

Compliance Journal

Special Focus

Revisiting CFPB's General QM Final Rule

Introduction

With the mandatory compliance date of the new General Qualified Mortgage rule fast approaching, WBA has written this article to help refresh bankers' understanding of the rule's requirements and ensure adequate preparation for mortgage lending operations. The final rule's mandatory compliance date is **October 1, 2022**.

Background

In the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act, Congress adopted ability-to-repay (ATR) requirements for virtually all closed-end residential mortgage loans. Congress also established a presumption of compliance with the ATR requirements for certain categories of mortgages, called qualified mortgages (QMs). The Bureau of Consumer Financial Protection (CFPB) subsequently wrote rules to implement these requirements (ATR/QM Rule).

With certain exceptions, the ATR/QM Rule requires creditors to make a reasonable, good faith determination of a consumer's ability to repay a residential mortgage loan and provides certain protections from liability for residential mortgage loans that meet the ATR/QM Rule's requirements for QMs. The ATR/QM Rule also establishes different categories of QMs.

One QM category is the General QM category. For a residential mortgage loan to fit within the General QM category, the ratio of the consumer's total monthly debt to total monthly income (DTI) must not exceed 43 percent, and the creditor must calculate, consider, and verify debt and income for purposes of determining the consumer's DTI ratio using the standards contained in Appendix Q of Regulation Z.

In December 2020, CFPB issued a final rule (Final Rule) to replace the existing 43 percent debt-to-income ratio limit (including removal of Appendix Q) in the General QM definition with price-based thresholds along with other changes to the ATR/QM Rule. WBA previously published a toolkit to assist Wisconsin banks in understanding these revisions and develop an implementation plan, including template policies. This article is not designed to repeat that information, but rather serve as a refresher on some of the broader points of the rule, as well as present implementation timeline considerations, to prepare for the upcoming mandatory compliance date of **October 1, 2022**.

Revised General QM Definition

As discussed above, the Final Rule amends Regulation Z to replace the existing General QM definition. The Final Rule replaces the existing 43 percent DTI limit with a price-based limit and removes Appendix Q, including any requirements to use Appendix Q for General QM loans. However, it still retains consider and verify requirements. As a result, it amends those requirements accordingly, along with associated commentary.

The summary below is intended to provide a refresher to some of the broader concepts presented by the Final Rule. WBA recommends referring to the full rule itself, including its commentary, for further understanding. A link to the Final Rule, the current rule, as well as WBA's toolkit, is provided at the end of this article as additional resources.

Price-Based Limit

A loan meets the revised General QM definition only if the annual percentage rate (APR) does not exceed the average prime offer rate (APOR) for a comparable transaction in accordance with the applicable threshold as of the date the interest rate is set. The Final Rule sets new limits for determining whether an APR exceeds the APOR. Generally, this threshold is 2.25 percentage points. However, the General QM Final Rule provides higher thresholds for loans with smaller loan amounts, for certain manufactured housing loans, and



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for subordinate-lien transactions. Generally, a transaction's APR is compared to the APOR as of the date the transaction's interest rate is set (or "locked") before consummation.

Additionally, if a loan's interest rate may or will change in the first five years after the date on which the first regular periodic payment will be due, the creditor must treat the highest interest rate that may apply during that five years as the loan's interest rate for the entire loan term when determining the APR for purposes of the thresholds discussed above.

Additional information on determining the APR, the APOR, and the applicable threshold is available in the Final Rule.

Consider and Verify Requirements

The Final Rule retains consider and verify requirements. It requires creditors to consider the consumer's current or reasonably expected income or assets (other than the value of the dwelling that secures the loan and any real property attached to that dwelling), debt obligations, alimony, child support, and DTI ratio or residual income. Creditors must also verify this information by using reasonably reliable third-party records and reasonable methods and criteria.

However, the Final Rule does not prescribe specifically how a creditor must consider the monthly DTI ratio or residual income, identify a particular monthly DTI ratio or residual income threshold, or specify methods of underwriting that a creditor must use (other than to require that verification methods and criteria must be reasonable). Furthermore, the Final Rule provides flexibility for a creditor to take into account additional factors that are relevant in determining a consumer's ability to repay the loan.

While the Final Rule has removed Appendix Q, the Final Rule does provide clarifications to the consider and verify requirements under the revised General QM definition. For example, the Final Rule provides specific methods to meet those requirements such as consideration of certain income and/or assets, appropriate policies and procedures, and retention of documentation to show how the bank applied those policies and procedures. Also note that if a creditor does not satisfy this documentation requirement for a loan, that loan will not meet the revised General QM definition.

The Final Rule also includes a list of specific verification standards that creditors may use to receive a safe harbor for compliance. These standards include relevant provisions in certain loan program guides and handbooks. The Final Rule sets forth the specific provisions and versions of these manuals and permits usage of substantially similar revised versions. These standards, including links, are also included in the WBA toolkit.

Mandatory Compliance Date

On April 30, 2021, CFPB issued a final rule to postpone the mandatory compliance date of the Final Rule from July 1, 2021, until **October 1, 2022**. Creditors, however, have the option of early compliance. Meaning, for covered transactions for which creditors have received an application on or after March 1, 2021, but prior to October 1, 2022, creditors have the option of complying with either the original debt-to-income based General QM definition, or the revised, price-based General QM loan definition as outlined above. However, creditors seeking to use the General QM loan category on or after **October 1, 2022**, must utilize the price-based General QM loan definition.

Implementation Considerations

Given the mandatory compliance date of **October 1, 2022**, banks should confirm that their implementation steps are in place. Banks should prepare to fully transition current policies and procedures to conform with the new definition and consider what training might be necessary in advance of and after the transition.

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Banks have likely already taken time to evaluate the categories of QMs they originate, and how the revised General QM definition may or may not affect current loan policy and underwriting procedures. Even banks which originate Small Creditor QMs should still consider the extent to which they may or may not originate General QMs. For example, does bank originate General QMs? Will it continue to do so, or will it exclusively utilize the Small Creditor QM exception, if applicable?

After this evaluation, banks should ensure that they have developed an implementation plan and review this plan in preparation for the mandatory compliance date. This plan should include a determination as to the extent to which the rule affects the bank's mortgage lending operation (including identification of affected products), consideration of operational and technology changes, adjustments to loan policy, and training needs. The WBA General QM Loan Toolkit is designed to help banks develop an implementation policy, including more specific considerations, a template policy, and template Board approval. A link to the toolkit is included at the end of this article. The rest of this article will discuss some additional considerations to better prepare for the upcoming mandatory compliance date.

Banks that have not already developed an implementation plan should look to do so as soon as possible. An implementation plan will ensure a smoother, more consistent transition. Banks that have already developed an implementation plan should review the plan in order to prepare for October. This review should include confirming applicability and assess whether any adjustments are necessary (ex: has there been a change in General QM usage? Products?). Bank should then consider its implementation timeline. Even if the bank will not be utilizing the new definition early, it should consider what steps are necessary to prepare for the mandatory compliance date of **October 1, 2022**. Some considerations include:

- What advanced adjustments to policies and procedures are yet to be made?
- Is Board approval still necessary for any changes to underwriting policies? Other?
- Which staff need to be involved and updated on regarding the upcoming transition?
- Has any advanced training been planned? Subsequent training following the transition?
- What technology needs to be updated? What new technologies need to be put into place? Are there additional technology-specific training needs?
- What testing still needs to be conducted? By when?
- Based upon these changes, what risk assessment has been performed? Has bank's bonding and insurance coverage provider been updated of any relevant changes, if applicable?
- What other deadlines are approaching based upon bank's implementation plan?

Banks should be looking to these, among other considerations, to better prepare for the upcoming mandatory compliance date.

Conclusion

The Final Rule presents changes to the General QM definition which may create significant implications for a bank's mortgage lending operation. The goal of this article is to provide a reminder of that significance by highlighting some of the most prominent aspects of the rule and presenting implementation considerations so that banks can be as best prepared as possible for the **October 1, 2022** mandatory compliance date. Additional resources are provided below for further consideration.

Additional Resources

- WBA ATR/QM Toolkit (will download a .doc file): <https://www.wisbank.com/media/569957/wba-reg-z-atr-revised-general-qm-definition-toolkit.docx>
- December 29, 2020 Final Rule: <https://www.govinfo.gov/content/pkg/FR-2020-12-29/pdf/2020-27567.pdf>
- April 30, 2021 Final Rule (delay): <https://www.govinfo.gov/content/pkg/FR-2021-04-30/pdf/2021-09028.pdf>
- Ability-to-Repay and Qualified Mortgage Small Entity Compliance Guide: https://files.consumerfinance.gov/f/documents/cfb_atr-qm_small-entity_compliance-guide.pdf
- Regulation Z and its Official Commentary: <https://www.consumerfinance.gov/rules-policy/regulations/1026/1/> ■



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Revised Interagency Flood Questions and Answers Released

Just as the May edition of the *WBA Compliance Journal* was put into production, 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) released revised Interagency Questions and Answers Regarding Flood Insurance (Interagency Questions and Answers). The Interagency Questions and Answers address frequently asked questions about the flood insurance requirements of the National Flood Insurance Act as amended, and its accompanying regulation.

Significant topics addressed by the revisions include guidance related to major amendments to the flood insurance laws with regard to the escrow of flood insurance premiums, the detached structure exemption, force placement procedures, and the acceptance of flood insurance policies issued by private insurers. With the issuance, the agencies have consolidated the Questions and Answers proposed by the agencies in July 2020 and the Questions and Answers proposed by the agencies in March 2021 into one set of Interagency Questions and Answers Regarding Flood Insurance.

A more comprehensive article regarding the updated resource will be forthcoming in a later edition of the *WBA Compliance Journal*. The revised Interagency Questions and Answers may be viewed at: <https://www.fdic.gov/news/financial-institution-letters/2022/fil22020a.pdf> ■

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Agencies Propose Changes to Uniform Rules of Practice and Procedure.

The 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) issued a proposed rule to change the Uniform Rules of Practice and Procedure to recognize the use of electronic communications in all aspects of administrative hearings and to otherwise increase the efficiency and fairness of administrative adjudications. FRB, FDIC, and OCC have also proposed to modify agency-specific rules of administrative practice and procedure. Comments are due **06/13/2022**. The proposed rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-13/pdf/2022-04454.pdf>. *Federal Register*, Vol. 87, No. 71, 04/13/2022, 22034-22092.

Agencies Issue Proposed Community Reinvestment Act 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 a proposed rule to amend their regulations which implement the Community Reinvestment Act (CRA) to update how CRA activities qualify for consideration, where CRA activities are considered, and how CRA activities are evaluated. Comments are due **08/05/2022**. The proposed rule may be viewed at: <https://www.fdic.gov/news/board-matters/2022/2022-05-05-notice-dis-a-fr.pdf>.

CFPB Publishes Spring Supervisory Highlights in *Federal Register*.

The Bureau of Consumer Financial Protection (CFPB) issued its twenty-sixth edition of Supervisory Highlights. The findings included in the report cover examinations completed between July 2021 and December 2021 in the areas of auto servicing, consumer reporting, credit card account management, debt collection, deposits, mortgage origination, prepaid accounts, remittances, and student loan servicing. CFPB released the edition on its website **05/02/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-05/pdf/2022-09690.pdf>. *Federal Register*, Vol. 87, No. 87, 05/05/2022, 26727-26738.

CFPB Issues Procedural Rule on Supervisory Authority of Certain Nonbank Covered Persons Based on Risk Determination.

CFPB issued a procedural rule to amend an aspect of procedures for establishing supervisory authority based on a risk determination.



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Specifically, CFPB has added a mechanism to make final decisions and orders public. Section 1091.115(c) of the existing rules provide, in summary, that documents, records or other items in connection with a proceeding under part 1091 shall be deemed confidential supervisory information. CFPB has added a new section which provides an exception regarding final decisions and orders by the CFPB Director. The procedural rule is effective **04/29/2022**. Comments are due **05/31/2022**. The procedural rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-29/pdf/2022-09107.pdf>. *Federal Register*, Vol. 87, No. 83, 04/29/2022, 25397-25398.

CFPB Seeks Comment on Several Information Collections.

- CFPB seeks comment on revisions to an information collection titled, Prohibition on Inclusion of Adverse Information in Consumer Reporting in Cases of Human Trafficking, Regulation V. The information collection was revised to include a recent amendment to FCRA which establishes a method for a victim of trafficking to submit documentation to consumer reporting agencies (CRAs), including information identifying any adverse item of information about the consumer that resulted from certain types of human trafficking, and prohibit CRAs from furnishing a consumer report containing the adverse item(s) of information. Comments are due **06/17/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-18/pdf/2022-08252.pdf>. *Federal Register*, Vol. 87, No. 74, 04/18/2022, 22873.
- CFPB seeks comment on the extension of an information collection titled, Generic Information Collection Plan for Consumer Complaint and Information Collection System. The information collection is related to CFPB's service delivery-focused activities contemplated by the Dodd-Frank Act. Comments are due **05/20/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-20/pdf/2022-08436.pdf>. *Federal Register*, Vol. 87, No. 76, 04/20/2022, 23499-23500.
- CFPB seeks comment on a new information collection titled, Section 1022 Monitoring Collections. CFPB is authorized to require covered persons and service providers participating in consumer financial services markets to file information as necessary for CFPB to fulfill the monitoring, assessment, and reporting responsibilities imposed by Congress. Further, in order for CFPB to assess whether a non-depository is a covered person, CFPB may require such non-depository to file answers to specific questions. Potential questions and other required types of information which persons could be required to provide will be approved for use under the information collection. Individual questions contained in the information collection may or may not be used at CFPB's discretion. Comments are due **07/05/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-06/pdf/2022-09712.pdf>. *Federal Register*, Vol. 87, No. 88, 05/06/2022, 27135-27136.

FRB Issues Final Rule to Increase Rate for Primary Credit.

The Board of Governors of the Federal Reserve System (FRB) issued a final rule to adopt amendments to Regulation A to reflect an increase in the rate for primary credit at each Federal Reserve Bank. Regulation A establishes the interest rates that the twelve Reserve Banks charge for extensions of primary credit and secondary credit. The secondary credit rate at each Reserve Bank automatically increased by formula as a result of the FRB's primary credit rate action. The amendments are effective **04/18/2022**. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-18/pdf/2022-08254.pdf>. *Federal Register*, Vol. 87, No. 74, 04/18/2022, 22811-22812.

FRB Issues Final Rule to Revise IORB.

FRB issued a final rule to adopt amendments to Regulation D to revise the rate of interest paid on balances (IORB) maintained at Federal Reserve Banks by or on behalf of eligible institutions. The final amendments specify that IORB is 0.40 percent, a 0.25 percentage point increase from its prior level. The amendment is intended to enhance the role of IORB in maintaining the federal funds rate in the target range established by the Federal Open Market Committee (FOMC). The amendments are effective **04/18/2022**. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-18/pdf/2022-08255.pdf>. *Federal Register*, Vol. 87, No. 74, 04/18/2022, 22812-22813.

FRB Announces Final Approval of Institution-to-Aggregated Granular Data on Assets and Liabilities Report.

FRB announced final approval of an information collection titled, Report of Institution-to-Aggregate Granular Data on Assets and



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Liabilities on an Immediate Counterparty Basis. The report (FR 2510) collects granular exposure data on the assets, liabilities, and off-balance sheet holdings of global systemically important banks (G-SIBs), providing breakdowns by country, instrument, currency, maturity, sector, and other factors, and also collects country exposure data on an immediate counterparty basis and detailed information on firms' derivatives exposures. The information collected by FR 2510 supports FRB's supervision of U.S. G-SIBs by allowing for a more complete balance sheet analysis of the firms and allows FRB to more closely monitor the systemic impacts of such firms' activities and investments. The collection was finalized without revision. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-10/pdf/2022-09979.pdf>. *Federal Register*, Vol. 87, No. 90, 05/10/2022, 28009-28010.

FRB Seeks Comment on Renewal of Annual Reporting Information Collections.

FRB seeks comment on the renewal of an information collection titled, Annual Report of Holding Companies; Annual Report of Foreign Banking Organizations; Report of Changes in Organizational Structure; Supplement to the Report of Changes in Organizational Structure. Respondents of the collections include: bank holding companies (BHCs), savings and loan holding companies (SLHCs), securities holding companies, and intermediate holding companies (IHCs) (collectively, holding companies (HCs)), foreign banking organizations (FBOs), state member banks that are not controlled by an HC, Edge and agreement corporations that are not controlled by a member bank, a domestic HC, or an FBO, and nationally chartered banks that are not controlled by a BHC or an FBO (with regard to their foreign investments only). See the notice for the specific revision for each collection. Comments are due **07/08/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-09/pdf/2022-09850.pdf>. *Federal Register*, Vol. 87, No. 89, 05/09/2022, 27639-27642.

FDIC Issues Notice of Termination of Receivership.

The Federal Deposit Insurance Corporation (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. The 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-2022-05-06/pdf/2022-09700.pdf>. *Federal Register*, Vol. 87, No. 88, 05/06/2022, 27147-27148.

FDIC Makes Technical Correction to Liquidity Measurement Standards in CFR.

FDIC issued a notice to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations (CFR). In Title 12 of CFR, parts 300 to 346, revised as of **01/01/2022**, FDIC made the following corrections: (1) amend §329.22 in paragraphs (a)(2) introductory text, (a)(2)(ii), (a)(4), and (a)(5), by removing the text "" its place wherever it appears." wherever it appears; and (2) amend §329.40 in paragraph (a) by adding the words, "An FDIC-supervised institution" to the beginning of the first sentence. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-09/pdf/2022-09989.pdf>. *Federal Register*, Vol. 87, No. 89, 05/09/2022, 27483.

FDIC Seeks Comment on Flood Insurance Related Information Collection.

FDIC seeks comment on the renewal of an information collection titled, Loans in Areas Having Special Flood Hazards. The information collection is related to the requirement that each supervised lending institution provide a notice of special flood hazards to a borrower acquiring a loan secured by a building on real property located in an area identified by FEMA as subject to special flood hazards, and various other notices to borrowers, servicers, and FEMA. Comments are due **06/10/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-11/pdf/2022-07639.pdf>. *Federal Register*, Vol. 87, No. 69, 04/11/2022, 21123-21124.

FDIC Seeks Comment on Information Collections Related to ID Theft Red Flags and Appraisal Complaint Form.

FDIC seeks comment on the renewal of two information collections. The first collection in the notice is titled, ID Theft Reg Flags.



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The regulation containing the information collection requirement is 12 CFR part 334, which implements sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACT Act). The second information collection in the notice is titled, Interagency Appraisal Complaint Form. The form is designed to collect information necessary for one or more agencies to take further action on a complaint from an appraiser, other individual, financial institution, or other entities. FDIC uses the information to take further action on the complaint to the extent it relates to an issue within its jurisdiction. Comments are due **05/23/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-22/pdf/2022-08556.pdf>. *Federal Register*, Vol. 87, No. 78, 04/22/2022, 24161-24162.

OCC Issues Final Rule to Correct Customer Assistance Group Mailing Address.

The Office of the Comptroller of the Currency (OCC) issued a final rule to amend the consumer grievance process appendix in the Consumer Protection in Sales of Insurance regulations to remove an outdated mailing address for OCC's Customer Assistance Group. The final rule replaces the incorrect address with the current mailing address. The final rule is effective **05/09/2022**. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-09/pdf/2022-09860.pdf>. *Federal Register*, Vol. 87, No. 89, 05/09/2022, 27482-27483.

OCC Seeks Comment on Several Information Collections.

- OCC seeks comment on the renewal of an information collection titled, Survey of Minority-Owned Institutions. As part of OCC's commitment to assessing its efforts to provide supervisory support, technical assistance, education, and other outreach to the minority-owned institutions under its supervision, OCC seeks feedback from individual institutions on the effectiveness of its efforts. OCC also seeks suggestions on how it might enhance or augment its supervision and technical assistance going forward. Comments are due **06/10/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-11/pdf/2022-07682.pdf>. *Federal Register*, Vol. 87, No. 69, 04/11/2022, 21262-21263.
- OCC seeks comment on the renewal of an information collection titled, Reverse Mortgage Products: Guidance for Managing Compliance and Reputation Risks (Guidance). The Guidance focuses on the need to provide adequate information to consumers about reverse mortgage products, to provide qualified independent counseling to consumers considering the products, and to avoid potential conflicts of interest. The Guidance also addresses related policies, procedures, internal controls, and third party risk management. Comments are due **05/23/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-21/pdf/2022-08532.pdf>. *Federal Register*, Vol. 87, No. 77, 04/21/2022, 23910-23911.
- OCC seeks comment on the revision of an information collection titled, Regulation C, Home Mortgage Disclosure Act. Regulation C, which implements the Home Mortgage Disclosure Act (HMDA), requires certain depository and non-depository institutions that make certain mortgage loans to collect, report, and disclose data about originations and purchases of mortgage loans as well as data about loan applications that do not result in originations. The collection is in connection with Regulation C requirements. Comments are due **06/21/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-21/pdf/2022-08534.pdf>. *Federal Register*, Vol. 87, No. 77, 04/21/2022, 23911-23913.
- OCC seeks comment on the renewal of an information collection titled, Interagency Statement on Complex Structured Finance Transactions. The Interagency Statement on Complex Structured Finance Transactions describes the types of internal controls and risk management procedures that the agencies (OCC, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and Securities and Exchange Commission) consider particularly effective in helping financial institutions identify and address the reputational, legal, and other risks associated with complex structured finance transactions. The internal controls and risk management procedures form the basis of the information collection. Comments are due **05/23/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-21/pdf/2022-08533.pdf>. *Federal Register*, Vol. 87, No. 77, 04/21/2022, 22913-23914.
- OCC seeks comment on the renewal of an information collection titled, Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments. The submission covers an existing regulation (12 CFR part 24), including the CD-1, National Bank Community Development Investments form, contained in 12 CFR part 24 Appendix 1, pursuant to which a national bank may notify OCC, or request OCC approval, of certain community development investments. Comments are due **06/21/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-21/pdf/2022-08530.pdf>. *Federal Register*, Vol. 87, No. 77, 04/21/2022, 23914-23915.



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- OCC seeks comment on the renewal of an information collection titled, Leasing. Under 12 CFR 23.4(c), national banks must liquidate or re-lease property that is no longer subject to lease (off-lease property) as soon as practicable and not later than five years from the date the national bank acquires the legal right to possess or control the property. If a national bank wishes to extend the five-year holding period for up to an additional five years, it must obtain OCC approval. The information collection is used in connection with the leasing-related rules. Comments are due **05/23/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-21/pdf/2022-08531.pdf>. *Federal Register*, Vol. 87, No. 77, 04/21/2022, 23915-23916.
- OCC seeks comment on the renewal of an information collection titled, General Reporting and Recordkeeping Requirements by Savings Associations. Federal savings associations must comply with the list of regulations in the notice which require prudent internal controls, so that examiners will have an accurate picture of bank performance and condition. The information collection is used in connection with the recordkeeping requirements within the listed regulations. Comments are due **06/21/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-21/pdf/2022-08535.pdf>. *Federal Register*, Vol. 87, No. 77, 04/21/2022, 23916-23917.
- OCC seeks comment on the renewal of an information collection titled, Climate Risk Range of Practice Questionnaire. OCC is conducting a climate risk range of practice among large banks with the purpose of developing an understanding of climate risk management practices, specifically as they pertain to climate-related financial risk. OCC is collecting information through the range of practices to understand the financial risks and ensure the establishment of sound risk management frameworks to measure, monitor, and control risks presented by climate change. Comments are due **06/01/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-02/pdf/2022-09336.pdf>. *Federal Register*, Vol. 87, No. 84, 05/02/2022, 25700-25701.
- OCC seeks comment on the renewal of an information collection titled, Interagency Appraisal Complaint Form. The collection was developed for use by those who wish to file a formal, written complaint that an entity subject to the jurisdiction of OCC has failed to comply with the appraisal independence standards or Uniform Standards of Professional Appraisal Practice (USPAP). OCC uses the information to take further action on the complaint to the extent the complaint relates to an issue within its jurisdiction. Comments are due **6/06/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-06/pdf/2022-09723.pdf>. *Federal Register*, Vol. 87, No. 88, 05/06/2022, 27201-27202.

HUD Adjusts CMPs for Inflation.

The Department of Housing and Urban Development (HUD) issued a final rule to provide for 2022 inflation adjustments of civil monetary penalty (CMP) amounts required by the Federal Civil Penalties Inflation Adjustment Act, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act. See the final rule for the specific CMP amounts. The final rule also makes a technical amendment to the penalty provision related to false claims by updating a cross reference. The final rule is effective **05/26/2022**. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-26/pdf/2022-08768.pdf>. *Federal Register*, Vol. 87, No. 80, 04/26/2022, 24418-24421.

HUD Issues Notice Regarding Mortgage Review Board Administrative Actions.

HUD issued a notice to advise of the cause and administrative actions taken by HUD's Mortgage Review Board against Federal Housing Administration (FHA) approved mortgagees from the beginning of the fiscal year 2021, **10/01/2020** through **09/30/2021**, where settlement agreements have been reached as of **02/28/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-19/pdf/2022-08340.pdf>. *Federal Register*, Vol. 87, No. 75, 04/19/2022, 23218-23227.

FEMA Issues Final Flood Hazard Determinations.

- The Federal Emergency Management Agency (FEMA) issued a final notice which identifies communities in the state of **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 report 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 date of **08/02/2022**, has been established for the FIRM and, where applicable, the supporting FIS report showing the new or



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modified flood hazard information for each community. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-15/pdf/2022-08139.pdf>. *Federal Register*, Vol. 87, No. 73, 04/15/2022, 22549-22550.

- FEMA issued a final notice which identifies communities in the state of **Ohio**, 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 report 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 date of **08/16/2022**, has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-15/pdf/2022-08136.pdf>. *Federal Register*, Vol. 87, No. 73, 04/15/2022, 22550-22551.

FEMA Issues Notices of Changes in Flood Hazard Determinations.

FEMA issued a notice which lists communities in the states of **Michigan** and **Wisconsin**, where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by FEMA for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect the flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with federal regulations. The flood hazard determinations will become effective on the dates listed in the table in the notice and revise the FIRM panels and FIS report in effect prior to the determination for the listed communities. From the date of the second publication of notification of the changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-15/pdf/2022-08143.pdf>. *Federal Register*, Vol. 87, No. 73, 04/15/2022, 22547-22548.

FEMA Seeks Comment on Federal Assistance Housing Program Information Collection.

FEMA seeks comment on an extension of an information collection titled, Federal Assistance to Individuals and Households Program. The information collection provides disaster survivors the opportunity to request approval of late applications, continued temporary housing assistance, advance disaster assistance, stop payments not received in order to be reissued funds, and to appeal program decisions. The collection also allows for the establishment of an annual agreement between FEMA and states, territories, and tribal governments regarding how the program will be administered. Comments are due **06/13/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-13/pdf/2022-07889.pdf>. *Federal Register*, Vol. 87, No. 71, 04/13/2022, 21894-21895.

FEMA Seeks Comment on Post Disaster Preparedness Survey.

FEMA seeks comments on revision to an information collection titled, Post Disaster Survivor Preparedness Research Survey. To achieve equity in opportunities to prepare for disasters, FEMA has proposed a series of qualitative focus groups, cognitive interviews, and targeted surveys to better understand individual experiences within historically underserved communities during recent disasters. The revised information collection is a combined instrument that contains the script and question bank for conducting the focus groups, cognitive interviews, and surveys. Comments are due **05/13/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-13/pdf/2022-07890.pdf>. *Federal Register*, Vol. 87, No. 71, 04/13/2022, 21895-21896.

OFAC Changes Title of Ukraine Related Sanctions.

The Office of Foreign Assets Control (OFAC) issued a final rule to change the title of the Ukraine Related Sanctions Regulations to the Ukraine-/Russia-Related Sanctions Regulations and has replaced the Ukraine Related Sanctions Regulations that were published in abbreviated form on **05/08/2014**, with a more comprehensive set of regulations that includes additional interpretive and definitional guidance, general licenses, and other regulatory provisions that will provide further guidance. Among other things, the amendment implements the Ukraine-/Russia-Related Executive Order of **12/19/2014**, and provisions of the Ukraine Freedom Support Act, the



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Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act, and the Countering America's Adversaries Through Sanctions Act. In addition, the amendment incorporates four directives regarding sectoral sanctions issued pursuant to the Ukraine-/Russia-Related Executive Order of **03/20/2014**, and six general licenses that have until now appeared only on OFAC's website, as well as seven new general licenses. The final rule is effective **05/02/2022**. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-02/pdf/2022-09371.pdf>. *Federal Register*, Vol. 87, No. 84, 05/02/2022, 26094-26119.

OFAC Issues Sanction Actions.

OFAC issued several notices to publish the names of one or more persons that have been placed on its Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. The actions relate to the Presidential Executive Orders listed later in this publication. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. See each Supplementary Information section for applicable date(s). The notices may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-11/pdf/2022-07616.pdf>. *Federal Register*, Vol. 87, No. 69, 04/11/2022, 21263-21264; <https://www.govinfo.gov/content/pkg/FR-2022-04-18/pdf/2022-08183.pdf>. *Federal Register*, Vol. 87, No. 74, 04/18/2022, 23023-23047; and <https://www.govinfo.gov/content/pkg/FR-2022-04-26/pdf/2022-08821.pdf>. *Federal Register*, Vol. 87, No. 80, 04/26/2022, 24624-24639.

Treasury Seeks Comment on New Information Collection Regarding COVID-19 Capital Projects Fund.

The Department of the Treasury (Treasury) seeks comment on a new information collection titled, Coronavirus Capital Projects Fund. Section 604 of the Social Security Act, as added by section 9901 of the American Rescue Plan Act established the Coronavirus Capital Projects Fund (CPF). The CPF provides \$10 billion in funding for Treasury to make payments according to a statutory formula to States (defined to include each of the 50 states, the District of Columbia, and Puerto Rico), seven territories and freely associated states (the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau), and Tribal governments to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to the Coronavirus Disease (COVID-19). The information collection will be used to solicit information related to quarterly project and expenditure reports and annual performance reports. Comments are due **05/25/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-10/pdf/2022-09953.pdf>. *Federal Register*, Vol. 87, No. 90, 05/10/2022, 28103-28104.

IRS Issues Proposed Rule to Amend Basic Exclusion Amount Applicable to Computing Gift Taxes in Estate Tax Regulations.

The Internal Revenue Service (IRS) issued a proposed rule to amend the Estate Tax Regulations which relate to the basic exclusion amount (BEA) applicable to the computation of federal estate and gift taxes. The proposed rule affects the estates of decedents dying after a reduction in the BEA who made certain types of gifts after 2017 and before a reduction in the BEA. Comments are due **07/26/2022**. The proposed rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-27/pdf/2022-08865.pdf>. *Federal Register*, Vol. 87, No. 81, 04/27/2022, 24918-24923.

IRS Issues Proposed Rule on Mortality Tables Used to Determine Present Value Under Defined Benefit Pension Plans.

IRS issued a proposed rule which prescribes mortality tables to be used for most defined benefit pension plans. The tables specify the probability of survival year-by-year for an individual based on age, gender, and other factors. The tables are used (together with other actuarial assumptions) to calculate the present value of a stream of expected future benefit payments for purposes of determining the minimum funding requirements for the plan. The mortality tables are also relevant for determining the minimum required amount of a lump-sum distribution from such a plan. Comments are due **06/09/2022**. The proposed rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-28/pdf/2022-06330.pdf>. *Federal Register*, Vol. 87, No. 82, 04/28/2022, 25161-25170.

IRS Issues Proposed Rule on Use of Actuarial Tables Used in Valuations in Certain Transfers of Interests.

IRS issued a proposed rule regarding the use of actuarial tables in valuing annuities, interests for life or a term of years, and remainder



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or reversionary interests. The proposed rule will affect the valuation of inter vivos and testamentary transfers of interests dependent on one or more measuring lives. The amendments are necessary because applicable law requires the actuarial tables to be updated to reflect the most recent mortality experience available. Comments are due **07/05/2022**. The proposed rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-05/pdf/2022-02303.pdf>. *Federal Register*, Vol. 87, No. 87, 05/05/2022, 26806-26848.

IRS Seeks Comment on Several Information Collections.

- IRS seeks comment on the renewal of an information collection titled, Reducing Tax Burden on America's Taxpayers. IRS seeks to identify meaningful taxpayer burden reduction opportunities that impact a large number of taxpayers. The information collection is used to refer ideas for reducing taxpayer burden to IRS for consideration and implementation. Comments are due **06/17/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-18/pdf/2022-08245.pdf>. *Federal Register*, Vol. 87, No. 74, 04/18/2022, 23048-23049.
- IRS seeks comment on the extension of an information collection titled, Return of Excise Tax on Undistributed Income of Regulated Investment Companies. The collection is used by regulated investment companies to compute and pay the excise tax on undistributed income imposed under Internal Revenue Code section 4982. IRS uses the information to verify the correct amount of tax has been reported. Comments are due **06/21/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-20/pdf/2022-08438.pdf>. *Federal Register*, Vol. 87, No. 76, 04/20/2022, 23696-23697.
- IRS seeks comment on the extension of an information collection titled, Disclosure of Returns and Return Information to Designee of Taxpayer. Under Internal Revenue Code (Code) section 6103(a), returns and return information are confidential unless disclosure is otherwise authorized by the Code. Section 6103(c), as amended by section 1207 of the Taxpayer Bill of Rights II, authorizes IRS to disclose returns and return information to such person or persons as the taxpayer may designate in a request for or consent to disclosure, or to any other person at the taxpayer's request to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person. Disclosure is permitted subject to such requirements and conditions as may be prescribed by regulations. Comments are due **07/11/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-10/pdf/2022-09976.pdf>. *Federal Register*, Vol. 87, No. 90, 05/10/2022, 28103.

SBA Issues Proposed Rule to Amend Employee-Based Size Standards in Other Sectors Except Wholesale and Retail Trade.

The Small Business Administration (SBA) issued a proposed rule after reviewing its employee-based small business size definitions (referred to as, size standards) for North American Industry Classification System (NAICS) sectors related to Mining, Quarrying, and Oil and Gas Extraction (Sector 21); Utilities (Sector 22); Manufacturing (Sector 31-33); Transportation and Warehousing (Sector 48-49); Information (Sector 51); Finance and Insurance (Sector 52); Professional, Scientific and Technical Services (Sector 54); and Administrative and Support, Waste Management and Remediation Services (Sector 56). SBA has proposed to increase 150 and retain 282 employee-based size standards in the sectors. SBA also proposed to retain the current 500-employee size standard for federal procurement of supplies under the nonmanufacturer rule. SBA's proposed revisions relied on its size standards methodology. Comments are due **06/27/2022**. The proposed rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-26/pdf/2022-08091.pdf>. *Federal Register*, Vol. 87, No. 80, 04/26/2022, 24752-24833.

SBA Amends Community Advantage Pilot Program.

SBA issued a notice to announce amendments to the Community Advantage Pilot Program to encourage increased lending in historically underserved markets as further discussed in the notice. Changes identified in the notice take effect **05/31/2022**. Comments are due **05/31/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-29/pdf/2022-09162.pdf>. *Federal Register*, Vol. 87, No. 83, 04/29/2022, 25398-25402.

FSA Issues NOFA for Cotton and Wool Apparel Program.

The Farm Service Agency (FSA) issued a notification of funding availability (NOFA) of \$50 million for the new Cotton and Wool Apparel Program (CAWA), which will support the domestic markets for wool and Pima cotton by assisting eligible apparel manufacturers of men's and boys' worsted wool suits, sport coats, pants, or Pima cotton dress shirts; Pima cotton spinners; and wool



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fabric manufacturers and wool spinners. The COVID-19 pandemic dramatically reduced the demand for the clothing, textiles, and threads, and in turn, the market for the raw commodities. CAWA will assist in the development and restoration of the market for domestically produced cotton and wool products and ultimately for the underlying commodities. See the NOFA for eligibility and application information. The NOFA may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-06/pdf/2022-09730.pdf>. *Federal Register*, Vol. 87, No. 88, 05/06/2022, 27083-27087.

FCA Issues Final Rule to Implement CECL to Tier 1/Tier 2 Capital Rule.

The Farm Credit Administration (FCA) issued a final rule to amend certain regulations to address changes in U.S. generally accepted accounting principles (U.S. GAAP). The amendments modify FCA's capital and other regulations, including certain regulatory disclosure requirements. FCA's objectives in adopting the final rule are to: ensure the Farm Credit System's capital requirements, including certain regulatory disclosures, reflect the current expected credit losses methodology (CECL), which revises the accounting for credit losses under U.S. GAAP, and ensure conforming amendments to other regulations accurately reference credit losses. The final rule is effective **01/01/2023**. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-09/pdf/2022-08832.pdf>. *Federal Register*, Vol. 87, No. 89, 05/09/2022, 27483-27494.

FCIC Seeks Comment on Information Collection Regarding Requests for Agency Interpretations.

The Federal Crop Insurance Corporation (FCIC) seeks comment on the renewal of an information collection titled, Interpretations of Statutory and Regulatory Provisions and Written Interpretations of FCIC Procedures. The information collection is necessary for FCIC to respond to requests for interpretations of provisions of the Federal Crop Insurance Act, policy provisions codified in the Code of Federal Regulations (CFR), policy provisions not codified in CFR, and procedures used in the administration of the federal crop insurance program. Comments are due **07/05/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-04/pdf/2022-09576.pdf>. *Federal Register*, Vol. 87, No. 86, 05/04/2022, 26338-26339.

Agencies Confirm Publication and Applicability of OneRD Regulation and Initiative.

The Rural Business-Cooperative Service (RBC), Rural Housing Service (RHS), and Rural Utilities Service (RUS) (collectively, agencies) issued confirmation of the OneRD Guaranteed Loan Regulation. The agencies published a final rule in the *Federal Register* on **12/10/2021**, regarding the OneRD Guarantee Loan Program (OneRD). The agencies issued a final rule to confirm the final rule is published. The agencies also issued a final rule to announce provisions that could apply to applications, pending reviews, conditional commitments, and loans made under OneRD since **10/01/2020**. As of **04/27/2022**, the effective date of the final rule published in the *Federal Register* on **12/10/2021**, and corrected **02/09/2022**, is confirmed. The final rule confirming publication may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-27/pdf/2022-08695.pdf>. *Federal Register*, Vol. 87, No. 81, 04/27/2022, 24857. The final rule announcing provisions applicable to OneRD applications may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-27/pdf/2022-08943.pdf>. *Federal Register*, Vol. 87, No. 81, 04/27/2022, 24857-24858.

RBC Announces Extension of RISE Grant Program Application Period.

The Rural Business-Cooperative Service (RBC) announced an extension of the application deadline for the Rural Innovation Stronger Economy (RISE) program. The application deadline has been extended from **04/19/2022**, to **05/19/2022**, due to a technical issue with RBC's method for receiving concept proposals. See the notice of further application details. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-15/pdf/2022-08243.pdf>. *Federal Register*, Vol. 87, No. 73, 04/15/2022, 22499-22500.

RUS Seeks Comment on Mergers and Consolidations of Electric Borrowers Information Collection.

The Rural Utilities Service (RUS) seeks comment on the extension of an information collection titled, Mergers and Consolidations of Electric Borrowers. The Rural Electrification Act, authorizes and empowers RUS to make and guarantee loans to furnish and improve electric service in rural areas. Due to deregulation and restructuring activities in the electric industry, RUS borrowers may find it advantageous to merge or consolidate to meet the challenges of industry change. The information collection addresses the requirements of RUS policies and procedures for mergers and consolidations of electric program borrowers. Comments are due **06/21/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-19/pdf/2022-08277.pdf>. *Federal Register*, Vol. 87, No. 75, 04/19/2022, 23164.



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RUS Seeks Comment on Information Collection Regarding Payments of Principal and Interest.

RUS seeks comment on an information collection titled, 7 CFR part 1721, Extensions of Payments of Principal and Interest. RUS allows borrowers of loans made by RUS, under certain circumstances, to request extensions for the payment of principal and interest. The information collected provides the information necessary for RUS to make determinations of eligibility under the Rural Electrification Act and the Disaster Relief Act. Comments are due **07/11/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-10/pdf/2022-09978.pdf>. *Federal Register*, Vol. 87, No. 90, 05/10/2022, 27984-27985.

RHS Announces Another Application Round and Updates to Section 514 and Section 516 Off-Farm Labor Housing Loans.

The Rural Housing Service (RHS) published a notice of solicitation of applications (NOSA) in the *Federal Register* on **02/02/2021**, for Section 514 Off-Farm Labor Housing Loans and Section 516 Off-Farm Labor Housing Grants for New Construction for Fiscal Year 2021. The NOSA described the methods used to distribute funds, the pre-application and final application processes, and submission requirements. On **08/03/2021**, RHS published a subsequent notice to announce the second round of solicitations and to correct inadvertent errors in the NOSA previously published. RHS has announced a third round of NOSAs and has made additional updates to the initial NOSA. Applications will be accepted until **07/15/2022**. The NOSA may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-21/pdf/2022-08515.pdf>. *Federal Register*, Vol. 87, No. 77, 04/21/2022, 23792-23855.

CFTC Seeks Comment on Several Information Collections.

- The Commodity Futures Trading Commission (CFTC) seeks comment on the extension of an information collection titled, Reporting, Recordkeeping, and Daily Trading Records Requirements for Swap Dealers and Major Swap Participants. On **04/03/2012**, CFTC adopted regulations 23.201 through 23.205 pursuant to sections 4s(f) and 4s(g) of the Commodity Exchange Act. The information collection pertains to the recordkeeping requirements of swap dealers and major swap participants under the regulations. Comments are due **06/27/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-26/pdf/2022-08787.pdf>. *Federal Register*, Vol. 87, No. 80, 04/26/2022, 24533-24534.
- CFTC seeks comment on the renewal of an information collection titled, Swap Data Recordkeeping and Reporting Requirements: Reenactment and Transition Swap. The collection of information is needed to ensure that CFTC and other regulators have access to data regarding pre-enactment and transition swaps, as required by the Commodity Exchange Act, as amended by the Dodd-Frank Act. Comments are due **06/27/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-26/pdf/2022-08789.pdf>. *Federal Register*, Vol. 87, No. 80, 04/26/2022, 24534-24535.
- CFTC seeks comment on the extension of an information collection titled, Annual Report for Chief Compliance Officer of Registrants. On **04/03/2012**, CFTC adopted Regulation 3.3 (Chief Compliance Officer) under sections 4d(d) and 4s(k) of the Commodity Exchange Act (CEA). CFTC Regulation 3.3 requires each futures commission merchant (FCM), swap dealer (SD), and major swap participant (MSP) to designate, by filing a Form 8-R, a chief compliance officer who is responsible for developing and administering policies and procedures that fulfill certain duties of the SD, MSP, or FCM and that are reasonably designed to ensure the registrant's compliance with CEA and CFTC regulations. The information collection pertains to the recordkeeping requirements under the regulation. Comments are due **06/27/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-26/pdf/2022-08788.pdf>. *Federal Register*, Vol. 87, No. 80, 04/26/2022, 24535-24536.
- CFTC seeks comment on the renewal of a revised information collection titled, Core Principles & Other Requirements for DCMs. The regulations governing designated contract markets (DCMs) originally were adopted pursuant to the Commodity Futures Modernization Act, which amended section 5 of the Commodity Exchange Act (CEA) to impose requirements concerning the registration and operation of DCMs. The DCM statutory framework subsequently was revised as a result of further amendments to CEA under Title VII of the Dodd-Frank Act. Part 38 of CFTC's regulations governs the activities of DCMs. The information collected pursuant to Part 38 is necessary for CFTC to evaluate whether entities operating as, or applying to become, DCMs comply with the Part 38 of CFTC's regulations, and CEA's statutory requirements. Comments are due **06/27/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-28/pdf/2022-09014.pdf>. *Federal Register*, Vol. 87, No. 82, 04/28/2022, 25228-25230.



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SEC Issues Final Rule to Adopt Technical Amendments to Rules and Forms.

The Securities and Exchange Commission (SEC) issued a final rule to adopt technical amendments to various rules and forms under the Securities Act, the Investment Company Act, and the Investment Advisors Act. The revisions made technical changes to correct typographical errors and erroneous cross-references, as well as to clarify instructions. The final rule is effective **04/15/2022**. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-15/pdf/2022-06972.pdf>. *Federal Register*, Vol. 87, No. 73, 04/15/2022, 22444-22447.

SEC Adopts Updated EDGAR Filer Manual.

SEC issued a final rule to adopt amendments to Volumes I and II of the Electronic Data Gathering, Analysis, and Retrieval system (EDGAR) Filer Manual (Filer Manual) and related rules and forms. See the final rule for the specific amendments. The EDGAR system was upgraded **03/21/2022**. The final rule is effective **04/19/2022**. The final rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-19/pdf/2022-08232.pdf>. *Federal Register*, Vol. 87, No. 75, 04/19/2022, 23108-23110.

SEC Makes Annual Adjustments to Transaction Fee Rates.

SEC issued an order to make fiscal year 2022 annual adjustments to transaction fee rates. The order includes an explanation of how the new fee rates were determined. The fiscal year 2022 annual adjustments to the fee rates applicable under Sections 31(b) and (c) of the Exchange Act shall take effect on the later of **10/01/2021**, or 60 days after the date on which a regular appropriation to SEC for fiscal year 2022 is enacted. The regular appropriation to SEC for fiscal year 2022 was enacted on **03/15/2022**, and accordingly, the new fee rates applicable under Sections 31(b) and (c) of the Exchange Act are effective **05/14/2022**. The order may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-13/pdf/2022-08244.pdf>. *Federal Register*, Vol. 87, No. 71, 04/13/2022, 21931-21938.

SEC Publishes Staff Accounting Bulletin for Obligations to Safeguard Crypto-Assets.

SEC published Staff Accounting Bulletin (SAB) No. 121 to express the views of SEC regarding accounting for obligations to safeguard crypto-assets an entity holds for platform users. The SAB is applicable to entities that file reports pursuant to Sections 13(a) or 15(d) of the Securities Exchange Act and entities that have submitted or filed a registration statement under the Securities Act or the Exchange Act that is not yet effective. The SAB is also applicable to entities submitting or filing an offering statement or post-qualification amendment thereto under Regulation A, entities subject to the periodic and the current reporting requirements of Regulation A, and private operating companies whose financial statements are included in filings with SEC in connection with a business combination involving a shell company, including a special purpose acquisition company. The SAB is effective **04/11/2022**. The SAB may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-11/pdf/2022-07196.pdf>. *Federal Register*, Vol. 87, No. 69, 04/11/2022, 21015-21018.

SEC Issues Proposed Rule on Climate-Related Disclosures for Investors.

SEC issued a proposed rule to amend rules under the Securities Act and Securities Exchange Act that would require registrants to provide certain climate-related information in registration statements and annual reports. The proposed rule would require information about a registrant's climate-related risks that are reasonably likely to have a material impact on its business, results of operations, or financial condition. The required information about climate-related risks would also include disclosure of a registrant's greenhouse gas emissions, which have become a commonly used metric to assess a registrant's exposure to such risks. In addition, certain climate-related financial metrics would be required in a registrant's audited financial statements. Comments are due **05/20/2022**. On **05/09/2022**, SEC announced an extension of the comment period. Comments are now due **06/17/2022**. The proposed rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-11/pdf/2022-06342.pdf>. *Federal Register*, Vol. 87, No. 69, 04/11/2022, 21334-21473. The announcement to extend the comment period may be viewed at: <https://www.sec.gov/news/press-release/2022-82>.

SEC Issues Proposed Rule to Clarify Definitions of Dealer and Government Securities Dealer.

SEC issued a proposed rule to further define the phrase "as a part of a regular business" as used in the statutory definitions of "dealer" and "government securities dealer" under sections 3(a)(5) and 3(a)(44), respectively, of the Securities Exchange Act. Advancements in electronic trading in the securities markets have driven the need to provide greater clarity. Comments are due **05/27/2022**. The proposed rule may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-18/pdf/2022-06960.pdf>. *Federal Register*, Vol. 87, No. 74, 04/18/2022, 23054-23106.



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NCUA Seeks Comment on New Charter Application Information Collection.

The National Credit Union Administration (NCUA) seeks comment on the extension of an information collection titled, Proof of Concept Application (POC) for New Charter Organizing Groups. The Office of Credit Union Resources and Expansion (CURE) is responsible for the review and approval of charter applications submitted by organizing groups. CURE has implemented a charter modernization process to improve the quality of charter applications received. The information collection helps ensure organizing groups submit a well-thought out, well-developed charter plan to minimize the back-and-forth communication and improve overall chartering processing times. Comments are due **06/17/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-18/pdf/2022-08223.pdf>. *Federal Register*, Vol. 87, No. 74, 04/18/2022, 22952-22953.

NCUA Seeks Comment on Call Report and Vendor Registration Information Collections.

NCUA seeks comment on the extension of two information collections. The first information collection is titled, NCUA Call Report. Sections 106 and 202 of the Federal Credit Union Act require federally insured credit unions to make financial reports to NCUA. NCUA Form 5300, Call Report, is used to file quarterly financial and statistical data through NCUA's online portal, CUOnline. The Call Report was restructured to accommodate the Complex Credit Union Leverage Ratio (CCULR) Calculation schedule by adding a schedule for the CCULR Calculation and to reestablish the account code for the collection of Noncontrolling Interest in Consolidated Subsidiaries (previously described as Miscellaneous Equity and erroneously omitted from the Form 5300). The second information collection is titled, NCUA Vendor Registration Form. Section 342 of the Dodd-Frank Act calls for agencies to promote the inclusion of minority- and women-owned firms in their business activities. The Act also requires agencies to annually report to Congress the total amounts paid to minority- and women-owned businesses. NCUA Form 1772 is used to collect certain information from its current and potential vendors so that it can identify businesses that meet the criteria. Comments are due **06/24/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-25/pdf/2022-08753.pdf>. *Federal Register*, Vol. 87, No. 79, 04/25/2022, 24346-24347.

Presidential Executive Order Extends National Emergency With Respect to Specified Harmful Foreign Activities of the Government of the Russian Federation.

President Biden issued Executive Order 14024 on **04/15/2021**, regarding the extraordinary threat to the national security, foreign policy, and economy of the United States constituted by specified harmful foreign activities of the Government of the Russian Federation to extend the national emergency previously declared. On **03/08/2022**, Executive Order 14066 was issued to expand the scope of the national emergency declared in Executive Order 14024. On **08/20/2021**, **03/11/2022**, and **04/06/2022**, Executive Orders 14039, 14068, and 14071 were issued respectively, to take additional steps with respect to the national emergency declared in Executive Order 14024. The national emergency declared in Executive Order 14024, which was expanded in scope by Executive Order 14066, and with respect to which additional steps were taken in Executive Orders 14039, 14068, and 14071, has been extended for one year. Executive Order 14024 may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-14/pdf/2022-08244.pdf>. *Federal Register*, Vol. 87, No. 72, 04/14/2022, 22431-22432.

VA Issues ANPR on Loan Guaranty Servicer Tier Ranking Procedures.

The Department of Veterans Affairs (VA) issued an advanced notice of proposed rulemaking (ANPR) to announce the intention of its Loan Guaranty Service to revise and finalize the temporary regulations governing the assignment of a performance-based tier ranking to each of the servicers that participate in VA's guaranteed home loan program. VA seeks comments to assist in developing a future proposed regulation. Comments are due **06/21/2022**. The ANPR may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-04-19/pdf/2022-08276.pdf>. *Federal Register*, Vol. 87, No. 75, 04/19/2022, 23152-23154.

VA Seeks Comment on VALERI System Information Collection.

VA seeks comment on revisions to an information collection titled, VA Loan Electronic Reporting Interface (VALERI) System and Title Requirements for Conveyance of Real Property to the Secretary. VA has submitted a modification to address information collected in the event loss mitigation efforts are unsuccessful and a VA-guaranteed loan goes into foreclosure. Statutory requirements for conveyance of properties to VA are found in chapter 37 of title 38, United States Code. The implementing regulations are found in part 36 of title 38, Code of Federal Regulations (CFR). In 38 CFR 36.4323, VA explains that each conveyance or transfer of real



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property to VA pursuant to the section shall be acceptable if: (a) the holder thereby covenants or warrants against the acts of the holder and those claiming under the holder (e.g., by special warranty deed); and (b) it vests in VA or will entitle VA to such title as is or would be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community in which the property is situated. Comments are due **07/08/2022**. The notice may be viewed at: <https://www.govinfo.gov/content/pkg/FR-2022-05-09/pdf/2022-09891.pdf>. *Federal Register*, Vol. 87, No. 89, 05/09/2022, 27700-27701. ■

Compliance Notes

▲ As June approaches, lenders are reminded of CFPB's interpretive rule regarding the impact of Juneteenth (June 19th) being designated a federal legal public holiday on certain Regulation Z timing requirements related to rescission and TRID. The interpretive rule may be viewed at: www.consumerfinance.gov/rules-policy/final-rules/truth-in-lending-regulation-z-impact-2021-juneteenth-holiday-certain-closed-end-mortgage-requirements/

▲ CFPB issued an advisory opinion to affirm ECOA bars lenders from discriminating against customers after they have received a loan, not just during the application process. The advisory opinion may be viewed at: www.consumerfinance.gov/about-us/newsroom/cfpb-issues-advisory-opinion-on-coverage-of-fair-lending-laws/

▲ DOJ released guidance which explains how algorithms and artificial intelligence can lead to disability discrimination in hiring. DOJ enforces disability discrimination laws with respect to state and local government employers. The Equal Employment Opportunity Commission (EEOC) enforces disability discrimination laws with respect to employers in the private sector and the federal government. The obligation to avoid disability discrimination in employment applies to both public and private employers. The guidance may be viewed at: <https://beta.ada.gov/ai-guidance/>

▲ OCC announced the launch of Project REACH in Milwaukee. Project REACH, the Roundtable for Economic Access and Change, brings together leaders from the banking industry, civil rights organizations, business, and technology to identify and reduce structural barriers to financial inclusion. Milwaukee is OCC's fifth regional REACH effort. Milwaukee REACH will construct and begin formal efforts to reduce financial barriers that include low rates of affordable homeownership and poor access to capital for minority-owned and small businesses. The release may be viewed at: www.occ.gov/news-issuances/news-releases/2022/nr-occ-2022-39.html

▲ FDIC and the U.S. Census Bureau invited approximately 2,000 U.S. banks to participate in a nationally representative online survey about their small business lending practices and volumes. Sponsored by FDIC and administered by Census, the 2022 Small Business Lending Survey provides a comprehensive view of small business lending by banks and will expand FDIC's understanding of the impact banks have on the nation's small businesses. The press release may be viewed at: www.fdic.gov/news/press-releases/2022/pr22037.html

▲ OCC announced its schedule of workshops for board directors of national community banks and federal savings associations for the second half of 2022. The OCC examiner-led workshops provide practical training and guidance to directors of national community banks and federal savings associations to support the safe and sound operation of community-based financial institutions. The workshops include: (a) Building Blocks: Keys to Success for Directors and Senior Management; (b) Risk Governance: Improving Director Effectiveness; (c) Compliance Risk: What Directors Need to Know; (d) Credit Risk: Directors Can Make a Difference; and (e) Operational Risk: Navigating Rapid Changes. The announcement may be viewed at: www.occ.gov/news-issuances/news-releases/2022/nr-occ-2022-44.html

▲ FRB issued its latest edition of the Supervision and Regulation Report. The report summarizes banking conditions and FRB's supervisory and regulatory activities, in conjunction with semiannual testimony before Congress by the Vice Chair for Supervision. The current report may be viewed at: www.federalreserve.gov/publications/supervision-and-regulation-report.htm

▲ CFPB announced that it is invoking a largely unused legal provision to examine nonbank financial companies that pose risks to consumers. CFPB stated it believes that utilizing the dormant authority will help protect consumers and level the playing field between banks and nonbanks. The release may be viewed at: www.consumerfinance.gov/about-us/newsroom/cfpb-invokes-dormant-authority-to-examine-nonbank-companies-posing-risks-to-consumers/



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▲ OCC launched a discussion series to explore issues relating to the financial wellbeing of consumers. The Financial Health: Vital Signs series will feature discussions with Acting Comptroller of the Currency Hsu and academic, community and industry leaders on issues affecting the financial health of consumers. The quarterly discussion series will be livestreamed. The first event was held April 28 and featured discussions on minority ownership of cryptocurrency. The announcement and video of the **04/28/2022** event may be viewed at the following links, respectively: www.occ.gov/news-issuances/news-releases/2022/nr-occ-2022-42.html and www.occ.gov/news-events/digital-media-library/video-financial-health-vital-signs.html

▲ WDFI announced that nominations for the 2022 Governor's Financial Literacy Awards are open. The awards recognize individuals and organizations for excellence in increasing financial literacy, capability, and inclusion among Wisconsin residents. The deadline is **12/02/2022**. The release may be viewed at: www.wdfi.org/newsroom/press/2022/20220428_NewsRelease_2022GovFinLitAwardNominations_vFINAL.pdf

▲ FinCEN announced the renewal and expansion of its Geographic Targeting Orders (GTOs) that require U.S. title insurance companies to identify the natural persons behind shell companies used in all-cash purchases of residential real estate. The terms of the GTOs are effective beginning **04/30/2022**, and end **10/26/2022**. The GTOs continue to provide valuable data on the purchase of residential real estate by persons possibly involved in various illicit enterprises. Renewing the GTOs further assists in tracking illicit funds and other criminal or illicit activity, as well as inform FinCEN's future regulatory efforts in this sector. The release which includes information on the covered cities and counties may be viewed at: www.fincen.gov/news/news-releases/fincen-renews-and-expands-real-estate-geographic-targeting-orders

▲ FHFA announced that Fannie Mae and Freddie Mac (the Enterprises) will require lenders to use the Supplemental Consumer Information Form (SCIF) as part of the application process for loans that will be sold to the Enterprises. The SCIF is used to collect information about the borrower's language preference, if any, and on any homebuyer education or housing counseling the borrower received, so lenders can better understand borrower needs during the home buying process. Specifically, the changes will require lenders to present SCIF questions to borrowers and to report any data collected from the SCIF to the Enterprise purchasing the loan. Lenders will be required to adopt the changes and reporting requirements for loans with application dates on or after **03/01/2023**. Response by borrowers to the preferred language question in the SCIF will remain voluntary. The release may be viewed at: www.fhfa.gov/Media/PublicAffairs/Pages/FHFA-Announces-Mandatory-Use-of-the-Supplemental-Consumer-Information-Form.aspx ■

Are you a WBA member with a compliance question?

Contact the WBA Legal Call Program

This WBA member-exclusive program provides information in response to compliance questions. Call: 608-441-1200.



Conferences | Summits

Schools | Boot Camps

Seminars | Workshops

WBA Webinars

Other Events

JUNE 2022

- **BOLT Summer Leadership Summit**
9–10 Wisconsin Dells; \$200/attendee
- **Credit Analysis Boot Camp**
22–23 Rothschild (Wausau area); \$495/attendee
- **Branch Manager Boot Camp: Session 2**
28 4-part series; virtual half-days; \$800/attendee
- **Compliance Forum: Session 1**
28 Wisconsin Dells; annual membership (*pricing varies*)

JULY 2022

- **Branch Manager Boot Camp: Session 3**
26 4-part series; virtual half-days; \$800/attendee
- **Community Bankers for Compliance (CBC) – Session III**
26–27 Virtual half-days; membership (*pricing options vary*)

AUGUST 2022

- **Agricultural Lending School**
10–12 Madison; \$895/attendee
(*Optional preschool workshop available on August 9.*)
- **Chairman’s Member Appreciation Golf Outing**
18 Wisconsin Dells
- **Branch Manager Boot Camp: Session 2**
30 4-part series; virtual half-days; \$800/attendee
- **HR Workshop**
TBD Location TBD; \$245/attendee

SEPTEMBER 2022

- **Management Conference** (*including tracks for CEOs, CFOs, CCOs, HR, and other bank leaders*)
13–14 Wisconsin Dells
- **Secur-I.T. Conference** (*including tracks for BSA/AML, Operations, Security, and Technology*)
20–21 Wisconsin Dells

OCTOBER 2022

- **Commercial Lending School**
12–14 Madison; \$895/attendee

OCTOBER 2022 (continued)

- **Family-owned and Closely Held Bank Strategic Retreat**
13–14 Madison
- **Supervisor Boot Camp**
18–19 Madison; \$535/attendee
- **FIPCO Software & Compliance Forum: Loan & Mortgage**
19–20 Virtual
- **Community Bankers for Compliance (CBC) – Session IV**
25 Stevens Point; membership (*pricing options vary*)
26 Madison; membership (*pricing options vary*)
- **IRA Essentials Workshops**
TBD Location TBD; \$245/attendee
- **Advanced Workshops**
TBD Location TBD; \$245/attendee
- **Principles of Banking Course**
TBD Location TBD; \$550/attendee

NOVEMBER 2022

- **BOLT Winter Leadership Summit**
9 Wisconsin Dells; \$150/attendee
- **Compliance Forum: Session 2**
15 Wisconsin Dells; annual membership (*pricing varies*)
- **LEAD360 Conference**
16–17 Wisconsin Dells
- **Deposit Compliance School**
TBD Madison or virtual; \$535/attendee
- **Personal Banker School**
TBD Madison; \$495/attendee
- **Consumer Lending Boot Camp**
TBD Madison; \$495/attendee

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.**