

# Compliance Journal

## Special Focus

### Summary of Recently Enacted State Legislation

The 2021 Wisconsin legislative session is off to a busy, and productive start. Two key pieces of legislation were recently enacted into law, which are discussed in this article. Both pieces of legislation were supported by WBA throughout the process that led to enactment. Each provides meaningful benefits to banks and their customers.

This article is focused on law that has been passed. At time of this article's publication, the legislature is still in session. WBA and its government relations team remain hard at work. Bills that are later signed into law will be discussed in future publications.

#### **Tax Conformity and PPP Deductibility**

On February 18, 2021, Governor Evers signed Assembly Bill 2 into law as 2021 Wisconsin Act 1 (Act 1). Act 1 contains various provisions which conform state tax law to recent federal changes. It includes a section which permits deductibility of business expenses paid for with Paycheck Protection Program (PPP) loan proceeds at the state level, just as they are at the federal level. Without this change, Wisconsin businesses which received PPP loans would have faced over \$400 million in unexpected tax implications over the next three years.

To look at it more specifically, Wisconsin Statute section 71.05 provides for income tax computation for state and local revenues. Pursuant to Act 1, a provision has been added to that section which exempts from taxation certain allowances from the federal coronavirus relief fund, including grants to small businesses. Thus, Act 1 federalizes Wisconsin tax law with respect to treatment of certain economic support programs funded through the federal Coronavirus Aid, Relief, and Economic Security Act, including loans under the PPP, and deduction of expenses paid with funds from such loans. These provisions take effect for taxable years beginning after December 31, 2018.

#### **COVID Premises Liability Protection**

On February 25, 2021, Governor Evers signed Special Session Senate Bill 1 into law as 2021 Wisconsin Act 4 (Act 4). Act 4 provides immunity for entities from civil liability for a COVID-19-related injury or death, except in the case of reckless or wanton conduct or intentional misconduct. The immunity is retroactive to claims occurring on or after March 1, 2020, but does not apply to an action filed before its enactment.

Act 4 applies to "entities" which broadly includes partnerships, corporations, associations, governmental units, Tribal governments, schools, nonprofit organizations, and any employer covered by state unemployment insurance laws. The law also provides immunity beyond the employer-employee relationship and would apply, for example, to a business's customers, a school's students, or a nursing home facility's patients.

Thus, the civil liability protection created under Act 4 allows entities, including financial institutions, to continue operation or begin opening their doors with immunity from claims of liability for acts or omissions resulting in exposure to COVID-19. This is a significant piece of legislation as Wisconsin's financial institutions continue to be on the economic frontlines of the crisis and have been since its inception.

More specifically, Wis. Stat. sec. 895.476 provides that beginning March 1, 2020, an entity is immune from civil liability for the death of or injury to any individual or damages caused by an act or omission resulting in or relating to exposure, directly or indirectly, to the novel coronavirus identified as SARS-CoV-2 or COVID-19 in the course of or through the performance or provision of the entity's functions or services.



Immunity under Act 4 is in addition to, not in lieu of, other immunity granted by law, and nothing in the above section limits immunity granted under any other provision of law, such as worker's compensation laws, which, for example, generally provides an exclusive remedy for sick or injured workers. Also, as noted above, this immunity does not apply if the act or omission involves reckless or wanton conduct or intentional misconduct. Thus, financial institutions should continue to take steps to mitigate the risk of exposure to COVID-19. Financial institutions are reminded to remain mindful of state and local mandates, guidance, and recommended procedures. For example, considering the standards issued by the Centers for Disease Control and Prevention, the Occupational Safety and Health Administration, Wisconsin Department of Health Services, and local government issuances such as county orders. Banks should also consider consulting with its legal counsel for a fuller, more specific analysis of how it can obtain protections under Act 4.

## Conclusion

WBA will continue to monitor existing bills and update the membership on any significant changes. If you have any additional questions on any of the above laws, do not hesitate to contact us at [wbalegal@wisbank.com](mailto:wbalegal@wisbank.com).

## Additional Resources

2021 Wisconsin Act 1: <https://docs.legis.wisconsin.gov/2021/related/acts/1>

2021 Wisconsin Act 4: <https://docs.legis.wisconsin.gov/2021/related/acts/4>

WBA's Reopening Resource Center: <https://www.wisbank.com/articles/2020/04/reopening-resource-center/>

CDC Guidance for Businesses and Employers: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

OSHA Guidance on Preparing Workplaces for COVID-19: <https://www.osha.gov/sites/default/files/publications/OSHA3990.pdf>

OSHA Updated Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace: <https://www.osha.gov/coronavirus/safework>

DHS Guidance for Employers: <https://www.dhs.wisconsin.gov/covid-19/employers.htm> ■

---

## CTR Filing Required for Bank Cash Order Shipments Through Thillens

Through its Legal Call Program, WBA has learned of recent BSA examination findings by the FDIC Chicago Region which involves the filing of currency transaction reports (CTRs) when a bank's cash order shipment is fulfilled by the regional armored car service provider, Thillens, Inc. It is WBA's understanding the company provides cash delivery services for many financial institutions located in the central States, including Wisconsin.

The fact pattern is as follows, bank contracts with Thillens to handle its cash order shipments. According to the company's website, Thillens provides armored car services "to financial institutions, the video gaming business, ATM locations, Interactive Teller Machines at banks, and the retail market." The company's home base includes all of Wisconsin and Illinois.

April 2021  
Volume 26, Number 11

### Wisconsin Bankers Association

4721 South Biltmore Lane,  
P.O. Box 8880, Madison,  
Wisconsin, 53708-8880

### Senior Writers

Heather MacKinnon  
Scott Birrenkott

### Editor

Katie Reiser

### Layout

Sonja Vike

Copyright ©2021 Wisconsin Bankers Association. All rights reserved. Reproduction by any means of the entire contents or any portion of this publication without prior written permission is strictly prohibited. This publication is intended to provide accurate information in regard to the subject matter covered as of the date of publication; however, the information does not constitute legal advice. If legal advice or other expert assistance is required, the services of a competent and professional person should be sought.

### Subscription Rate:

\$195/year for non-members. For subscription orders and inquiries, please contact the Wisconsin Bankers Association at the above address, by phone at 608-441-1200 or e-mail at [WBAlegal@wisbank.com](mailto:WBAlegal@wisbank.com). *WBA Compliance Journal* may also be seen online at: [www.wisbank.com](http://www.wisbank.com).



# Special Focus

When the bank need order cash from the Federal Reserve, the bank places an order with Thillens. According to FDIC, Thillens will use cash of their own inventory, from its own account, to fulfill the bank's cash order request. In the event that Thillens does not have enough cash on hand, Thillens will purchase the cash from a regional bank to fulfill the order for the requesting bank.

It is FDIC's position, that because Thillens uses its own account to satisfy the bank's cash order request, Thillens is considered a money services business (MSB) under FinCEN's BSA rules. As an MSB, the bank need file CTRs for any cash transaction Thillens handled over the CTR reporting threshold.

WBA agrees, that technically, because funds are used from Thillens' own accounts rather than from the Federal Reserve or from the requesting bank's correspondent bank account, Thillens is an MSB and CTRs should be filed, accordingly. Any previously issued advisory from FinCEN regarding exemptions from CTR filings for armored couriers does not apply in this particular fact pattern; again, because Thillens uses its own account to satisfy banks' cash order requests.

WBA has been in contact with FDIC Chicago regarding the matter. FDIC Chicago agrees the BSA finding is technical in nature, presents little money laundering risk or safety and soundness risk to the bank, but believes it technically needs to identify the BSA finding under the current construct of the CTR rules.

FinCEN is aware of the situation. WBA will continue its advocacy efforts with FinCEN in an attempt to obtain an exemption from CTR filing for the fact pattern involving bank cash order shipments handled by Thillens fulfilled from their own account. The challenge, however, is that FinCEN is currently dealing with the implementation of provisions under the Anti-Money Laundering Act of 2020 as required under the National Defense Authorization Act for FY 2021, which have implementation and rulemaking timing requirements.

If not already filing CTRs for Thillens transactions as outlined above, WBA recommends banks, regardless of primary federal regulator, should immediately begin filing CTRs on all eligible Thillens transactions going forward as FinCEN has not issued an exemption from CTR filing for this situation.

While FinCEN has not directly instructed WBA how to complete CTR filings for cash shipments by Thillens, WBA recommends the bank identify Thillens as the transactor in Part I of the CTR form, checking box 2a "Person conducting transaction on its own behalf", and "check if entity". WBA also recommends the bank mark box 24 in Section II "Armored Car (FI Contract)", and for the bank in Part III to identify the branch(es) involved in the cash shipments. If a bank receives separate instruction directly from FinCEN, the bank need follow FinCEN's instruction. Unfortunately, FinCEN's instruction may not be accommodated for through existing electronic BSA filing systems, adding to the complexity and regulatory burden of the filing requirement.

WBA will update the membership accordingly as advocacy efforts with regulators continue. If you have any questions regarding filing CTRs or this topic, be sure to contact WBA Legal at [wbalegal@wisbank.com](mailto:wbalegal@wisbank.com) ■

## Regulatory Spotlight

### Agencies Propose Interagency Private Flood Insurance Q&A.

The Board of Governors of the Federal Reserve System (FRB), Federal Deposit Insurance Corporation (FDIC), Office of the Comptroller of the Currency (OCC), Farm Credit Administration (FCA), and National Credit Union Administration (NCUA) (collectively, the agencies) propose to supplement the *Interagency Questions and Answers Regarding Flood Insurance Guidance* with new questions and answers regarding the acceptance of flood insurance policies issued by private insurers pursuant to the agencies' private flood insurance final rule issued in February 2019. The questions and answers will assist lenders in meeting their responsibilities under the final rule and increase public understanding of the agencies' respective flood insurance regulations. Comments are due **05/17/2021**. The proposed rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-18/pdf/2021-05314.pdf>. *Federal Register*, Vol. 86, No. 51, 03/18/2021, 14696-14707.



# Special Focus

## Agencies Issue Emergency Capital Investment Program Interim Final Rule.

The Board of Governors of the Federal Reserve System (FRB), Federal Deposit Insurance Corporation (FDIC), and Office of the Comptroller of the Currency (OCC) (collectively, the agencies) issued an interim final rule to support and facilitate the timely implementation and acceptance of the Congressionally authorized Emergency Capital Investment Program (ECIP) for the Department of the Treasury to make capital investments in low- and moderate-income community financial institutions. The interim final rule provides that preferred stock issued under ECIP qualifies as additional tier 1 capital and that subordinated debt issued under ECIP qualifies as tier 2 capital under the agencies' capital rules. Comments are due **05/21/2021**. The interim final rule is effective **03/22/2021**. The interim final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-22/pdf/2021-05443.pdf>. *Federal Register*, Vol. 86, No. 53, 03/22/2021, 15076-15081.

## Agencies Seek Comment on Use of Artificial Intelligence and Machine Learning.

The Bureau of Consumer Financial Protection (CFPB), Board of Governors of the Federal Reserve System (FRB), Federal Deposit Insurance Corporation (FDIC), Office of the Comptroller of the Currency (OCC), and National Credit Union Administration (NCUA) (collectively, the agencies) seek comment on financial institutions' use of artificial intelligence (AI), including machine learning. The purpose of the request is to understand: (a) respondents' views on the use of AI in their provision of services to customers and for other business or operational purposes; (b) appropriate governance, risk management, and controls over AI; and (c) any challenges in developing, adopting, and managing AI. The agencies also seek respondents' views on the use of AI in financial services to assist in determining whether any clarifications from the agencies would be helpful for financial institutions' use of AI in a safe and sound manner and in compliance with applicable laws and regulations, including those related to consumer protection. Comments are due **06/01/2021**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-31/pdf/2021-06607.pdf>. *Federal Register*, Vol. 86, No. 60, 03/31/2021, 16837-16842.

## Agencies Publish Semiannual Regulatory Agendas.

- The Bureau of Consumer Financial Protection (CFPB) published an agenda as part of the Fall 2020 Unified Agenda of Federal Regulatory and Deregulatory Actions. CFPB reasonably anticipates having the regulatory matters as identified in the agenda under consideration during the period from November 2020 to November 2021. The next agenda will be published in spring 2021 and will update the agenda through spring 2022. The information in the agenda is current as of **09/11/2020**. The agenda may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-31/pdf/2021-04346.pdf>. *Federal Register*, Vol. 86, No. 60, 03/31/2021, 16994-16998.
- The Board of Governors of the Federal Reserve System (FRB) issued an agenda under the Regulatory Flexibility Act and FRB's Statement of Policy Regarding Expanded Rulemaking Procedures. FRB anticipates having under consideration regulatory matters as indicated in the agenda during the period from **11/01/2020**, through **04/30/2020**. The next agenda will be published in spring 2021. Comments may be submitted any time during the next 6 months. The agenda may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-31/pdf/2021-04325.pdf>. *Federal Register*, Vol. 86, No. 60, 03/31/2021, 17032-17033.
- The Department of the Treasury (Treasury) issued its semiannual agenda of regulations. The purpose of the agenda is to provide advance information about pending regulatory activities and encourage participation in the regulatory process. The agenda includes regulations that Treasury has issued or expects to issue and rules currently in effect that are in review. The agenda may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-31/pdf/2021-04326.pdf>. *Federal Register*, Vol. 86, No. 60, 03/31/2021, 16946-16948.
- The Small Business Administration (SBA) issued its semiannual regulatory agenda as a summary of current and projected regulatory and deregulatory actions and completed actions of SBA. SBA seeks comment on the agenda. The agenda may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-31/pdf/2021-04708.pdf>. *Federal Register*, Vol. 86, No. 60, 03/31/2021, 16972-16976.
- The Securities and Exchange Commission (SEC) published the Chairman's agenda of rulemaking actions pursuant to the Regulatory Flexibility Act. The items listed in the agenda reflect only the priorities of the SEC Chairman, and do not necessarily reflect the view and priorities of any individual Commissioner. Information in the agenda was accurate as of **10/07/2020**, the date on which SEC completed compilation of the data. To the extent possible, rulemaking actions by SEC since that date have



# Regulatory Spotlight

been reflected in the agenda. SEC also separately published a proposed rule which lists the rules to be reviewed pursuant to the Regulatory Flexibility Act. The proposed rule is listed later in this publication. SEC seeks comment regarding the agenda. Comments are due **04/30/2021**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-31/pdf/2021-04360.pdf>. *Federal Register*, Vol. 86, No. 60, 03/31/2021, 17040-17047.

- The Commodity Futures Trading Commission (CFTC), in accordance with the requirements of the Regulatory Flexibility Act, published a semiannual agenda of rulemakings that it expects to propose or promulgate over the next year. CFTC welcomes comment on the agenda. The agenda may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-31/pdf/2021-04339.pdf>. *Federal Register*, Vol. 86, No. 60, 03/31/2021, 16992.
- The Federal Communications Commission (FCC) issued its semiannual regulatory agenda. Twice a year FCC publishes in the *Federal Register* a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. The agenda also provides the Code of Federal Regulations citations and legal authorities that govern the proceedings. The agenda may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-31/pdf/2021-04333.pdf>. *Federal Register*, Vol. 86, No. 60, 03/31/2021, 17004-17030.
- The Department of Labor (DOL) published its semiannual regulatory agenda. The internet has become the means for disseminating the entirety of DOL's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the *Federal Register*. The notice contains the regulatory flexibility agenda. The agenda may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-31/pdf/2021-05476.pdf>. *Federal Register*, Vol. 86, No. 60, 03/31/2021, 16920-16923.

## **CFPB Issues Interpretive Rule to Clarify Discrimination on the Basis of Sexual Orientation and Gender Identity Will Violate ECOA.**

The Bureau of Consumer Financial Protection (CFPB) issued an interpretive rule to clarify that, with respect to any aspect of a credit transaction, the prohibition against sex discrimination in the Equal Credit Opportunity Act (ECOA) and Regulation B, which implements ECOA, encompasses sexual orientation discrimination and gender identity discrimination, including discrimination based on actual or perceived nonconformity with sex-based or gender-based stereotypes and discrimination based on an applicant's associations. The interpretive rule is effective **03/16/2021**. The interpretive rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-16/pdf/2021-05233.pdf>. *Federal Register*, Vol. 86, No. 49, 03/16/2021, 14363-14366.

## **CFPB Rescinds Statement of Policy Regarding Prohibition on Abusive Acts or Practices.**

CFPB rescinded its Statement on Supervisory and Enforcement Response to COVID-19 Pandemic (Statement). The Statement was published in February 2020. On reconsideration, CFPB concluded the Statement's effectiveness in accomplishing its stated purposes does not justify its potential to harm consumers and the marketplace. As a result, CFPB rescinded the Statement and instead, in its discretion, stated it intends to exercise its supervisory and enforcement authority consistent with the Dodd-Frank Act and with the full authority afforded by Congress consistent with the statutory purpose and objectives of CFPB. Rescission of the Statement is effective **03/19/2021**. The rescission may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-19/pdf/2021-05437.pdf>. *Federal Register*, Vol. 86, No. 52, 03/19/2021, 14808-14810.

## **CFPB Rescinds Statement of Policy Regarding Response to COVID-19 Pandemic.**

CFPB rescinded its Statement on Supervisory and Enforcement Response to COVID-19 Pandemic (Statement). On **03/26/2020**, CFPB issued the Statement regarding the exercise of its supervisory and enforcement discretion during the pandemic. The Statement provided that CFPB would take into account staffing and related resource challenges confronting financial institutions and their counsel as they relate to supervisory activities and enforcement actions. The Statement also noted that when conducting examinations and other supervisory activities and in determining whether to take enforcement action, CFPB will consider the circumstances that entities may face as a result of the COVID-19 pandemic and will be sensitive to good-faith efforts demonstrably designed to assist consumers. CFPB rescinded the Statement and announced its intent to exercise its supervisory and enforcement authority consistent with the Dodd-Frank Act and with the full authority afforded by Congress consistent with the statutory purpose and objectives of CFPB. Rescission of the Statement is effective **04/01/2021**. The rescission may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-06/pdf/2021-06964.pdf>. *Federal Register*, Vol. 86, No. 64, 04/06/2021, 17699-17700.



# Regulatory Spotlight

## **CFPB Rescinds Statement of Policy Regarding Information Collections for Credit Card and Prepaid Account Issuers.**

CFPB rescinded its Statement on Supervisory and Enforcement Practices Regarding Information Collections for Credit Card and Prepaid Account Issuers (Statement). On **03/26/2020**, CFPB issued the Statement regarding the exercise of its supervisory and enforcement discretion under the Truth in Lending Act (TILA), Regulation Z, and Regulation E. Specifically, the Statement provided that CFPB, until further notice, did not intend to cite in an examination or initiate an enforcement action against any entity for failure to submit to CFPB certain information collections relating to credit card and prepaid accounts required by TILA, Regulation Z, and Regulation E. Rescission of the Statement is effective **04/01/2021**. The rescission may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-06/pdf/2021-06966.pdf>. *Federal Register*, Vol. 86, No. 64, 04/06/2021, 17693-17694.

## **CFPB Rescinds Statement of Policy Regarding Certain Filing Requirements Under the Interstate Land Sales Full Disclosure Act and Regulation J.**

CFPB rescinded its Statement on Supervisory and Enforcement Practices Regarding Certain Filing Requirements Under the Interstate Land Sales Full Disclosure Act and Regulation J (Statement). On **04/27/2020**, CFPB issued the Statement regarding the exercise of its supervisory and enforcement discretion in connection to certain annual reports of activity and financial statements by land developers who are subject to the Interstate Land Sales Full Disclosure Act, as implemented by Regulation J. Specifically, the Statement provided that CFPB, until further notice, did not intend to take supervisory or enforcement action against land developers subject to ILSA and Regulation J for: delays in filing annual reports of activity with CFPB, which Regulation J requires within 30 days of the annual anniversary of the effective date of a developer's initial statement of record provided that developers are making good faith efforts to file the reports within a reasonable time; and delays in filing financial statements with CFPB, which Regulation J requires within 120 days of the close of a developer's fiscal year provided that developers are making good faith efforts to file the reports within a reasonable time. Rescission of the Statement is effective **04/01/2021**. The rescission may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-06/pdf/2021-06968.pdf>. *Federal Register*, Vol. 86, No. 64, 04/06/2021, 17694-17695.

## **CFPB Rescinds Statement of Policy Regarding Electronic Credit Card Disclosures.**

CFPB rescinded its Statement on Supervisory and Enforcement Practices Regarding Electronic Credit Card Disclosures in Light of the COVID-19 Pandemic (Statement). On **06/03/2020**, CFPB issued the Statement regarding the exercise of its supervisory and enforcement discretion under the Truth in Lending Act (TILA) as implemented by Regulation Z. The Statement provided that under specified circumstances, CFPB did not intend to cite a violation in an examination or bring an enforcement action against an issuer that during a phone call does not obtain a consumer's E-Sign consent to electronic provision of certain written disclosures required by Regulation Z, so long as the issuer during the phone call obtains both the consumer's oral consent to electronic delivery of the written disclosures and oral affirmation of his or her ability to access and review the electronic written disclosures. Specifically, the Statement pertained to oral telephone interactions where a card issuer may seek to open a new credit card account for a consumer, provide certain temporary reductions in annual percentage rates (APRs) or fees applicable to an existing account, or offer a low-rate balance transfer. CFPB rescinded the Statement and announced its intent to exercise its supervisory and enforcement authority consistent with the Dodd-Frank Act and with the full authority afforded by Congress consistent with the statutory purpose and objectives of CFPB. Rescission of the Statement is effective **04/01/2021**. The rescission may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-06/pdf/2021-06970.pdf>. *Federal Register*, Vol. 86, No. 64, 04/06/2021, 17698-17699.

## **CFPB Rescinds Statement of Policy Regarding HMDA Quarterly Reporting.**

CFPB rescinded its Statement on Supervisory and Enforcement Practices Regarding Quarterly Reporting Under the Home Mortgage Disclosure Act (HMDA) (Statement). On **03/26/2020**, CFPB issued the Statement regarding the exercise of its supervisory and enforcement discretion in connection to HMDA and Regulation C. Specifically, the Statement provided that until further notice, CFPB does not intend to cite in an examination or initiate an enforcement action against any institution for failure to report its HMDA data quarterly, as required under Regulation C. Under Regulation C, financial institutions that report for the preceding calendar year at least 60,000 covered loans and applications (excluding purchased loans) must report their HMDA data quarterly (except for the fourth quarter) in addition to annually. CFPB rescinded the Statement and provided guidance on how entities subject to Regulation C should now meet the obligation. Rescission of the Statement is effective **04/01/2021**. The rescission may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-06/pdf/2021-06965.pdf>. *Federal Register*, Vol. 86, No. 64, 04/06/2021, 17692-17693.



# Regulatory Spotlight

## **CFPB Rescinds Statement of Policy Regarding Regulation Z Billing Error Resolution Timeframes.**

CFPB rescinded its Statement on Supervisory and Enforcement Practices Regarding Regulation Z Billing Error Resolution Timeframes in Light of the COVID-19 Pandemic (Statement). On **03/26/2020**, CFPB issued the Statement regarding the exercise of its supervisory and enforcement discretion under Regulation Z. Specifically, the Statement provides that when evaluating a creditor's compliance with the maximum timeframe for billing error resolution set forth in Regulation Z, CFPB intends to consider the creditor's circumstances and does not intend to cite a violation in an examination or bring an enforcement action against a creditor that takes longer than required by the regulation to resolve a billing error notice, so long as the creditor has made good faith efforts to obtain the necessary information and make a determination as quickly as possible, and complies with all other requirements pending resolution of the error. CFPB rescinded the Statement and announced its intent to exercise its supervisory and enforcement authority consistent with the Dodd-Frank Act and with the full authority afforded by Congress consistent with the statutory purpose and objectives of CFPB. Rescission of the Statement is effective **04/01/2021**. The rescission may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-06/pdf/2021-06969.pdf>. *Federal Register*, Vol. 86, No. 64, 04/06/2021, 17697-17698.

## **CFPB Rescinds Statement of Policy Regarding FCRA.**

CFPB rescinded its Statement on Supervisory and Enforcement Practices Regarding the Fair Credit Reporting Act (FCRA) and Regulation V in Light of the CARES Act (Statement). On **04/01/2020**, CFPB issued the Statement regarding the exercise of its supervisory and enforcement discretion in enforcing FCRA and Regulation V. Specifically, the Statement highlights furnishers' responsibilities under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and informs consumer reporting agencies and furnishers of CFPB's flexible supervisory and enforcement approach during the COVID-19 pandemic regarding compliance with FCRA and Regulation V. As part of that flexible approach, CFPB also stated that it intended to consider the circumstances that entities face as a result of the pandemic and their good faith efforts to comply with their statutory and regulatory obligations. CFPB announced its intent to exercise its supervisory and enforcement authority consistent with the Dodd-Frank Act and FCRA and with the full authority afforded by Congress consistent with the statutory purpose and objectives of CFPB. The rescission does not apply to the portion of the Statement that is under the heading "Furnishing Consumer Information Impacted by COVID-19." Rescission of the Statement is effective **04/01/2021**. The rescission may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-06/pdf/2021-06967.pdf>. *Federal Register*, Vol. 86, No. 64, 04/06/2021, 17695-17696.

## **CFPB Publishes Supervision and Enforcement Priorities Regarding Housing Insecurity Bulletin.**

CFPB published its supervision and enforcement priorities regarding housing insecurity in light of heightened risks to consumers needing loss mitigation assistance in the coming months as the COVID-19 foreclosure moratoriums and forbearances end. CFPB stated it will be paying particular attention to how mortgage servicers respond to borrower requests for loss mitigation assistance and process loss mitigation applications. In the guidance, CFPB urges servicers to dedicate sufficient resources and staff to ensure they can communicate clearly with borrowers, effectively manage borrower requests for assistance, promote loss mitigation, and ultimately reduce avoidable foreclosures and foreclosure-related costs. CFPB also stated it intends to consider a servicer's overall effectiveness at achieving such goals, along with other relevant factors, in using its discretion to address violations of federal consumer financial law in supervisory and enforcement matters. CFPB recognizes that some homeowners will not be able to resume making payments on their mortgages and that some foreclosures are unavoidable; nonetheless, CFPB will hold mortgage servicers accountable for complying with Regulation X with the aim of ensuring that homeowners have the opportunity to be evaluated for loss mitigation prior to the initiation of foreclosure. The bulletin is applicable **04/07/2021**. The bulletin may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-07/pdf/2021-07098.pdf>. *Federal Register*, Vol. 86, No. 65, 04/07/2021, 17897-17899.

## **CFPB Issues Charter Renewals for Several Banking-Related Councils.**

- CFPB, after consultation with the Committee Management Secretariat of the General Services Administration, announced the renewal of the Academic Research Council (ARC) effective **03/18/2021**. ARC will provide CFPB with advice about its strategic research planning process and research agenda, including views on the research that CFPB should conduct relating to consumer financial products or services, consumer behavior, cost-benefit analysis, or other topics to enable CFPB to further its statutory purposes and objectives; and, provide the Office of Research with technical advice and feedback on research methodologies, data collection strategies, and methods of analysis, including methodologies and strategies for quantifying the costs and benefits of regulatory actions. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-18/pdf/2021-05315.pdf>. *Federal Register*, Vol. 86, No. 51, 03/18/2021, 14734-14735.



# Regulatory Spotlight

- CFPB, after consultation with the Committee Management Secretariat of the General Services Administration, announced the renewal of the Community Bank Advisory Council (CBAC) effective **03/18/2021**. CBAC was established to consult with CFPB in the exercise of its functions under the federal consumer financial laws as they pertain to community banks with total assets of \$10 billion or less. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-18/pdf/2021-05336.pdf>. *Federal Register*, Vol. 86, No. 51, 03/18/2021, 14734.
- CFPB, after consultation with the Committee Management Secretariat of the General Services Administration, announced the renewal of the Consumer Advisory Board (CAB) effective **03/18/2021**. CAB will “advise and consult with CFPB in the exercise of its functions under the federal consumer financial laws” and “provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information” as outlined in Section 1014(a) of the Dodd-Frank Act. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-18/pdf/2021-05316.pdf>. *Federal Register*, Vol. 86, No. 51, 03/18/2021, 14733-14734.
- CFPB, after consultation with the Committee Management Secretariat of the General Services Administration, announced renewal of the Credit Union Advisory Council (CUAC) effective **03/18/2021**. CUAC was established to consult with CFPB in the exercise of its functions under the federal consumer financial laws as they pertain to credit unions with total assets of \$10 billion or less. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-18/pdf/2021-05319.pdf>. *Federal Register*, Vol. 86, No. 51, 03/18/2021, 14735-14736.

## **CFPB Proposes Emergency RESPA Mitigation Procedures as Protections for Borrowers Affected by COVID.**

CFPB seeks comment on proposed amendments to Regulation X, which implements the Real Estate Settlement Procedures Act (RESPA), to assist borrowers affected by the COVID-19 emergency. The proposed amendments would establish a temporary COVID-19 emergency pre-foreclosure review period until **12/31/2021**, for principal residences. In addition, the proposed amendments would temporarily permit mortgage servicers to offer certain loan modifications made available to borrowers experiencing a COVID-19-related hardship based on the evaluation of an incomplete application. CFPB also proposed certain amendments to the early intervention and reasonable diligence obligations that Regulation X imposes on mortgage servicers. Comments are due **05/10/2021**. The proposed rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-09/pdf/2021-07236.pdf>. *Federal Register*, Vol. 86, No. 67, 04/09/2021, 18840-18881.

## **FRB Codifies Role of Supervisory Guidance.**

The Board of Governors of the Federal Reserve System (FRB) issued a final rule to codify the *Interagency Statement Clarifying the Role of Supervisory Guidance*, issued by FRB, Federal Deposit Insurance Corporation (FDIC), Office of the Comptroller of the Currency (OCC), Bureau of Consumer Financial Protection (CFPB), and National Credit Union Administration (NCUA) (collectively, the agencies) on **09/11/2018** (2018 Statement). By codifying the 2018 Statement, with amendments, the final rule confirms that FRB will continue to follow and respect the limits of administrative law in carrying out its supervisory responsibilities. The final rule is effective **05/10/2021**. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-08/pdf/2021-07146.pdf>. *Federal Register*, Vol. 86, No. 66, 04/08/2021, 18173-18180.

## **FRB Issues Final Rule Regarding Availability of Information for Federal Open Market Committee.**

FRB issued a final rule to revise its Federal Open Market Committee rules regarding the availability of information. The revisions clarify and update the Committee’s regulation that implements the Freedom of Information Act (FOIA). The final rule is effective **05/10/2021**. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-09/pdf/2021-06912.pdf>. *Federal Register*, Vol. 86, No. 67, 04/09/2021, 18423-18431.

## **FRB Issues Correction to Error in Regulation BB Regulatory Text.**

FRB issued a correction to its Community Reinvestment Act (CRA) Regulation BB. On **12/23/2020**, FRB published final asset threshold adjustments to Regulation BB, which implements CRA. FRB issued the correction to amend the regulatory text to adjust the asset-size threshold for FRB-supervised intermediate small banks to correct a typographical error. The correction is effective **03/11/2021**. The correction may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-11/pdf/2021-05085.pdf>. *Federal Register*, Vol. 86, No. 51, 03/11/2021, 13805.



# Regulatory Spotlight

## **FDIC Announces Intent to Terminate Receiverships.**

The Federal Deposit Insurance Corporation (FDIC) has given notice that, as Receiver, it intends to terminate its receivership for the institutions listed in the notice. The liquidation of the assets for each receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors. Based upon the foregoing, the Receiver has determined that the continued existence of the receiverships will serve no useful purpose. Consequently, notice is given that the receiverships shall be terminated, to be effective no sooner than thirty days after the date of the notice. If any person wishes to comment concerning the termination of any of the receiverships, such comment must be made in writing, identify the receivership to which the comment pertains, and be sent within thirty days of the date of the notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201. No comments concerning the termination of the identified receiverships will be considered which are not sent within this time frame. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-09/pdf/2021-07354.pdf>. *Federal Register*, Vol. 86, No. 67, 04/09/2021, 18531.

## **FDIC Announces Terminations of Receiverships.**

FDIC, as Receiver, for each of the insured depository institutions listed in the notice, was charged with the duty of winding up the affairs of the former institutions and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law. Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination dates listed in the notice, the Receiverships have been terminated, the Receiver has been discharged, and the Receiverships have ceased to exist as legal entities. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-09/pdf/2021-07355.pdf>. *Federal Register*, Vol. 86, No. 67, 04/09/2021, 18528.

## **FDIC Seeks Comment on Official Sign and Advertising Requirements.**

FDIC seeks comment on its official sign and advertising requirements and of potential technological solutions. As banks and savings associations adjust their business models to innovate and remain competitive, and as such digital transformation continues to accelerate, FDIC is renewing its effort to consider how to revise and clarify its official sign and advertising rules related to FDIC deposit insurance. FDIC seeks comment to help align the policy objectives of its rules with how today's banks and savings associations offer deposit products and services and how consumers connect with banks and savings associations, including through evolving channels. FDIC also requests information about how technological or other solutions could be leveraged to help consumers better distinguish FDIC-insured banks and savings associations from entities that are not insured by FDIC (nonbanks), particularly across web and digital channels. Comments are due **05/24/2021**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-09/pdf/2021-07356.pdf>. *Federal Register*, Vol. 86, No. 67, 04/09/2021, 18528-18531.

## **FDIC Issues Correction to Securitization Safe Harbor Rule.**

FDIC issued a correction to the final rule related to the Securitization Safe Harbor Rule that was published in the *Federal Register* on **03/04/2020**. The correction revises the preamble of the final rule. The correction is effective **04/08/2021**. The correction may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-08/pdf/2021-06724.pdf>. *Federal Register*, Vol. 86, No. 66, 04/08/2021, 18180.

## **OCC Seeks Comments on Revisions to Company-Run Annual Stress Test Reporting and Documentation.**

The Office of the Comptroller of the Currency (OCC) seeks comment on proposed revisions to a regulatory reporting requirement for national banks and federal savings associations entitled, Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of \$250 Billion or More under the Dodd-Frank Act. The Dodd-Frank Act requires certain financial companies, including national banks and federal savings associations, to conduct annual stress tests and requires the primary financial regulatory agency of those financial companies to issue regulations to implement the stress test requirements. OCC changed its reporting requirements to mirror the Board of Governors of the Federal Reserve System's (FRB's) FR Y-14A report for covered institutions with total consolidated assets of \$250 billion or more. OCC also has submitted the collection to OMB for review. Comments are due **05/03/2021**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-02/pdf/2021-06821.pdf>. *Federal Register*, Vol. 86, No. 62, 04/02/2021, 17454-17455.



# Regulatory Spotlight

## HUD Adjusts CMPs for Inflation.

The Department of Housing and Urban Development (HUD) issued a final rule to implement 2021 inflation adjustments of civil monetary penalty (CMP) amounts as required by the Federal Civil Penalties Inflation Adjustment Act, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act. The final rule is effective **04/15/2021**. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-16/pdf/2021-04817.pdf>. *Federal Register*, Vol. 86, No. 49, 03/16/2021, 14370-14374.

## HUD Announces Funding Awards.

HUD issued an announcement of funding decisions made by HUD in competitions for funding for the programs listed in the announcement. See the notice for the full listing of recipients. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-30/pdf/2021-06459.pdf>. *Federal Register*, Vol. 86, No. 59, 03/30/2021, 16605-16629.

## HUD Issues Notice of Regulatory Waiver Requests Granted for the Third Quarter.

HUD publishes quarterly *Federal Register* notices of all regulatory waivers it approved. Each notice covers the quarterly period since the previous *Federal Register* notice. The purpose of the notice is to comply with the requirements of section 106 of the HUD Reform Act. The notice contains a list of regulatory waivers granted by HUD during the period beginning **07/01/2020**, and ending **09/30/2020**, including those made pursuant to the CARES Act. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-05/pdf/2021-06920.pdf>. *Federal Register*, Vol. 86, No. 63, 04/05/2021, 17624-17633.

## FEMA Issues Final Rules on Suspensions of NFIP Community Eligibility.

- The Federal Emergency Management Agency (FEMA) issued a final rule that identifies communities in the states of **Iowa**, **Michigan**, and **Minnesota**, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within the final rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in the final rule, the suspension will not occur. Information identifying the current participation status of a community can be obtained from FEMA's CSB available at: [www.fema.gov/flood-insurance/work-with-nfip/community-status-book](http://www.fema.gov/flood-insurance/work-with-nfip/community-status-book). Please note that per Revisions to Publication Requirements for Community Eligibility Status Information Under the National Flood Insurance Program, notices such as this for scheduled suspension will no longer be published in the *Federal Register* as of June 2021 but will be available at: [www.fema.gov](http://www.fema.gov). Individuals without internet access are able to contact their local floodplain management official and/or State NFIP Coordinating Office directly for assistance. The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the table within the final rule. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-17/pdf/2021-05406.pdf>. *Federal Register*, Vol. 86, No. 50, 03/17/2021, 14545-14549.
- FEMA issued a final rule that identifies communities in the state of **Iowa**, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within the final rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in the final rule, the suspension will not occur. Information identifying the current participation status of a community can be obtained from FEMA's CSB available at: [www.fema.gov/flood-insurance/work-with-nfip/community-status-book](http://www.fema.gov/flood-insurance/work-with-nfip/community-status-book). Please note that per Revisions to Publication Requirements for Community Eligibility Status Information Under the National Flood Insurance Program, notices such as this for scheduled suspension will no longer be published in the *Federal Register* as of June 2021 but will be available at: [www.fema.gov](http://www.fema.gov). Individuals without internet access are able to contact their local floodplain management official and/or State NFIP Coordinating Office directly for assistance. The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the table within the final rule. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-01/pdf/2021-06565.pdf>. *Federal Register*, Vol. 86, No. 61, 04/01/2021, 17078-17079.



# Regulatory Spotlight

## **FEMA Issues Final Flood Hazard Determinations.**

FEMA issued a final notice which identifies communities in the states of **Illinois** and **Iowa**, where flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final. The FIRM and FIS reports are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in FEMA's National Flood Insurance Program (NFIP). The final notice is effective **07/20/2021**. The final notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-12/pdf/2021-05224.pdf>. *Federal Register*, Vol. 86, No. 47, 03/12/2021, 14138-14139.

## **FEMA Issues Corrections to Previously Published Change in Flood Hazard Determinations.**

On **03/10/2021**, FEMA published in the *Federal Register* a change in flood hazard determination notice that contained an erroneous table. The notice provides corrections to that table to be used in lieu of the erroneous information. The table provided in the correction represents the flood hazard determinations for communities in the states of **Illinois, Indiana, Michigan, and Wisconsin**. The correction may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-07/pdf/C1-2021-04981.pdf>. *Federal Register*, Vol. 86, No. 65, 04/07/2021, 18065-18067.

## **FEMA Issues Notice of FY 2022 Assistance to Private Sector Property Insurers.**

FEMA issued a notice to announce the Fiscal Year (FY) 2022 Financial Assistance/Subsidy Arrangement for private property insurers interested in participating in the National Flood Insurance Program's (NFIP) Write Your Own Program. The National Flood Insurance Act authorizes FEMA to establish and carry out a NFIP to enable interested persons to purchase flood insurance. Under the Act, FEMA may use insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations as fiscal agents of the United States to help it carry out the NFIP. FEMA may enter into any contracts, agreements, or other appropriate arrangements, with private insurance companies to use their facilities and services in administrating the NFIP on such terms and conditions as they agree upon. FEMA enters into a standard Financial Assistance/Subsidy Arrangement with the private sector property insurers. Interested insurers must submit intent to subscribe or re-subscribe to the Arrangement by **06/30/2021**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-01/pdf/2021-06714.pdf>. *Federal Register*, Vol. 86, No. 61, 04/01/2021, 17173-17180.

## **FinCEN Issues ANPR Regarding Beneficial Ownership Information Reporting Requirements.**

The Financial Crimes Enforcement Network (FinCEN) issued an advance notice of proposed rulemaking (ANPR) to solicit comments on questions pertinent to the implementation of the Corporate Transparency Act (CTA), enacted into law as part of the National Defense Authorization Act for Fiscal Year 2021. In particular, FinCEN seeks comment on procedures and standards for reporting companies to submit information to FinCEN about their beneficial owners as required by CTA. FinCEN also seeks comment on its implementation of the related provisions of CTA that govern FinCEN's maintenance and disclosure of beneficial ownership information subject to appropriate protocols. Comments are due **05/05/2021**. The ANPR may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-05/pdf/2021-06922.pdf>. *Federal Register*, Vol. 86, No. 63, 04/05/2021, 17557-17565.

## **OFAC Adjusts CMPs for Inflation.**

The Department of the Treasury's Office of Foreign Assets Control (OFAC) issued a final rule to adjust certain civil monetary penalties (CMPs) for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act. The final rule is effective **03/17/2021**. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-17/pdf/2021-05506.pdf>. *Federal Register*, Vol. 86, No. 50, 03/17/2021, 14534-14539.

## **FHFA Provides Orders Involving Stress Test Reporting of Regulated Entities.**

The Federal Housing Finance Agency (FHFA) provided notice that it issued orders, dated **03/15/2021**, with respect to stress test reporting by regulated entities as of **12/31/2020**, under the Dodd-Frank Act, as amended by the Economic Growth, Regulatory Relief,



# Regulatory Spotlight

and Consumer Protection Act. Summary instructions and guidance accompanied the orders to provide testing scenarios. Each order was applicable **03/15/2021**. The orders may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-09/pdf/2021-07345.pdf>. *Federal Register*, Vol. 86, No. 67, 04/09/2021, 18431-18432.

## **SBA Issues Interim Final Rule to Incorporate Amendments of American Rescue Plan Act into PPP.**

The Small Business Administration (SBA) issued an interim final rule to implement changes made by the American Rescue Plan Act to the Paycheck Protection Program (PPP). The changes expand eligibility for First and Second Draw PPP loans, revise the exclusions from payroll costs for purposes of loan forgiveness, and provide that a PPP borrower that receives a PPP loan after **12/27/2021**, can be approved for a Shuttered Venue Operator Grant under certain conditions. Additionally, the interim final rule clarifies the eligibility for First Draw PPP loans for applicants that are assigned a North American Industry Classification System (NAICS) code beginning with 72 and have more than one physical location and clarifies certain payroll cost exclusions included in the Economic Aid Act. Comments are due **04/21/2021**. The final rule is effective **03/18/2021**. The provisions of the interim final rule that incorporate the American Rescue Plan Act changes to PPP apply to PPP loans approved, and loan forgiveness applications submitted, on or after **03/11/2021**. The interim final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-22/pdf/2021-05930.pdf>. *Federal Register*, Vol. 86, No. 53, 03/22/2021, 15083-15089.

## **SBA Releases PPP Extension Notice and Updated FAQs.**

SBA released a new Procedural Notice regarding modifications to SBA Forms 3506, 3507, and 750 CA for purposes of the Paycheck Protection Program (PPP) only. The notice modifies the forms to reflect the Extension Act which extended SBA's authority to guarantee First Draw and Second Draw PPP loans through **06/30/2021**. From **06/01/2021**, through **06/30/2021**, SBA shall not accept new PPP loan guaranty applications from lenders and shall only process PPP loan guaranty applications submitted by lenders to SBA before June 1. On **06/01/2021**, SBA will shut down the PPP Platform to new PPP loan guaranty applications from lenders. Any PPP loan guaranty applications submitted by lenders in the Platform before **06/01/2021**, must be processed and receive an SBA loan number by 11:59 pm EDT on **06/30/2021**. At 12:00 EDT on **07/01/2021**, SBA will shut down processing of any pending PPP loan guaranty applications from lenders for which an SBA loan number was not issued. The dates and times are subject to availability of funds, and may change if funds are no longer available. SBA has also updated its PPP document of Frequently Asked Questions (FAQs) to answer when SBA would consider an applicant or owner to no longer be "presently involved in any bankruptcy" for PPP eligibility purposes if an applicant or owner had filed for bankruptcy protection in the past. The two resources may be viewed at the following links, respectively: <https://www.sba.gov/sites/default/files/2021-04/5000-808756.pdf> and <https://www.sba.gov/sites/default/files/2021-04/PPP%20FAQs%204.6.21%20FINAL-508.pdf>.

## **SBA Publishes "Peg" Interest Rate.**

SBA publishes an interest rate called the optional "peg" rate on a quarterly basis. The rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. The rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. The rate will be **1.38** percent for the April-June quarter of FY 2021. Pursuant to 13 CFR 120.921(b), the maximum legal interest rate for any third party lender's commercial loan which funds any portion of the cost of a 504 project shall be 6% over the New York Prime rate or, if that exceeds the maximum interest rate permitted by the constitution or laws of a given state, the maximum interest rate will be the rate permitted by the constitution or laws of the given state. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-01/pdf/2021-06695.pdf>. *Federal Register*, Vol. 86, No. 61, 04/01/2021, 17263.

## **Agencies Seek Comment on Revision to Existing Information Collection, Form CCC-10.**

The Farm Service Agency (FSA) and Commodity Credit Corporation (CCC) (collectively, the agencies) seek comment on revision of an existing information collection entitled, Representations for Commodity Credit Corporation or Farm Service Agency Loans and Authorization to File a Financing Statement and Related Documents, Form CCC-10. The collection is necessary to gather data regarding an applicant which is required on a financing statement, and to obtain the applicant's permission to file a financing statement prior to the execution of a security agreement. Comments are due **06/01/2021**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-02/pdf/2021-06825.pdf>. *Federal Register*, Vol. 86, No. 62, 04/02/2021, 17350-17351.



# Regulatory Spotlight

## **FCA Issues Final Rule Regarding Title IV Conservators and Receivers.**

The Farm Credit Administration (FCA) issued a final rule to repeal certain regulations in part 627 that have been superseded by section 5412 of the Agricultural Improvement Act (2018 Farm Bill), which strengthens, clarifies, and updates the authorities of the Farm Credit System Insurance Corporation to act as a conservator or receiver of a Farm Credit System institution. If no significant adverse comment is received on or before **04/21/2021**, the final rule will become effective no earlier than the expiration of 30 days after publication in the *Federal Register* during which either or both Houses of Congress are in session. FCA will publish notification of the effective date in the *Federal Register*. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-22/pdf/2021-05860.pdf>. *Federal Register*, Vol. 86, No. 50, 03/22/2021, 15081-15083.

## **RBC Invites Applications for Rural Business Development Grant Program.**

The Rural Business Cooperative (RBC) announced the availability of two individual grants: one single \$500,000 grant from the rural transportation funds appropriated for the Rural Business Development Grant Program and another single \$250,000 grant for federally-recognized Native American Tribes. Applications are due **06/30/2021**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-01/pdf/2021-06703.pdf>. *Federal Register*, Vol. 86, No. 61, 04/01/2021, 17112-17116.

## **RUS Issues Final Rule to Implement 2018 Farm Bill Changes to Water and Environmental Programs.**

The Rural Utilities Service (RUS) issued a final rule to implement statutory provisions of the Agriculture Improvement Act (2018 Farm Bill). The 2018 Farm Bill made mandatory changes to several programs administered by the Water and Environmental Programs of RUS, including the Revolving Funds for Financing Water and Wastewater Projects. The modifications will allow for expanded assistance to rural communities to improve safe, reliable drinking water, and sanitary sewage treatment for households in rural areas. The final rule is effective **03/17/2021**. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-17/pdf/2021-05418.pdf>. *Federal Register*, Vol. 86, No. 50, 03/17/2021, 14525-14526.

## **RUS Confirms Final Rule on Special Servicing of Telecommunications Programs Loans for Financially Distressed Borrowers.**

RUS confirmed the finalization of a final rule published in the *Federal Register* on **02/25/2021**, that outlined the general policies for servicing actions associated with financially distressed borrowers from the Telecommunications Infrastructure Loan Program, Rural Broadband Program, Distance Learning and Telemedicine Program, Broadband Initiatives Program, and Rural e-Connectivity Pilot Program. Effective **04/02/2021**, the final rule published on **02/25/2021**, at 85 FR 10555 is confirmed. The confirmation may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-02/pdf/2021-06381.pdf>. *Federal Register*, Vol. 86, No. 62, 04/02/2021, 17274-17275.

## **RUS Invites Applications for Guarantees for Bonds and Notes Issued for Utility Infrastructure Purposes Program.**

RUS announced the availability of applications and requirements of loan funding that is available for Fiscal Year (FY) 2021 under the Guarantees for Bonds and Notes Issued for Utility Infrastructure Purposes Program (the 313A Program), authorized under the Rural Electrification Act. Applications are due **06/01/2021**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-01/pdf/2021-06675.pdf>. *Federal Register*, Vol. 86, No. 61, 04/01/2021, 17117-17120.

## **SEC Issues Final Market Data Infrastructure Rule.**

The Securities and Exchange Commission (SEC) issued a final rule to amend Regulation National Market System (Regulation NMS) under the Securities Exchange Act to modernize the national market system for the collection, consolidation, and dissemination of information with respect to quotations for and transactions in national market system (NMS) stocks (NMS information). Specifically, SEC has expanded the content of NMS information that is required to be collected, consolidated, and disseminated as part of the national market system under Regulation NMS. SEC also amended the method by which such NMS information is collected,



# Regulatory Spotlight

calculated, and disseminated by fostering a competitive environment for the dissemination of NMS information via a decentralized consolidation model with competing consolidators. The final rule is effective **06/08/2021**. See the final rule for dates of applicability. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-09/pdf/2020-28370.pdf>. *Federal Register*, Vol. 86, No. 67, 04/09/2021, 18596-18838.

## **SEC Issues Interim Final Rule Regarding Disclosure Under Holding Foreign Companies Accountable Act.**

SEC issued an interim final rule to adopt amendments to Forms 20-F, 40-F, 10-K, and N-CSR to implement the disclosure and submission requirements of the Holding Foreign Companies Accountable Act (HFCA Act). The interim final rule amendments apply to registrants that SEC identifies as having filed an annual report with an audit report issued by a registered public accounting firm that is located in a foreign jurisdiction and that the Public Company Accounting Oversight Board is unable to inspect or investigate completely because of a position taken by an authority in that jurisdiction. Consistent with the HFCA Act, the amendments require the submission of documentation to SEC which establishes that such a registrant is not owned or controlled by a governmental entity in the foreign jurisdiction and also require disclosure in a foreign issuer's annual report regarding the audit arrangements of, and governmental influence on, such registrants. Comments are due **05/05/2021**. The interim final rule is effective **05/05/2021**. The interim final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-05/pdf/2021-06292.pdf>. *Federal Register*, Vol. 86, No. 63, 04/05/2021, 17528-17543.

## **SEC Proposes List of Rules to be Reviewed Pursuant to Regulatory Flexibility Act.**

SEC published a list of rules to be reviewed pursuant to Section 610 of the Regulatory Flexibility Act. The list is published to provide the public with notice that the rules are scheduled for review by SEC and to solicit comment on whether the rules should be continued without change, or should be amended or rescinded to minimize any significant economic impact of the rules upon a substantial number of small entities. This is a separate publication from the Semiannual Regulatory Agenda listed earlier in this publication. Comments are due **04/26/2021**. The proposed rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-25/pdf/2021-05928.pdf>. *Federal Register*, Vol. 86, No. 56, 03/25/2021, 15810-15811.

## **FCC Issues Final Rule Involving Advanced Methods to Target and Eliminate Unlawful Robocalls.**

The Federal Communications Commission (FCC) issued a final rule to implement the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) and require voice service providers to better police their networks. Specifically, FCC requires voice service providers to meet certain affirmative obligations and to better police against illegal calls. Second, FCC expanded its existing call blocking safe harbor to cover network-based blocking of certain calls that are highly likely to be illegal. Third, FCC adopted rules to provide greater transparency and ensure that both callers and consumers can better identify blocked calls and ensure those that are wanted are un-blocked, consistent with the TRACED Act. Finally, FCC broadened its point-of-contact requirement to cover caller ID authentication concerns under the TRACED Act. The rule is effective **05/06/2021**, except instruction 5 adding Sec. 64.1200(k)(9), which is effective **01/22/2022**, and instruction 6 adding Sec. 64.1200(k)(10) and (n)(2), which is delayed indefinitely. FCC will publish a document in the *Federal Register* to announce the effective date for Sec. 64.1200(k)(10) and (n)(2). The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-06/pdf/2021-04414.pdf>. *Federal Register*, Vol. 86, No. 64, 04/06/2021, 17726-17735.

## **NCUA Issues Interim Final Rule on Asset Data Thresholds for Capital Planning and Stress Testing Requirements.**

The National Credit Union Administration (NCUA) issued an interim final rule to permit federally insured credit unions (FICUs) to use asset data as of **03/31/2020**, in order to determine the applicability of certain regulatory asset thresholds during calendar years 2021 and 2022. Specifically, the interim final rule allows a FICU to use **03/31/2020**, financial data when determining whether the institution is subject to capital planning and stress testing requirements under NCUA's regulations and supervision from the Office of National Examinations and Supervision. Comments are due **05/24/2021**. The interim final rule is effective **03/23/2021**, except for amendatory instruction 4, which is effective **01/01/2022**. The interim final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-23/pdf/2021-05967.pdf>. *Federal Register*, Vol. 86, No. 54, 03/23/2021, 15397-15401.



# Regulatory Spotlight

## **NCUA Issues Interim Final Rule Regarding Central Liquidity Facility.**

NCUA issued an interim final rule in response to the enactment of the Consolidated Appropriations Act (CAA) to cohere NCUA's regulations to the statutory changes made by CAA. Specifically, CAA extended several enhancements to NCUA's Central Liquidity Facility (CLF), which were first enacted by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The interim final rule amends NCUA's CLF regulation to reflect the extensions. The interim final rule also extends the withdrawal from CLF membership provisions that NCUA included in the April 2020 interim final rule that made the aforementioned regulatory changes related to the CARES Act. Comments are due **05/24/2021**. The interim final rule is effective **03/24/2021**. The amendment to §725.6 at instruction number 4 is effective **03/24/2021**, until **01/01/2023**. The interim final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-24/pdf/2021-05953.pdf>. *Federal Register*, Vol. 86, No. 55, 03/24/2021, 15568-15572.

## **NCUA Extends Comment Period for CUSO Proposal.**

NCUA published a proposed rule in the *Federal Register* on **02/26/2021**, seeking comment on its proposal to amend NCUA's credit union service organization (CUSO) regulation. The proposed rule provided a 30-day comment period that closed on **03/29/2021**. To allow interested persons more time to consider and submit comments, NCUA has extended the comment period for an additional 30 days. The comment period for the proposed rule published **02/26/2021**, at 86 FR 11645, is extended. Comments are due **04/30/2021**. The proposed rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-31/pdf/2021-06653.pdf>. *Federal Register*, Vol. 86, No. 60, 03/31/2021, 16679-16680.

## **NCUA Publishes NOFA for Community Development Revolving Loan Fund.**

NCUA published a Notice of Funding Availability (NOFA) of technical assistance grants for low-income designated credit unions (LICUs) through the Community Development Revolving Loan Fund (CDRLF). The CDRLF serves as a source of financial support in the form of loans and technical assistance grants that better enable LICUs to support the communities in which they operate. All grants made under the NOFA are subject to funds availability and are at NCUA's discretion. The NOFA may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-04-06/pdf/2021-07085.pdf>. *Federal Register*, Vol. 86, No. 64, 04/06/2021, 17854-17857.

## **DOL Issues Proposed Rule to Withdraw Independent Contractor Status Under FLSA Final Rule.**

The Department of Labor (DOL) seeks comment on a proposal to withdraw the final rule entitled, Independent Contractor Status under the Fair Labor Standards Act (FLSA), which was published on **01/07/2021**, and had an effective date of **05/07/2021**. DOL's reasons for proposing to withdraw the final rule are explained in the proposed rule. Comments are due **04/12/2021**. The proposed rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-12/pdf/2021-05256.pdf>. *Federal Register*, Vol. 86, No. 47, 03/12/2021, 14027-14038.

## **DOL Issues Proposed Rule to Rescind Joint Employer Status Under FLSA Rule.**

DOL seeks comment on a proposal to rescind the final rule entitled, Joint Employer Status Under the Fair Labor Standards Act (FLSA), which was published on **01/16/2020**, and took effect **03/16/2020**. Although the rule took effect last March, the U.S. District Court for the Southern District of New York vacated most of the rule in a **09/08/2020**, decision. DOL's reasons for proposing to rescind the joint employer rule are explained in the proposed rule. The proposed rescission would remove the regulations established by that rule. Comments are due **04/12/2021**. The proposed rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2021-03-12/pdf/2021-04867.pdf>. *Federal Register*, Vol. 86, No. 47, 03/12/2021, 14038-14048. ■



# Compliance Notes

▲ FDIC released *Consumer Compliance Supervisory Highlights*, a publication featuring articles of interest to the banking industry. Its purpose is to enhance transparency regarding FDIC's consumer compliance supervisory activities and provide a high-level overview of consumer compliance issues identified in 2020 through FDIC's supervision of state non-member banks and thrifts. Topics include a summary of FDIC's supervisory approach in response to COVID-19, supervisory observations related to consumer protection laws, examples of practices that may be useful to institutions in mitigating risks, regulatory developments, and consumer compliance resources. The publication may be viewed at: [www.fdic.gov/news/financial-institution-letters/2021/fil21022.html](http://www.fdic.gov/news/financial-institution-letters/2021/fil21022.html)

▲ FFIEC revised edition of *Guide to HMDA Reporting: Getting it Right!* has been released. The compliance resource can help financial institutions better understand HMDA requirements, including the data collection and reporting provisions. The announcement and guide may be viewed at the following links, respectively: [www.fdic.gov/news/financial-institution-letters/2021/fil21021.html](http://www.fdic.gov/news/financial-institution-letters/2021/fil21021.html) and [www.ffiec.gov/hmda/pdf/2021Guide.pdf](http://www.ffiec.gov/hmda/pdf/2021Guide.pdf)

▲ IRS issued several tax-related clarifications. First, IRS clarified tax deadline changes and announced that individuals have until **05/17/2021** to meet certain deadlines that would normally fall on April 15, such as making IRA contributions and filing certain claims for refund. This follows a previous IRS announcement from **03/17/2021**, that the federal income tax filing due date for individuals for the 2020 tax year was extended from **04/15/2021** to **05/17/2021**. Details are provided on the additional tax deadlines which have been postponed. The notice may be viewed at: [www.irs.gov/newsroom/irs-extends-additional-tax-deadlines-for-individuals-to-may-17](http://www.irs.gov/newsroom/irs-extends-additional-tax-deadlines-for-individuals-to-may-17)

Second, IRS issued clarification on COVID-19 personal protective equipment (PPE) deductibility. The purchase of COVID-19 PPE, such as masks, hand sanitizer, and sanitizing wipes, for the primary purpose of preventing the spread of coronavirus are deductible medical expenses. The amounts paid for COVID-19 PPE are also eligible to be paid or reimbursed under health FSAs, Archer MSAs, HRAs, or HSAs. The announcement may be viewed at: [www.irs.gov/newsroom/face-masks-and-other-personal-protective-equipment-to-prevent-the-spread-of-covid-19-are-tax-deductible](http://www.irs.gov/newsroom/face-masks-and-other-personal-protective-equipment-to-prevent-the-spread-of-covid-19-are-tax-deductible)

Third, IRS issued FAQs on how students and higher education institutions should report pandemic-related emergency financial aid grants. The FAQs make clear that emergency aid granted to students due to COVID-19 is not taxable. The FAQs may be viewed at: [www.irs.gov/newsroom/emergency-aid-granted-to-students-due-to-covid-is-not-taxable](http://www.irs.gov/newsroom/emergency-aid-granted-to-students-due-to-covid-is-not-taxable)

Lastly, IRS warned university students and staff of an IRS-impersonation scam. The scam primarily targets educational institutions, including students and staff from both public and private, profit, and non-profit institutions who have ".edu" email addresses. The emails display the IRS logo and use subject lines such as "Tax Refund Payment" or "Recalculation of your tax refund payment" and ask people to click a link and submit a form to claim their refund. The alert may be viewed at: [www.irs.gov/newsroom/irs-warns-university-students-and-staff-of-impersonation-email-scam](http://www.irs.gov/newsroom/irs-warns-university-students-and-staff-of-impersonation-email-scam)

▲ FDIC's updated National Rates and National Rate Caps webpage now reflects the revised methodology for calculating the national rate, the national rate cap, and the local market rate cap for banks that are less than well capitalized under Section 337.7 of FDIC's Rules and Regulations (see FIL-113-2020) which went into effect on **04/01/2021**. Going forward, updated national rates and rate caps will, in general, be posted on the third Monday of the month. The announcement and website may be viewed at the following links, respectively: [www.fdic.gov/news/financial-institution-letters/2021/fil21024.html](http://www.fdic.gov/news/financial-institution-letters/2021/fil21024.html) and [www.fdic.gov/regulations/resources/rates/](http://www.fdic.gov/regulations/resources/rates/)

▲ FRB published FAQs comprised of existing legal interpretations related to a number of long-standing regulations. The FAQs include legal interpretations that have been formulated over time in response to specific requests related to each regulation. Each set includes significant existing interpretations of the regulation, including those found in FRB orders, letters to specific requestors, and other sources, as well as those not previously available in written form. Additional FAQs will be released periodically and posted on FRB website. The FAQs may be viewed at: [www.federalreserve.gov/newsevents/pressreleases/bcreg20210331b.htm](http://www.federalreserve.gov/newsevents/pressreleases/bcreg20210331b.htm)

▲ OCC released Bulletin 2021-15 regarding Tax Equity Finance (TEF) Transactions to provide information to banks about written notifications or requests for TEF transactions pursuant to 12 CFR 7.1025. OCC issued a final rule codifying the authority of banks to engage in TEF transactions under their lending authority effective **04/01/2021**. A TEF transaction is a transaction in which a bank provides equity financing to fund a project or projects that generate tax credits or other tax benefits, and the use of an equity-based structure allows the transfer of those credits and other tax benefits to the bank. The Bulletin may be viewed at: [www.occ.gov/news-issuances/bulletins/2021/bulletin-2021-15.html](http://www.occ.gov/news-issuances/bulletins/2021/bulletin-2021-15.html)



# Compliance Notes

▲ SBA increased the maximum amount small businesses and non-profit organizations can borrow through its COVID-19 Economic Injury Disaster Loan (EIDL) program. As of **04/06/2021**, SBA raised the loan limit for the COVID-19 EIDL program from 6-months of economic injury with a maximum loan amount of \$150,000 to up to 24-months of economic injury with a maximum loan amount of \$500,000. The announcement may be viewed at: [www.sba.gov/article/2021/mar/24/sba-increase-lending-limit-covid-19-economic-injury-disaster-loans#:pdf](http://www.sba.gov/article/2021/mar/24/sba-increase-lending-limit-covid-19-economic-injury-disaster-loans#:pdf)

▲ CFPB released the *Consumer Response Annual Report for 2020*. The impact of the COVID-19 pandemic on the consumer financial marketplace is reflected in the increase of complaints submitted to CFPB which handled approximately 542,300 complaints last year—a nearly 54% increase over the approximately 352,400 complaints handled in 2019. The report reflects issues consumers reported to CFPB in 2020 as influenced by numerous factors including changing market conditions. The report includes analyses of complaints across multiple consumer financial products and services. The annual report may be viewed at: [https://files.consumerfinance.gov/f/documents/cfpb\\_2020-consumer-response-annual-report\\_03-2021.pdf](https://files.consumerfinance.gov/f/documents/cfpb_2020-consumer-response-annual-report_03-2021.pdf)

▲ FRB announced that temporary and additional restrictions on bank holding company (BHC) dividends and share repurchases currently in place will end for most firms after **06/30/2021**, after completion of the current round of stress tests. Firms with capital levels above those required by the stress test will no longer be subject to the additional restrictions as of that date. Firms with capital levels below those required by the stress test will remain subject to the restrictions. The announcement may be viewed at: [www.federalreserve.gov/newsevents/pressreleases/bcreg20210325a.htm](http://www.federalreserve.gov/newsevents/pressreleases/bcreg20210325a.htm)

▲ Same Day NACHA ACH limit to increase to \$1 million from the current \$100,000 limit effective **03/18/2022**. The increase will apply to all eligible Same Day ACH payments, including credits and debits for both businesses and consumers. Since **03/19/2021**, financial institutions have had two additional hours to initiate Same Day ACH payments. With this extension, ACH payments are now settled four times each business day. The announcement may be viewed at: [www.nacha.org/news/same-day-ach-payment-limit-increase-1-million](http://www.nacha.org/news/same-day-ach-payment-limit-increase-1-million)

▲ The March 2021 Senior Credit Officer Opinion Survey on Dealer Financing Terms was released by FRB. The survey collected qualitative information on changes in credit terms and conditions in securities financing and over-the-counter (OTC) derivatives markets between December 2020 and February 2021. In addition to the core questions, the survey included a set of special questions about the transition away from LIBOR for U.S. dollar-denominated OTC derivatives. The 23 institutions participating in the survey account for almost all dealer financing of dollar-denominated securities to non-dealers and are the most active intermediaries in OTC derivatives markets. The survey may be viewed at: [www.federalreserve.gov/data/scoos/scoos-202103.htm](http://www.federalreserve.gov/data/scoos/scoos-202103.htm)

▲ OCC reports decline in mortgage performance for FQ 2020. *OCC Mortgage Metrics Report, Fourth Quarter 2020* showed that 93.3 percent of mortgages included in the report were current and performing at the end of the quarter, compared to 96.5 percent a year earlier. The decline is a result of the COVID-19 pandemic and actions taken by banks to comply with the CARES Act. The report may be viewed at: [www.occ.gov/publications-and-resources/publications/mortgage-metrics-reports/files/mortgage-metrics-report-q4-2020.html](http://www.occ.gov/publications-and-resources/publications/mortgage-metrics-reports/files/mortgage-metrics-report-q4-2020.html)

▲ FDIC clarified the Rapid Phased Prototyping (RPP) initiative for FDIC-supervised financial institutions. The RPP initiative is a competition designed to accelerate the adoption of modern technological solutions to help FDIC fulfill its mission. In particular, the solutions explore new ways to receive, manage, and analyze data from individual institutions, particularly community banks, without increasing compliance burdens. The FIL may be viewed at: [www.fdic.gov/news/financial-institution-letters/2021/fil21019.html](http://www.fdic.gov/news/financial-institution-letters/2021/fil21019.html)

▲ CFPB released 2020 HMDA LAR data for approximately 4,400 HMDA filers through FFIEC's HMDA Platform. The published data contain loan-level information filed by financial institutions, modified to protect privacy. The data may be viewed at: <https://ffiec.cfpb.gov/data-publication/modified-lar/2020>

▲ OCC published its Spring 2021 semiannual Interest Rate Risk Statistics Report. The report presents interest rate risk data gathered during examinations of OCC-supervised midsize and community banks and federal savings associations. The statistics are for informational purposes only and do not represent OCC-suggested limits or exposures. The report may be viewed at: [www.occ.gov/news-issuances/bulletins/2021/bulletin-2021-18.html](http://www.occ.gov/news-issuances/bulletins/2021/bulletin-2021-18.html)

▲ FRB released consumer credit data from February. Consumer credit increased at a seasonally adjusted annual rate of 7.9 percent. Revolving credit increased at an annual rate of 10.1 percent, while nonrevolving credit increased at an annual rate of 7.3 percent. The data may be viewed at: [www.federalreserve.gov/releases/g19/current/default.htm](http://www.federalreserve.gov/releases/g19/current/default.htm)



# Compliance Notes

▲ FDIC launched the #GetBanked campaign to increase public awareness about the benefits of opening a bank account as part of their ongoing efforts to expand financial inclusion. The campaign will initially focus on the Houston and Atlanta areas, where research finds Black and Hispanic households are disproportionately unbanked. The goal of the targeted, pilot campaign is to support financial empowerment by encouraging consumers to consider opening a checking account that can result in access to safer and lower-cost financial products. More information, including a comprehensive #GetBanked toolkit, may be viewed at: [www.fdic.gov/news/press-releases/2021/pr21028.html](http://www.fdic.gov/news/press-releases/2021/pr21028.html)

▲ An updated NMLS Policy Guidebook was released. It is intended to be a resource for applicants, licensees, and state regulatory agencies using NMLS. A Business Activities Definitions document was updated to include a new Business Activity: Commercial Financing (Lending/Brokering). The revised guidebook may be viewed at: <https://nationwidelicencingsystem.org/slr/common/policy/NMLS%20Document%20Library/NMLS%20Policy%20Guidebook%20for%20Licensees.pdf>

▲ Treasury released the *Made in America Tax Plan Report* which describes the tax plan first announced in late March as part of President Biden's American Jobs Plan. The plan may be viewed at: [https://home.treasury.gov/system/files/136/MadeInAmericaTaxPlan\\_Report.pdf](https://home.treasury.gov/system/files/136/MadeInAmericaTaxPlan_Report.pdf) ■

## WBA ADVOCACY

### Volunteer Today – WBA Advocacy Officer

Join the group where influential bankers become leaders in their community.

#### WHY BECOME AN ADVOCACY OFFICER? IT'S LEADERSHIP IN ACTION!

**Leadership.** You will be seen as a leader in your bank because of your increasing awareness regarding banking-related issues.

**Development.** You will develop the ability to innovate and make a positive impact on the direction of the banking industry.

**Opportunity.** You'll be given the opportunity to facilitate statutory or regulatory changes that will benefit your bank and the banking industry.

**Visibility.** Your voice and your opinions will be heard by policymakers.

**Impact.** You will be making a real difference in the lives of Wisconsin bankers and the communities you serve.

Contact John Cronin at [jcronin@wisbank.com](mailto:jcronin@wisbank.com) or 608-441-1215 with questions, to sign up, or to learn more about Advocacy Officer duties and responsibilities.

You can also visit [www.wisbank.com/advocacy](http://www.wisbank.com/advocacy).



Conferences | Summits

Schools | Boot Camps

Seminars | Workshops

WBA Webinars

Other Events

## MAY 2021

- **Personal Banker School**  
4-5 Wausau/Rothschild – \$495/attendee
- **Compliance Management School**  
4-6 Madison – \$795/attendee
- **School of Bank Management**  
10-14 Madison – \$1,395/attendee
- **Capitol Day**  
11 Virtual
- **Empowering Women in Banking Virtual Summit**  
11,18 & 25 Virtual Series – \$250/attendee
- **Trust Conference**  
18 Virtual – \$220/Trust Section member; \$245/non-section member banker
- **Bank Directors Summit**  
19 Virtual – TBD
- **Credit Analysis Boot Camp**  
20-21 Virtual – \$495/attendee
- **BSA/AML Workshops**  
25-26 Virtual Half-Days – \$245/attendee
- **Branch Manager Boot Camp: Managing a Successful Branch (1 of 4 sessions)**  
26 Virtual Half-Day – \$800/attendee, includes 4 sessions

## JULY 2021

- **Cryptocurrency & Bitcoin: What Your Bank Needs To Know Webinar**  
7
- **BOLT Summer Leadership Summit**  
10-11 Wisconsin Dells or Virtual – \$150/attendee
- **Compliance Forum: Session 1**  
22 Stevens Point – Membership/Pricing Options Vary  
23 Madison – Membership/Pricing Options Vary
- **Credit Analysis Boot Camp**  
24-25 Green Bay – \$495/attendee
- **Principles of Banking Course**  
TBD Locations TBD - \$550/attendee
- **Community Bankers for Compliance (CBC) – Session III**  
27-28 Virtual – Membership/Pricing Options Vary

## JULY 2021 (continued)

- **Advanced Financial Statement & Cash Flow Analysis Workshop**  
29 Madison – \$245/attendee
- **Advanced Tax Return Analysis Workshop**  
30 Madison – \$245/attendee

## AUGUST 2021

- **Agricultural Lending School**  
4-6 Madison – \$895/attendee  
*(optional pre-school workshop available on August 3)*
- **Chairman's Member Appreciation Golf Outing**  
19 Wisconsin Dells
- **Family-owned and Closely Held Bank Strategic Retreat**  
24-25 Galena, IL – \$295/attendee

## SEPTEMBER 2021

- **Management Conference – including tracks for CEOs, CFOs, CCOs, HR and other bank leaders!**  
13-14 Green Bay – \$250/each first two bank attendees; \$200/each additional attendee
- **Secur-I.T. Conference – including tracks for Security, Technology, Operations, and BSA/AML**  
21-22 Wisconsin Dells – \$350/first attendee; \$300/each additional attendee
- **Bank Directors Summit**  
28 Stevens Point  
29 Madison

### KEY: Color-Coded Event Descriptions...

- **Conferences | Summits** – One or more days, based on hot topics, industry news and best practices; scheduled time for peer networking.
- **Schools | Boot Camps** – Focused on a particular area of banking, allowing for a deep dive into that focused area over the course of two to six days.
- **Workshops | Seminars** – One-day programs, sometimes in multiple locations, focused on a specific topic or area of banking.
- **WBA-Hosted Webinars** – Two-hour webinars instructed with a particular focus on Wisconsin state law and rules.
- **Other Events.**