortgage loans to consider in determining small servicer status. ●Clarifies the eligibility standard of the temporary QM provision.

01.10.2014 CFPB: [Ability to Repay (ATR) and Qualified Mortgage (QM) Standards under TILA/Regulation Z](http://www.consumerfinance.gov/regulations/ability-to-repay-and-qualified-mortgage-standards-under-the-truth-in-lending-act-regulation-z/)[[53]](#endnote-53)

01.10.2014 CFPB: [High-Cost Mortgage and Homeownership Counseling Amendments to TILA/Regulation Z and Homeownership Counseling Amendments to RESPA/Regulation X](http://www.consumerfinance.gov/regulations/high-cost-mortgage-and-homeownership-counseling-amendments-to-regulation-z-and-homeownership-counseling-amendments-to-regulation-x/)[[54]](#endnote-54) implements Dodd-Frank Act amendments to TILA and RESPA. Expands the types of mortgage loans subject to the protections of HOEPA, revises and expands the tests for coverage under HOEPA, and imposes additional restrictions on mortgages that are covered by HOEPA, including a pre-loan counseling requirement.

01.18.2014 CFPB: [Disclosure and Delivery Requirements for Copies of Appraisals and Other Written Valuations Under ECOA/Regulation B](http://www.consumerfinance.gov/regulations/disclosure-and-delivery-requirements-for-copies-of-appraisals-and-other-written-valuations-under-the-equal-credit-opportunity-act-regulation-b/)[[55]](#endnote-55)

o1.18.2014 CFPB, FRB, FDIC, FHFA, NCUA, and OCC: [Appraisals for Higher-Priced Mortgage Loans](http://www.consumerfinance.gov/regulations/appraisals-for-higher-priced-mortgage-loans/)[[56]](#endnote-56)

***Comment: Distribute this calendar to your CEO, CFO, Compliance Officer, and Operations Officer.***

# Selected final federal rule compliance dates from the past 12 months:

***Our list of past final rule effective dates is limited to 12 months. To see the document “Selected Past Final Federal Rules,” containing final rules with effective dates more than 12 months old, click*** [***here***](http://www.ibat.org/pdfs/2011/04/18/final-federal-rules)***.***

07.01.2013 FTC: Amends the Children's Online Privacy Protection Rule (“COPPA Rule” or “Rule”), consistent with the requirements of the Children's Online Privacy Protection Act, to clarify the scope of the Rule and strengthen its protections for children's personal information, in light of changes in online technology since the Rule went into effect in April 2000. The final amended Rule includes modifications to the definitions of operator, personal information, and Web site or online service directed to children. The amended Rule also updates the requirements set forth in the notice, parental consent, confidentiality and security, and safe harbor provisions, and adds a new provision addressing data retention and deletion. (Comment: Financial institutions are subject to COPPA if they operate a website or online services directed to children or have actual knowledge that they are collecting or maintaining personal information from a child online.)

06.01.2013 CFPB: [Escrow Requirements for Higher-Priced Mortgages Under TILA/Regulation Z](http://www.consumerfinance.gov/regulations/escrow-requirements-under-the-truth-in-lending-act-regulation-z/) [[57]](#endnote-57) The CFPB issued [Clarifications of the 2013 Escrows final rule](http://files.consumerfinance.gov/f/201305_cfpb_Escrows-Clarifications-final-rule.pdf)[[58]](#endnote-58) (Reg. Z) on May 16, 2013.

06.01.2013 Amendments in the [Loan Originator Compensation final rules](http://www.consumerfinance.gov/regulations/loan-originator-compensation-requirements-under-the-truth-in-lending-act-regulation-z/)[[59]](#endnote-59) to §1026.36 (h) and (i) are effective on this June 1, 2013. Section 1026.36(h) is regarding the prohibition on mandatory arbitration clauses and waivers of certain consumer rights. Section 1026(i) is regarding the prohibition on financing single-premium credit insurance.

03.31.2013 FinCEN: SAR/CTR batch filers must update their systems to the [new specifications](http://www.fincen.gov/news_room/nr/html/20110902.html)[[60]](#endnote-60). ([Extended from June 30, 2012 to March 31, 2013](http://www.fincen.gov/whatsnew/pdf/20111220.pdf)[[61]](#endnote-61)) All institutions that batch file the current CTR, CTR-C, SAR-DI, SAR-SF, SAR-MSB, or SAR-C will have to convert their systems to file the new CTR and SAR. FinCEN will make other filing technical specifications available in the near future.

03.28.2013 In order to resolve litigation regarding a Reg. Z provision limiting fees a consumer must pay prior to opening a credit card account, the CFPB issued an April 2012 proposal to amend the rule to be consistent with a court ruling so that it no longer applies to fees charged prior to account opening. On March 22, the CFPB adopted a [final rule](https://www.federalregister.gov/articles/2013/03/28/2013-07066/truth-in-lending-regulation-z)[[62]](#endnote-62) adopting the proposal’s elimination of the cap on fees charged prior to account opening.

03.26.2013 The CFPB [amended Reg. E](https://www.federalregister.gov/articles/2013/03/26/2013-06861/disclosures-at-automated-teller-machines-regulation-e)[[63]](#endnote-63) to conform to legislation that amended the EFTA to eliminate a requirement that owners of ATMs post a fee notice on all ATMs. The onscreen notice requirement remains.

01.01.2013 The IRS [final regulations](http://www.gpo.gov/fdsys/pkg/FR-2012-04-19/pdf/2012-9520.pdf)[[64]](#endnote-64) regarding the reporting requirements for interest that relates to deposits maintained at U.S. offices of certain financial institutions and is paid to certain nonresident alien individuals. These regulations apply to payments of interest made on or after January 1, 2013.

12.31.2012 Housing and Economic Recovery Act by The Helping Heroes Keep Their Homes Act of 2010 – The provision for an extended time period (extended from 90 days to nine months) for protections affecting foreclosure, sale, or seizure of servicemembers’ real or personal property expires.

11.30.2012 The Board is [amending Regulation D,](http://www.gpo.gov/fdsys/pkg/FR-2012-10-31/html/2012-26662.htm)[[65]](#endnote-65) Reserve Requirements of Depository Institutions, to reflect the annual indexing of the reserve requirement exemption amount and the low reserve tranche for 2013.

10.01.2012 The Federal Reserve Board [final rule](http://www.gpo.gov/fdsys/pkg/FR-2012-08-03/pdf/2012-18726.pdf)[[66]](#endnote-66) amends the provisions in Regulation II (Debit Card Interchange Fees and Routing) that permit a debit card issuer subject to the interchange fee standards to receive a fraud-prevention adjustment. The final rule revises provisions that are currently in effect as an interim final rule.

07.21.2012 The [interim final rule](http://www.occ.gov/news-issuances/news-releases/2012/2012-92a.pdf)[[67]](#endnote-67) adopted by the OCC implements Section 610 of the Dodd-Frank Act revises the statutory definition of loans and extensions of credit for purposes of the lending limit to include certain credit exposures arising from a derivative transaction, repurchase agreement, reverse repurchase agreement, securities lending transaction, or securities borrowing transaction. State banks are subject to separate restrictions under section 611 of the Dodd-Frank Act.

# 

# ****How to submit comments to your federal regulators:****

**Office of the Comptroller of the Currency**: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by the Federal eRulemaking Portal or e-mail, if possible. Please use the title in the Federal Register publication of the proposal. You may submit comments by any of the following methods:

* Federal eRulemaking Portal—Regulations.gov: Go to <http://www.regulations.gov> . Select “Document Type” of “Proposed Rule”, and in “Enter Keyword or ID Box”, enter the docket number found in the Federal Register publication of the proposed rule and click “Search.” On “View By Relevance” tab at bottom of screen, in the “Agency” column, locate the proposed rule for OCC, in the “Action” column, click on “Submit a Comment” or “Open Docket Folder” to submit or view public comments and to view supporting and related materials for this proposed rule.
* Click on the “Help” tab on the Regulations.gov home page to get information on using Regulations.gov, including instructions for submitting or viewing public comments, viewing other supporting and related materials, and viewing the docket after the close of the comment period.
* E-mail: [regs.comments@occ.treas.gov](mailto:regs.comments@occ.treas.gov)
* Mail: Office of the Comptroller of the Currency, 250 E Street, SW., Mail Stop 2-3, Washington, DC 20219.
* Fax: (202) 874-5274.
* Hand Delivery/Courier**:** 250 E Street, SW., Mail Stop 2-3, Washington, DC 20219.

*Instructions*: You must include “OCC” as the agency name and the docket number in your comment. In general, OCC will enter all comments received into the docket and publish them on the Regulations.gov Web site without change, including any business or personal information that you provide such as name and address information, e-mail addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure.

Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

**Board of Governors of the Federal Reserve System:** You may submit comments, identified by the docket number and the RIN number found in the Federal Register publication of the rule proposal, by any of the following methods:

* Agency Web Site: http://www.federalreserve.gov. Follow the instructions for submitting comments at http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.
* Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.
* E-mail: regs.comments@federalreserve.gov. Include the docket number and RIN number in the subject line of the message.
* Fax: (202) 452-3819 or (202) 452-3102.
* Mail: Address to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

**Federal Deposit Insurance Corporation**: You may submit comments, identified by RIN number, by any of the following methods:

* Agency Web Site: <http://www.FDIC.gov/regulations/laws/federal/propose.html>. Follow instructions for submitting comments on the Agency Web Site.
* E-mail**:** Comments@FDIC.gov. Include the RIN number on the subject line of the message.
* Mail**:** Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429.
* Hand Delivery**:** Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

*Instructions:* All comments received must include the agency name and RIN for this rulemaking and will be posted without change to

[http://www.fdic.gov/regulations/laws/ federal/propose.html](http://www.fdic.gov/regulations/laws/%20federal/propose.html%20), including any personal information provided.

**Consumer Financial Protection Bureau:** You may submit comments, identified by docket number, by any of the following methods:

* Electronic: <http://www.regulations.gov>. Follow the instructions for submitting comments.
* Mail: Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1500 Pennsylvania Ave. NW., (Attn: 1801 L Street), Washington, DC 20220.
* Hand Delivery/Courier in Lieu of Mail: Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20006.

*Instructions:* The CFPB encourages the early submission of comments. All submissions must include the document title and docket number. Please note the number of the question to which you are responding at the top of each response (respondents need not answer each question). In general, all comments received will be posted without change to <http://www.regulations.gov>. In addition, comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20006, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning (202) 435-7275. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information such as accouni8ik2t numbers or Social Security numbers should not be included. Comments will not be edited to remove any identifying or contact information.

**Common words, phrases, and acronyms**

|  |  |
| --- | --- |
| APOR | “Average Prime Offer Rates” are derived from average interest rates, points, and other pricing terms offered by a representative sample of creditors for mortgage transactions that have low-risk pricing characteristics. |
| ATM | Automated Teller Machine |
| CARD Act | [Credit Card Accountability Responsibility and Disclosure Act of 2009](http://www.law.cornell.edu/topn/credit_card_accountability_responsibility_and_disclosure_act_of_2009) |
| CFPB | [Consumer Financial Protection Bureau](http://www.consumerfinance.gov/) |
| CFR | [Code of Federal Regulations](http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR). Codification of rules and regulations of federal agencies. |
| CRA | [Community Reinvestment Act](http://www.ffiec.gov/cra/). This Act is designed to encourage loans in all segments of communities. |
| CRE | Commercial Real Estate |
| CSBS | [Conference of State Bank Supervisors](http://www.csbs.org/Pages/default.aspx) |
| CTR | [Currency Transaction Report](http://www.fincen.gov/forms/bsa_forms/). Filed for each deposit, withdrawal, exchange of currency that involves a transaction in currency of more than $10,000. |
| Dodd-Frank Act | [The Dodd–Frank Wall Street Reform and Consumer Protection Act](http://www.law.cornell.edu/topn/dodd-frank_wall_street_reform_and_consumer_protection_act) |
| FDIC | [Federal Deposit Insurance Corporation](https://www.fdic.gov/) |
| EFTA | [Electronic Fund Transfer Act](http://www.fdic.gov/regulations/laws/rules/6500-1350.html) |
| Federal bank regulatory agencies | FDIC, FRB, and OCC |
| Federal financial institution regulatory agencies | CFPB, FDIC, FRB, NCUA, and OCC |
| FEMA | [Federal Emergency Management Agency](http://www.fema.gov) |
| FFIEC | [Federal Financial Institutions Examination Council](http://www.ffiec.gov/) |
| FHFA | [Federal Housing Finance Agency](http://www.fhfa.gov/) |
| FHA | [Federal Housing Administration](http://portal.hud.gov/hudportal/HUD?src=/federal_housing_administration) |
| FinCEN | [Financial Crime Enforcement Network](http://www.fincen.gov) |
| FR | [Federal Register](https://www.federalregister.gov/). U.S. government daily publication that contains proposed and final administrative regulations of federal agencies. |
| FRB | [Federal Reserve Board](http://www.federalreserve.gov/) |
| FSOC | [Financial Stability Oversight Council](http://www.treasury.gov/initiatives/fsoc/Pages/home.aspx) |
| FTC | [Federal Trade Commission](http://www.ftc.gov) |
| GAO | [Government Accountability Office](http://www.gao.gov) |
| HARP | [Home Affordable Refinance Program](http://harpprogram.org/) |
| HAMP | [Home Affordable Modification Program](http://www.makinghomeaffordable.gov/programs/lower-payments/Pages/hamp.aspx) |
| HMDA | [Home Mortgage Disclosure Act](http://www.ffiec.gov/hmda/) |
| HOEPA | [Home Ownership and Equity Protections Act of 1994](http://www.law.cornell.edu/topn/home_ownership_and_equity_protection_act_of_1994) |
| HPML | [Higher Priced Mortgage Loan](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=9cab7962ab7aa3e468e911638c817e0b&rgn=div5&view=text&node=12:8.0.2.14.18&idno=12#12:8.0.2.14.18.5.1.5) |
| HUD | [U.S. Department of Housing and Urban Development](http://www.hud.gov) |
| IRS | [Internal Revenue Service](vhttp://www.irs.gov/) |
| MLO | Mortgage Loan Originator |
| MOU | Memorandum of Understanding |
| NFIP | [National Flood Insurance Program](http://www.fema.gov/national-flood-insurance-program). U.S. government program to allow the purchase of flood insurance from the government. |
| NMLS | [National Mortgage Licensing System](http://mortgage.nationwidelicensingsystem.org/Pages/default.aspx) |
| OCC | [Office of the Comptroller of the Currency](http://www.occ.gov/) |
| OFAC | [Office of Foreign Asset Control](http://www.treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-Assets-Control.aspx) |
| QRM | Qualified Residential Mortgage |
| Reg. | Abbreviation for “Regulation” – A federal regulation. These are found in the CFR. |
| Reg. B | [Equal Credit Opportunity](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=9cab7962ab7aa3e468e911638c817e0b&rgn=div5&view=text&node=12:8.0.2.14.1&idno=12) |
| Reg. C | [Home Mortgage Disclosure](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=9cab7962ab7aa3e468e911638c817e0b&rgn=div5&view=text&node=12:8.0.2.14.2&idno=12) |
| Reg. DD | [Truth in Savings](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=9cab7962ab7aa3e468e911638c817e0b&rgn=div5&view=text&node=12:8.0.2.14.19&idno=12) |
| Reg. E | [Electronic Fund Transfers](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=9cab7962ab7aa3e468e911638c817e0b&rgn=div5&view=text&node=12:8.0.2.14.4&idno=12) |
| Reg. G | [S.A.F.E. Mortgage Licensing Act](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title12/12cfr1007_main_02.tpl) |
| Reg. P | [Privacy of Consumer Financial Information](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=9cab7962ab7aa3e468e911638c817e0b&rgn=div5&view=text&node=12:8.0.2.14.15&idno=12) |
| Reg. X | [Real Estate Settlement Procedures Act](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=9cab7962ab7aa3e468e911638c817e0b&rgn=div5&view=text&node=12:8.0.2.14.17&idno=12) |
| Reg. Z | [Truth in Lending](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=9cab7962ab7aa3e468e911638c817e0b&rgn=div5&view=text&node=12:8.0.2.14.18&idno=12) |
| RESPA | [Real Estate Settlement Procedures Act](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/rmra/res/respa_hm) |
| SAR | [Suspicious Activity Report](http://www.fincen.gov/forms/bsa_forms/) – Report financial institutions file with the U.S. government (FinCEN) regarding activity that may be criminal in nature. |
| SDN | Specially Designated National |
| TILA | [Truth in Lending Act](http://www.law.cornell.edu/uscode/text/15/chapter-41) |
| TIN | Tax Identification Number |
| Treasury | [U.S. Department of Treasury](http://www.treasury.gov) |

|  |  |
| --- | --- |
| Treasury | [U.S. Department of Treasury](http://www.treasury.gov) |

*This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is provided with the understanding that the publisher is not engaged in the rendering of legal, accounting or other professional advice - from a Declaration of Principles adopted by the American Bar Association and a Committee of Publishers and Associations; All rights reserved; Shannon Phillips Jr., Editor; Oklahoma Edition, copyrighted by Craig Buford, CBAO President and CEO.*

**Capitol Comments**

**September 2013**

Craig Buford, CAE

President and CEO

Community Bankers Association of Oklahoma

4101 Perimeter Center Drive, Suite 107

Oklahoma City, OK 73112

Office: 405-524-4122

Cell: 405-833-9499

Fax: 405-524-0443

cbuford@cba-ok.org

www.cba-ok.org

1. <http://files.consumerfinance.gov/f/201309_cfpb_payroll-card-bulletin.pdf> [↑](#endnote-ref-1)
2. <http://files.consumerfinance.gov/f/201309_cfpb_bulletin_furnishers.pdf> [↑](#endnote-ref-2)
3. <http://www.stlouisfed.org/banking/community-banking-conference/CBRC-2013-agenda-new.pdf> [↑](#endnote-ref-3)
4. <http://www.occ.gov/publications/publications-by-type/other-publications-reports/cdi-newsletter/extending-credit-indian-country-aug-2013/indian-country-ezine-table-of-contents.html> [↑](#endnote-ref-4)
5. <https://www.nacha.org/content/financial-institution-responsibilities> [↑](#endnote-ref-5)
6. <http://www.federalreserve.gov/bankinforeg/caletters/caltr1313.htm> [↑](#endnote-ref-6)
7. <http://www.federalreserve.gov/bankinforeg/caletters/caltr1312.htm> [↑](#endnote-ref-7)
8. <http://www.consumerfinance.gov/blog/reminder-accessing-your-scholarships-and-student-loan-funds/> [↑](#endnote-ref-8)
9. <http://www.consumerfinance.gov/blog/save-the-date-banking-on-campus/> [↑](#endnote-ref-9)
10. <http://www.consumerfinance.gov/blog/save-the-date-join-us-for-a-consumer-advisory-board-meeting-in-jackson-mississippi/> [↑](#endnote-ref-10)
11. <http://www.consumerfinance.gov/blog/a-federal-partnership-to-increase-financial-capability-for-workers-with-disabilities/> [↑](#endnote-ref-11)
12. <http://www.consumerfinance.gov/blog/its-back-to-school-season-so-lets-have-the-moneytalk/> [↑](#endnote-ref-12)
13. <http://files.consumerfinance.gov/f/201308_cfpb_supervisory-highlights_august.pdf> [↑](#endnote-ref-13)
14. <http://www.fueleconomy.gov/feg/UsedCarLabel.jsp> [↑](#endnote-ref-14)
15. <http://www.occ.gov/news-issuances/bulletins/2013/bulletin-2013-20.html> [↑](#endnote-ref-15)
16. <http://www.treasury.gov/connect/blog/Pages/The-Financial-Crisis-Five-Years-Later.aspx> [↑](#endnote-ref-16)
17. <http://www.fdic.gov/news/news/press/2013/pr13075.html> [↑](#endnote-ref-17)
18. <http://www2.fdic.gov/qbp/qbpSelect.asp?menuItem=QBP> [↑](#endnote-ref-18)
19. <http://www.fdic.gov/news/news/speeches/spaug2913.html> [↑](#endnote-ref-19)
20. <http://www.americanbanker.com/issues/178_168/the-alarming-figure-in-the-fdics-otherwise-glowing-earnings-report-1061699-1.html?ET=americanbanker:e16725:735398a:&st=email&utm_source=editorial&utm_medium=email&utm_campaign=AB_PDF_Daily_Briefing_082913> [↑](#endnote-ref-20)
21. <http://www.consumerfinance.gov/pressreleases/cfpb-launches-toolkit-to-help-teachers-and-other-public-servants-tackle-student-debt/> [↑](#endnote-ref-21)
22. <http://files.consumerfinance.gov/f/201308_cfpb_public-service-and-student-debt.pdf> [↑](#endnote-ref-22)
23. <http://www.ncua.gov/News/Pages/NW20130829SecondQuarterData.aspx> [↑](#endnote-ref-23)
24. <http://www.ffiec.gov/hmcrpr/cra_fs13.htm> [↑](#endnote-ref-24)
25. <http://www.fdic.gov/consumers/consumer/news/cnsum13/Summer2013C.pdf> [↑](#endnote-ref-25)
26. <http://www.frbservices.org/fedflash/index.html> [↑](#endnote-ref-26)
27. <http://www.frbservices.org/fedfocus/index.html> [↑](#endnote-ref-27)
28. <http://www.fhfa.gov/webfiles/25494/2Q2013Refinancereport.pdf> [↑](#endnote-ref-28)
29. <http://portal.hud.gov/hudportal/documents/huddoc?id=2013-28HECMAttachment.pdf> [↑](#endnote-ref-29)
30. <http://www.fdic.gov/bank/analytical/stateprofile/index.html> [↑](#endnote-ref-30)
31. <http://portal.hud.gov/hudportal/documents/huddoc?id=HUDaugnat2013scd.pdf> [↑](#endnote-ref-31)
32. <http://files.consumerfinance.gov/f/201309_cfpb_titlexiv_updates.pdf> [↑](#endnote-ref-32)
33. <http://www.consumerfinance.gov/pressreleases/cfpb-finalizes-modifications-to-mortgage-rules/> [↑](#endnote-ref-33)
34. <https://www.federalregister.gov/articles/2013/09/10/2013-20536/regulatory-capital-rules-regulatory-capital-implementation-of-basel-iii-capital-adequacy-transition> [↑](#endnote-ref-34)
35. <http://www.federalreserve.gov/newsevents/press/bcreg/bcreg20130828a1.pdf> [↑](#endnote-ref-35)
36. <http://www.federalreserve.gov/newsevents/press/bcreg/bcreg20130730a1.pdf> [↑](#endnote-ref-36)
37. <http://www.gpo.gov/fdsys/pkg/FR-2013-08-08/pdf/2013-17086.pdf> [↑](#endnote-ref-37)
38. <https://www.federalregister.gov/articles/2013/05/07/2013-10318/consumer-financial-civil-penalty-fund> [↑](#endnote-ref-38)
39. <http://www.consumerfinance.gov/budget/civil-penalty-fund/> [↑](#endnote-ref-39)
40. <http://files.consumerfinance.gov/f/201304_cfpb_proposed-rule_amending-atr-qm-and-servicing-mortgage-rules.pdf> [↑](#endnote-ref-40)
41. <http://www.consumerfinance.gov/blog/proposed-clarifications-of-the-ability-to-repayqm-and-mortgage-servicing-rules/> [↑](#endnote-ref-41)
42. <https://www.federalregister.gov/articles/2013/04/18/2013-09131/federal-housing-administration-fha-approval-of-lending-institutions-and-mortgagees-streamlined> [↑](#endnote-ref-42)
43. <https://www.federalregister.gov/articles/2013/03/18/2013-06075/community-reinvestment-act-interagency-questions-and-answers-regarding-community-reinvestment-notice> [↑](#endnote-ref-43)
44. <http://www.federalreserve.gov/newsevents/press/bcreg/20130318a.htm> [↑](#endnote-ref-44)
45. <http://www.federalreserve.gov/newsevents/press/bcreg/20130702a.htm> [↑](#endnote-ref-45)
46. <http://www.fdic.gov/news/board/2013/2013-07-09_notice_dis_a_res.pdf> [↑](#endnote-ref-46)
47. <http://www.fdic.gov/news/board/2013/2013-07-09_notice_dis_b_res.pdf> [↑](#endnote-ref-47)
48. <http://www.occ.gov/news-issuances/news-releases/2013/nr-occ-2013-110.html> [↑](#endnote-ref-48)
49. <http://www.consumerfinance.gov/regulations/loan-originator-compensation-requirements-under-the-truth-in-lending-act-regulation-z/> [↑](#endnote-ref-49)
50. <http://files.consumerfinance.gov/f/201305_cfpb_final-rule_credit-insurance-effective-date-delay-final-rule-for-ofr-submission.pdf> [↑](#endnote-ref-50)
51. <http://www.consumerfinance.gov/regulations/2013-real-estate-settlement-procedures-act-regulation-x-and-truth-in-lending-act-regulation-z-mortgage-servicing-final-rules/> [↑](#endnote-ref-51)
52. <https://www.federalregister.gov/articles/2013/07/24/2013-16962/amendments-to-the-2013-mortgage-rules-under-the-real-estate-settlement-procedures-act-regulation-x> [↑](#endnote-ref-52)
53. <http://www.consumerfinance.gov/regulations/ability-to-repay-and-qualified-mortgage-standards-under-the-truth-in-lending-act-regulation-z/> [↑](#endnote-ref-53)
54. <http://files.consumerfinance.gov/f/201301_cfpb_final-rule_high-cost-mortgages.pdf> [↑](#endnote-ref-54)
55. <http://www.consumerfinance.gov/regulations/disclosure-and-delivery-requirements-for-copies-of-appraisals-and-other-written-valuations-under-the-equal-credit-opportunity-act-regulation-b/> [↑](#endnote-ref-55)
56. <http://www.consumerfinance.gov/regulations/appraisals-for-higher-priced-mortgage-loans/> [↑](#endnote-ref-56)
57. <http://files.consumerfinance.gov/f/201301_cfpb_final-rule_escrow-requirements.pdf> [↑](#endnote-ref-57)
58. <http://files.consumerfinance.gov/f/201305_cfpb_Escrows-Clarifications-final-rule.pdf> [↑](#endnote-ref-58)
59. <http://www.consumerfinance.gov/regulations/loan-originator-compensation-requirements-under-the-truth-in-lending-act-regulation-z/> [↑](#endnote-ref-59)
60. <http://www.fincen.gov/news_room/nr/html/20110902.html> [↑](#endnote-ref-60)
61. <http://www.fincen.gov/whatsnew/pdf/20111220.pdf> [↑](#endnote-ref-61)
62. <https://www.federalregister.gov/articles/2013/03/28/2013-07066/truth-in-lending-regulation-z> [↑](#endnote-ref-62)
63. <https://www.federalregister.gov/articles/2013/03/26/2013-06861/disclosures-at-automated-teller-machines-regulation-e> [↑](#endnote-ref-63)
64. <http://www.gpo.gov/fdsys/pkg/FR-2012-04-19/pdf/2012-9520.pdf> [↑](#endnote-ref-64)
65. <http://www.gpo.gov/fdsys/pkg/FR-2012-10-31/html/2012-26662.htm> [↑](#endnote-ref-65)
66. <http://www.gpo.gov/fdsys/pkg/FR-2012-08-03/pdf/2012-18726.pdf> [↑](#endnote-ref-66)
67. <http://www.occ.gov/news-issuances/news-releases/2012/2012-92a.pdf> [↑](#endnote-ref-67)