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June First Half Developments

Overview

There are a large number of housekeeping proposals being proposed. The OCC is finally going to fully integrate its responsibility for regulating thrifts as required by Dodd-Frank. The banking agencies are going to start a 2 year plan to cull unneeded rules and see where the burdens are the greatest in order to streamline their regulations. Even if 100 old rules were eliminated, the sheer volume of the new monster rules like Volcker will keep the pages of rules increasing.

Utility Related Swaps Excluded from Calculation of the De Minimis Exception

On June 2, 2014, the CFTC published its proposed rule to permit a person to exclude utility operations-related swaps with utility special entities in calculating the aggregate gross notional amount of the person's swap positions solely for purposes of the de minimis exception applicable to swaps with special entities. See the proposed rule at:

<http://www.gpo.gov/fdsys/pkg/FR-2014-06-02/html/2014-12469.htm>

Review of Unneeded Regulations

On June 4, 2014, the banking agencies published a notice that they would be reviewing all regulations to determine if any were outdated unneeded or too burdensome. The Agencies have divided these regulations into 12 subject-matter categories and identified the regulations within each category. At regular intervals over the next two years, the Agencies will publish four Federal Register requests for comment. They are seeking comment on the regulations in the following three categories: Applications and Reporting, Powers and Activities, and International Operations. See the request at:

<http://www.gpo.gov/fdsys/pkg/FR-2014-06-04/html/2014-12741.htm>

Boycott List

On June 5, 2014, the Treasury published the list of the 9 countries that require cooperation with international boycotts. See the list at:

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<http://www.gpo.gov/fdsys/pkg/FR-2014-06-05/html/2014-12941.htm>

Integrating National Bank and Thrift Rules

On June 10, 2014, the OCC published a proposed rule to integrate its rules relating to policies and procedures for corporate activities and transactions involving national banks and Federal savings associations, to revise some of these rules in order to eliminate unnecessary requirements consistent with safety and soundness, and to make other technical and conforming changes. See the proposed changes at:

<http://www.gpo.gov/fdsys/pkg/FR-2014-06-10/html/2014-11473.htm>

Reporting Large Positions in Government Securities

On June 10, 2014, the Treasury published a proposed rule for reporting large positions in certain Treasury securities. The large position reporting rules are issued under the Government Securities Act (GSA) for the purposes of monitoring the impact in the Treasury securities market of concentrations of positions in Treasury securities. The proposed amendments are designed to improve the information available to Treasury and simplify the reporting process for many entities subject to the large position reporting rules. See the proposed rule at:

<http://www.gpo.gov/fdsys/pkg/FR-2014-06-10/html/2014-13482.htm>

Information on the use of Mobile Financial Services

On June 12, 2014, the BCFP announced that it was seeking information about how consumers are using mobile financial services to access products and services, manage finances and achieve their financial goals with a focus on economically vulnerable consumers. We use "mobile financial services" (MFS) in this Request for Information (RFI) to cover mobile banking services and mobile financial management services. To this end they published dozens of questions to be answered. See the complete list of questions and the background to this request at:

<http://www.gpo.gov/fdsys/pkg/FR-2014-06-12/html/2014-13552.htm>

Student Loan Debt

On June 12, 2014, the President published a memorandum regarding student loan debt. Currently, 71 percent of those earning a bachelor's degree graduate with debt, which averages \$29,400. The president therefore instructed the Secretary of Education to promulgate regulations that would ease some of the debt burdens and give more debt counseling. See the President's announcement at:

<http://www.gpo.gov/fdsys/pkg/FR-2014-06-12/html/2014-13961.htm>

Emergency in Belarus

On June 12, 2014, the President published a notice that the emergency that had been declared in reference to Belarus would be continued for another year. The actions prompting this were by certain members of the Government of Belarus and other persons to undermine Belarus's democratic processes or institutions, manifested in the fundamentally undemocratic March 2006 elections, to commit human rights abuses related to political repression, including detentions and disappearances, and to engage in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority. See the notice at: <http://www.gpo.gov/fdsys/pkg/FR-2014-06-12/html/2014-13963.htm>

This advisory is a service of Connell & Andersen LLP for our clients and friends. It is not a full recitation of all developments. The descriptions are summaries of complex and detailed laws and regulations and may be incomplete or misleading. We invite any of our readers to contact us to discuss any items contained herein for further elaboration.