



SRR Public Comment Policy

Purpose of the SRR Public Comment Policy

SRR believes that public involvement in the updates process is the best way to develop and manage NMLS and encourage licensee understanding and participation in NMLS activities. Accordingly, SRR requires notice and a public comment period for updates that may significantly impact parties that use NMLS. This policy outlines the roles, responsibilities and procedures for this process to assure the public has effective notice and the ability to submit timely and meaningful comment on proposed NMLS updates.

Applicability

Under this policy, any System enhancement or new functionality that impact outside parties (i.e. is not strictly limited to the internal operations of SRR) and is determined by the NMLS Policy Committee (NMLSPC) as benefitting from public comment, may be posted for notice and public comment. Updates that warrant a public comment period include, but are not limited to, the following:

- Major NMLS functionality enhancements
- Call Report updates
- Uniform Form changes
- Fee changes

This Policy does not apply to any SRR updates that do not have an impact on external users of NMLS or that the NMLSPC has determined as not requiring public comment under this Policy.

Roles and Responsibilities

A. NMLS Working Group. The NMLS Working Group, when created by the NMLSPC, generally consists of state regulators but may include industry representatives and is responsible for the subject matter of the update. The Working Group analyzes the comments, involves other interested parties as necessary, and makes a final recommendation to the NMLSPC based on the original proposal with any modifications deemed appropriate from the content of the comments. The Working Group is staffed by the NMLS Policy Coordinator.

B. NMLS Policy Coordinator. The NMLS Policy Coordinator is the SRR staff person who is generally responsible for the subject area addressed in proposed updates. The NMLS Policy Coordinator shall be responsible for preparing notices and assuring that proposed updates for public comment are posted in a timely manner. In addition, the NMLS Policy Coordinator shall be responsible for coordinating the process of analyzing and recommending a disposition on all comments received during the comment period. This process will be conducted by the appropriate NMLS Working Group(s) that is responsible for the particular issue or functionality that is the subject matter of the update. The NMLS Policy Coordinator will be responsible for ensuring all comments are posted on the NMLS Resource Center no later than 5 business days from the end of the comment period and for coordinating the final response to comments developed by the appropriate Working Group which will also be posted on the NMLS Resource Center.

C. Senior Vice President of Policy (“SRR SVP-Policy”). The SRR SVP-Policy shall assign a NMLS Policy Coordinator when such action is required and shall review recommendations before they are sent to the NMLS Policy Committee.

D. General Counsel. The Office of the General Counsel shall provide counsel upon request to the NMLS Policy Coordinator, the SRR SVP-Policy, NMLSPC or any SRR staff member regarding the proposed updates, posting of the document for effective notice and comment, review and disposition of any comment received, or any interpretation of this Policy. The General Counsel may also request review of a proposal by the SRR Lawyers Committee¹ when deemed appropriate.

E. NMLS Policy Committee² (“Committee”). The NMLSPC, as appointed by the SRR Board of Managers, shall approve a final determination on the updates presented for public comment and, if appropriate, present that determination to the SRR Board of Managers for their approval prior to adopting the updates. The Committee may approve a public comment period of less than 30 days, under limited circumstances and when good cause is demonstrated as provided in this Policy.

Effective and Sufficient Notice

A. Comment Period. As a general standard, SRR will provide a period of public comment of no less than 60 days. The NMLS Policy Coordinator at his/her discretion may extend the period for public comment for a period of up to 180 days unless further extended by the SRR SVP-Policy when good cause is demonstrated. Considerations for extension shall include,

¹ The SRR Lawyers Committee is comprised of attorneys from state regulatory agencies. The Committee analyzes legal issues related to NMLS operations with the intent of helping SRR spot potential legal issues from a state agency perspective. The Committee does not provide SRR with legal advice. All members are nominated by state agencies and appointed by the SRR Board of Managers.

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To assist it in making decisions and handling operational matters, the SRR Board of Managers created the NMLS Policy Committee (NMLSPC) which is comprised of 11 state regulators. The NMLS Policy Committee provides SRR a mechanism to make policy decisions for NMLS with regards to its impact on meeting state licensing regulations. Decisions are made after considering input from NMLS Participating State Agencies, licensees and industry. The [roster](#) of the NMLSPC can be found on the [NMLS Resource Center](#). All Committee members are nominated by state regulators and appointed by the SRR Board of Managers.

but are not limited to, the content of the proposed update, the complexity of the proposed update, and intervening circumstances during the comment period.

SRR recognizes that, in limited circumstances, there may be good cause for the comment period to be less than 60 days so that SRR can respond to a time sensitive matter in an appropriate manner. The NMLS Policy Coordinator must request such an exception in writing to the General Counsel and the Committee, justifying the reason for requesting that the comment period be less than 60 days. The General Counsel and the Committee may agree grant such an exception when good cause is demonstrated for reducing the public comment period and must do so in writing. Under no circumstance shall the period of public comment be less than 21 days. When a shorter time period is authorized, the resulting policy or requirement will be adopted on an interim basis until it is re-proposed, commented on, and approved through the standard process.

B. Notice to the Public. In order to ensure that members of the public are apprised of SRR's publication of proposed updates and solicitation for comments on proposed updates, SRR will use the following methods of publication and notice to the public: (1) publishing the proposed update on the NMLS Resource Center (including publishing a News Item³) and soliciting comments by a certain date; and (2) sending notice to SRR stakeholders, including but not limited to, regulators participating in NMLS, system account administrators, and relevant working groups and committees (e.g., SRR Lawyers Committee, Industry Development Working Group). Additionally, a press release noting the Request for Public Comment will be issued from CSBS that discusses the issue and provides relevant information regarding the comment period deadline and how to submit a comment.

The NMLS Policy Coordinator shall prepare notice of the proposed update and the solicitation for comments and cause it to be published in the means identified above. Included in this responsibility is the duty to analyze and assign a reasonable period for accepting comments within the parameters established by this Policy.

Additionally, advance notice of the publication of a Request for Comments will be published on the NMLS Resource Center and announced at the NMLS Ombudsman meetings as soon as a determination has been made that such a Request will be developed.

Once a Request for Public Comment has been issued, an opportunity for open discussion on the topics raised will be held at either an NMLS Ombudsman meeting or through a scheduled conference call, whichever avenue is available during the comment period. However, all final comments must be received in writing.

Collecting and Receiving Public Comments

For all proposed updates, SRR shall accept comments by email or in hard copy. However, SRR shall encourage members of the public to provide comments by email to comments@csbs.org or through an SRR-established centralized comment submission program. Comments must contain the name, email address and mailing address of the

³ SRR staff recommend that interested stakeholders subscribe to the SRR Feed for the NMLS News Items in order to be notified when a new posting is made. Information on how to subscribe can be found on the NMLS Resource Center.

submitter. Comments submitted without contact information will not be considered. Comments are requested to be limited to the issue that is the subject of the request for comment.

After the public comment period is complete, SRR will compile all comments, regardless of the means of transmission, and make them available to the public on the NMLS Resource Center.

Consideration of Comments

The applicable Working Group, staffed by the NMLS Policy Coordinator, must timely read and consider each and every comment submitted during the comment period and recommend a disposition for all comments. In the final consideration of the update, the Working Group shall provide a written summary of all comments received, indicating which of those comments should be accepted, rejected, or tabled for future consideration.

The written response summary of all comments received, as described above, must be completed within a reasonable time period after the end of the stated open comment period and may be reviewed by other regulator working groups or groups of regulators when additional input is desired before a final recommendation is prepared for the NMLSPC. The length of time to complete the summary report and recommendation will vary depending upon the complexity of the subject matter as additional input is reviewed and analyzed. The NMLS Policy Coordinator is responsible for keeping the NMLSPC informed of specific timelines.

If after releasing the written response summary and recommendations to the public, SRR deems it necessary to provide an additional public comment period, the NMLS Policy Coordinator will seek approval from the relevant Working Group and the NMLSPC for such additional comment period. Any additional comment period must follow the same procedures set out in this Policy.

Adoption of a Requirement or Policy of General Applicability

Any updates determined by the Committee as requiring public comment shall be adopted only if:

- (1) the proposed updates have been posted for public comment in accordance with this Policy;
- (2) all comments submitted in response to the proposed updates have been reviewed, assessed and considered by the relevant working group(s) who make a final recommendation that is presented to, and approved by, the NMLSPC and, where appropriate, the SRR Board of Managers.

All finalized policies must be, at a minimum, posted on the NMLS Resource Center and communicated to targeted groups as deemed appropriate.

Comments may also be submitted in physical form to:

State Regulatory Registry
Conference of State Bank Supervisors
Attn: Tim Doyle, Senior Vice President

1129 20th St NW, 9th Floor
Washington, DC 20036