

FINAL REGULATIONS/RULES

Effective Date	Rule (Agency)	Citation	Summary
01/01/2024	Fair Credit Reporting Act Disclosures (CFPB)	88 FR 78230	<p>The Consumer Financial Protection Bureau (CFPB) is issuing this final rule amending an appendix for Regulation V, which implements the Fair Credit Reporting Act (FCRA). The CFPB is required to calculate annually the dollar amount of the maximum allowable charge for disclosures by a consumer reporting agency to a consumer pursuant to section 609 of the FCRA; this final rule establishes the maximum allowable charge for the 2024 calendar year.</p> <p>For 2024, the ceiling on allowable charges under section 612(f) of the FCRA will be \$15.50, an increase of one dollar from 2023.</p>
12/21/2023	Charitable Donation Accounts (NCUA)	88 FR 80950	<p>The NCUA Board is amending the charitable donation accounts (CDAs) section of the NCUA's incidental powers rule. Specifically, the Board is adding a post or organization of past or present members of the Armed Forces of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization recognized as exempt from taxation under section 501(c)(19) of the Internal Revenue Code (veterans' organizations) to the definition of a "qualified charity" that a Federal credit union may contribute to using a CDA.</p>
01/01/2024	Use of FinCEN Identifiers for Reporting Beneficial Ownership Information of Entities (FinCEN)	88 FR 76995	<p>FinCEN issued a final rule to specify when and how entities required to report beneficial ownership information to FinCEN may use a FinCEN identifier to report the beneficial ownership information of certain related entities. These regulations amend FinCEN's Beneficial Ownership Information Reporting Requirements Rule, which implements Section 6403 of the Corporate Transparency Act (CTA).</p>
12/01/2023	Indorsement and Payment of Checks Drawn on the US Treasury	88 FR 74884	<p>The Bureau of the Fiscal Service (Fiscal Service) of the Department of the Treasury (Treasury) is amending its regulations that govern the payment of checks drawn on the United States Treasury (Treasury checks). The amendments coincide with the development of Fiscal Service's enhanced check post payment processing system, which will provide Treasury check return information to financial institutions more quickly than today. Financial institutions will receive this information through their existing communication channels with the Federal Reserve Banks (FRBs), generally prior to the expiration of the time periods in which financial institutions must make Treasury check deposits available for withdrawal as prescribed by Regulation CC, Availability of Funds and Collection of Checks. Accordingly, Fiscal Service is amending its regulations so that, with certain exceptions, a financial institution will be liable if it pays a canceled Treasury</p>

			check, also known as a payment over cancellation (POC), without waiting to receive the return information that would enable the financial institution to know the check has been canceled.
05/13/2024	Standards for Safeguarding Customer Information (FTC)	88 FR 77499	The Federal Trade Commission issued a final rule to amend the Standards for Safeguarding Customer Information to require financial institutions to report to the Commission any notification event where unencrypted customer information involving 500 or more consumers is acquired without authorization.

PROPOSED REGULATIONS

Comments Due	Rule (Agency)	Citation	Summary
01/08/2024	Defining Larger Participants of a Market for General-Use Digital Consumer Payment Applications (CFPB)	88 FR 80197	The CFPB proposed a rule to define a market for general-use digital consumer payment applications. The proposed market would cover providers of funds transfer and wallet functionalities through digital applications for consumers' general use in making payments to other persons for personal, family, or household purposes. Larger participants of this market would be subject to the CFPB's supervisory authority under the Consumer Financial Protection Act (CFPA).
01/08/2024	Fair Hiring in Banking (NCUA)	88 FR 76702	The NCUA Board proposes to incorporate its "Second Chance" Interpretive Ruling and Policy Statement 19-1 (IRPS 19-1) and the Fair Hiring in Banking Act (FHBA) into its regulations. The Federal Credit Union Act prohibits, except with the Board's prior written consent, any person who has been convicted of certain criminal offenses involving dishonesty or breach of trust (a covered offense), or who has entered into a pretrial diversion or similar program in connection with a prosecution for such offense (program entry), from participating in the conduct of the affairs of an insured credit union.
01/16/2024	Fair Hiring in Banking (FDIC)	88 FR 77906	The Federal Deposit Insurance Corporation (FDIC) proposes to revise its regulations to conform with the Fair Hiring in Banking Act (FHBA)—which was enacted on and immediately effective as of December 23, 2022. Among other provisions, the FHBA excluded or exempted categories of otherwise-covered offenses from the scope of statutory prohibitions on participation in banking. These categories pertain to certain older offenses, offenses committed by individuals 21 or younger, and "certain lesser offenses." The FHBA also clarified several definitions in section 19 and provided application-processing procedures. The FDIC considers most of the proposed revisions to

			its regulations to be required by the FHBA. Other proposed revisions reflect the FDIC's interpretation of statutory prohibitions in light of the FHBA.
02/12/2024	Debit Card Interchange Fees and Routing (FRS)	88 FR 78100	Regulation II implements a provision of the Dodd-Frank Act that requires the Board to establish standards for assessing whether the amount of any interchange fee received by a debit card issuer is reasonable and proportional to the cost incurred by the issuer with respect to the transaction. Under the current rule, for a debit card transaction that does not qualify for a statutory exemption, the interchange fee can be no more than the sum of a base component of 21 cents, an <i>ad valorem</i> component of 5 basis points multiplied by the value of the transaction, and a fraud-prevention adjustment of 1 cent if the issuer meets certain fraud-prevention-standards. The Board developed the current interchange fee cap in 2011 using data voluntarily reported to the Board by large debit card issuers concerning transactions performed in 2009. Since that time, data collected by the Board every other year on a mandatory basis from large debit card issuers show that certain costs incurred by these issuers have declined significantly; however, the interchange fee cap has remained the same. For this reason, the Board proposes to update all three components of the interchange fee cap based on the latest data reported to the Board by large debit card issuers. Further, the Board proposes to update the interchange fee cap every other year going forward by directly linking the interchange fee cap to data from the Board's biennial survey of large debit card issuers. Initially, under the proposal, the base component would be 14.4 cents, the <i>ad valorem</i> component would be 4.0 basis points (multiplied by the value of the transaction), and the fraud-prevention adjustment would be 1.3 cents for debit card transactions performed from the effective date of the final rule to June 30, 2025.

RESOURCES/GUIDANCE

Guidance	Summary
FinCEN Alerts Financial Institutions to COVID-	The Financial Crimes Enforcement Network (FinCEN), in close coordination with the Internal Revenue Service Criminal Investigation (CI), issued an alert to financial institutions on fraud schemes related to the COVID-19 Employee

<p>19 Employee Retention Credit Fraud</p>	<p>Retention Credit (ERC). The Coronavirus Aid, Relief, and Economic Security (CARES) Act authorized the ERC as a tax credit to encourage businesses to keep employees on payroll during the COVID-19 pandemic. CI has identified ongoing fraud and scams related to the ERC that, to date, have resulted in 323 investigations involving more than \$2.8 billion of potentially fraudulent ERC claims throughout tax years 2020, 2021, 2022, and 2023. The alert provides an overview of typologies associated with ERC fraud and scams, highlights select red flags to assist financial institutions in identifying and reporting suspicious activity, and reminds financial institutions of their reporting requirements under the Bank Secrecy Act.</p>
<p>FinCEN Issues Updated Beneficial Ownership Information FAQs</p>	<p>The Financial Crimes Enforcement Network (FinCEN) has updated its Beneficial Ownership Information (BOI) FAQs to include new questions about the reporting process, reporting companies, beneficial owners, company applicants, reporting requirements, initial reports, and reporting company exemptions. FAQs (updated): https://www.fincen.gov/boi-faqs FinCEN’s BOI Webpage: https://www.fincen.gov/boi</p>
<p>Inflation Adjustments</p>	<p>Effective January 1, 2024, the exemption amounts for both Regulation Z and Regulation M will increase from \$66,400 to \$69,500. Consumer credit transactions above the Regulation Z threshold are generally exempt. However, loans secured by real property or personal property used as the principal dwelling of a consumer, and private education loans are covered by the Truth-in-Lending Act and Regulation Z regardless of the loan amount. The 2024 threshold for whether higher-priced mortgage loans are subject to special appraisal requirements will increase from \$31,000 to \$32,400. The ceiling on allowable charges under section 612(f) of the Fair Credit Reporting Act will increase to \$15.50 for 2024.</p>
<p>Sanctions Compliance Guidance for the Provision of Humanitarian Assistance to the Palestinian People</p>	<p>The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is issuing an OFAC Compliance Communiqué: Guidance for the Provision of Humanitarian Assistance to the Palestinian People in response to questions from the NGO community and the general public on how to provide humanitarian assistance while complying with OFAC sanctions.</p>
<p>The CFPB has Released the Beta Version of the HMDA Platform for Data That Will be Collected in 2024</p>	<p>The 2024 Beta Platform provides financial institutions and vendors an opportunity to determine whether their sample loan/application register data comply with the reporting requirements outlined in the Filing Instructions Guide for HMDA data collected in 2024. Note that the 2024 Beta Platform is for testing purposes only and the Bureau will continue to add functionality. No data submitted on the Beta Platform will be considered for compliance with HMDA data reporting requirements. During the beta period, financial institutions may test and retest HMDA data files as often as desired.</p>
<p>FinCEN Finalizes Rule for Use of FinCEN Identifiers in Beneficial</p>	<p>On November 7, the Financial Crimes Enforcement Network (FinCEN) issued a final rule that specifies the circumstances in which a reporting company may report an entity’s FinCEN identifier in lieu of information about individual beneficial owners. A FinCEN identifier is a unique number that FinCEN will issue upon request after receiving</p>

<p>Ownership Information Reporting</p>	<p>required information. Although there is no requirement to obtain a FinCEN identifier, doing so can simplify the reporting process and allows entities or individuals to provide the required identifying information directly to FinCEN. In response to commenter concerns that the reporting of entity FinCEN identifiers could obscure the identities of beneficial owners in a manner that might result in greater secrecy or incomplete or misleading disclosures, the final rule provides clear criteria that must be met in order for a reporting company to report an entity’s FinCEN identifier. The final rule will be effective January 1, 2024, to align with the effective date of the BOI Reporting Rule. To learn more about FinCEN identifiers, see Chapter 4.3 of FinCEN’s Small Entity Compliance Guide available at https://fincen.gov/boi/small-entity-compliance-guide. News Release: https://www.fincen.gov/news/news-releases/fincen-finalizes-rule-use-fincen-identifiers-beneficial-ownership-information Federal Register Notice: https://www.federalregister.gov/public-inspection/2023-24559/use-of-fincen-identifiers-for-reporting-beneficial-ownership-information-of-entities</p>
<p>FinCEN and the Bureau of Industry and Security (BIS) Issue Joint Notice and New Key Term for Reporting Evasion of U.S. Export Controls Globally</p>	<p>The U.S. Department of the Treasury’s Financial Crimes Enforcement Network (FinCEN) and the Department of Commerce’s Bureau of Industry and Security (BIS) issued a joint notice highlighting a new Suspicious Activity Report (SAR) key term (“FIN-2023-GLOBALEXPORT”) for financial institutions to reference when reporting potential efforts by individuals or entities seeking to evade U.S. export controls globally.</p>
<p>CFPB Personal Financial Data Rights Rule</p>	<p>The CFPB published Fast Facts: Personal Financial Data Rights Proposed Rule on a proposal to give consumers control over data about their financial lives and aimed at giving consumers new protections against companies misusing their data. Included in the publication are:</p> <ul style="list-style-type: none"> • Proposed institutional coverage • Other affected parties under the proposed rule • Proposed covered products, services, and data • Key requirements proposed for covered data providers • Key proposed standard-setting provisions • Key provisions proposed authorized third parties and data aggregators
<p>Department of Treasury Updates Indorsement Rules on Treasury Checks</p>	<p>Effective December 1, 2023, the Bureau of the Fiscal Service of the Department of the Treasury has updated 31 CFR 240 - Indorsement and Payment of Checks Drawn on the United States Treasury, to hold financial institutions liable if they pay canceled Treasury checks without waiting to receive the return information that would let them know if the checks were canceled. Now included in the presentment guarantees is <i>“Authenticity and validity.</i> That the guarantors have</p>

	made all reasonable efforts to ensure that a check is both an authentic Treasury check (i.e., it is not a counterfeit check) and a valid Treasury check (i.e., it has not been previously negotiated or canceled).” While not required, institutions can use the Treasury Check Verification System to check the authenticity and validity of a Treasury check.
Federal Reserve Publishes Consumer Compliance Outlook	The Federal Reserve published its second/third issue of Consumer Compliance Outlook . Included in the issue are top Federal Reserve Compliance Violations in 2022, guidance on completing compliance risk assessments, and supervisory observations on representment fees, among others.