

# Banking & Finance Law Daily

## Regulation Tracker



### Proposed Rule Comment Calendar

Agency	Proposal Name	Citation, Docket No.	Description	Comments Due	Comments Submitted
FDIC	Removal of Transferred OTS Regulations Regarding Consumer Protection in Sales of Insurance and Amendments to FDIC Consumer Protection in Sales of Insurance Regulation	<a href="#">81 FR 83174</a> ; RIN 3064-AE49	The Federal Deposit Insurance Corporation has proposed streamlining regulations for consumer protections in sales of insurance. The proposal would rescind regulations transferred from the Office of Thrift Supervision and include state savings associations and their subsidiaries within the scope of the FDIC's existing 12 CFR Part 343, governing consumer protections for bank sales of insurance.	Jan. 20, 2017	
OCC, Fed, FDIC	Enhanced Cyber Risk Management Standards	<a href="#">81 FR 74315</a> ; OCC-2016-0016; R-1550; RIN 3064-AE45	The Office of the Comptroller of the Currency, Federal Reserve Board, and Federal Deposit Insurance Corporation are seeking comments on an advance notice of proposed rulemaking that would impose enhanced cybersecurity risk-management and resilience standards for large and interconnected entities under their supervision, which would also apply to services provided by third parties to these financial institutions. The agencies <a href="#">extended the comment period</a> to allow interested persons more time to	Feb. 17, 2017	<a href="#">Read comments</a>

Last updated: 1/17/17

©2017 CCH Incorporated. All rights reserved.

Agency	Proposal Name	Citation, Docket No.	Description	Comments Due	Comments Submitted
			analyze the issues and prepare their comments.		
Fed	Risk-based Capital and Other Regulatory Requirements for Activities of Financial Holding Companies Related to Physical Commodities and Risk-based Capital Requirements for Merchant Banking Investments	<a href="#">81 FR 67220</a> ; <a href="#">81 FR 94276</a> ; R-1547	The Federal Reserve Board issued a proposed rulemaking that would add limits to financial holding companies' physical commodity activities and impose related additional capital requirements. Due to the range and complexity of the issues addressed in the proposal, the Fed extended the comment period to allow interested persons additional time to analyze the proposal and prepare their comments.	Feb. 20, 2017	<a href="#">Read comments</a>
FDIC	Recordkeeping Requirements for Qualified Financial Contracts	<a href="#">81 FR 95496</a> ; RIN 3064-AE54	The Federal Deposit Insurance Corporation has issued notice of proposed rulemaking that would amend and restate the agency's regulation that governs the recordkeeping requirements for qualified financial contracts (QFC) which are held by insured depository institutions in a troubled condition.	Feb. 27, 2017	

## Final Rule Effective Dates

Agency	Final Rule Name	Citation, Docket No.	Description	Effective Date
OCC, Fed, FDIC	Community Reinvestment Act Regulations	<a href="#">OCC-2016-0031</a> ; <a href="#">R-1554</a> ; <a href="#">RIN 3064-AD90</a>	The federal bank regulatory agencies—Federal Deposit Insurance Corporation, Federal Reserve Board, and Office of the Comptroller of the Currency—have adopted a joint final rule adjusting the asset-size thresholds used to define small bank, small savings association, intermediate small bank, and intermediate small savings association under Community Reinvestment Act regulations.	Becomes effective upon publication in the <i>Federal Register</i> .
Fed	Total Loss-Absorbing Capacity, Long-Term Debt, and Clean Holding Company Requirements for Systemically Important U.S. Bank Holding Companies and Intermediate Holding Companies of Systemically Important Foreign Banking Organizations	<a href="#">R-1523</a>	The Federal Reserve Board has issued a final rule that will establish long-term debt (LTD) and total loss-absorbing capacity (TLAC) requirements, as well as restrictions on certain arrangements that could impede a resolution proceeding—clean holding company requirements—for covered bank holding companies and intermediate holding companies.	Becomes effective 60 days after publication in the <i>Federal Register</i> .
CFPB	Civil Penalty Inflation Adjustments	<a href="#">82 FR 3601</a>	The Consumer Financial Protection Bureau has adjusted for inflation the maximum amount of each civil penalty within its jurisdiction, as required by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 and further amended by the Federal Civil Penalties Inflation	<b>Jan. 15, 2017</b>

Last updated: 1/17/17

©2017 CCH Incorporated. All rights reserved.

Agency	Final Rule Name	Citation, Docket No.	Description	Effective Date
			Adjustment Act Improvements Act of 2015.	
FDIC	Rules of Practice and Procedure	<a href="#">81 FR 95412</a> ; RIN 3064–AE52	The Federal Deposit Insurance Corporation has adjusted the maximum amount of each civil money penalty within its jurisdiction to account for inflation, as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. The FDIC is also amending its rules of practice and procedure to correct a technical error from the previous inflation-adjustment rulemaking.	<b>Jan. 15, 2017</b>
OCC, Fed, FDIC	Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks	<a href="#">81 FR 90949</a> ; OCC-2016-0001; R-1531; RIN 3064-AE42	The Office of the Comptroller of the Currency, Federal Reserve Board, and Federal Deposit Insurance Corporation have jointly adopted final rules allowing well capitalized and well managed institutions with less than \$1 billion in total assets to benefit from an extended 18-month examination schedule. The agencies' action finalizes, without change, an <a href="#">interim final rule</a> adopted in February 2016.	<b>Jan. 17, 2017</b>
Fed	Regulatory Capital Rules: Implementation of Capital Requirements for Global Systemically Important Bank Holding Companies	<a href="#">81 FR 90952</a> ; R-1535	The Federal Reserve Board has issued technical amendments to its rule that identifies global systemically important bank holding companies and requires those firms to hold additional amounts of risk-based capital to avoid restrictions on capital distributions and discretionary bonus payments. The changes would not materially alter the underlying rule approved by the Fed in July 2015.	<b>Jan. 17, 2017</b>
FHFA	Acquired Member Assets	<a href="#">81 FR 91674</a> ; RIN 2590–AA69	The Federal Housing Finance Agency has issued a final rule that reorganized and relocated current regulations governing the Federal Home Loan Banks' Acquired Member Asset (AMA) programs. As required by the Dodd-Frank Act, it removes and replaces references in the current regulation to, and requirements based on, ratings issued by a Nationally Recognized Statistical Ratings Organization.	<b>Jan. 18, 2017</b>

Last updated: 1/17/17

©2017 CCH Incorporated. All rights reserved.

Agency	Final Rule Name	Citation, Docket No.	Description	Effective Date
FHFA	Federal Home Loan Bank New Business Activities	<a href="#">81 FR 91690</a> ; RIN 2590-AA84	The Federal Housing Finance Agency has issued a final rule amending its regulation on new business activities for Federal Home Loan Banks.	<b>Jan. 18, 2017</b>
OCC	Receiverships for Uninsured National Banks	<a href="#">81 FR 92594</a> ; OCC-2016-0017	The Office of the Comptroller of the Currency has issued a final rule regarding the conduct of receiverships for national banks that are not insured by the Federal Deposit Insurance Corporation and for which the FDIC would not be appointed as receiver. The final rule implements the provisions of the National Bank Act that provide the legal framework for receiverships of such institutions.	<b>Jan. 19, 2017</b>
FDIC	Revision of the FDIC's Freedom of Information Act Regulations	<a href="#">RIN 3064-AE53</a>	The Federal Deposit Insurance Corporation has amended its Freedom of Information Act regulations to bring them into accord with changes made by the FOIA Improvement Act, the OPEN Government Act, and the OPEN FOIA Act. The FDIC is publishing the rule as final without prior notice and comment and to allow the public to benefit immediately.	<b>Jan. 23, 2017</b>
FHFA	Enterprise Duty to Serve Underserved Markets	<a href="#">RIN 2590-AA27</a>	The Federal Housing Finance Agency has finalized a rule to implement the "Duty to Serve" provisions of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by the Housing and Economic Recovery Act of 2008. Fannie Mae and Freddie Mac will be required to adopt plans intended to improve the distribution and availability of mortgage financing in a safe and sound manner for residential properties that serve very low-, low-, and moderate-income families in three specified underserved markets: manufactured housing, affordable housing preservation, and rural markets.	<b>Jan. 30, 2017</b>
OCC	Availability of Information Under the Freedom of Information Act	<a href="#">81 FR 94240</a> ; OCC-2016-0033	The OCC has issued an interim final that amends its regulations governing the disclosure of information pursuant to requests made under the Freedom of Information Act (FOIA) to reflect changes to the FOIA made by the FOIA Improvement Act of 2016 and the OPEN FOIA Act of 2009 and to make other technical changes that update the OCC's FOIA regulations.	Comments on the interim final rule must be received by <b>Feb. 21, 2017</b> .
Fed	Rules Regarding	<a href="#">81 FR 94932</a> ;	The Federal Reserve Board has issued an interim final rule to amend	Comments on the interim

Last updated: 1/17/17

©2017 CCH Incorporated. All rights reserved.

Agency	Final Rule Name	Citation, Docket No.	Description	Effective Date
	Availability of Information	R-1556	regulations for processing requests under the Freedom of Information Act. The Fed took this action to comply with the Freedom of Information Improvement Act of 2016.	final rule must be received by <b>Feb. 27, 2017</b> .
FOMC	Rules Regarding Availability of Information	<a href="#">81 FR 94934</a>	The Federal Open Market Committee has issued an interim final rule to amend regulations for processing requests under the Freedom of Information Act. The FOMC took this action to comply with the Freedom of Information Improvement Act of 2016.	Comments on the interim final rule must be received by <b>Feb. 27, 2017</b> .
FDIC	Recordkeeping for Timely Deposit Insurance Determination	<a href="#">81 FR 87734</a> ; RIN 3064-AE33	The Federal Deposit Insurance Corporation has issued a final rule that is intended to facilitate the rapid payment of insured deposits to customers if an FDIC-insured institution with a large number of deposit accounts were to fail. The final rule requires that insured depository institutions with more than two million deposit accounts maintain complete and accurate data on each depositor and ensure that their information technology systems are capable of calculating the amount of insured money for most depositors within 24 hours of a failure.	<b>April 1, 2017</b>
Fed	Liquidity Coverage Ratio: Public Disclosure Requirements; Extension of Compliance Period for Certain Companies To Meet the Liquidity Coverage Ratio Requirements	<a href="#">81 FR 94922</a> ; R-1525	The Federal Reserve Board has adopted a rule that will require large banking organizations to publicly disclose certain quantitative liquidity risk metrics, including their consolidated liquidity coverage ratios, high-quality liquid asset totals, projected net stressed cash outflow amounts, and derivatives inflows and outflows.	<b>April 1, 2017</b>
CFPB	Prepaid Accounts under the Electronic Fund Transfer Act (Regulation E) and	<a href="#">81 FR 83934</a> ; CFPB-2014-0031	The Consumer Financial Protection Bureau has finalized a rule intended to provide "strong" federal protections for prepaid account users. The new rule amends Reg. E (12 CFR Part 1005) and Reg. Z (12 CFR Part 1026) and the regulations' official interpretations to give prepaid account consumers protections similar to those for checking	<b>Oct. 1, 2017</b> ; the requirement in §1005.19(b) to submit prepaid account

Last updated: 1/17/17

©2017 CCH Incorporated. All rights reserved.

Agency	Final Rule Name	Citation, Docket No.	Description	Effective Date
	the Truth In Lending Act (Regulation Z)		account and credit card consumers.	agreements to the bureau is delayed until <b>Oct. 1, 2018</b>
CFPB	Amendments to the 2013 Mortgage Rules under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z)	<a href="#">81 FR 72160</a> ; CFPB-2014-0033	The Consumer Financial Protection Bureau has issued a final rule to ensure that homeowners and struggling borrowers are treated fairly by mortgage servicers. The updated rule requires servicers to provide certain borrowers with foreclosure protections more than once over the life of the loan, clarifies borrower protections when the servicing of a loan is transferred, and provides important loan information to borrowers in bankruptcy. The changes also help ensure that surviving family members and others who inherit or receive property generally have the same protections under the CFPB's mortgage servicing rules as the original borrower.	Final rule is effective on <b>Oct.19, 2017</b> , except that the following amendments are effective on <b>April 19, 2018</b> : Amendatory instructions 5, 6.b, 7, 8, 9, 11.b, 17.a.ii, 17.b.ii, 17.c, 17.d.ii, 17.f.i, 17.i.i, 17.k, 19, 20, 22, 23.c, 25.a, 25.b, 25.c.ii, and 25.d.ii.
Fed	Regulatory Capital Rules: Implementation of Risk-Based Capital Surcharges for Global Systemically Important Bank Holding Companies	<a href="#">80 FR 49082</a> ; R-1505	The Federal Reserve Board has issued a final rule imposing a capital surcharge on the largest, most systemically important U.S. bank holding companies pursuant to Section 165 of the Dodd-Frank Act. Under the final rule, a firm that is identified as a global systemically important bank holding company, or GSIB, will have to hold additional capital to increase its resiliency in light of the greater threat it poses to the financial stability of the United States.	Amendatory instructions 2, 3, 6, 8, and 10 amending 12 CFR 208.41, 208.43, 217.1, 217.2, and 217.11 are effective <b>Jan. 1, 2018</b>
CFPB	Home Mortgage Disclosure (Regulation C)	<a href="#">80 FR 66128</a> ; CFPB-2014-0019	The CFPB has amended Reg. C—Home Mortgage Disclosure (12 CFR Part 1003) to reduce the number of lenders that must file reports but require more data to be collected and reported. The amendments retain and expand existing exemptions for smaller financial institutions. The definition of the types of transactions that are covered by the HDMA rule is being changed to a “dwelling-secured standard,” as opposed to the current “purpose-based test,” for consumer-purpose loans and applications.	The final rule is generally effective <b>Jan. 1, 2018</b> . The safe harbor for good-faith errors and omissions on a quarterly recorded loan/application register is effective <b>Jan. 1, 2019</b> . The requirement for a financial institution with a high

Last updated: 1/17/17

©2017 CCH Incorporated. All rights reserved.

Agency	Final Rule Name	Citation, Docket No.	Description	Effective Date
				transaction volume to report its HMDA data on a quarterly basis is effective <b>Jan. 1, 2020</b> . For more detailed information about effective dates, consult part "VI. Effective Date" of the final rule.
OCC	OCC Guidelines Establishing Standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches; Technical Amendments	<a href="#">81 FR 66791</a> ; OCC-2015-0017	The Office of the Comptroller of the Currency has adopted guidelines on the recovery planning processes that are required of larger national banks, federal thrifts, and federal branches of foreign banks. The guidelines require each covered institution to have an appropriate plan for how to recover its financial strength and viability after a stress event or "trigger."	Delayed mandatory compliance dates based on the average total consolidated assets of the covered institution as of the effective date of <b>Jan. 1, 2017</b> .