



Compliance eNewsletter

May 17, 2019 Vol. 13, Issue 19

InfoSight News

Bank Secrecy Act: Virtual Currency

As mentioned in the article in this week's newsletter, FinCEN has issued guidance and advisory documents related to "convertible virtual currency" such as Bitcoin. These resources have been linked to the Regulations area of the **Bank Secrecy Act>Virtual Currency** page for your review to ensure you are following the FinCEN guidance.

Compliance News

FinCEN virtual currencies guidance and advisory

FinCEN has issued guidance document FIN-2019-G001, [Application of FinCEN's Regulation to Certain Business Models Involving Convertible Virtual Currencies](#) (CVCs). The guidance is in response to questions raised by financial institutions, law enforcement, and regulators concerning the regulatory treatment of multiple variations of businesses dealing in CVCs.

FinCEN also issued an [Advisory on Illicit Activity Involving Convertible Virtual Currency](#) (FIN-2019-A003), to assist financial institutions in identifying and reporting suspicious activity related to criminal exploitation of CVCs for money laundering, sanctions evasion, and other illicit financing purposes. The advisory highlights prominent typologies, associated "red flags," and identifies information that would be most valuable to law enforcement if contained in suspicious activity reports.

Source: FinCEN

CFPB Announces plans for RFA Regulatory Reviews

This week, the Consumer Financial Protection Bureau (CFPB) published a notice on how it plans to periodically review regulations under the Regulatory Flexibility Act (RFA) and to request public input.

Section 610 of the RFA requires that agencies review certain rules within 10 years of their publication and consider the rules' effect on small businesses. The purpose of the review is to minimize any significant economic impact of the rules upon a substantial number of small entities, consistent with the stated objectives of applicable statutes. At the conclusion of each review, the Bureau will determine whether the rule should be continued without change or should be amended or rescinded. The RFA requires each agency to consider specific factors, including:

- The continued need for the rule;
- The nature of public complaints or comments on the rule;
- The complexity of the rule;
- The extent to which the rule overlaps, duplicates, or conflicts with federal, state, or other rules; and
- The time since the rule was evaluated or the degree to which technology, economic conditions, or other factors have changed the relevant market.

The public will have 60 days to comment on the [CFPB's plan](#) after publication in the Federal Register.

CFPB Announces First Review for Comment: Overdraft Rule

The CFPB is requesting input on its first rule review, which is of the [Overdraft Rule](#), was issued by the Federal Reserve Board in 2009 to limit the ability of financial institutions to assess overdraft fees for paying automated teller machine (ATM) and one-time debit card transactions that overdraw consumers' accounts. The rule amended Regulation E. The CFPB's notice seeks comment on the economic impact of the Overdraft Rule on small entities. The public will have 45 days to comment after publication of the notice in the Federal Register.

Source: CFPB

CUNA Responds to Sanders and Ocasio-Cortez on Proposal

Last week, CUNA responded to Senator Bernie Sanders and Representative Alexandria Ocasio-Cortez's recent proposal to cap the interest rates consumers pay for credit card and other loans that also called for the U.S. Postal Service to start providing more affordable financial services products to consumers. [In the letter](#) CUNA refuted the need for such legislation, detailing why credit unions are the best option for consumers and already provide safe, affordable and quality financial services to local communities

Source: CUNA

Advocacy Highlight

CUNA's Advocacy Resources

- [The Week Ahead in Washington - May 13, 2019](#)
- [AGs Write to Congressional Leaders in Support of SAFE Banking Act](#)
- [CUNA's 2019 Advocacy Agenda](#)
- [Input to lawmakers and regulators](#)
- [CUNA Advocacy page](#)
- [CUNA's Removing Barriers blog](#)
- [CUNA's Priorities](#)
- [Actions You Can Take](#)

Compliance Calendar

- May 27th, 2019: Memorial Day - Federal Holiday
- June 21st, 2019: Return for Questionable Transaction (Effective Date)
- July 1st, 2019: Loans in Areas Having Special Flood Hazards (Effective Date)
- July 4th, 2019: Independence Day - Federal Holiday
- August 19th, 2019: Payday Lending, Vehicle Title, and Certain High-Cost Installment Loans (CFPB)

Created in partnership with

