



MISSOURI
INDEPENDENT
BANKERS
ASSOCIATION

Capitol Comments February 2018

When there is a deadline or effective date associated with an item, you will see this graphic:



Joint federal agency issuances

2018 A Guide To HMDA Reporting: Getting It Right! (02.21.2018)

The Guide is a valuable resource for assisting all institutions in their HMDA reporting. It includes a summary of responsibilities and requirements, directions for assembling the necessary tools, and instructions for reporting HMDA data.

Source [link](#).

Comment: This is a very valuable tool for all HMDA reporters!

CFPB actions

CFPB Releases Strategic Plan (02.12.2018)

WASHINGTON, D.C. — The Consumer Financial Protection Bureau (Bureau) today released its five-year Strategic Plan that establishes its mission, strategic goals, and strategic objectives.

"If there is one way to summarize the strategic changes occurring at the Bureau, it is this: we have committed to fulfill the Bureau's statutory responsibilities, but go no further," said Acting Director Mick Mulvaney. "By hewing to the statute, this Strategic Plan provides the Bureau a ready roadmap, a touchstone with a fixed meaning that should serve as a bulwark against the misuse of our unparalleled powers."

The plan draws directly from the Dodd-Frank Wall Street Reform and Consumer Protection Act and refocuses the Bureau's mission on regulating consumer financial products or services under existing federal consumer financial laws, enforcing those laws judiciously, and educating and empowering consumers to make better informed financial decisions. Among changes from the prior Strategic Plan, the Bureau will now focus on equally protecting the legal rights of all, including those regulated by the Bureau, and will engage in rulemaking where appropriate to address unwarranted regulatory burdens and to implement federal consumer financial law and will operate more efficiently, effectively, and transparently.

Source [Link](#).

Comment: The bureau is required by Dodd-Frank to update and publish a five-year strategic plan, the last being published in 2013. According to the bureau, the plan refocuses the bureau's mission on regulating consumer financial products or services under existing federal consumer financial laws, enforcing those laws judiciously, and educating and empowering consumers to make better informed financial decisions.

CFPB Issues Request for Information on Enforcement Processes (02.07.2018)

WASHINGTON, D.C. — The Consumer Financial Protection Bureau (CFPB) today issued a Request for Information (RFI) about the Bureau's enforcement processes. The Bureau is seeking information to help assess the overall efficiency and effectiveness of its processes related to the enforcement of federal consumer financial law. This is the third in a series of RFIs announced as part of Acting Director Mick Mulvaney's call for evidence to ensure the Bureau is fulfilling its proper and appropriate functions to best protect consumers. This RFI will provide an opportunity for the public to submit feedback and suggest ways to improve outcomes for both consumers and covered entities.

Source [Link](#).

Comment: According to the CFPB, these "Requests for Information" will "provide an opportunity for the public to submit feedback and suggest ways to improve outcomes for both consumers and covered entities."

CFPB Launches 2018 HMDA LAR Formatting Tool (02.01.2018)

The Bureau is pleased to announce the launch of the 2018 HMDA LAR Formatting Tool. The LAR Formatting Tool is intended to help financial institutions, typically those with small volumes of covered loans and applications, to create an electronic file that can be submitted to the HMDA Platform. The 2018 LAR Formatting Tool should be used for data collected in 2018 and reported in 2019.

The Bureau has also made minor updates to the 2018 Filing Instructions Guide.

The [2018 LAR Formatting Tool](#) and the updated [2018 Filing Instructions Guide](#) can be accessed from the resources for HMDA filers [website](#).

We encourage financial institutions to direct any questions or feedback on this tool to HMDAHelp@cfpb.gov.

Source [Link](#).

Comment: The Tool will help banks create an electronic file to submit HMDA data collected in 2018 and reported in 2019. The Tool should prove the most useful for those banks with small volumes of covered loans and applications and not relying on a vendor or platform to extract and export data.

CFPB Finalizes Changes to Prepaid Accounts Rule (01.25.2018)

Washington, D.C. — The Consumer Financial Protection Bureau (Bureau) announced today that it has finalized updates to its 2016 prepaid rule. The Bureau's 2016 prepaid rule put in place requirements for treatment of funds on lost or stolen cards, error resolution and investigation, upfront fee disclosures, access to account information, and overdraft features if offered in conjunction with prepaid accounts. The changes announced today adjust requirements for resolving errors on unregistered accounts, provide greater flexibility for credit cards linked to digital wallets, and extend the effective date of the rule by one year to April 2019.

Prepaid accounts are among the fastest growing consumer financial products in the United States, usually purchased at retail outlets or online. Prepaid accounts may be loaded with funds by a consumer or by a third party, such as an employer. Consumers generally can use these accounts to make payments, store funds, withdraw cash at ATMs, receive direct deposits, or send money to others. According to industry analysts, the amount consumers put on “general purpose reloadable” prepaid cards grew from less than \$1 billion in 2003 to nearly \$65 billion in 2012. The total dollar value loaded onto these prepaid cards is expected to nearly double to \$116 billion by 2020.

Source [Link](#).

Comment: The new changes adjust requirements for resolving errors on unregistered accounts, modify the application of the Rule’s credit-related provisions to digital wallets, and extend the effective date of the Rule by one year to April 1, 2019.

FDIC actions

Community Bank Webinar: Implementation Examples for the Current Expected Credit Losses Methodology (CECL) (02.08.2018)

Summary: The FDIC and the Federal Reserve Board (FRB), in conjunction with the Financial Accounting Standards Board (FASB), the U.S. Securities and Exchange Commission (SEC), and the Conference of State Bank Supervisors (CSBS), will host a webinar to discuss how smaller, less complex community institutions can implement CECL. The webinar is scheduled for Tuesday, February 27, 2018, at 1:00 pm Eastern Time (ET).

Statement of Applicability to Institutions with Total Assets Under \$1 Billion: This Financial Institution Letter applies to all FDIC-supervised institutions, but is particularly targeted to smaller, less complex institutions.

Highlights:

- On Tuesday, February 27, 2018, from 1:00 to 2:30 pm ET, the FDIC and the FRB, in conjunction with the CSBS, the FASB, and the SEC, will jointly host a "CECL Webinar for Bankers: Practical Examples of How Smaller, Less Complex Community Banks Can Implement the Current Expected Credit Losses Methodology." The webinar will address loan loss rate methods that such institutions can use to implement CECL, as well as related data considerations and controls.
- Institutions are encouraged to invite representatives from their internal audit function and their external audit firm to participate in the webinar.
- Participants may join the webinar at <https://www.webcaster4.com/Webcast/Page/583/24368>. Advance registration is not required; however, participants are encouraged to do so at this link. Participants are asked to join the webinar 15 minutes before it begins.
- Participants may dial in to the audio portion of the webinar at 888-625-5230 using participant passcode 68944799#.
- A question-and-answer session will follow the presentation. We encourage participants to submit questions in advance via email at rapid@stls.frb.org.
- Webinar materials will be archived for future viewing.

Related Topics:

- [FIL-39-2016, June 17, 2016, Joint Statement on New Accounting Standard on Financial Instruments – Credit Losses](#)
- [FIL-41-2017, September 6, 2017, New Accounting Standard on Credit Losses: Frequently Asked Questions](#)

Source [Link](#).

Comment: *This webinar is particularly targeted to smaller, less complex institutions. Additionally, as noted below, the Conference of State Bank Supervisors (CSBS), in consultation with state examiners, developed a readiness tool to help financial institutions prepare for changes associated with FASB’s Current Expected Credit Loss (CECL) standard.*

OCC actions

OCC Releases 2018 Schedule of Workshops for Directors of National Community Banks and Federal Savings Associations (01.29.2018)

WASHINGTON — The Office of the Comptroller of the Currency (OCC) today announced its 2018 schedule of workshops for directors of national community banks and federal savings associations.

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.

“Community banks are anchors in their neighborhoods and vital to economic growth,” said Comptroller of the Currency Joseph M. Otting. “These workshops help bank directors better understand the regulatory landscape so they can continue to serve the consumers, businesses, and communities that rely upon them.”

The OCC offers five workshops at a cost of \$99 each:

- Building Blocks
- Risk Governance
- Compliance Risk
- Credit Risk
- Operational Risk

The OCC offers the workshops nationwide to outside directors of national community banks and federal savings associations. Management directors may also find the workshops beneficial.

Workshops are limited to 35 participants. Attendees will receive course materials, supervisory publications, and lunch.

To view the schedule of workshops and register online, visit <http://www.occ.gov/occworkshops>. To contact the registration center, call (888) 509-9227 or email OCCBDW@gohnow.com.

Source [Link](#).

Comment: *These workshops are an excellent opportunity for national bank directors to learn straight from their regulatory agency on the management and mitigation of relevant risks.*

Federal Reserve actions federal action and news

The February 2018 Senior Loan Officer Opinion Survey on Bank Lending Practices (02.05.2018)

The February 2018 Senior Loan Officer Opinion Survey on Bank Lending Practices addressed changes in the standards and terms on, and demand for, bank loans to businesses and households over the past three months, which generally corresponds to the fourth quarter of 2017 ¹. Responses were received from 71 domestic banks and 23 U.S. branches and agencies of foreign banks. Unless otherwise indicated, this summary refers to the responses of domestic banks.

Regarding loans to businesses, respondents to the February survey indicated that, on balance, banks eased their standards and terms on commercial and industrial (C&I) loans to large and middle-market firms while demand for such loans was basically unchanged². Meanwhile, banks' standards on most categories of commercial real estate (CRE) loans tightened, while demand for CRE loans reportedly weakened.

For loans to households, banks reported that, on balance, their lending standards on consumer loans, as well as for most categories of residential real estate loans, remained basically unchanged over the third quarter. Meanwhile, banks reported weaker demand for auto loans and residential mortgages.

Banks also responded to a set of special questions inquiring about their outlook for lending policies and loan performance over 2018. On balance, banks reported expecting to ease standards on residential mortgages and C&I loans to large and middle-market firms, while expecting to tighten standards on CRE loans and credit card loans. Demand for C&I loans is also expected to strengthen on net. Meanwhile, banks anticipate that loan performance will improve, on net, for C&I loans while deteriorating for consumer loans. The performance of most categories of loans backed by real estate is expected to remain basically unchanged on net.

Source [Link](#).

Other federal action and news

FTC SCAM Alert – Do Not Call Registrations Don't Expire (01.26.2018)

Someone pretending to be from the FTC is sending out fake emails telling people that their Do Not Call registration is expiring. The emails use the FTC's logo and send people to a phony Do Not Call website to register their numbers again.

Don't buy it. **Do Not Call registrations never expire.** Once you add a number to the Do Not Call Registry, you don't need to register it again—ever. We only remove your number when it's disconnected and reassigned, or if you ask us to remove it.

Source [Link](#).

Comment: Check out these [resources](#) from the FTC (and consider sharing with your customers!) to learn more about what can be done to block unwanted calls and reduce scams.

State agency actions

CSBS - State Regulators: Money Services Businesses Do Not Deserve De-Risking (02.15.2018)

Washington, D.C. – State regulators are committed to the responsible oversight of money service business (MSBs) and creating new solutions to keep pace with emerging and evolving risks that may impact the industry.

These actions address a major concern: MSBs are too often the victim of de-risking – a practice in which MSBs are shut out of banking services, said Bryan Schneider, Secretary of the Illinois Department of Financial and Professional Regulation, at a hearing today before the U.S. House of Representatives Subcommittee on Financial Institutions and Consumer Credit.

Source [Link](#).

CSBS - State Financial Regulators Release BSA/AML Compliance Tool for Money Services Businesses (02.13.2018)

Washington, D.C. – State financial regulators have released a new, voluntary tool to help money services businesses better manage Bank Secrecy Act/Anti-Money Laundering (BSA/AML) risk.

Developed by the Conference of State Bank Supervisors (CSBS) and state regulators, the BSA/AML Self-Assessment Tool aims to help institutions better identify, monitor and communicate BSA/AML risk. The tool is intended to reduce uncertainty surrounding BSA/AML compliance, support more transparency and address de-risking practices within the financial sector.

Source [Link](#).

Comment: The self-assessment tool is available for use by any bank and may be accessed [here](#). A narrated tutorial is also available [here](#). Last year, the CSBS released a [white paper](#) that outlines state supervision of money services businesses.

CSBS Offers CECL Readiness Tools (02.15.2018)

The CSBS State Supervisory Processes Committee, in consultation with state examiners, has developed and approved the above tool to help financial institutions prepare for the coming changes associated with the Financial Accounting Standards Board's (FASB) release of Accounting Standards Update (ASU) 2016-13, Financial Instruments—Credit Losses (Topic 326) commonly referred to as the Current Expected Credit Losses (CECL) method.

The tool provides a framework that a financial institution could use to plan for the eventual implementation of these accounting changes. CECL will have a significant impact on the way a financial institution estimates and provides for credit losses and early preparation is prudent. The associated examiner guide provides talking points, limitations, and other information examiners might find helpful if the tool is encountered in an examination. As explained in the examiner guide, the tool is not intended to establish regulatory expectations or deadlines.

Source [Link](#).

Publications, articles, reports, studies, testimony & speeches

For Dallas Fed president, sustaining long-term growth will take more than tax cuts (02.14.2018)

The Consumer Price Index rose 0.5 percent in February, a bit ahead of market expectations. While it's easy to read a lot into a single data point, this is just one of the figures that policymakers use as they decide how to steer the economy. Robert Kaplan, president of the Federal Reserve Bank of Dallas, is one of those policymakers. He sits on the Federal Open Market Committee, one of the bodies that helps the Federal Reserve set monetary policy. Marketplace host Kai Ryssdal sat down with Kaplan to discuss the state of the economy. The following is an edited transcript of their conversation.

Source [Link](#).

Some Thoughts on the Economic Outlook and Monetary Policy (02.07.2018)

Economic activity was solid in 2017. Growth in gross domestic product (GDP) picked up noticeably after the first quarter, and for the year as a whole, real GDP rose 2.5 percent. Consumers have been the key engine of growth in recent years. Indeed, in the fourth quarter of last year, real personal consumption expenditures rose at a quite robust 3.8 percent annual rate.

Consumers are spending for a number of reasons. The household sector's net worth has grown impressively, reaching record levels as a percentage of disposable income. Labor markets continue to strengthen. Over the course of 2017, job gains averaged over 170,000 per month, and were even higher last month. This far exceeds the pace needed to absorb new entrants into the labor force; and not surprisingly, the unemployment rate declined by over half a percentage point to 4.1 percent over the course of 2017, and it remains there still. The solid job market and increases in wealth have left households feeling pretty good—with measures of consumer sentiment being at high levels since 2015.

Source [Link](#).

The Outlook is Positive, but the Economy Hasn't Fundamentally Shifted into a Higher Gear (02.02.2018)

San Francisco, California – Today, John C. Williams, President and CEO of the Federal Reserve Bank of San Francisco, described the current economic outlook and gave his views on monetary policy to a meeting of the Financial Women of San Francisco.

Williams assessed growth, employment, and inflation and discussed whether the positive outlook means the economy is “taking off far more than expected.” He said that 2017 growth was above the trend growth rate, and he expects a similar performance this year. He attributes the continued momentum to positive tailwinds, including “strong financial conditions, better-than-expected global growth, and the tax cuts.”

Turning to employment, Williams noted the “unusually low” level of unemployment and emphasized that wage growth, which can be a key driver of inflation, has been “slowly ratcheting up.” Low levels of inflation in the face of low unemployment have led many to ask whether the Phillips curve still holds true. Williams highlighted that the transitory factors holding down inflation “are slowly disappearing from the data.” He noted that recent price data have been encouraging and that he expects that “we’ll continue to see inflation pick up this year and the next.”

Source [Link](#).

Dallas FRB President Rob Kaplan Discusses Disruption (02.2018)

In a new series of videos, Dallas Fed President Rob Kaplan discusses technology-enabled disruption and its likely impact on inflation, labor markets and the skills gap in the United States.

Source [Link](#).

Comment: With no sector of the economy immune from technological disruption, this is an excellent series worth watching.

Chicago Fed National Activity Index Up in December (01.22.2018)

The CFNAI is a weighted average of [85 existing monthly indicators](#) of national economic activity. It is constructed to have an average value of zero and a standard deviation of one. Since economic activity tends toward trend growth rate over time, a positive index reading corresponds to growth above trend and a negative index reading corresponds to growth below trend.

The 85 economic indicators that are included in the CFNAI are drawn from four broad categories of data: production and income; employment, unemployment, and hours; personal consumption and housing; and sales, orders, and inventories. Each of these data series measures some aspect of overall macroeconomic activity. The derived index provides a single, summary measure of a factor common to these national economic data.

The Chicago Fed National Activity Index (CFNAI) was +0.27 in December, up from +0.11 in November.

Source [Link](#).

Comment: The economy is solid based on the national activity index which firmed through the second half of 2017. Of note in the report building permits were neutral. The manufacturing component of the industrial production report is a likely weakness.

Selected federal rules – proposed

Proposed rules are included only when community banks may want to comment. Date posted may not be the same as the Federal Register Date.

Posted

Date SUMMARY OF PROPOSED RULE

08.22.2017

In preparation for a forthcoming proposal that would simplify regulatory capital requirements, federal banking regulators on Tuesday [August 22nd] proposed a rule that would extend the existing transitional capital treatment for certain regulatory capital deductions and risk weights. The extension would apply to banking organizations that are not subject to the agencies' advanced approaches capital rules. As part of the recent review of regulations under the Economic Growth and Regulatory Paperwork Reduction Act, the agencies announced that they are developing a proposal that would simplify the capital rules to reduce regulatory burden, particularly for community banks. That proposal would simplify the capital rules' treatment of mortgage servicing assets and other items. However, under the current capital rules, the transitional treatment for those items is scheduled to be replaced with a different treatment on February 1, 2018. Comments on this proposal will be accepted for 30 days after publication in the Federal Register. [The Notice of Proposed Rulemaking was published in the Federal Register on October 27, 2017, and comments must be received by December 26, 2017.](#)

Selected federal rules – upcoming effective dates

Not all final rules are included. Only rules affecting community banks are reported, but we make no guarantees that these are all the final rules your bank needs to know about.

EFFECTIVE

DATE:	SUMMARY OF FINAL RULE:
05.11.2018	FinCEN is issued final rules under the Bank Secrecy Act to clarify and strengthen customer due diligence requirements for: Banks; brokers or dealers in securities; mutual funds; and futures commission merchants and introducing brokers in commodities. The rules contain explicit customer due diligence requirements and include a new requirement to identify and verify the identity of beneficial owners of legal entity customers, subject to certain exclusions and exemptions.
07.01.2018	Availability of Funds and Collection of Checks The Board is amending subparts A, C, and D of Regulation CC, Availability of Funds and Collection of Checks (12 CFR part 229), which implements the Expedited Funds Availability Act of 1987 (EFA Act), the Check Clearing for the 21st Century Act of 2003 (Check 21 Act), and the official staff commentary to the regulation. ¹ In the final rule, the Board has modified the current check collection and return requirements to reflect the virtually all-electronic check collection and return environment and to encourage all depository banks to receive, and paying banks to send, returned checks electronically. The Board has retained, without change, the current same-day settlement rule for paper checks. The Board is also applying Regulation CC's existing check warranties under subpart C to checks that are collected electronically, and in addition, has adopted new warranties and indemnities related to checks collected and returned electronically and to electronically-created items.
10.01.2018	Prepaid Accounts under the Electronic Fund Transfer Act (Regulation E) and the Truth In Lending Act (Regulation Z) . Although the CFPB's rule regarding prepaid accounts is effective 10.01.2017, the requirement to submit account agreements to the CFPB is effective 10.03.2018. See the CFPB's prepaid rule implementation page .
04.01.2019	Prepaid Accounts under the Electronic Fund Transfer Act (Regulation E) and the Truth In Lending Act (Regulation Z) . The CFPB is issuing this final rule to create comprehensive consumer protections for prepaid accounts under Regulation E, which implements the Electronic Fund Transfer Act; Regulation Z, which implements the Truth in Lending Act; and the official interpretations to those regulations. The final rule modifies general Regulation E requirements to create tailored provisions governing disclosures, limited liability and error resolution, and periodic statements, and adds new requirements regarding the posting of account agreements. Additionally, the final rule regulates overdraft credit features that may be offered in conjunction with prepaid accounts. Subject to certain exceptions, such credit features will be covered under Regulation Z where the credit feature is offered by the prepaid account issuer, its affiliate, or its business partner and credit can be accessed in the course of a transaction conducted with a prepaid card. For additional information, see the CFPB's prepaid rule implementation page .

Common words, phrases, and acronyms

APOR	"Average Prime Offer Rates" are derived from average interest rates, points, and other pricing terms offered by a representative sample of creditors for mortgage transactions that have low-risk pricing characteristics.
CARD Act	Credit Card Accountability Responsibility and Disclosure Act of 2009
CFPB	Consumer Financial Protection Bureau
CFR	Code of Federal Regulations . Codification of rules and regulations of federal agencies.
CRA	Community Reinvestment Act . This Act is designed to encourage loans in all segments of communities.

CRE	Commercial Real Estate
CSBS	Conference of State Bank Supervisors
CTR	Currency Transaction Report . Filed for each deposit, withdrawal, exchange of currency that involves a transaction in currency of more than \$10,000.
Dodd-Frank Act	The Dodd–Frank Wall Street Reform and Consumer Protection Act
DOJ	Department of Justice
FDIC	Federal Deposit Insurance Corporation
EFTA	Electronic Fund Transfer Act
Federal bank regulatory agencies	FDIC, FRB, and OCC

Federal financial institution regulatory agencies	CFPB, FDIC, FRB, NCUA, and OCC
FEMA	Federal Emergency Management Agency
FFIEC	Federal Financial Institutions Examination Council
FHFA	Federal Housing Finance Agency
FHA	Federal Housing Administration
FinCEN	Financial Crime Enforcement Network
FR	Federal Register . U.S. government daily publication that contains proposed and final administrative regulations of federal agencies.
FRB, Fed or Federal Reserve	Federal Reserve Board
FSOC	Financial Stability Oversight Council
FTC	Federal Trade Commission
GAO	Government Accountability Office
HARP	Home Affordable Refinance Program
HAMP	Home Affordable Modification Program
HMDA	Home Mortgage Disclosure Act
HOEPA	Home Ownership and Equity Protections Act of 1994
HPML	Higher Priced Mortgage Loan
HUD	U.S. Department of Housing and Urban Development
IRS	Internal Revenue Service

MLO	Mortgage Loan Originator
MOU	Memorandum of Understanding
NFIP	National Flood Insurance Program . U.S. government program to allow the purchase of flood insurance from the government.
NMLS	National Mortgage Licensing System
OCC	Office of the Comptroller of the Currency
OFAC	Office of Foreign Asset Control
OREO	Other Real Estate Owned
QRM	Qualified Residential Mortgage
Reg. B	Equal Credit Opportunity
Reg. C	Home Mortgage Disclosure
Reg. DD	Truth in Savings
Reg. E	Electronic Fund Transfers
Reg. G	S.A.F.E. Mortgage Licensing Act
Reg. P	Privacy of Consumer Financial Information
Reg. X	Real Estate Settlement Procedures Act
Reg. Z	Truth in Lending
RESPA	Real Estate Settlement Procedures Act
SAR	Suspicious Activity Report – Report financial institutions file with the U.S. government (FinCEN) regarding activity that may be criminal in nature.
SDN	Specially Designated National
TILA	Truth in Lending Act
TIN	Tax Identification Number
Treasury	U.S. Department of Treasury

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