

May 16th, 2025 | Volume 1 | Issue 7

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For MCUL Compliance, Advocacy and other news, check out the MILeague Minute!

League InfoSight Highlights

INF@SIGHT360

USPS Redesigns Postal Money Orders to Enhance Security Features

In February, the United States Postal Service (USPS) began selling redesigned postal money orders to further deter counterfeiting and other fraudulent activity. The new money orders are red, white, and blue and contain a new routing number. Among the additional security features are a watermark of a Pony Express rider, a security thread that reveals the letters USPS, and a QR code. The QR code directs users to the USPS website to check the status of the money order.

Legacy USPS money orders (green coloring on the top and bottom) remain fully negotiable and will continue to be sold until the stock is depleted. The redesigned money order will eventually be available for purchase at all post office locations. Additional information is available on the Sending Money Orders page of <u>www.usps.com</u>.



Legacy Postal Money Order



New Postal Money Order

MCUL Education Training & Events

Registration Open!

Young Professionals Leadership Summit

June 4, 2025 | Amway Grand Plaza, Grand Rapids https://cvent.me/xbLZwR?RefId=YP_IS

ACE25 (Formerly known as Annual Convention & Exposition)

June 4-6, 2025 | Amway Grand Plaza and DeVos Place, Grand Rapids https://cvent.me/xb2ozX?RefId=ACEis

HERO 25

July 16-17, 2025 Crystal Mountain, Thompsonville

https://cvent.me/ODzN8B?RefId=HERO IS

Learn More!

Executive Summit

September 10-12, 2025 Grand Hotel, Mackinac Island https://cvent.me/RxAZYg?RefId=ES_IS

League InfoSight Masterclass™

October 6-10, 2025 The Henry Center, Lansing https://cvent.me/wkVBIL?RefId=LIS_IS

Watch for More Details!

All On Boards Director's Symposium (Formerly the Fall Leadership Development Conference)

September 12-14, 2025

Grand Traverse Resort & Spa, Traverse City

CUltivating Leaders Workshop

October 15, 2025 (Networking Mixer Oct. 14; Tentative Date) The H Hotel, Midland

MCUL Compliance Events

Compliance Office Hours

Formerly SAS Compliance Office Hours, the group has been expanded to all credit unions in MI, regardless of size. Join us each month where we'll work through your compliance challenges in a group setting.

When: 1st Friday of every month

Time: 9:00 am

Join us for the next session, scheduled for Friday, June 6th

REGISTER HERE

Cheers! to Compliance

Our next event is scheduled for next month! Final details are being coordinated currently. Register

early, mark your calendars, and watch for additional details as they become available. Date: Friday, June 20th **Time:** 3:30pm

Register: **Zoom**

Also, mark your calendars and register early for the Q3, and Q4 Cheers! events:

December 12th

September 26th

Federal Regulators

NCUA

Other NCUA-Related News

- CU Daily Harper, Otsuka Share Update On Where Things Stand Now, NCUA & Its Oversight, Being Part of American History, and More
- America's Credit Unions DOJ argues Harper, Otsuka can be removed at will by president

CFPB

America's Credit Unions: CFPB withdraws recently proposed rules

Read More

The CFPB has published on the Federal Register the withdrawal of several recently proposed rules:

- Withdrawal of Proposed Rule Prohibited Terms and Conditions in Agreements for Consumer Financial Products or Services (Regulation AA)
- Withdrawal of Proposed Rule Protecting Americans From Harmful Data Broker Practices (Regulation V)
- Withdrawal of Proposed Interpretive Rule Electronic Fund Transfers Through Accounts Established Primarily for Personal, Family, or Household Purposes Using Emerging Payment Mechanisms

All withdrawals are effective as of May 15, 2025.

Additionally, the CFPB has withdrawn and subsequently issued a replacement interpretive rule on the authority of states to enforce the Consumer Financial Protection Act of 2010. The CFPB is rescinding its May 2022 interpretive rule regarding the scope of State enforcement under section 1042 of the Consumer Financial Protection Act of 2010 (CFPA) and related provisions. The proposal notes that several interpretations made in a 2022 interpretive rule were improper as it gave states the authority to bring civil action against any violation of Federal consumer protection laws, not just the CFPA. The withdrawal and subsequent replacement are both effective as of May 15, 2025.

Federal Register

CFPB issues request for comment on the recission of proposed rules and previous amendments

<u>Federal Register – Rules of Practice for Adjudication Proceedings; Rescission</u>

The CFPB is proposing to rescind the amendments it adopted to the Rules of Practice for Adjudication Proceedings (Rules of Practice) on February 22, 2022, and March 29, 2023. The proposal notes that "These changes expanded parties' opportunities to conduct depositions in adjudication proceedings and made amendments concerning timing and deadlines, the content of answers, the scheduling conference, bifurcation of proceedings, the process for deciding dispositive motions, and requirements for issue exhaustion, as well as other technical changes. The Bureau proposes to repeal these amendments in full and seeks comment on that proposal."

Comments are due on June 12, 2025.

<u>Federal Register</u> – <u>Procedures for Supervisory Designation Proceedings</u>

The CFPB is proposing to rescind the amendments it adopted on April 29, 2022, November 21, 2022, and April 23, 2024, to the Procedures for Supervisory Designation Proceedings. Collectively, the rules proposed for rescission provided for public release of final decisions and orders by the Director and made other changes to the CFPB's procedures for designating nonbank covered persons for supervision. The Bureau proposes to rescind the rules in full.

Comments are due on June 13, 2025.

Federal Register – Registry of Nonbank Covered Persons Subject to Certain Agency and Court Orders; Proposed Rescission

The CFPB is proposing to rescind its rule requiring certain types of nonbank covered persons subject to certain final public orders obtained or issued by a government agency in connection with the offering or provision of a consumer financial product or service to report the existence of the orders and related information to a Bureau registry. The Bureau is proposing to rescind the NBR Rule based upon concern that the costs the rule imposes on regulated entities, and which may in large part be passed onto consumers, are not justified by the speculative and unquantified benefits to consumers discussed in the analysis proffered in the NBR Rule.

Comments are due on June 13, 2025.

Additional information available in the Open Comment Calls section.

America's Credit Unions: CFPB withdraws interpretive rules, advisory opinions, policy statements, more

Read More

The CFPB announced Friday it withdrew several pieces of guidance, interpretive rules, policy statements, and advisory opinions consistent with Executive Order 13891. Some of the now-removed guidance provided clarity and additional flexibility for credit unions.

America's Credit Unions generally supports efforts to ensure the bureau is regulating through the official rulemaking process, rather than issuing guidance, to allow for a proper notice and comment period as well as stakeholder feedback. America's Credit Unions will provide a comprehensive analysis of the withdrawn guidance most relevant to credit unions:

- Circular 2022-06 Surprise Overdraft Fees, which determined "authorize positive, settle negative" APSN fees unfair.
- Fair Credit Reporting Act (FCRA) Preemption (87 FR 41042), which narrowly interpreted FCRA preemption, greenlighting most state data privacy and credit reporting laws that were "not inconsistent" with the federal law.
- Circular 2024-05 Improper Overdraft Opt-In Practices, which stated that a financial institution cannot charge an overdraft fee on ATM or one-time debit transactions unless it can show verifiable evidence that the member affirmatively opted in.
- Abusive Acts & Practices Policy (88 FR 21883), which explained how the bureau would apply the "abusive" prong of UDAAP, emphasizing factors such as consumer comprehension and reasonable reliance. The policy provided a broad interpretation of "abusive."
- No-Action Letters (90 FR 1970), which created a formal application process promising the bureau would not bring supervisory or enforcement actions against a product or practice described in an approved no-action letter.
- Compliance Assistance Sandbox (90 FR 1974), which, subject to an agreement approved by the bureau, allowed institutions to test innovative products under controlled conditions while enjoying a temporary shield from enforcement
- Equal Credit Opportunity Act (ECOA) & LGBTQ+ Discrimination (86 FR 14363), which declared sexual orientation and gender identity discrimination illegal under Regulation B.

Of note, withdrawal is not necessarily final. While some guidance might be reissued in the future, the bureau does not intend to prioritize the enforcement of such guidance against parties that do not

conform to the guidance while the withdrawal is pending.

- The bureau has stated it is withdrawing these items while it evaluates whether the guidance is: Statutorily prescribed;
 - Consistent with statute or regulation; or
 - Imposes or decreases compliance burdens.

In addition, the bureau stated it seeks to reduce overlap and duplicative enforcement with other agencies and does not wish to retain guidance which might burden entities while it is in the process of reviewing and evaluating guidance based on the three factors above.

Some of the listed guidance is functionally inactive or no longer available on the CFPB's website.

Additional Information

- Federal Register CFPB Notice: Interpretive Rules, Policy Statements, and Advisory Opinions; Withdrawal
- America's Credit Unions Compliance Blog Withdrawn! Sixty-Seven Pieces of Guidance Withdrawn by the CFPB
- JD Supra, Brownstein CFPB Changes Approach to Guidance

For a list of all rescinded guidance with working links, see the excel file below.



CFPB Related News

- America's Credit Unions Advocacy win: CFPB overdraft rule nullified with president's signature
- America's Credit Unions McKernan to be nominated for Treasury position (Also See: **CUToday**)
- Orrick InfoBytes Attorneys general urge CFPB to pay consumer restitution
- Orrick InfoBytes CFPB dismisses and withdraws from several cases

State Agencies

MI Department of Attorney General – AG Nessel Launches Revamped Elder Abuse Task Force Webpage

Read More

Michigan Attorney General Dana Nessel has unveiled a newly redesigned webpage for the Elder Abuse Task Force. The updated site offers a more accessible and user-friendly resource for individuals seeking information on how to recognize, report, and prevent elder abuse.

The redesigned webpage highlights several major achievements, including:

- The use of the Vulnerable Adult Incident Report statewide to investigate abuse or financial exploitation.
- The Financial Exploitation Prevention Act, which requires financial institutions to report financial exploitation.
- Teaching Michigan residents how to spot and stop abuse.
- The Uniform Power of Attorney Act (PDF), which adopts uniform standards for the creation and use of a power of attorney form used by more than 30 other states.

In addition to showcasing the Task Force's ongoing work, the webpage includes previously issued publications and newsletters, guidance on how to spot signs of elder abuse, an FAQ on guardianship laws, and instructions on how to report suspected abuse.

- MI Department of Attorney General AG Nessel Warns Consumers About Rise in Celebrity **Impersonation Scams**
- MI DIFS DIFS Alerts Michiganders to Refund Scams and Best Practices to Avoid Falling Victim
- MI DIFS DIFS Earns Reaccreditation from National Association of State Credit Union
- MI Department of Treasury Michigan Unclaimed Property Rolls Out Refreshed Website

Other Noteworthy News & More

- OCC OCC Clarifies Bank Authority to Engage in Crypto-Asset Custody and Execution Services
 - o <u>America's Credit Unions</u> America's Credit Unions Calls for Credit Union Parity in **Digital Assets**
- America's Credit Unions Engaging with Treasury on fraud, updated federal payments
- JD Supra, Cozen Currents The Shifting State(s) of Regulation

Submitted Regulatory Comment Letters

Regulatory Response Letters

- Office of Management and Budget (OMB) Request for Information: Deregulation
 - America's Credit Unions
 - Response Letter
 - News Story: NCUA, CFPB regulations should be rescinded under 'deregulation' EO

Other Letters to Regulators

n/a

Open Comment Calls

If you have input on any comment calls below that you would like to provide for consideration, please direct them to Bradley.Willett@mcul.org no later than 3 weeks prior to the comment due date.

Office of Management and Budget (OMB) Request for Information: Deregulation

Comments Due: May 12, 2025

Docket No. OMB-2025-0003

Agency Announcement

OMB seeks proposals to rescind or replace regulations that stifle American businesses and American ingenuity. OMB seek comment from the public on regulations that are unnecessary, unlawful, unduly burdensome, or unsound. Comments should address the background of the rule and the reasons for the proposed rescission, with particular attention to regulations that are inconsistent with statutory text or the Constitution, where costs exceed benefits, where the regulation is outdated or unnecessary, or where regulation is burdening American businesses in unforeseen ways.

Federal Register Regulations.gov

FinCEN Interim Final Rule: Beneficial Ownership Information Reporting Requirement Revision and Deadline Extension

Docket No. FINCEN-2025-0001

Interim Final Rule Effective Date: March 26, 2025

FinCEN has issued an interim final rule removing the requirement for U.S. companies and U.S. persons to report beneficial ownership information (BOI) under the Corporate Transparency Act. The interim final rule revises the definition of "reporting company" in its implementing regulations to mean "only those entities that are formed under the law of a foreign country and that have registered to do business in any U.S. State or Tribal jurisdiction ("foreign reporting companies") by filing of a document with

- the secretary of state or similar office." Key changes include: U.S. entities and their beneficial owners are now exempt from BOI
 - reporting. The definition of "reporting company" now applies only to foreign entities registered to do business in the U.S.

Comments Due: May 27, 2025

Agency Announcement Federal Register Regulations.gov

 Foreign entities meeting this new definition must still report their BOI under revised deadlines but do not have to report U.S. persons as beneficial owners.

New BOI reporting deadlines for foreign entities:

- Entities registered before the rule's publication must file BOI reports within 30 days.
- Entities registered after the rule's publication must file within 30 days of registration approval.

NACHA Request for Information: International ACH Transactions (IAT) and Related Topics

Nacha is seeking information from the industry on four additional topics related to International ACH Transactions (IATs).

- IAT Data Quality
- Additional Addenda Records
- Additional Indicator
- Communication of Changes

A Request for Information (RFI) is not a proposal to amend the Nacha Operating Rules. The purposes of the RFI are to gather information related to the improvement of IAT resources, socialize potential changes to the Nacha Operating Guidelines, and determine whether there is any potential need for additional rulemaking.

NACHA Request for Comment: International ACH Transactions (IAT) and Related Topics

Nacha is issuing for comment five specific proposals to amend the Rules on International ACH Transactions (IAT), in addition to two related proposals that establish a distinct Return Reason Code for OFAC-specific returns and clarify the use of valid characters within all ACH records (regardless of SEC Code):

- 1. Revise the definition of IAT.
- 2. Eliminate the restriction on IATs for same-day processing.
- 3. Enable the optional inclusion of Date of Birth in the IAT format using optional fields.
- Allow identification of foreign source or foreign destination of funds from non-traditional financial institutions.
- 5. Require financial institutions to register an IAT contact in the ACH Contact Database.
- 6. Define valid characters for ACH Records.
- 7. Establish a Return Reason Code (R90) to specifically designate when a return is processed per OFAC instructions.

Additionally, Nacha is requesting comment on ten specific "IAT/not IAT" scenarios to be added to the Nacha Operating Guidelines related to ecommerce marketplace processing.

Related Materials:

- Executive Summary
- Presentation
- Proposed Modification to the Rules
- ACH Participant Survey
- Stand-alone IAT E-Commerce Marketplace Scenarios

CFPB Proposed Rule: Rules of Practice for Adjudication Proceedings; Rescission

Docket No. CFPB-2025-0012

The CFPB is proposing to rescind the amendments it adopted to the Rules of Practice for Adjudication Proceedings (Rules of Practice) on February 22, 2022, and March 29, 2023. The proposal notes that "These changes expanded parties' opportunities to conduct depositions in adjudication proceedings and made amendments concerning timing and deadlines, the content of answers, the scheduling conference, bifurcation of proceedings, the process for deciding dispositive motions, and requirements for issue exhaustion, as well as other technical changes. The Bureau proposes to repeal these amendments in full and seeks comment on that proposal."

CFPB Proposed Rule: Registry of Nonbank Covered Persons Subject to Certain Agency and Court Orders; Proposed Rescission

Docket No. CFPB-2025-0011

The CFPB is proposing to rescind its rule requiring certain types of nonbank covered persons subject to certain final public orders obtained or issued by a government agency in connection with the offering or provision of a consumer financial product or service to report the existence of the orders and related information to a Bureau registry. The Bureau is proposing to rescind the NBR Rule based upon concern that the costs the rule imposes on regulated entities, and which may in large part be passed onto consumers, are not justified by the speculative and unquantified benefits to consumers discussed in the analysis proffered in the NBR Rule.

CFPB Proposed Rule: Procedures for Supervisory Designation Proceedings

Docket No. CFPB-2025-0013

The CFPB is proposing to rescind the amendments it adopted on April 29, 2022, November 21, 2022, and April 23, 2024, to the Procedures for Supervisory Designation Proceedings. Collectively, the rules proposed for rescission provided for public release of final decisions and orders by the Director and made other changes to the CFPB's procedures for designating nonbank covered persons for supervision. The Bureau proposes to rescind the rules in full.

NCUA Request for Comments: Simplification of Share Insurance and Succession Planning Final Rules

Docket No. NCUA-2025-0047

Consistent with the January 20, 2025, White House memorandum to the Heads of Executive Departments and Agencies, captioned "Regulatory Freeze Pending Review," the NCUA Board (Board) is soliciting public comment for a period of 60 days on two of its recently published final rules that have not fully taken effect. Specifically, through publication of this notice, the Board invites comment on its final rule captioned "Simplification of Share Insurance," published on September 30, 2024, which takes full effect on December 1, 2026; and the final rule captioned "Succession Planning," published on December 26, 2024, which takes full effect on January 1, 2026. The public comment period will allow interested parties to provide comments about issues of fact, law, and policy raised by

the two final rules. Related Materials:

Related Materials:

• Succession Planning Final Rule

Comments Due: May 30, 2025

Agency Announcement

Federal Register
Regulations.gov

Comments Due: May 30, 2025

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Comments Due: June 12, 2025

Agency Announcement

<u>Federal Register</u> <u>Regulations.gov</u>

June 13, 2025

Agency Announcement

<u>Federal Register</u> <u>Regulations.gov</u>

June 13, 2025

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June 23, 2025

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Federal Register

Regulations.gov

- o Federal Register
- Previously filed comments on <u>Regulations.gov</u>
- America's Credit Union Response Letter to proposed rule
- Simplification of Share Insurance Final Rule
 - o <u>Federal Register</u>
 - o Previously filed comments on Regulations.gov
 - o America's Credit Union <u>Response Letter</u> to proposed rule

NCUA Request for Comment: 5300 Call Report Instructions Changes, Q3, 2025

Docket No. NCUA-2025-0046

Credit unions submit quarterly Call Report data to the NCUA. Call Report data serves a regulatory or public policy purpose by assisting the NCUA in fulfilling its mission of ensuring the safety and soundness of individual credit unions and the credit union system, protecting consumer financial rights, as well as agency-specific missions affecting federal and state-chartered credit unions, such as ensuring financial stability and administering share insurance.

There are no proposed changes to the Form 5300 Call Report. However, the NCUA is proposing revisions to the 5300 Call Report Instructions to improve clarity and accurate reporting. These revisions are captured on page two of the draft 5300 Call Report Instructions.

The proposed revisions to the Form 5300 instructions in this notice would not have a material impact on the existing burden estimates.

June 23, 2025

Agency Announcement

Federal Register
Regulations.gov

NCUA Regulatory Review

The NCUA reviews all of its existing regulations every three years. The NCUA's Office of General Counsel maintains a rolling review schedule that identifies one-third of the NCUA's existing regulations that are published in the Code of Federal Regulations for review each year and provides notice to the public of those regulations specifically under review so the public may have an opportunity to comment.

The NCUA will specifically review the following regulations in 2025:

- Part 700
- Parts 701.1-701.4, 701.6, 701.14, 701.19-701.26, 701.30-701.39;
 Appendices A & B to Part 701
- Parts 702, 703, 704, 705, 707, 708a, 708b, 709, and 710

The NCUA's goal is to ensure that all of our regulations are clearly articulated and easily understood. Comments are welcome on that aspect, as well as substantive suggestions for regulatory changes. Comments may be e-mailed to OGCMAIL@NCUA.GOV or mailed to Regulatory Review (2024), Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428. For e-mailed comments, please include the words "Regulatory Review (2025)" in the subject line.

Comments Due: July 25, 2025

Agency Announcement

Federal Register Regulations.gov

Questions, Comments, Concerns? We are here to help! Email us at ComplianceHelpline@mcul.org

If this newsletter was forwarded to you and you'd like your own emailed copy, or wish to be removed from this list, please contact Bradley.Willett@mcul.org