



Regulatory Spotlight

August 2007, Volume 4, Issue 8

Agencies Issue Final Rule on Management Official Interlocks.

The Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (FRB), Federal Deposit Insurance Corporation (FDIC), and Office of Thrift Supervision (OTS) (collectively, the Agencies) have issued a final rule to amend rules regarding management interlocks to implement section 610 of the Financial Services Regulatory Relief Act (FSRRA) and to correct inaccurate cross-references. The management interlocks prohibit individuals from simultaneously serving as a management official at two unaffiliated depository institutions or their holding companies (collectively, depository organizations) under certain circumstances. Prior to the enactment of FSRRA, the initial asset threshold for the small institution exception under the Depository Institution Management Interlocks Act (Act) was \$20 million. However, section 610 of FSRRA amended the Act by raising the asset threshold to \$50 million, effective **10/13/2006**. On **01/11/2007**, the Agencies issued an interim final rule in order to implement section 610 of FSRRA. Specifically, the interim final rule modified the regulatory prohibition to conform to revised section 203(a) of the Act by allowing a management official of one depository organization to serve as a management official of an unaffiliated depository organization if the depository organization (or their depository institution affiliates) have offices in the same relevant metropolitan statistical area (RMSA) and one of the depository organizations in question has total assets of less than \$50 million. The Agencies have adopted a final rule that is identical to the interim final rule. The final rule is effective **07/16/2007**. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 135, 07/16/2007, 38753-38755.

Agencies Issue Proposed Interagency Questions and Answers on CRA.

The Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (FRB), Federal Deposit Insurance Corporation (FDIC), and Office of Thrift Supervision (OTS) (collectively, the Agencies) have combined

three previously adopted publications of informal staff guidance answering questions regarding the Community Reinvestment Act (CRA) (Interagency Questions and Answers). The Agencies are proposing nine new questions and answers, as well as substantive and technical revisions. Among them is one that addresses activities engaged in by a majority-owned financial institution with a minority- or women-owned financial institution or a low-income credit union. In addition, three revisions are intended to encourage institutions to work with homeowners who are unable to make mortgage payments by highlighting that they can receive CRA consideration for foreclosure prevention programs for low- and moderate-income homeowners, consistent with the Interagency Statement on Working with Mortgage Borrowers issued **04/17/2007**. Comments on the proposal are requested by **09/10/2007**. Copies of the proposal may be obtained from the Association office or viewed at:

www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 132, 07/11/2007, 37922-37959.

Agencies Seek Comment on Revisions to Information Collections.

The Office of the Comptroller of the Currency (OCC) and Federal Deposit Insurance Corporation (FDIC) (collectively, the Agencies) seek comment on proposed revisions to an information collection titled: "Interagency Bank Merger Act Application." The general information and instructions section has been revised to delete information about the Bank Insurance Fund (BIF), the Savings Association Insurance Fund (SAIF), and the Oakar statutory provisions. In addition, corresponding legal citations on the form to these provisions are being deleted. The Agencies also solicit comment on the renewal without change to the information collections titled: "Interagency Biographical and Financial Report" and "Interagency Notice of Change in Directors or Senior Executive Officer." Additionally, OCC is making other clarifying changes to the *Comptroller's Licensing Manual*. Written comments should be received by **10/09/2007**. Copies of the information collections may be obtained from the Association office or viewed at:

www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 151, 08/07/2007, 44220-44222.

FRB Issues Final Rule on HOEPA Annual Dollar Amount Trigger.

The Board of Governors of the Federal Reserve System (FRB) has issued a final rule amending the staff commentary that interprets the requirements of Regulation Z (Truth in Lending). FRB is required to adjust annually the dollar amount that triggers requirements for certain home mortgage loans bearing fees above a certain amount. The Home Ownership and Equity Protection Act (HOEPA) sets forth rules for home-secured loans in which the total points and fees payable by the consumer at or before loan consummation exceed the greater of \$400 or 8 percent of the total loan amount. In keeping with the statute, FRB has annually adjusted the \$400 amount based on the annual percentage change reflected in the Consumer Price Index that is in effect on June 1. The adjusted dollar amount for 2008 is **\$561**. The final rule is effective **01/01/2008**. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 151, 08/07/2007, 44032-44033.

OTS Issues ANPR on Unfair or Deceptive Acts or Practices.

The Office of Thrift Supervision (OTS) has issued an advanced notice of proposed rulemaking (ANPR) regarding its regulations relating to unfair or deceptive acts or practices to determine whether and, if so, to what extent, additional regulation is needed to ensure customers of OTS-regulated entities are treated fairly. Among other issues, OTS seeks comment on whether to consider further rulemaking on unfair or deceptive acts or practices that would cover products and services in addition to consumer credit. And if so, whether the rule should be limited to financial products and services and how the scope of the rule should be defined. In addition, OTS seeks comment on whether it should consider further rulemaking on unfair or deceptive acts or practices that would cover more than just savings associations, but related entities as well.

Currently, Part 535 of OTS's regulations address prohibited consumer credit practices. However, to date, OTS has not provided comprehensive guidance explaining which principals define unfair or deceptive acts or practices. Similarly, OTS has not provided comprehensive guidance on which specific acts or practices it considers unfair or deceptive other than those articulated in its Credit Practices Rule. OTS is considering a variety of approaches to

provide further definition and guidance in this regard. Comments must be submitted by **11/05/2007**. Copies of the ANPR may be obtained from the Association office or viewed at:

www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 150, 08/06/2007, 43570-43576.

HUD Issues Final Rule on Acceptable Indices for ARM Products.

The Department of Housing and Urban Development (HUD) has issued a final rule to add the one-year London Interbank Offered Rate (LIBOR) as an acceptable index for the HUD-insured one-, 3-, 5-, 7-, and 10-year Adjustable Rate Mortgage (ARM) products, and the one-month Constant Maturity Treasury (CMT), the one-month LIBOR, and the one-year (12-month) LIBOR as acceptable indices to adjust interest rates on the HUD-insured Home Equity Conversion Mortgage (HECM). Under current regulations, only the weekly average yield of U.S. Treasury securities, adjusted to a constant maturity of one year (commonly referred to as the one-year CMT), may be used to adjust interest rates on HUD-insured ARMs and HECMs. HUD has changed its policy due to the growing popularity of the LIBOR index, including its acceptance in the secondary mortgage market. The final rule is effective **08/20/2007**. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 139, 07/20/2007, 40048-40050.

HUD Issues Debenture Interest Rates.

HUD has issued a notice to announce changes in the interest rates to be paid on debentures issued with respect to a loan or mortgage insured by the Federal Housing Administration (FHA) under the provisions of the National Housing Act (Act). The interest rate for debentures issued under section 221(g)(4) of the Act during the 6-month period beginning **07/01/2007** is 4¾ percent. The interest rate for debentures issued under any other provision of the Act is the rate in effect on the date that the commitment to insure the loan or mortgage was issued, or the date that the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. The interest rate for debentures issued under these other provisions with respect to a loan or mortgage committed or endorsed during the 6-month period beginning **07/01/2007** is 5 percent. However, as a result of an amendment to section 224 of the Act, if an insurance claim relating to a mortgage insured under sections 203 or 234 of

the Act and endorsed for insurance after **01/23/2004**, is paid in cash, the debenture interest rate for purposes of calculating a claim shall be the monthly average yield, for the month in which the default on the mortgage occurred, on United States Treasury Securities adjusted to a constant maturity of 10 years. For reference, HUD has included in the notice a chart of debenture interest rates applicable to mortgages committed or endorsed since **01/01/1980**. Copies of the notice may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 147, 08/01/2007, 42099-42100.

FEMA Issues Final Rule on Flood Elevation Determinations.

- The Federal Emergency Management Agency (FEMA) has issued a final rule on Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs for communities in the state of **North Carolina**. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). The effective date is the date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table in the final rule. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 134, 07/13/2007, 38492-38495.
- Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for communities in the states of **Connecticut, Maine, New York, Colorado, Kansas, Nebraska** and **Texas**. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). The effective date is the date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated

on the table in the final rule. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 146, 07/31/2007, 41634-41638.

FEMA Issues Final Rule on Flood Insurance Suspension.

- FEMA has issued a final rule that identifies communities in the commonwealth of **Kentucky**, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within the final rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in the final rule, the suspension will not occur and a notice of this will be provided by publication in the *Federal Register* on a subsequent date. The effective date of each community's scheduled suspension is the third date listed in the third column of the table in the final rule. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 142, 07/25/2007, 40766-40767.
- FEMA has issued a final rule that identifies communities in the states of **New York, Alabama, Tennessee, Illinois** and **Indiana**, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within the final rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the *Federal Register* on a subsequent date. The effective date of each community's scheduled suspension is the third date listed in the third column of the tables in the final rule. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 152, 08/08/2007, 44416-44418.

FEMA Issues Interim Final Rule on Flood Elevation Determinations.

FEMA has issued an interim final rule that lists communities in the states of **Arkansas, California, Colorado, Delaware, Florida, Illinois, Indiana, Kansas, Minnesota, Ohio, Oklahoma** and **Texas**, and the commonwealths of **Pennsylvania, Puerto Rico** and **Virginia**, where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents. These modified BFEs are currently in effect on the dates listed on the table in the interim final rule and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities. From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Assistant Administrator of FEMA reconsider the changes. The modified BFEs may be changed during the 90-day period. Copies of the interim final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 134, 07/13/2007, 38488-38492.

FEMA Issues Proposed Rule on Flood Elevation Determinations.

- Technical information or comment is requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for communities in the states of **Ohio, Oregon** and **Texas**. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). The comment period is ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 134, 07/13/2007, 38539-38543.
- Technical information or comment is requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs

modifications for communities in the states of **Florida, Illinois, Mississippi, Texas** and **Wisconsin**. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). The comment period is ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 134, 07/13/2007, 38543-38548.

- Technical information or comment is requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for communities in the state of **North Carolina**. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). The comment period is ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 142, 07/25/2007, 40788-40806.
- Technical information or comment is requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for communities in the states of **Arkansas, Louisiana, Michigan** and **Wisconsin**, and the commonwealth of **Kentucky**. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). The comment period is ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 142, 07/25/2007, 40806-40813.

- Technical information or comment is requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for communities in the states of **Arkansas** and **North Carolina**. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). The comment period is ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 152, 08/08/2007, 44451-44457.

FinCEN Issues Final Rule on Enhanced Due Diligence for Certain Correspondent Accounts.

The Financial Crimes Enforcement Network (FinCEN) has issued a final rule to implement the enhanced due diligence requirements for correspondent accounts for certain foreign banks set forth in section 312 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act). Section 312 requires U.S. financial institutions to establish due diligence and, where necessary, enhanced due diligence, policies, procedures, and controls reasonably designed to detect and report money laundering through correspondent accounts and private banking accounts established or maintained by U.S. financial institutions for non-U.S. persons. FinCEN issued final rules implementing the due diligence requirements for correspondent accounts and the due diligence and enhanced due diligence requirements for private banking accounts for non-U.S. persons on **01/04/2006**. The final rule completes the section 312 rulemaking process. The final rule is effective **09/10/2007**. On **02/05/2008**, the enhanced due diligence provisions of the final rule will apply to correspondent accounts for certain foreign banks established on or after such date. On **05/05/2008**, the enhanced due diligence provisions of the final rule will apply to correspondent accounts for certain foreign banks established before **02/05/2008**. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 153, 08/09/2007, 44768-44775.

OFAC Makes Changes to Lists.

The Office of Foreign Assets Control (OFAC) has amended its lists of Specially Designated Global Terrorists, Specially Designated Nationals and Blocked Persons, and Specially Designated Narcotics Trafficker Kingpins. The documents listing these changes may be obtained from the Association office or viewed at:

www.treas.gov/offices/enforcement/ofac/actions.

IRS Issues Final Rule on Withholding Exemptions.

The Internal Revenue Service (IRS) has issued a final rule and removal of a temporary rule regarding section 3402(f) of the Internal Revenue Code (Code) for employers and employees relating to the Form W-4, Employee's Withholding Allowance Certificate. Under Code section 3402(f), every employee is required to furnish his or her employer with a signed withholding exemption certificate on or before commencing employment. The W-4 is the form to be used to document the certification. The maximum number of withholding exemptions to which an employee is entitled depends upon the employee's marital status, the employee's filing status, the number of the employee's dependents, the number of exemptions claimed by the employee's spouse (if any) on a Form W-4, and the amount of the employee's estimated itemized deductions, tax credits, and certain other deductions from income. Employers were required to submit to IRS a copy of each Form W-4 on which an employee claimed more than a certain number of withholding exemptions. Employers had to also submit a copy of each Form W-4 on which the employee claimed complete exemption from withholding for the taxable year if the employer reasonably expected, when the Form W-4 was received, that the employee's wages from that employer would usually be \$200 or more per week. The Code also provided that IRS could notify an employer that a named employee was not entitled to claim a complete exemption from withholding and was not entitled to claim more withholding exemptions than the number specified by IRS in the notice (often referred to as a lock-in letter).

A temporary final rule issued on **04/14/2005** changed the procedures for submitting copies of Form W-4 to IRS. Specifically, under the temporary final rule employers were no longer routinely required to submit a copy of any Form W-4 on which an employee claimed more than 10 withholding exemptions. In addition, employers were no longer

routinely required to submit a copy of any Form W-4 on which an employee claimed complete exemption from withholding for the taxable year if the employer reasonably expected that the employee's wages would usually be \$200 or more per week. Rather, the temporary final rule provided that employers must submit copies of Form W-4 only if instructed to do so in published guidance or in a written notice to the employer from IRS. At this time, IRS has not issued any published guidance requiring the submission of Form W-4 to IRS. The final rule outlines that IRS does not require the routine submission of Form W-4, but permits IRS to require submission of such form under specific criteria either by written notice or by future published guidance. The final rule also provides requirements for income tax withholding when IRS notifies the employer and the employee of the maximum number of withholding exemptions permitted, and provides rules for the use of substitute forms and preserves IRS's ability to require the submission of certain copies of withholding exemption certificates. The final rule is effective **07/13/2007**. Please see final rule for applicability dates. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 134, 07/13/2007, 38478-38484.

IRS Issues Final Rule Concerning Section 403(b) Tax-Sheltered Annuity Contracts.

IRS has issued a final rule under section 403(b) of the Internal Revenue Code (Code) and under related provisions of Code sections 402(b), 402(g), 402A, and 414(c). The final rule provides updated guidance on section 403(b) contracts of public schools and tax-exempt organizations described in section 501(c)(3). The final rule will affect sponsors of section 403(b) contracts, administrators, participants, and beneficiaries. The final rule is a comprehensive update of section 403(b). The final rule replaces existing requirements adopted in 1964 and reflects the numerous legal changes that have been made in section 403(b) and many of the positions that have been taken in interpretive guidance used under section 403(b). The effect of the various amendments made to section 403(b) has been to diminish the extent to which the rules governing section 403(b) plans differ from rules governing other tax-favored employer-based retirement plans, including arrangements that include salary reduction contributions, such as section 401(k) plans and section 457(b) plans for state and local government entities. The final rule requires the section 403(b) contract to satisfy, both in form and operation, the

applicable requirements for exclusion, and also requires the contract be maintained pursuant to a written plan as described in the final rule. The final rule is effective **07/26/2007**. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 143, 07/26/2007, 41128-41160.

IRS Issues Final Rule on Qualified Severance of Trust for GST Tax Purposes.

IRS has issued a final rule to provide guidance regarding the qualified severance of a trust for generation-skipping transfer (GST) tax purposes under section 2642(a)(3) of the Internal Revenue Code (Code), which was added to the Code by the Economic Growth and Tax Relief Reconciliation Act (EGTRRA). Under section 2642(a)(3), if a trust is divided into two or more trusts in a "qualified severance," the resulting trusts will be recognized as separate trusts for GST tax purposes. In many cases, a qualified severance of a trust will facilitate the most efficient and effective use of the transferor's GST tax exemption. The GST tax exemption is each person's lifetime exemption that may be allocated to a generation-skipping transfer. If the transfer is made in trust, allocation of the donor's GST tax exemption reduces the trust's inclusion ratio, which in turn determines the amount of GST tax imposed on any generation-skipping transfer made with regard to the trust. The regulations will affect trusts that are subject to the GST tax. Certain comments received in response to the proposed rule are addressed in a separate proposed rule as is highlighted in the following item. The final rule is effective **08/02/2007**. See the final rule for applicability dates. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 148, 08/02/2007, 42291-42298.

IRS Issues Proposed Rule on Severance of Trust for GST Tax Purposes II.

IRS has issued a proposed rule regarding the generation-skipping transfer (GST) tax consequences of the severance of trusts in a manner that is effective under state law, but that does not meet the requirements of a qualified severance under section 2642(a)(3) of the Internal Revenue Code. A final rule was published on this topic by IRS and is highlighted in the previous item. IRS determined that certain comments received in response to the previously

proposed and now finalized rule regarding section 2642(a)(3) should be addressed in a separate proposed rule. Accordingly, IRS has proposed additional changes to the regulations in response to those comments. These proposed regulations also provide guidance regarding the GST tax consequences of a qualified severance of a trust with an inclusion ratio between zero and one into more than two resulting trusts. These proposed regulations also provide special funding rules applicable to the non pro rata division of certain assets between or among resulting trusts. The regulations will affect trusts that are subject to the GST tax. Written or electronic comments and requests for a public hearing must be received by **10/31/2007**. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 148, 08/02/2007, 42340-42344.

IRS Issues Temporary Final Rule on Change for Notices of Nonjudicial Sale and Request for Return of Wrongfully Levied Property.

IRS has issued a temporary final rule relating to the discharge of liens under section 7425 and return of wrongfully levied upon property under section 6343 of the Internal Revenue Code (Code). The temporary final rule clarifies that such notices and claims should be sent to the IRS official and office specified in the relevant IRS publications. The temporary final rule will affect parties seeking to provide IRS with notice of a nonjudicial foreclosure sale and parties making administrative requests for return of wrongfully levied property. The text of the temporary final rule also serves as the text of the proposed rule as is highlighted in the following item.

Section 7425(b) provides for the discharge of a junior federal tax lien by a nonjudicial sale, if proper notice is provided to IRS. Notice of a nonjudicial sale is required if notice of the federal tax lien has been properly filed more than 30 days before the nonjudicial sale. A party holding a nonjudicial sale must provide written notification to IRS at least 25 days prior to the scheduled sale of the property or the federal tax lien remains on the property after the sale. When the notice is properly sent, and the federal tax lien discharged, IRS may redeem the property within 120 days from the date of the sale or any longer period allowed under state law. If the notice is not properly sent, the nonjudicial sale is made subject

to, and without disturbing, the federal tax lien. Prior to the temporary final rule, IRS rules specified that notice "shall be given, in writing by registered or certified mail or by personal service... to the district director (marked for the attention of the chief, special procedures staff) for the Internal Revenue district in which the sale is to be conducted." However, in light of IRS's reorganization, the district and special procedures offices referenced in the rules no longer exist. Notices of sales, if addressed to an officer other than that stated in the regulation, may be misdirected. As a result, the IRS office responsible for evaluating notices of nonjudicial sale may not receive notice of the sale and IRS may not have the opportunity to timely redeem. In order to account for IRS's current organizational structure and to allow for future reorganization of IRS, the temporary final rule removes the title "district director." The title is not replaced with any specific official or office. Instead, the public is directed to refer to the current relevant IRS publications to determine where and to whom notices or claims should be sent. A listing of publications can be found on IRS's website. The temporary final rule is effective for any notice of sale that is filed after **08/20/2007**. Copies of the temporary final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 139, 07/20/2007, 39737-39740.

IRS Seeks Comment on Change for Notices of Nonjudicial Sale and Request for Return of Wrongfully Levied Property.

IRS seeks comment on changes to the office and official to which notices of nonjudicial sale and request for return of wrongfully levied property must be sent. IRS has also issued a temporary final rule on this topic as is highlighted in the previous item. IRS has decided to update its rules to clarify that such notices and claims should be sent to the IRS official and office specified in relevant IRS publications. The rules affect parties seeking to provide IRS with notice of a nonjudicial foreclosure sale and parties making administrative requests for return of wrongfully levied property. The text of the temporary final rule also serves as the text of the proposed rule. Comments must be received by **10/18/2007**. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 139, 07/20/2007, 39771-39772.

IRS Issues List of Countries Requiring Cooperation with International Boycott.

IRS has issued a list of countries requiring cooperation with an international boycott in order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code. On the basis of the best information currently available to IRS, the following countries require or may require participation in, or cooperation with, an international boycott: Kuwait; Lebanon; Libya; Qatar; Saudi Arabia; Syria; United Arab Emirates; and Yemen. The Republic of Iraq is not included in the list, but its status with respect to future lists remains under review by IRS. Copies of the notice may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 139, 07/20/2007, 39895.

IRS Issues Proposed Rule on Information Reporting and Backup Withholding for Payment Card Transactions.

IRS has issued a proposed rule relating to the information reporting requirements, information reporting penalties, and backup withholding requirements for payment card transactions. The proposed rule affects payors (and their authorized agents) and payees of certain reportable payments and provides guidance necessary to comply with the law. The proposed rule is necessary to address implementation and notice furnishing issues that arose after publication of final regulations under section 3406(g) in the *Federal Register* on **07/13/2004**.

The 2004 final rules related to the information reporting requirements, information reporting penalties, and backup withholding requirements for payment card transactions effectuated through a Qualified Payment Card Agent (QPCA). Under those rules, a QPCA may act on behalf of a cardholder/payor for purposes of soliciting, collecting, and validating the names/TINs of the merchant/payees and on behalf of a merchant/payee for purposes of furnishing the payee's name and TIN to the cardholder/payor. The 2004 rules also set forth the requirements that a payment card organization must satisfy to obtain an IRS determination that it is a QPCA.

The proposed rule addresses requests by taxpayers subject to the 2004 QPCA rules and related procedures, to allow a merchant to accept a QPCA's

payment card even if the merchant opts out of the QPCA program. In addition, the proposed rule addresses requests by payment card organizations to permit the furnishment of required notifications electronically, including by posting them on a secure website. Written or electronic comments must be received by **10/09/2007**. Outlines of topics to be discussed at the public hearing scheduled for **11/07/2007** must be received by **10/09/2007**. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 134, 07/13/2007, 38534-38538.

IRS Issues Proposed Rule on Section 67 Limitations on Estates and Trusts.

IRS has issued a proposed rule to provide guidance on which costs incurred by estates or non-grantor trusts are subject to the 2-percent floor for miscellaneous itemized deductions under section 67(a). The regulations will affect estates and non-grantor trusts. Section 67(a) of the Internal Revenue Code provides that, for an individual taxpayer, miscellaneous itemized deductions are allowed only to the extent that the aggregate of those deductions exceeds 2 percent of adjusted gross income. Section 67(b) excludes certain itemized deductions from the definition of "miscellaneous itemized deductions." Section 67(b) provides that, for purposes of section 67, the adjusted gross income of an estate or trust shall be computed in the same manner as in the case of any individual. However, section 67(e)(1) provides that the deduction for costs paid or incurred in connection with the administration of the estate or trust and which would not have been incurred if the property were not held in such estate or trust, shall be treated as allowable in arriving at the adjusted gross income. Therefore, deductions described in section 67(e)(1) are not subject to the 2 percent floor for miscellaneous itemized deductions under section 67(a). Under the proposed rule, whether costs are subject to the 2 percent floor on miscellaneous itemized deductions depends on the type of services provided, rather than on taxpayer characterizations or labels for such services. Written and electronic comments must be received by **10/25/2007**. Outlines of topics to be discussed at the public hearing scheduled for **11/14/2007** must be received by **10/24/2007**. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 144, 07/27/2007, 41243-41245.

IRS Issues Proposed Rule on Employee Benefits – Cafeteria Plans.

IRS has issued a proposed rule providing guidance on cafeteria plans. The proposed rule also withdraws the notices of proposed rulemaking relating to cafeteria plans under section 125 that were published on 05/07/1984, 12/31/1984, 03/07/1989, 11/07/1997 and 03/23/2000. In general, these proposed regulations would affect employers that sponsor a cafeteria plan, employees that participate in a cafeteria plan, and third-party cafeteria plan administrators. The new proposed rule is organized as follows: general rules on qualified and nonqualified benefits in cafeteria plans; general rules on elections; general rules on flexible spending arrangements; and general rules on substantiation of expenses for qualified benefits. The new proposed rule reflects changes in tax law since the prior regulations were proposed, including the change in the definition of dependent and the addition of the following as qualified benefits: adoption assistance; additional deferred compensation benefits; Health Savings Accounts; and qualified HSA distributions from health FSAs. Other changes include the prohibition against long-term care insurance and long-term care services and the addition of the key employee concentration test. Written or electronic comments must be received by **11/05/2007**. Outlines of topics to be discussed at the hearing scheduled for **11/15/2007** must be received by **10/25/2007**. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 150, 08/06/2007, 43938-43968.

FHFB Issues Notice of Bank Members Selected for Community Support Review.

The Federal Housing Finance Board (FHFB) has issued a notice to announce the Federal Home Loan Bank (Bank) members it has selected for the 2006-07 sixth quarter review cycle under FHFB's community support requirements regulation. FHFB selects approximately one-eighth of the members in each Bank district for community support review each calendar quarter. The notice also prescribes the deadline by which Bank members selected for review must submit Community Support Statements to FHFB. Bank members selected for the review cycle under FHFB's community support requirements regulation must submit completed Community Support Statements to FHFB on or before **08/31/2007**. Copies of the notice may be obtained from the Association office or viewed at:

www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 134, 07/13/2007, 38581-38589.

FHFB Seeks Comment on Information Collection Regarding Bank Directors.

FHFB seeks comment on its information collection entitled Federal Home Loan Bank Directors. The Federal Home Loan Bank Act (Act) and FHFB's implementing regulation, codified at 12 CFR Part 915, establish the eligibility requirements and the procedures for electing and appointing Federal Home Loan Bank (Bank) Directors. Under Part 915, the Banks determine the eligibility of elective directors and director nominees and run the annual director election process. To determine eligibility, the Banks use the Federal Home Loan Bank Elective Director Eligibility Certification Form, which has not changed since the information collection was last cleared in 2004. A copy of the form is contained in the notice. In 2007, FHFB published two rules affecting the eligibility and selection of appointive Bank directors. FHFB has revised the form the Banks and FHFB use to determine whether prospective appointive directors satisfy the statutory and regulatory eligibility requirements and renamed it the Federal Home Loan Bank Appointive Director Application Form. The revised Application form asks individuals for information about their background and qualifications to serve as an appointive Bank director, as well as compliance with statutory eligibility requirements. It also conforms the information about prohibited financial interests to the new rule. In addition, to reduce the burden on incumbent appointive directors, FHFB has created a new Federal Home Loan Bank Appointive Bank Director Annual Certification Form that allows individuals simply to certify that they continue to meet the director eligibility requirements. Copies of both revised forms are contained in the notice. Interested persons may submit comments on or before **10/09/2007**. Copies of the notice may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 152, 08/08/2007, 44540-44556.

SEC Issues Final Rule on Shareholder Choice Regarding Proxy Materials.

The Securities and Exchange Commission (SEC) has issued a final rule to amend the proxy rules under the Securities Exchange Act to provide shareholders with the ability to choose the means by which they access proxy materials. Under the amendments, issuers and

other soliciting persons will be required to post their proxy materials on an Internet website and provide shareholders with a notice of the Internet availability of the materials. The issuer or other soliciting person may choose to furnish paper copies of the proxy materials along with the notice. If the issuer or other soliciting person chooses not to furnish a paper copy of the proxy materials along with the notice, a shareholder may request delivery of a copy at no charge to the shareholder. The final rule contains sections addressing: description of the amendments; clarifying amendments; compliance dates; cost-benefit analysis; consideration of burden on competition and promotion of efficiency, competition and capital formation; and final regulatory flexibility analysis. The final rule is effective **01/01/2008**, except sections 240.14a-16(d)(3) and 240.14a-16(j)(3) are effective **10/01/2007**. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 147, 08/01/2007, 42222-42239.

SEC Issues Final Rule on Definition of “Significant Deficiency.”

SEC has issued a final rule that defines the term “significant deficiency” for purposes of SEC rules implementing section 302 and section 404 of the Sarbanes-Oxley Act (Act). On **06/27/2007**, SEC issued interpretive guidance and rule amendments to help public companies strengthen their evaluations and assessments of internal control over financial reporting (ICFR) while reducing unnecessary costs. The interpretive release provides guidance for management on how to conduct an evaluation of the effectiveness of a company’s ICFR under SEC’s rules implementing section 404 of the Act. The guidance sets forth an approach by which management can conduct a top-down, risk-based evaluation of ICFR. The rule amendments, among other things, provide that an evaluation which complies with the interpretive guidance is one way to satisfy the annual evaluation requirement in Exchange Act Rules 13a-15(c) and 15d-15(c). In light of comments received in response to the proposed interpretive guidance, and because SEC rules implementing the Act require senior management to certify that they have communicated significant deficiencies to the audit committee and the external auditors, SEC solicited additional comments on a definition for “significant deficiency.” SEC has adopted the definition of “significant deficiency” substantially as proposed. It is defined as “a deficiency, or a combination of

deficiencies, in internal control over financial reporting that is less severe than a material weakness, yet important enough to merit attention by those responsible for oversight of the registrant’s financial reporting.” The final rule is effective **09/10/2007**. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 153, 08/09/2007, 44924-44927.

SEC Issues Final Rule to Prohibit Fraud by Advisors to Certain Pooled Investment Vehicles.

SEC has issued a final rule that prohibits advisers to pooled investment vehicles from making false or misleading statements to, or otherwise defrauding, investors or prospective investors in those pooled vehicles. The final rule is designed to clarify, in light of a recent court opinion, SEC’s ability to bring enforcement actions under the Investment Advisers Act against investment advisers who defraud investors or prospective investors in a hedge fund or other pooled investment vehicle. Section 206(4)-8 of the Advisors Act prohibits advisers to pooled investment vehicles from: (1) making false or misleading statements to investors or prospective investors in those pooled; or (2) otherwise defrauding those investors or prospective investors. SEC will enforce the rule through civil and administrative enforcement actions. The final rule is effective **09/10/2007**. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 153, 08/09/2007, 44756-44763.

SEC Issues Final Rule on Short Selling In Connection with Public Offering.

SEC has issued a final rule to adopt amendments to Rule 105 of its Regulation M to further safeguard the integrity of the capital raising process and protect issuers from manipulative activity that can reduce issuer’s offering proceeds and dilute security holder value. The amendments eliminate the covering element of the former rule. A fundamental goal of Regulation M, Anti-Manipulation Rules Concerning Securities Offerings, is to protect the independent pricing mechanism of the securities market so that offering prices result from the natural forces of supply and demand unencumbered by artificial forces. Rule 105 of Regulation M governs short selling in connection with public offerings and concerns short sales that are effected prior to pricing

an offering. The rule is particularly concerned with short selling that can artificially depress market prices which can lead to lower than anticipated offering prices, thus causing an issuer's offering proceeds to be reduced. The rule is intended to foster secondary and follow-on offering prices that are determined by independent market dynamics and not by potentially manipulative activity. The final rule applies irrespective of a short seller's intent. The final rule is effective **10/09/2007**. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 154, 08/10/2007, 45094-45107.

SEC Issues Proposed Rule on Smaller Reporting Company Regulatory Relief.

SEC has issued a proposed rule to amend disclosure and reporting requirements for smaller companies under the Securities Act and the Securities Exchange Act. SEC has proposed to extend the benefits of its current optional disclosure and reporting requirements for smaller companies to a much larger group of companies. The proposed rule would allow companies with a public float of less than \$75 million to qualify for the smaller company requirements, up from \$25 million for most companies today. The proposed rule also would combine for most purposes the "small business issuer" and "non-accelerated filer" categories of smaller companies into a single category of "smaller reporting companies." In addition, the proposed rule would maintain the current disclosure requirements for smaller companies contained in Regulation S-B, but integrate them into Regulation S-K. SEC also solicits suggestions for additional ways in which SEC could better scale disclosure and reporting requirements to the needs of smaller reporting companies and their investors. Comments should be received on or before **09/17/2007**. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 138, 07/19/2007, 39670-39715.

SEC Issues Proposed Rule on Shareholder Proposals.

- SEC has issued a proposal to amend rules under the Securities Exchange Act concerning shareholder proposals and electronic shareholder communications, as well as to the disclosure

requirements of Schedule 14A and Schedule 13G. The proposed amendments to Exchange Act Rule 14a-8 would enable shareholders to include, in company proxy materials, their proposals for bylaw amendments regarding the procedures for nominating candidates to the board of directors. Schedule 14A and Schedule 13G would be amended to provide shareholders with additional information about the proponents of these proposals, as well as any shareholders that nominate a candidate under such an adopted procedure. Included in these nominating shareholder disclosures would be the disclosure requirements that currently apply to traditional proxy contests. Finally, the proposed amendments would revise the proxy rules to clarify that participation in an electronic shareholder forum that may constitute a solicitation would be generally exempt from the proxy rules. The proposed rule accompanies a second proposed rule regarding shareholder proposals relating to the election of directors that is highlighted in the following item. Comments should be received by **10/02/2007**. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 149, 08/03/2007, 43466-43488.

- SEC has issued a proposed rule to interpret and clarify the meaning of the exclusion for shareholder proposals related to the election of directors that is contained in Rule 14a-8(i)(8) under the Securities Exchange Act. Rule 14a-8 is the SEC rule that provides shareholders with an opportunity to place a proposal in a company's proxy materials for a vote at an annual or special meeting of shareholders. SEC has published its interpretation and has proposed amendments to Rule 14a-8(i)(8) to provide certainty regarding the meaning of the exclusion in that rule. The proposed rule accompanies a second proposed rule regarding shareholder proposals and electronic shareholder communications, as well as disclosure requirements of Schedule 14A and Schedule 13G, as is highlighted in the previous item. Comments should be received by **10/02/2007**. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 149, 08/03/2007, 43488-43496.

SEC Issues Proposed Rule on Limited Offering Exemptions in Regulation D.

SEC has issued a proposed rule to revise its Regulation D to provide additional flexibility to issuers and to clarify and improve the application of the rules under that regulation. Accordingly, SEC has proposed to create a new exemption from the registration provisions of the Securities Act for offers and sales of securities to “large accredited investors.” The exemption would permit limited advertising in an exempt offering where each purchaser meets the definition of “large accredited investor.” SEC has also proposed to revise the term “accredited investor” in Regulation D to clarify the definition and reflect developments since the regulation’s adoption. In addition, SEC has proposed to shorten the timing required by the integrated safe harbor in Regulation D, and to apply uniform disqualification provisions to all offerings seeking to rely on Regulation D. Finally, SEC has also solicited additional comment on the definition of “accredited natural person” for certain pooled investment vehicles in Securities Act Rules 216 and 509 that were proposed in December 2006. Comments should be received on or before **10/09/2007**. Copies of the proposed rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 154, 08/10/2007, 45116-45145.

NCUA Issues Final Rule on Records Preservation Program.

The National Credit Union Administration (NCUA) has issued a final rule to amend its regulations regarding a federally insured credit union’s obligation to maintain a records preservation program. The final rule clarifies the meaning of catastrophic act and the requirements for preserving vital records. NCUA also provides a new Appendix B that offers guidelines for developing a program to prepare for a catastrophic act. NCUA believes the revised rule language and new appendix will facilitate the recovery of essential operations after a catastrophic act resulting in continued member confidence in the credit union system. The final rule is effective **09/04/2007**. Copies of the final rule may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 148, 08/02/2007, 42271-42274.

NCUA Issues ANPR on Permissible Foreign Currency Investments for Federal and Corporate Credit Unions.

NCUA has issued an advance notice of proposed rulemaking (ANPR) on whether to amend its investment rules to permit natural person federal credit unions (FCUs) and corporate credit unions (Corporates) to make certain investments denominated in foreign currency. NCUA seeks comment on whether FCUs and Corporates should be permitted to make these investments and the safety and soundness considerations related to such authority. The Federal Credit Union Act permits FCUs to make investments denominated in foreign currency under the Act’s authority permitting FCUs to invest or deposit their funds in shares or accounts of federally insured banks and Corporates. NCUA is considering whether to permit FCUs and Corporates to invest foreign currency in deposits and instruments issued by federally insured banks, Corporates, and government-sponsored enterprises (GSEs) domiciled in the U.S. or its territories. NCUA believes restricting foreign currency investments to shares and deposits in federally insured banks, Corporates, and GSEs domiciled in the U.S. or its territories would substantially mitigate exposure to the potential instability of a foreign country. Comments must be received on or before **10/30/2007**. Copies of the ANPR may be obtained from the Association office or viewed at: www.gpoaccess.gov/fr/index.html. *Federal Register*, Vol. 72, No. 147, 08/01/2007, 41956-41958.

Proposed Rules and Comment Due Dates

<u>Agency</u>	<u>Proposed Rule</u>	<u>Federal Register Publication Date and Page Number</u>	<u>Comment Due Date</u>
Farm Credit Administration (FCA)	ANPR: Risk-Based Capital Rules.	<i>Federal Register</i> , Vol. 72, No. 119, 06/21/2007, 34191-34197.	Nov. 19, 2007
* Federal Deposit Insurance Corporation (FDIC)	Interagency Questions and Answers Regarding Community Reinvestment.	<i>Federal Register</i> , Vol. 72, No. 132, 07/11/2007, 37922-37959.	Sep. 10, 2007
* FDIC	Revisions to Information Collections.	<i>Federal Register</i> , Vol. 72, No. 151, 08/07/2007, 44220-44222.	Oct. 09, 2007
* Federal Housing Finance Board (FHFB)	Revisions to Information Collections on Federal Home Loan Bank Directors.	<i>Federal Register</i> , Vol. 72, No. 152, 08/08/2007, 44540-44556.	Oct. 09, 2007
Federal Reserve System (FRB)	SEMIANNUAL REGULATORY AGENDA.	<i>Federal Register</i> , Vol. 72, No. 82, 04/30/2007, 23559-23566.	Comments may be submitted any time during the next 6 months. (Effective: Apr. 30, 2007.)
FRB	Quarterly Reporting of Bank Officers' and Certain Employees' Personal Securities Transactions.	<i>Federal Register</i> , Vol. 72, No. 123, 06/27/2007, 35204-35205.	Aug. 27, 2007
* FRB	Interagency Questions and Answers Regarding Community Reinvestment.	<i>Federal Register</i> , Vol. 72, No. 132, 07/11/2007, 37922-37959.	Sep. 10, 2007
FRB	Regulation Z Open-End Credit Rules.	<i>Federal Register</i> , Vol. 72, No. 114, 06/14/2007, 32948-33145.	Oct. 12, 2007
Internal Revenue Service (IRS)	Mortality Tables for Determining Present Value.	<i>Federal Register</i> , Vol. 72, No. 102, 05/29/2007, 29456-29472.	Aug. 27, 2007
IRS	Employer Comparable Contributions to HSAs.	<i>Federal Register</i> , Vol. 72, No. 105,	Aug. 30, 2007 (Outlines of topic for

		06/01/2007, 30501-30505.	public hearing on Sep. 28, 2007 due: Aug. 28, 2007.)
IRS	Grantor Retained Interest Trusts.	<i>Federal Register</i> , Vol. 72, No. 109, 06/07/2007, 31487-31491.	Sep. 05, 2007
IRS	Built-In Gains and Losses for Pre-Paid Income.	<i>Federal Register</i> , Vol. 72, No. 114, 06/14/2007, 32828-32829.	Sep. 12, 2007
* IRS	Information Reporting and Backup Withholding for Payment Card Transactions.	<i>Federal Register</i> , Vol. 72, No. 134, 07/13/2007, 38534-38538.	Oct. 09, 2007
* IRS	Change for Notices of Nonjudicial Sale and Request for Return of Wrongfully Levied Property.	<i>Federal Register</i> , Vol. 72, No. 139, 07/20/2007, 39771-39772.	Oct. 18, 2007
* IRS	Section 67 Limitations on Estates or Trusts.	<i>Federal Register</i> , Vol. 72, No. 144, 07/27/2007, 41243-41245.	Oct. 25, 2007 Outlines of topics to be discussed at public hearing on Nov. 14, 2007 must be received by Oct. 24, 2007.
* IRS	Severance of a Trust for GST Tax Purposes II.	<i>Federal Register</i> , Vol. 72, No. 148, 08/02/2007, 42340-42344.	Oct. 31, 2007
* IRS	Employee Benefits – Cafeteria Plans.	<i>Federal Register</i> , Vol. 72, No. 150, 08/06/2007, 43938-43968.	Nov. 05, 2007 Outlines of topics to be discussed at the hearing scheduled for Nov. 15, 2007 must be received by Oct. 25, 2007.
National Credit Union Administration (NCUA)	NOTICE: Application Period for Community Development Revolving Loan Fund Program.	<i>Federal Register</i> , Vol. 71, No. 244, 12/20/2006, 76376.	Applications may be submitted throughout the 2007 calendar year.
NCUA	Extension of Comment Period for Federal Credit Union Bylaws.	<i>Federal Register</i> , Vol. 72, No. 130, 07/09/2007, 37122.	Aug. 20, 2007

	NCUA	Purchase, Sale and Pledge of Eligible Obligations.	<i>Federal Register</i> , Vol. 72, No. 123, 06/27/2007, 35207-35209.	Aug. 27, 2007
*	NCUA	ANPR: Permissible Foreign Currency Investments for Federal and Corporate Credit Unions.	<i>Federal Register</i> , Vol. 72, No. 147, 08/01/2007, 41956-41958.	Oct. 30, 2007
	Office of the Comptroller of the Currency (OCC)	Regulatory Review Amendments.	<i>Federal Register</i> , Vol. 72, No. 127, 07/03/2007, 36550-36584.	Sep. 04, 2007
*	OCC	Interagency Questions and Answers Regarding Community Reinvestment.	<i>Federal Register</i> , Vol. 72, No. 132, 07/11/2007, 37922-37959.	Sep. 10, 2007
*	OCC	Revisions to Information Collections.	<i>Federal Register</i> , Vol. 72, No. 151, 08/07/2007, 44220-44222.	Oct. 09, 2007
	Office of Thrift Supervision (OTS)	Optional Charter Provisions in MHC Structures.	<i>Federal Register</i> , Vol. 72, No. 123, 06/27/2007, 35205-35207.	Aug. 27, 2007
*	OTS	Interagency Questions and Answers Regarding Community Reinvestment.	<i>Federal Register</i> , Vol. 72, No. 132, 07/11/2007, 37922-37959.	Sep. 10, 2007
*	OTS	ANPR: Unfair or Deceptive Acts or Practices.	<i>Federal Register</i> , Vol. 72, No. 150, 08/06/2007, 43570-43576.	Nov. 05, 2007
	Securities and Exchange Commission (SEC)	Revisions to Eligibility Requirements for Primary Securities Offerings.	<i>Federal Register</i> , Vol. 72, No. 122, 06/26/2007, 35118-35136.	Aug. 27, 2007
	SEC	Holding Periods for Affiliates and Non-Affiliates.	<i>Federal Register</i> , Vol. 72, No. 128, 07/05/2007, 36822-36849.	Sep. 04, 2007
	SEC	Electronic Filing and Simplification of Form D.	<i>Federal Register</i> , Vol. 72, No. 130, 07/09/2007, 37376-37402.	Sep. 07, 2007

	SEC	Exemption of Compensatory Employee Stock Options from Registration under Exchange Act.	<i>Federal Register</i> , Vol. 72, No. 131, 07/10/2007, 37608-37624.	Sep. 10, 2007
*	SEC	Smaller Reporting Company Regulatory Relief.	<i>Federal Register</i> , Vol. 72, No. 138, 07/19/2007, 39670-39715.	Sep. 17, 2007
*	SEC	Shareholder Proposals.	<i>Federal Register</i> , Vol. 72, No. 149, 08/03/2007, 43466-43488. <i>Federal Register</i> , Vol. 72, No. 149, 08/03/2007, 43488-43496.	Oct. 02, 2007 Oct. 02, 2007
*	SEC	Limited Offerings Exemptions in Regulation D.	<i>Federal Register</i> , Vol. 72, No. 154, 08/10/2007, 45116-45145.	Oct. 09, 2007

* *Denotes new item in the chart*

FINAL RULES AND EFFECTIVE DATES

<u>Agency</u>	<u>Final Rule</u>	<u>Federal Register Publication Date and Page Number</u>	<u>Effective Date</u>
Commodity Credit Corporation (CCC)	Domestic Sugar Program Final and Initial Cane State Allotments.	<i>Federal Register</i> , Vol. 71, No. 218, 11/13/2006, 66157-66160.	Oct. 01, 2006 through Sep. 30, 2007
Federal Deposit Insurance Corporation (FDIC)	NOTICE: Extension of the Consolidated Reports of Condition and Income (Call Report).	<i>Federal Register</i> , Vol. 71, No. 33, 02/17/2006, 8649-8657.	Staggered report changes to begin: Mar. 31, 2006; Sep. 30, 2006; Oct. 30, 2006; Mar. 31, 2007; and Mar. 31, 2008.
* FDIC	Management Official Interlocks.	<i>Federal Register</i> , Vol. 72, No. 135, 07/16/2007, 38753-38755.	Jul. 16, 2007
FDIC	Official Sign and Advertisement of FDIC Membership.	<i>Federal Register</i> , Vol. 71, No. 218, 11/13/2006, 66098-66104.	Nov. 13, 2007
FDIC	EXTENSION OF MORATORIUM: Industrial Loan Companies and Industrial Banks (ILCs).	<i>Federal Register</i> , Vol. 72, No. 23, 02/05/2007, 5290-5294.	Moratorium extended through: Jan. 31, 2008.
* Federal Housing Finance Board (FHFB)	Bank Members Selected for Community Support Review.	<i>Federal Register</i> , Vol. 72, No. 134, 07/13/2007, 38581-38589.	Aug. 31, 2007
Federal Reserve System (FRB)	NOTICE: Extension of the Consolidated Reports of Condition and Income (Call Report).	<i>Federal Register</i> , Vol. 71, No. 33, 02/17/2006, 8649-8657.	Staggered report changes to begin: Mar. 31, 2006; Sep. 30, 2006; Oct. 30, 2006; Mar. 31, 2007; and Mar. 31, 2008.
FRB	Regulation E and Returned Item Fees.	<i>Federal Register</i> , Vol. 71, No. 231, 12/01/2006, 69430-69438.	Jan. 01, 2007 (Notice to POS consumers to begin: Jan. 01, 2008.)
FRB	POLICY STATEMENT: Payments System Risk.	<i>Federal Register</i> , Vol. 72, No. 12, 01/19/2007, 2518-2527.	Jan. 19, 2007 (Initial self-assessment test completed and published by:

			Dec. 31, 2007.)	
*	FRB	Management Official Interlocks.	<i>Federal Register</i> , Vol. 72, No. 135, 07/16/2007, 38753-38755.	Jul. 16, 2007
	FRB	Amendments to Appendix A of Regulation CC.	<i>Federal Register</i> , Vol. 72, No. 121, 06/25/2007, 34596-34597.	Aug. 18, 2007
	FRB	Revised CHARM Booklet.	<i>Federal Register</i> , Vol. 71, No. 250, 12/29/2006, 78437-78438.	Mandatory use of revised CHARM booklet: Oct. 01, 2007.
*	FRB	HOEPA Annual Dollar Amount Trigger.	<i>Federal Register</i> , Vol. 72, No. 151, 08/07/2007, 44032-44033.	Jan. 01, 2008
*	Financial Crimes Enforcement Network (FinCEN)	Enhanced Due Diligence Requirements for Certain Correspondent Accounts.	<i>Federal Register</i> , Vol. 72, No. 153, 08/09/2007, 44768-44775.	Sep. 10, 2007
*	Housing and Urban Development, Dept. of (HUD)	Debenture Interest Rates.	<i>Federal Register</i> , Vol. 72, No. 147, 08/01/2007, 42099-42100.	Debentures issued during 6-month period beginning Jun. 01, 2007.
*	HUD	Acceptable Indices for ARM Products.	<i>Federal Register</i> , Vol. 72, No. 139, 07/20/2007, 40048-40050.	Aug. 20, 2007
	Internal Revenue Service (IRS)	TEMPORARY FINAL RULE: Business Electronic Filing for Code Section 1561.	<i>Federal Register</i> , Vol. 71, No. 246, 12/22/2006, 76904-76913.	Dec. 22, 2006 (Temporary final rule will expire: Dec. 21, 2009.)
*	IRS	Withholding Exemptions.	<i>Federal Register</i> , Vol. 72, No. 134, 07/13/2007, 38478-38484.	Jul. 13, 2007
*	IRS	403(b) Tax-Sheltered Annuity Contracts.	<i>Federal Register</i> , Vol. 72, No. 143, 07/26/2007, 41128-41160.	Jul. 26, 2007
*	IRS	Qualified Severance of Trust for GST Tax Purposes.	<i>Federal Register</i> , Vol. 72, No. 148, 08/02/2007, 42291-	Aug. 02, 2007

		42298.	
*	IRS	TEMPORARY FINAL RULE: Change for Notices of Nonjudicial Sale and Request for Wrongfully Levied Property.	<i>Federal Register</i> , Vol. 72, No. 139, 07/20/2007, 39737-39740. Aug. 20, 2007
	National Credit Union Administration (NCUA)	Revisions to Official Sign Indicating Insured Status.	<i>Federal Register</i> , Vol. 71, No. 219, 11/14/2006, 67436-67439. Nov. 14, 2006 (Compliance dates: May 22, 2007 for displays at stations and windows accepting deposits; Nov. 23, 2007 for documents where credit union chose to include official sign.)
*	NCUA	Records Preservation Program.	<i>Federal Register</i> , Vol. 72, No. 148, 08/02/2007, 42271-42274. Sep. 04, 2007
	Office of the Comptroller of the Currency (OCC)	NOTICE: Extension of the Consolidated Reports of Condition and Income (Call Report).	<i>Federal Register</i> , Vol. 71, No. 33, 02/17/2006, 8649-8657. Staggered report changes to begin: Mar. 31, 2006; Sep. 30, 2006; Oct. 30, 2006; Mar. 31, 2007; and Mar. 31, 2008.
*	OCC	Management Official Interlocks.	<i>Federal Register</i> , Vol. 72, No. 135, 07/16/2007, 38753-38755. Jul. 16, 2007
*	Office of Thrift Supervision (OTS)	Management Official Interlocks.	<i>Federal Register</i> , Vol. 72, No. 135, 07/16/2007, 38753-38755. Jul. 16, 2007
	OTS	Stock Benefit Plans in Mutual-to-Stock Conversions and MHC Structures.	<i>Federal Register</i> , Vol. 72, No. 123, 06/27/2007, 35145-35151. Oct. 01, 2007
	Securities and Exchange Commission (SEC)	Management's Report on Internal Control Over Financial Reporting.	<i>Federal Register</i> , Vol. 72, No. 123, 06/27/2007, 35310-35322. Aug. 27, 2007
*	SEC	Definition of "Significant Deficiency."	<i>Federal Register</i> , Vol. 72, No. 153, 08/09/2007, 44924-44927. Sep. 10, 2007

*	SEC	Prohibition of Fraud by Advisers to Certain Pooled Investment Vehicles.	<i>Federal Register</i> , Vol. 72, No. 153, 08/09/2007, 44756-44763.	Sep. 10, 2007
*	SEC	Shareholder Choice Regarding Proxy Materials.	<i>Federal Register</i> , Vol. 72, No. 147, 08/01/2007, 42222-42239.	Oct. 01, 2007
*	SEC	Short Selling in Connection with Public Offering.	<i>Federal Register</i> , Vol. 72, No. 154, 08/10/2007, 45094-45107.	Oct. 09, 2007
	Small Business Administration (SBA)	NOTICE: New Markets Tax Credit Pilot Loan Program.	<i>Federal Register</i> , Vol. 71, No. 192, 10/04/2006, 58658-58659.	Program to take effect Nov. 03, 2006 and will expire Sep. 30, 2011.
	SBA	Peg Rate.	<i>Federal Register</i> , Vol. 72, No. 130, 07/09/2007, 37304.	July – September Quarter.
	SBA	EXTENSION: Waiver of GO Loan Pilot Program.	<i>Federal Register</i> , Vol. 71, No. 189, 09/29/2006, 57397-57398.	Program extended until: Sep. 30, 2007.
	SBA	Grant of Pending Applications to SBDCs for Refunding.	<i>Federal Register</i> , Vol. 72, No. 85, 05/03/2007, 24650-24651.	Refunding to occur on: Oct. 01, 2007.
	Treasury, Dept. of (Treasury)	Terrorism Risk Insurance Program.	<i>Federal Register</i> , Vol. 71, No. 165, 08/25/2006, 50341-50347.	Sep. 25, 2006 (Program is extended through: Dec. 31, 2007.)
	Treasury	Computer Matching Between TIGTA and IRS.	<i>Federal Register</i> , Vol. 72, No. 28, 02/12/2007, 6667-6668.	Mar. 14, 2007 (Computer matching to begin Feb. 28, 2007, and conclude Aug. 31, 2009.)
	Treasury	NOTICE: Survey of Foreign Ownership of U.S. Securities.	<i>Federal Register</i> , Vol. 72, No. 64, 04/04/2007, 16409-16410.	Data must be submitted to Treasury by: Aug. 31, 2007.

* Denotes new item in the chart