

FINAL REGULATIONS/RULES

Effective Date	Rule (Agency)	Citation	Summary
10/16/2023	Consumer Information Requests to Large Banks and Credit Union (CFPB)	88 FR 71279	The CFPB issued this Advisory Opinion regarding section 1034(c) of the Consumer Financial Protection Act, which requires large banks and credit unions to comply in a timely manner with consumer requests for information concerning their accounts for consumer financial products and services, subject to limited exceptions.

PROPOSED REGULATIONS

Comments Due	Rule (Agency)	Citation	Summary
12/11/2023	Guidelines Establishing Standards for Corporate Governance and Risk Management for Covered Institutions With Total Consolidated Assets of \$10 Billion or More (FDIC)	88 FR 70391	The FDIC is seeking comment on proposed corporate governance and risk management guidelines (Guidelines) that would apply to all insured state nonmember banks, state-licensed insured branches of foreign banks, and insured state savings associations that are subject to Section 39 of the Federal Deposit Insurance Act (FDI Act), with total consolidated assets of \$10 billion or more on or after the effective date of the final Guidelines. These proposed Guidelines would be issued as Appendix C to FDIC's standards for safety and soundness regulations in part 364, pursuant to Section 39 of the FDI Act, and would be enforceable under Section 39. The FDIC also proposes to make corresponding amendments to parts 308 and 364 of its regulations to implement the proposed Guidelines.
01/22/2023	Proposal of Special Measure Regarding Convertible Virtual Currency Mixing, as a Class of Transactions of Primary Money Laundering Concern (FinCEN)	88 FR 72701	This NPRM (1) sets forth FinCEN's finding that transactions involving CVC mixing within or involving jurisdictions outside the United States are a class of transactions that are of primary money laundering concern; and (2) proposes, under special measure one, requiring covered financial institutions to implement certain recordkeeping and reporting requirements on transactions that covered financial institutions know, suspect, or have reason to suspect involve CVC mixing within or involving jurisdictions outside the United States.
TBD	Debit Card Interchange Fees and Routing (Federal Reserve)	TBD	The Federal Reserve requested comments on a proposal to lower the maximum interchange fee that large debit card issues can receive for a debit card transaction. The proposal would adjust the interchange fee cap to reflect changes in issuer costs since the interchange rule first took effect. For example, the cap on an average-sized \$50 debit

			card transaction would decline from 24.5 cents under the current rule to 17.7 cents under the proposal. In addition, the proposal would adopt an approach for future adjustments to the interchange fee cap, which would occur every other year based on issuer cost data gathered by the Board from large debit card issuers.
TBD	Required Rulemaking on Personal Financial Data Rights (CFPB)	TBD	<p>The CFPB proposed a new regulation (12 CFR 1033) on Personal Financial Data Rights. “The proposed rule would require depository and nondepository entities to make available to consumers and authorized third parties certain data relating to consumers’ transactions and accounts; establish obligations for third parties accessing a consumer’s data, including important privacy protections for that data; provide basic standards for data access; and promote fair, open, and inclusive industry standards.”</p> <p>Highlights include:</p> <ul style="list-style-type: none"> • Covered data includes 24 months of historical transaction information, including pending transactions, account balance, terms and conditions, upcoming bill information, and basic account verification information. (§1033.211) • Data providers (including financial institutions) will have to maintain a consumer interface and a developer interface that will provide machine readable files to consumers and authorized third parties. • Data providers will not be able to charge for providing covered data. • Data providers will have to establish reasonable written policies and procedures for providing covered data and maintaining interfaces. • The requirements would be implemented in phases, with larger data providers being subject to the requirements sooner than smaller ones.
TBD	Fair Hiring in Banking (NCUA)	TBD	<p>The NCUA Board approved a proposed rule allowing people convicted of certain minor offenses to return to work in the credit union industry without applying for the Board’s approval.</p> <p>Section 205(d) of the Federal Credit Union Act prohibits anyone convicted of a criminal offense involving dishonesty or breach of trust, or who has entered into a pretrial diversion or similar program in connection with a prosecution for such an offense, from participating in the affairs of an insured credit union. An individual in those circumstances must apply to the NCUA Board for its consent in order to work in a credit union.</p>

			The policy change expands the list of exceptions to the application requirement. Specifically, convictions or program entries for offenses involving insufficient funds checks of aggregate moderate value, small dollar simple theft, false identification, simple drug possession, and isolated minor offenses committed by covered persons as young adults will not require an application.
TBD	Simplification of Share Insurance Rules (NCUA)	TBD	The NCUA also proposed a rule that would simplify the NCUA’s share insurance regulations by establishing a “trust accounts” category was unanimously approved by the NCUA Board. The trust accounts category would provide Share Insurance Fund coverage of funds in both revocable and irrevocable trusts deposited at federally insured credit unions in the accounts of members or those otherwise eligible to maintain insured accounts. Additionally, the proposed rule would provide: <ul style="list-style-type: none"> • Consistent share insurance treatment for all mortgage servicing account balances held to satisfy principal and interest obligations to a lender. • More flexible recordkeeping requirements to explicitly allow the NCUA to look to records held in the normal course of business that are maintained by parties other than federally insured credit unions and their members.

RESOURCES/GUIDANCE

Guidance	Summary
NMLA RENEWAL	The NMLS renewal period starts November 1 and runs until December 31. Now is the time to start preparing to renew.
Consumer Credit Card Report (CFPB)	The CFPB issued its biennial Consumer Credit Card Report. This issue highlights that consumers were charged over \$105 billion in interest in 2022, along with \$25 billion in fees, the belief that credit card companies’ profits remain high, and more cardholders are carrying balances month to month or falling behind in payments, and a greater percentage of balances are going more than 180 days delinquent.
Geographic Targeting Order (FinCEN)	The Financial Crimes Enforcement Network (FinCEN) announced the renewal and expansion of its Geographic Targeting Orders (GTOs) that require U.S. title insurance companies to identify the natural persons behind companies used in non-financed purchases of residential real estate. FinCEN renewed the GTOs that cover certain counties within the following major U.S. metropolitan areas: Boston; Chicago; Dallas-Fort Worth; Houston; Laredo; Las Vegas; Los Angeles; Miami; New York City; San Antonio; San Diego; San Francisco; Seattle; Denver; the District of Columbia, Maryland, and Northern Virginia (DMV) area; as well as the City and County of Baltimore, the Counties of Fairfield and Litchfield, Connecticut, and the Hawaiian islands of Honolulu, Maui, Hawaii, and Kauai. FinCEN, working in conjunction with our law enforcement partners, identified additional regions that present greater risks for illicit finance activity through non-financed purchases of residential

	<p>real estate. Accordingly, today, FinCEN expanded the geographic coverage of the GTOs to the counties of Bristol, Essex, Norfolk, and Plymouth in Massachusetts; the counties of Hillsborough, Pasco, Pinellas, Manatee, Sarasota, Charlotte, Lee, and Collier in Florida; and the county of Travis in Texas. (FAQs)</p>
<p>Climate-Related Risk Interagency Guidance (FDIC, Federal Reserve, OCC)</p>	<p>The FDIC, Federal Reserve and OCC released interagency guidance for managing climate-related risk at financial institutions with at least \$100 billion in assets. The principles are meant to provide a “high-level framework” for large financial institutions as they “develop strategies, deploy resources and build capacity to identify, measure, monitor and control for climate-related financial risks,” according to the guidance.</p>
<p>FinCEN Alert to Financial Institutions to Counter Financing to Hamas and its Terrorist Activities (FinCEN)</p>	<p>FinCEN issued FIN-2023-Alert006 to assist financial institutions in identifying funding streams supporting the terrorist organization Hamas. FinCEN is urging financial institutions to be vigilant in identifying suspicious activity relating to financing Hamas and reporting such activity to FinCEN.</p>
<p>Consumer Information Requests to Large Banks and Credit Unions (CFPB)</p>	<p>The CFPB issued an Advisory Opinion regarding Section 1034(c) of the Dodd Frank Act, which generally prohibits large banks and credit unions from imposing unreasonable obstacles on customers for basic information about their own accounts. Large banks and credit unions under the CFPB’s regime must provide complete and accurate account information when requested by accountholders. The Advisory Opinion clarifies that consumers are entitled to get the basic information they need without having to pay junk fees. [Continue Reading]</p>
<p>Resumption of Federal Student Loan Payments (NCUA)</p>	<p>The NCUA issued a Letter to Credit Unions (23-CU-08) on the resumption of federal student loan payments. Federal student loan interest resumed Sept. 1, and payments restart in October. "As federal student loan payments restart, some credit union members may have difficulty meeting their repayment obligations. The resulting increase in total repayment obligations may also negatively impact members’ ability to repay other outstanding loans," wrote NCUA Chairman Todd Harper. "The NCUA encourages credit unions to work constructively with impacted borrowers and will not criticize a credit union’s efforts to provide prudent relief to borrowers when such efforts are conducted in a reasonable manner with proper controls and management oversight and consistent with consumer financial protection requirements."</p>
<p>Joint Statement on Fair Lending and Credit Opportunities for Noncitizen Borrowers under the Equal Credit Opportunity Act</p>	<p>The Consumer Financial Protection Bureau and Department of Justice issued a Joint Statement on Fair Lending and Credit Opportunities for Noncitizen Borrowers. The Statement reminds financial institutions that all credit applicants are protected from discrimination on the basis of their national origin, race, and other characteristics covered by the Equal Credit Opportunity Act, regardless of their immigration status.</p>

(CFPB & DoJ)	
Chinese Money Laundering (Homeland Security)	In its October issue of Cornerstone, the Homeland Security Investigations breakdown how Chinese money laundering organizations and individuals have emerged as a central element of a financial scheme that utilizes bulk U.S. Currency obtained from the proceeds of drug operations in the United States; subsequently, those illicit proceeds are repatriated to cartels in Mexico. The issue explains the six-step process used and red flag indicators to watch for.