

December 16th, 2025 | Volume 1 | Issue 24

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

Hello & Headlines! Start Here, Stay Informed

Hello, Compliance Friends!

As 2025 winds down and holiday lights outshine our inbox notifications, let's take a deep breath, wrap up what mattered most, and set ourselves up for a strong start to 2026. On the national front, the Supreme Court's oral arguments in Trump v. Slaughter put a spotlight on the future of independent agencies. Many expect the Court to overturn Humphrey's Executor, which could reshape presidential removal authority for multi-member boards that exercise executive power. Practically speaking, that leaves the Harper & Otsuka dispute in a holding pattern: if the Court sides with the government, their case may be moot; if the ruling is narrower, the D.C. Circuit will decide what it means for the NCUA Board. We'll keep you posted—a decision is expected by June 2026. Check out Haleigh's segment on the Trump v. Slaughter in this week's issue of MiLeague Minute for a rundown on the case!

Closer to home, the NCUA's deregulation project is moving fast and aims squarely at clarity and burden reduction. Proposals now out for comment include removing "reputation risk" from supervisory action, modernizing Supervisory

Committee Audits & Verifications, and relocating the Appendix A (Safeguarding Member Information) and Appendix B (Response Programs & Member Notice) content from the CFR to Letters to Credit Unions—preserving guidance while streamlining the rule text. There's also a proposed tweak to Corporate Credit Unions (Part 704) that would drop the board-member requirement for ALCO and eliminate certain duplicative filing obligations, with examiner access preserved through normal supervision. **Multiple open comment calls** are live right now—this is the moment to add your voice on burden, clarity, and practicality. Comments on three of these proposals are due February 9th, 2026 and one is due on February 10th. More information about these proposals can be found under the "Open Comment" section below.

A quick programming note: Compliance Office Hours will still be the first Friday of each month unless otherwise noted. Because the first Friday lands right after New Year's Day, our January session will meet on Friday, January 9, 2026. Bring your questions, your best practices, and your caffeine—we'll cover the latest proposals, timelines, and what they mean for your day-to-day.

And because year-end isn't just about rulemaking, let's keep an eye on the fraud landscape. The holidays are peak season for "friendly fraud"—members dispute legitimate purchases, often on high-ticket or seasonal items. Red flags include repeat disputes, sudden spikes in card-not-present activity, and "not received" claims despite confirmed delivery. Pair strong member education with pattern reviews, tightened dispute documentation, and layered controls (MFA, device intelligence, velocity checks). Also stay vigilant for deepfake voice-clone scams, phishing tied to shipping notices, and ATM jackpotting trends that tend to resurface around year-end.

We're grateful for your engagement, questions, and candor this year. As we turn the page, let's keep compliance off the naughty list and make 2026 all about clear rules, practical controls, and member trust. From our team to yours thank you for everything you do, and we'll see you on January 9th.

Ja Mille & Haleigh.

P.S.: The next issue of RegCorner will not be published until January 13th. We'll be taking a short break to ring in the new year and return with fresh updates, insights, and resources for 2026!

📆 The Fine Print Files: What's New in Reg Land

Industry Headlines You Might Have Missed:

- America's Credit Unions
 - o <u>Harper v. Bessent and Trump v. Slaughter: An Update</u>
 - Signature Cards
 - **Trump Accounts** 0
 - Mortgage Force-Placed Insurance
 - Trust is the currency: How credit unions can win the digital experience in 2026 0
 - NCUA's proposed budget lowers burden on credit unions
- **NCUA**
 - Trump v. Slaughter Could Upend Independent Regulators, Including NCUA 0
 - 0 NCUA Board to Hold Meeting on Dec. 18
 - Comments on Reputation Risk Proposed Rule Due Dec. 22
 - NCUA Announces Deregulation Project and First Round of Proposed Regulatory Changes Other news
 - - End of Penny Production Creates Operational Headaches for Credit Unions, ACU Warns Fed
- m "What's Happening in Compliance (Besides Everything): Compliance Events **MCUL Compliance Office Hours**

Michigan credit unions of all sizes can join us each month where we'll discuss recent compliance and regulatory updates, work through your compliance challenges, and have the opportunity to share resources, insights, and other information with peers. You definitely don't want to miss these calls!

When: 1st Friday of every month, unless otherwise noted Time: 9:00 am

★ 2026 Compliance Office Hours Registration

Ctrl+Alt+Deceit: Fraud In the Digital Age As we turn the calendar to 2026, fraudsters are gearing up for their own "busy season." Here's what to

watch for—and how to keep your credit union and members protected:

Tax-Time Scams:

- Phishing for W-2s and Tax Info: Expect a surge in emails and texts impersonating the IRS, tax preparers, or HR departments, requesting sensitive information or links to fake portals.
- Refund Fraud: Fraudsters may file false tax returns using stolen identities, then attempt to deposit refunds into newly opened or compromised accounts.
- Business Email Compromise (BEC): Watch for requests to update direct deposit info or wire funds, especially from emails that appear to come from executives or payroll staff.

Account Takeover & Synthetic ID:

- New Account Fraud: January and February often see spikes in new account openings using synthetic identities, especially targeting tax refund deposits and early-year promotions.
- Credential Stuffing: Attackers use stolen login credentials from previous breaches to access member accounts, change contact info, and intercept tax-related communications.

Impersonation & Social Engineering:

- Fake IRS Calls: Scammers may call members claiming to be IRS agents, threatening legal action unless payment is made immediately—often via gift cards or wire transfers.
- Tax Preparer Impostors: Fraudsters pose as legitimate tax professionals, offering to "help" with fillings but instead steal personal and financial information.

Mobile & Digital Payment Scams:

- Mobile Deposit Fraud: Fraudsters deposit fake or altered checks via mobile apps, then quickly withdraw funds before the check is returned.
- Peer-to-Peer Payment Scams: Scammers may impersonate friends or family, requesting urgent payments through apps like Zelle, Venmo, or Cash App.

Red Flags for Credit Unions:

- Multiple new accounts opened with similar or incomplete information
- Sudden changes to contact details or account access methods Unusual requests for wire transfers or direct deposit changes
- Members reporting suspicious IRS or tax-related communications
- Increased mobile deposit activity with rapid withdrawals

Quick Tips for Prevention:

- Remind members: The IRS will never call, email, or text to demand immediate payment or sensitive info.
- Encourage strong passwords and multi-factor authentication for online banking. Train staff to verify requests for account changes, especially around tax time.
- Monitor for patterns in new account openings and unusual transaction activity.
- Share educational resources about tax scams and safe digital banking practices.

Let's start 2026 with vigilance and teamwork—keeping fraud off the books and our members' finances secure!

Fraud News:

Credit unions confront AI fraud, deepfakes, and voice-clone scams When vigilance saves the day: How Y-12 Credit Union stopped a Bitcoin scam Crypto Thieves Pivot To Everyday Users As Wallet-Level Attacks Surge, Report Warns

INF@SIGHT360

🔌 Around the InfoSight: Highlights Worth a 360° Look

Trump Nominates "Permanent" CFPB Director

On Tuesday, November 18th, the White House announced that President Trump has nominated Stuart Levenbach, an associate director at the Office of Management and Budget, to head the Consumer Financial Protection Bureau (CFPB). In his current role, Mr. Levenbach handles natural resources, energy, science, and water issues. During President Trump's first term, he was chief of staff at the National Oceanic and Atmospheric Administration

Mr. Levenbach's nomination to lead the CFPB appears to be not much more than a logistical maneuver designed to allow the administration more time to shutter the consumer financial protection watchdog. Currently, Russell Vought, who heads the White House Office of Management and Budget, is serving as acting director of the CFPB in accordance with the Federal Vacancies Reform Act. Under that law, an acting director may serve not longer than 210 days unless a nomination for the position is pending in the United States Senate. Mr. Vought's term as acting director was set to expire on December 8th; however, with a nomination now officially before the upper chamber of Congress, he may continue to serve as acting director during that nomination's pendency.

Remember that this all comes on the heels of Mr. Vought notifying the federal courts that the CFPB will exhaust its current funding in early 2026, and per a legal opinion from the Department of Justice Office of Legal Counsel, is unable to lawfully request additional funding from the Federal Reserve. The Bureau has also recently made the following announcements providing further insight into the administration's plan for its future:

- All pending litigation that the CFPB is currently involved in will be transferred to the Department of Justice,
- The agency plans to furlough over 100 people from its enforcement division as it exhausts its current funding, and
- CFPB officials are currently working on a process for mortgage lenders to self-determine the Average Prime Offer Rate (APOR), an index currently calculated and published by the Bureau.

Getting Ready for Year-End!

Have you taken the first step in making your compliance journey smoother? Registering for your InfoSight360 account is like opening the door to a whole new world of support and resources. With this account, you can easily access tools that help you stay on top of all the rules and regulations that come your way. It's like having a guide by your side, ensuring that you're ready for whatever challenges the new year may bring. Don't wait too long; getting started now can make all the difference later!

As you prepare for the year ahead, think about how our flagship products can make your life easier. InfoSight, CU PolicyPro, and RecoveryPro are designed to tackle different aspects of compliance, making sure you have everything you need at your fingertips. Plus, with our new Learning Management System (LMS), you can ensure you and your team are always in the know. These tools are here to help you breeze through the compliance process!

Let's leave the challenges of 2025 behind and step into a brighter, more organized future. With the right resources and support, you can focus on what truly matters: serving your community and achieving your goals. Compliance doesn't have to be a headache. Instead, it can be a straightforward part of your daily routine, thanks to InfoSight360. So, get ready to embrace a year filled with clarity, confidence, and success!

CFPB Issues Proposed Revisions to Small Business Lending Data Collection Rule

On November 13th, the Consumer Financial Protection Bureau (CFPB) issued a proposed rule that would make several changes to the small business lending data collection requirements found in Subpart B of Regulation B. **Covered Financial Institution**

The proposed rule would increase the threshold at which a financial institution becomes subject to the data collection requirements. Currently, institutions that originate at least 100 covered credit transactions in each of the two preceding calendar years are subject to the rule. The proposal would increase that number to 1,000, significantly reducing the number of institutions required to collect data.

Covered Credit Transaction

Currently, a covered credit transaction is defined as any extension of business credit that is not specifically excluded. The current excluded transactions are trade credit, HMDA-reportable transactions, insurance premium financing, public utilities credit, securities credit, and incidental credit. Under the proposed rule, the following transactions would also be excluded from coverage:

- Merchant cash advances,
- Agricultural lending, and
- Business loans of \$1,000 or less (adjusted every 5 years for inflation).

Small Business

Under the rule today, a small business is a business concern with gross annual revenue of \$5 million or less during its preceding fiscal year. The proposed rule would lower that threshold to \$1 million and subject it to an inflation adjustment every 5 years (in \$100,000 increments). This change would dramatically reduce the number of small businesses subject to the rules' requirements.

Data Points

Currently, covered financial institutions are required to collect and report 81 data points in connection with each covered credit transaction. The proposed rule would:

- Remove the following data points -
 - Application method,
 - Application recipient, 0
 - Denial reasons, 0
 - Pricing information, 0
 - Number of workers, and
 - LGBTQI+ business ownership status
 - Require the collection of principal owner race and ethnicity information using aggregated categories only, and
 - Change principal owner sex/gender from the current free-form text field to male/female only.

In addition, the proposed rule would amend the sample information collection form found in Subpart E by adding language which makes it clear that the applicant has the right to refuse to provide the requested information.

Finally, the proposed rule eliminates the current requirement that a covered financial institution monitor for low response rates and signs of discouragement.

Mandatory Compliance Date

The proposal eliminates the current tiered mandatory compliance dates and makes all covered financial institutions subject to the rule beginning January 1, 2028 (based on 2026 and 2027 origination activity).

Comments on the proposal are due not later than December 15, 2025.

CFPB Proposes Changes to Regulation B

In follow-up to President Trump's executive order directing all federal agencies to eliminate disparate impact liability from their rules and regulations, on November 13th the Consumer Financial Protection Bureau (CFPB) issued a proposed rule that would make several changes to Regulation B. Comments must be received not later than December 15th.

First, the proposed rule would clarify that the Equal Credit Opportunity Act does not provide an "effects test" for determining whether there has been discrimination in violation of Regulation B. An effects test is akin to the concept of disparate impact liability, which is defined as when a creditor applies a policy uniformly to all credit applicants; however, that policy disproportionately excludes, or burdens certain applicants based on a protected classification.

Next, the proposed rule clarifies that for purposes of the anti-discouragement provision, oral or written statements are spoken or written words or visual images such as symbols, photographs, or videos. Regulation B prohibits a creditor from making any oral or written statement that would discourage, on a prohibited basis, a reasonable person from making or pursuing an application. The Bureau believes that the current regulatory language is overly broad and is restricting business decisions such as where to place a branch or where to advertise, which do not themselves constitute oral or written statements.

The proposal would also appear to limit a prospective applicant's rights under Regulation B by eliminating reference to them under the self-testing and self-correction provisions found in 12 CFR 1002.15.

Finally, the proposed rule would make significant changes to how a for-profit organization may operate a special purpose credit program by:

- Restricting the use of religion, marital status, age, or receipt of public assistance as eligibility criteria, and
- Prohibiting the use of race, national origin, or sex as eligibility criteria.

The Bureau believes these changes are necessary to prevent reverse discrimination.

Reflecting on 2025 and Looking Ahead to 2026

As we close out another year, we want to take a moment to celebrate the progress we've made together. 2025 has been a year of growth, innovation, and meaningful collaboration with our league/association partners and of course, our credit union clients!

together under a single sign on.

A Landmark Year 2025 marked a major milestone with the official launch of InfoSight360, our next-generation platform that brings our products

- The Home Page provides Quick Links to common functions and the My360 View, which provides a customizable workspace with more detailed information.
- Easy to read summaries of compliance issues to help you quickly understand the issue, why it is important, and what the credit union needs to do.
- State-specific content for all 50 states.
- Enhanced Al capabilities, delivering smarter insights and more intuitive workflows. Secure File Management, specific access permissions to determine exactly which users will have access.
- Compliance Calendar with upcoming effective dates and compliance due dates. Granular access rights, ensuring team members have the appropriate access they need while maintaining the
- integrity and security of the credit union's content.

Dark Mode

Strengthening Our Content Foundation

This year, we focused heavily on ensuring our content remains accurate, relevant, and actionable for our users. We've been busy reviewing and updating existing materials, as well as developing and adding multiple new policies and

procedures, BCP content, and new compliance topics. To view all content updates, visit our support site. These updates reflect our commitment to keeping our resources fresh and

aligned with the evolving regulatory and risk landscape.

New Education Resources

We realize how critical education and training are for any successful compliance management system. Not only are there specific periodic training requirements imposed by several federal laws and regulations, but credit union staff must be diligent

in keeping themselves apprised of the latest developments in today's ever-changing regulatory environment. InfoSight360 is your trusted partner when it comes to compliance education and training. We've launched a new Education

page on our corporate website (www.infosight360.com/education) that provides an overview of all our education offerings. Some of our offerings include:

InfoSight360 Masterclass - Providing and immersive and comprehensive overview of both federal and state law

- requirements related to deposit accounts, credit union operations, consumer lending and real estate lending.
- InfoSight Learning Academy Our new Learning Management System (LMS) offering credit unions access to online, self-paced courses that cover both required compliance training as well as regulatory hot topics.
- Compliance Bootcamp Distilling years of compliance experience into interactive sessions so attendees learn the skills to be a successful compliance officer such as reading a regulation, assessing risk, conducting a fraud

investigation, and more.

Visit the InfoSight Learning Academy to learn more! Be sure to check back often as additional courses are added regularly.

Last week we once again held our **2025 Fraud Symposium**, welcoming **hundreds of participants** for hours of learning, collaboration, and planning in an effort to keep you and your members safe from current fraud schemes.

Looking Ahead to 2026

Our work doesn't stop here. We've listened closely to user feedback following the rollout, and your recommendations are directly shaping our 2026 roadmap. Make sure your ideas and thoughts are taken into consideration, and send us a message at Info@InfoSight360.com.

Open Comment Calls

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

Note: Note:

The National Credit Union Administration Board (NCUA) has issued a proposed rule to formally eliminate "reputation risk" as a basis for supervisory action. This rule would codify protections for institutions and their members by preventing regulatory decisions based solely on perceived reputational concerns.

KEY POINTS:

- The rule would prohibit the NCUA from criticizing or taking adverse action against any institution defined as any entity subject to NCUA supervisory determinations—based solely or jointly on reputation risk.
- It would also prohibit the agency from requiring, instructing, or encouraging institutions to:
 - Close an account
 - Refuse to provide an account, product, or service
 - Modify or terminate any product or service based on a person or entity's political, social, cultural, or religious views, constitutionally protected speech, or unlawful but politically disfavored business activities perceived to present reputation risk.
- The rule aims to protect lawful businesses and individuals from discriminatory treatment and ensure supervisory actions are grounded in objective financial and operational criteria.

Why It Matters:

This proposal is especially relevant for credit unions serving politically sensitive, emerging, or underserved markets—such as cannabis businesses, advocacy groups, or faith-based organizations. By eliminating subjective reputation risk considerations, the rule promotes fairness, transparency, and viewpoint neutrality in supervisory practices.

ii Guidance: Response Programs for Unauthorized Access to Member Information and Member Notice NCUA Proposed Rule (12 CFR Part 748)

The NCUA Board proposes to remove Appendix B from Part 748 of the Code of Federal Regulations and reissue it as nonbinding guidance through a Letter to Credit Unions. Appendix B, originally issued in 2005, provides direction for creating response programs to address unauthorized access to member information and member notice requirements. **KEY POINTS:**

- Purpose of Change: Placement of Appendix B in the CFR has caused confusion because it is guidance, not a regulation. Moving it outside the CFR clarifies its status and allows for easier updates.
- No Substantive Compliance Changes: Credit unions must still maintain security programs and respond to breaches under Part 748.
- Focus of Guidance:
 - Develop risk-based response programs tailored to the credit union's size, complexity, and activities.
 - Address incidents of unauthorized access promptly and notify affected members as appropriate.
- Comment Period: Ends February 9, 2026.
 Comments can be submitted via https://www.regulations.gov under Docket NCUA-2025-1305.

Why It Matters: This proposal str

This proposal streamlines regulations while preserving essential guidance for protecting member data and mitigating identity theft risks. It ensures flexibility for future updates to address evolving cybersecurity threats.

Supervisory Committee Audits and Verifications NCUA Proposed Rule (12 CFR Part 715)

The NCUA Board proposes amendments to modernize audit and verification requirements for credit unions, reducing unnecessary complexity and aligning with current practices. **KEY POINTS:**

- Removes Outdated Provisions: Eliminates prescriptive definitions and engagement letter requirements that are no longer practical.
- Simplifies Account Verification: Retains the statutory requirement for biennial verification but removes overly detailed procedural language.
- Streamlines Reporting: Removes duplicative language on NCUA's authority to access audit reports, as this is already covered under examination authority.
- Comment Period: Ends February 9, 2026.
 Comments can be submitted via https://www.regulations.gov under Docket NCUA-2025-1303.

Why It Matters:

This proposal reduces compliance burden while maintaining strong internal controls and financial integrity. It gives credit unions more flexibility in meeting audit obligations without compromising safety and soundness.

■ Corporate Credit Unions NCUA Proposed Rule (12 CFR Part 704)

The NCUA Board proposes amendments to Part 704 to reduce regulatory burden and provide greater flexibility for corporate credit unions while maintaining safety and soundness.

KEY POINTS:

- Removes ALCO Board Member Requirement: Eliminates the mandate that the Asset and Liability Management Committee (ALCO) include at least one member from the board of directors.
- Eliminates Certain Filing Requirements: Removes requirements for corporate credit unions to file annual reports and any management letters or reports from independent public accountants with NCUA.
- Preserves Oversight: NCUA will continue to access these documents during examinations, ensuring supervisory integrity without duplicative filings.
 Comment Period: Ends February 9, 2026.
- Comments can be submitted via https://www.regulations.gov under Docket NCUA-2025-1302.

Why It Matters:

This proposal streamlines governance and reporting obligations, reducing compliance costs while maintaining strong oversight through examinations.

(iii) Guidelines for Safeguarding Member Information NCUA Proposed Rule (12 CFR Part 748)

The NCUA Board proposes to remove Appendix A from Part 748 of the Code of Federal Regulations and reissue it as nonbinding guidance through Letters to Credit Unions. Appendix A implements the Gramm-Leach-Bliley Act standards for safeguarding member information.

- standards for safeguarding member information.

 KEY POINTS:

 Purpose of Change: Moving Appendix A out of the CFR clarifies that it is guidance, not a binding
 - address emerging cybersecurity threats.
 No Substantive Compliance Changes: Credit unions must still maintain comprehensive information and a part 740.

regulation, and allows for quicker updates to

information security programs under Part 748.

Focus of Guidance:

Comments Due:

December 22, 2025

Federal Register

Comments Due:

February 9th, 2026

Federal Register

Comments Due: February 9th, 2026

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Comments Due: February 9th, 2026

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Comments Due: February 9th, 2026

Federal Register

- Risk-based security programs tailored to the size and complexity of the credit
- Oversight of third-party service providers 0 handling member data.
- Adoption of strong measures such as encryption and multi-factor authentication.
- Comment Period: Ends February 9, 2026. Comments can be submitted via https://www.regulations.gov under Docket NCUA-2025-1304.

Why It Matters:

This proposal streamlines regulations while maintaining strong expectations for protecting member data and mitigating cyber risks. It ensures flexibility for future updates to keep pace with evolving threats.

Agency Information Collection Activities; Proposals, Submissions, and Approvals

NCUA Notice under the Paperwork Reduction Act The NCUA is requesting public comment on the renewal of several information collections required under its regulations. These collections ensure compliance with statutory and regulatory obligations for credit unions. **KEY POINTS:**

- Collections for Renewal Include:
 - Records Preservation (Part 749): Requirements for maintaining vital records.
 - Federal Credit Union Bylaws: 0 Documentation and governance standards.
 - Supervisory Committee Audits and Verifications (Part 715): Audit and verification processes.
- Estimated Annual Burden:
 - O Records Preservation: ~8,866 hours
 - FCU Bylaws: ~346,894 hours 0
 - Supervisory Committee Audits: ~11,029 0 hours
- Comment Period: Ends February 10, 2026. Comments can be submitted via https://www.regulations.gov under Docket NCUA-2025-1306.
- Purpose: To evaluate necessity, clarity, and burden of these collections and identify opportunities for streamlining.

Why It Matters:

Credit unions have an opportunity to influence how reporting and recordkeeping requirements are structured, potentially reducing administrative costs while maintaining safety and soundness.

Comments Due:

February 10th, 2026

Federal Register

Member Corner! – Year-End Reflections & Wishes

WE WANT TO HEAR FROM YOU! 🐗

- What compliance resource or tool made the biggest difference for your team this year?
- If you could wave a magic wand and remove one operational burden, what would it be?
- What's one fraud trend or scam you wish more members knew about?
- What regulatory change or proposal had the greatest impact on your credit union in 2025?
- What's your top compliance or risk management goal for 2026?
- Is there a training topic or resource you'd like to see offered in the new year?
- What's one thing your credit union did in 2025 that you're most proud of?
- How do you keep your team motivated and engaged during busy compliance seasons?
- What's your favorite way to celebrate small wins in compliance or risk management?
- If you could give one piece of advice to new compliance professionals starting in 2026, what would it be?

Please feel free to share your thoughts during Compliance Office Hours and/or email them directly to me at JaMille.Rauls@mcul.org!

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 <u>Haleigh.Krombeen@mcul.org</u> or <u>JaMille.Rauls@mcul.org</u>