



## InfoSight Highlight

### Signs of Elder Financial Abuse

According to the National Center on Elder Abuse, signs and symptoms of financial or material exploitation include but are not limited to:

- sudden changes in bank account or banking practice, including an unexplained withdrawal of large sums of money by a person accompanying the elder;
- the inclusion of additional names on an elder's bank signature card;
- unauthorized withdrawal of the elder's funds using the elder's ATM card;
- abrupt changes in a will or other financial documents;
- unexplained disappearance of funds or valuable possessions;
- substandard care being provided or bills unpaid despite the availability of adequate financial resources;
- discovery of an elder's signature being forged for financial transactions or for the titles of his/her possessions;
- sudden appearance of previously uninvolved relatives claiming their rights to an elder's affairs and possessions;
- unexplained sudden transfer of assets to a family member or someone outside the family;
- the provision of services that are not necessary; and
- an elder's report of financial exploitation.

**Remember, Section 30-5-4(a)(1)(B) of the Georgia Code requires financial institution employees to be mandatory reporters of elder financial abuse.**

For additional information, click [here](#) for the topic on InfoSight.

## Compliance News

**Important Change to Submission Requirements for Credit Card Issuers!**  
The Consumer Financial Protection Bureau (CFPB) has sent out an email to credit card issuers across the industry notifying them of their updated requirements under TILA/Regulation Z to submit credit card agreements to the Bureau. There was a one year suspension of this requirement effective April 2015, but that suspension has expired and credit card issuers will have to submit their agreements by **May 2, 2016**.



**InfoSight  
Compliance eNEWSLETTER**

**April 4, 2016**

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**Credit Union National Association**

## Compliance Calendar

April 15  
Operating Fee/Capitalization  
Deposit Adjustment due to  
NCUA

Previous Year's IRA  
Contributions Due

April 22  
5300 Call Report Due to NCUA

May 2  
Credit Card Quarterly  
Agreement Submission Due to  
CFPB (10,000 or more open  
credit card accounts)

May 30  
Memorial Day - Federal  
Holiday

June 30  
PCI - SSL/TLS can no longer

The CFPB has attempted to alleviate the submission burden by allowing issuers to email webpage links in lieu of a PDF attachment of the agreement. The credit agreements an issuer is required to submit are the same agreements that are required to be posted on the institution's public website, so a link to that page is probably the fastest and easiest way to submit. The only other required information for the submission is the name and address of the issuer that offers the product plus a unique identifying number for the issuer, such as a DUNS or RSSD number.

Submissions may be sent to [CardAgreements@consumerfinance.gov](mailto:CardAgreements@consumerfinance.gov) and are due on or before May 2, 2016. For more information, instructions will be posted on [www.consumerfinance.gov](http://www.consumerfinance.gov) and will be posted in the *Federal Register*.

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#### Bureau Posts Updated Compliance Guides

The CFPB has posted updates to three of its Small Entity Compliance Guides and charts for implementation of Dodd-Frank Act Title XIV mortgage lending rules, to reflect the Bureau's recent amendments to expand eligibility for the special provisions allowing certain small creditors to issue balloon-payment qualified mortgages and balloon-payment high cost mortgages, and exempting them from the escrow requirement for higher-priced mortgage loans. The updates, all of which can be found on the [Bureau's Title XIV Implementation Page](#), include:

- Compliance Guide for ATR/QM
  - Compliance Guide for HOEPA
  - Compliance Guide for the HPML Escrow Rule
  - Transaction Coverage and Exemption Chart
  - Small Creditor QM Flowchart
  - ATR/QM Comparison Chart
- 

be used as a Security Control after this date

Child Support Data Match  
Reimbursement Deadline

**[Click here for upcoming compliance dates.](#)**

#### Compliance Training

April 5, 2016

New Federal Regulations  
Targeting Student Accounts,  
Including Debit & Prepaid  
Cards:

Effective July 1, 2016 –  
Webinar

**3:00 – 4:30 p.m. EST**

April 6, 2016

Managing IRA Beneficiary  
Designations & Distributions –  
Webinar

**3:00 – 4:30 p.m. EST**

April 7, 2016

Post EMV Card Liability Shift:  
Managing & Mitigating Card-  
Not-Present Fraud - Webinar

**3:00 – 4:30 p.m. EST**

April 12, 2016

Completing the SAR Line-by-  
Line - Webinar

**3:00 – 4:30 p.m. EST**

April 13, 2016

Your Depositor Has Died:  
Actions to Take, Mistakes to  
Avoid - Webinar

**3:00 – 4:30 p.m. EST**

## TCPA & Federal Debt Collection Calls

**Question: We heard that the TCPA was amended at the end of 2015. What changed?**

**Answer:** According to [CUNA's Compliance Blog](#), the Bipartisan Budget Act of 2015 amended the Telephone Consumer Protection Act to create an exemption for calls and text messages "made solely to collect a debt owed to or guaranteed by the United States." The law was enacted on November 2, 2015.

Under the amended TCPA, a call to collect a debt owed to or guaranteed by the U.S. government (e.g., federal student loans, FHA or VA guaranteed loans) will no longer require the prior express consent of the recipient. The exemption applies to calls/texts to cell phone numbers using an automatic telephone dialing system (ATDS or autodialer) or an artificial or prerecorded voice; and calls to residential phone numbers using an artificial or prerecorded voice.

The law requires the Federal Communications Commission to issue implementing regulations within nine months of the bill's enactment (August 2<sup>nd</sup>).

**Question: What can we expect from the FCC's rulemaking on federal debt collection calls?**

**Answer:** According to [CUNA's Removing Barriers Blog](#), FCC Chair Tom Wheeler included the details of a draft Notice of Proposed Rulemaking (NPRM) in [letters](#) responding to federal lawmakers who oppose the new exemption for government debt collectors.

The letter notes that the NPRM will include the following proposals:

- Only calls made after a debtor has become delinquent are covered by the exception;
- To limit the calls to creditors and those calling on their behalf, including debt servicers;
- Robocalls can only be made to the debtor, so as to prevent unwanted robocalls to relatives, friends, and other acquaintances of debtors;
- To limit the number of calls to three per month per delinquency; and

April 19, 2016

[Effective Management of Credit Report Disputes](#) - Webinar

**3:00 – 4:30 p.m. EST**

April 20, 2016

[Troubled Debt Restructuring: Determination & Accounting](#) - Webinar

**3:00 – 4:30 p.m. EST**

April 26, 2016

[Regulator Expectations for Risk Assessment: Policies, Procedures & Steps in Obtaining Board Approval](#) - Webinar

**3:00 – 4:30 p.m. EST**

April 27, 2016

[Call Report Preparation: Avoiding Common Errors](#) - Webinar

**3:00 – 4:30 p.m. EST**

April 28, 2016

[ACH Rules Update 2016](#) - Webinar

**3:00 – 4:30 p.m. EST**

May 3, 2016

[Conducting the Annual Physical Security Review](#) – Webinar

**3:00 – 4:30 p.m. EST**

May 4, 2016

[Loan Participation Due Diligence: Practices, Documentation, Servicing & Risks](#) – Webinar

**3:00 – 4:30 p.m. EST**

May 10, 2016

[Succession Planning for the](#)

- To empower consumers with the right to stop calls from a federal creditor at any time and to require callers to inform debtors of this right.

The draft NPRM also makes clear that the new rules will not open a door for telemarketing calls: "Congress specified that exempted calls must be 'solely' to collect a federal debt, and we will ensure they do not go beyond that boundary." Wheeler's letter also notes that, the FCC worked closely with CFPB staff in drafting the NPRM, and consulted closely with Treasury, the Department of Education and other federal stakeholders.

Stay tuned for additional developments...

#### SCRA Foreclosure Relief Update

In the [February 29, 2016](#), issue of *InfoSight eNewsletter*, we addressed whether Congress ever planned to extend SCRA foreclosure relief for returning servicemembers for another year. The last extension expired on December 31, 2015.

We have an update to report. The U.S. House of Representatives passed S. 2393, the Foreclosure Relief and Extension for Servicemembers Act of 2015, to extend foreclosure protection for military homeowners from 90 days to a one year period until January 1, 2018 (i.e., expiring on Dec. 31, 2017). Having passed the Senate last December, the bill now goes to the White House for the President's signature. So, we're almost there. Again, stay tuned...

#### IRA Deadline Is April 15!

Contributions to IRAs can be made up to **April 15th** for tax year 2015. The information return has to be given to the member and the IRS no later than May 31st. Penalties are assessed for the failure to file the return on time with the IRS and for failure to file it with the member. Penalties range between \$15-\$50 per return with certain maximums

[Board & Supervisory Committee - Webinar](#)  
**3:00 – 4:30 p.m. EST**

May 11 – 14, 2016  
[GCUA Annual Convention Savannah, GA](#)

May 11, 2016  
[Business Accounts: Who is Authorized to Open, Close, Transact? – Webinar](#)  
**3:00 – 4:30 p.m. EST**

May 12, 2016  
[Managing the Force-Placed Insurance Process - Webinar](#)  
**3:00 – 4:30 p.m. EST**

May 17, 2016  
[Wire Transfer Compliance, Including International Remittances – Webinar](#)  
**3:00 – 4:30 p.m. EST**

May 24, 2016  
[Understanding & Managing the CFPB Complaint Process – Webinar](#)  
**3:00 – 4:30 p.m. EST**

May 25, 2016  
[Developing Quality & Efficiency in Your IT Audit – Webinar](#)  
**3:00 – 4:30 p.m. EST**

BSA Training Opportunities through GCUA  
[Click here for details](#)

depending on the institution. IRS Form 5498, *IRA Contribution Information* is available on the [IRS' website](#).

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Your CU Should Know...

**FTC Signs MOU w/ CRTC on Do Not Call, Spam Enforcement:** The FTC has [signed a memorandum of understanding \(MOU\) with the Canadian Radio-television and Telecommunications Commission \(CRTC\)](#) to strengthen cross-border cooperation regarding Do Not Call and anti-spam enforcement matters.

The CRTC enforces the [Canadian Anti-Spam Law](#), which became effective in 2014. Among other things, the law prohibits the sending of unsolicited commercial email and enables Canadian authorities to provide investigative assistance to foreign enforcement agencies, including the FTC.

The MOU recognizes the long-standing partnership between the two agencies, which includes many joint Do Not Call enforcement activities. It encourages U.S. and Canadian authorities to continue and expand information exchanges, and provide assistance for cross-border Do Not Call and anti-spam enforcement purposes.

**Final Rule Analysis for NCUA's MBL Rule:** The final member business loan (MBL) rule has been published in the *Federal Register* and the new rule completely overhauls NCUA's MBL regulation. CUNA has posted a [CompNote Final Rule Analysis](#) in the [Compliance Resources](#) section of [cuna.org](#) to help you understand the significant changes and provisions that will affect your credit union's member business lending.

Key changes in the new rule include:

- Giving credit union loan officers the ability, under certain circumstances, to not require a personal guarantee (effective May 2016);
- Replacing explicit loan-to-value limits with the principle of appropriate collateral and eliminating the need for a waiver;
- Lifting limits on construction and development loans;

- Exempting credit unions with assets under \$250 million and small commercial loan portfolios from certain requirements; and
- Affirming that non-member loan participations do not count against the statutory member-business lending cap.

For more information, be sure to check out the [CompNote](#) so your credit union can get ready for these changes well ahead of the **January 1, 2017** effective date!

**CFPB Complaint Snapshot Focuses on Debt Collection:** Speaking of debt collection...The Bureau has [announced](#) the release of its [March consumer complaint snapshot](#), which focuses on complaints related to debt collection. The report shows that the most common debt collection complaint involves attempts to collect on a debt the consumer reported was not owed. This month's snapshot also highlights trends seen in complaints from consumers in Florida. The Bureau's fifth annual [Fair Debt Collection Practices Act \(FDCPA\) report](#) was also posted.

**Fed Study on Mobile Banking:** The Federal Reserve Board has [released](#) a Board report, [Consumers and Mobile Financial Services 2016](#), which documents consumers' use of mobile phones--Internet-enabled smartphones as well as more basic phones with limited features--as they bank and carry out financial activities. It is the Board's fifth annual look at how consumers use mobile phones to access banking services ("mobile banking"), make payments, transfer money, or pay for goods and services ("mobile payments"), and make informed financial decisions, as well as their reasons for using these services. According to the report, as of November 2015, 43 percent of adults with mobile phones and bank accounts reported using mobile banking—an increase of 4 percentage points from the prior year's survey. The most common way that consumers use mobile banking is checking their account balances or recent transactions, followed by transferring money between accounts. More than half of mobile banking users received an alert from their financial institution through a text message, push notification, or e-mail--making this the third most common use of mobile banking. Consistent with findings from prior years, a majority of consumers using mobile banking and mobile payments cite convenience or getting a smartphone as their main reason for adoption.

**Comment Calls**



## NCUA Requests Comments on Operating Fee Schedule and Overhead Transfer Rate Methodology

**Operating Fee Schedule:** NCUA has issued a request for comments regarding the National Credit Union Administration's (NCUA) Operating Fee Schedule. The NCUA Operating Budget has two primary funding mechanisms: (1) An Overhead Transfer, which is funded by federal credit unions (FCUs) and federally insured state-chartered credit unions (FISCUs); and (2) annual Operating Fees, which are charged only to FCUs. The NCUA Board is seeking comment on the methodologies for both funding mechanisms.

This request focuses on the methodology NCUA uses to determine the aggregate amount of Operating Fees charged to federal credit unions, including the fee schedule that allocates the Operating Fees at different rates among FCUs according to asset size.

NCUA specifically requests comment on the following questions:

1. Are the asset determination thresholds reasonable; and
2. Is the method for forecasting projected asset growth for the credit union system reasonable?

Commenters are encouraged to provide the specific bases for the comments and recommendations as well as documentation to support any proposed adjustments or alternatives.

**Overhead Transfer Rate Methodology:** NCUA has also issued a request for comment regarding NCUA's Overhead Transfer Rate Methodology. This request for comment focuses on the methodology NCUA uses to determine the Overhead Transfer Rate (OTR). The Board applies the OTR to NCUA's Operating Budget to determine the portion of the budget that will be funded from the National Credit Union Share Insurance Fund (NCUSIF). The Board invites comments on all aspects of the OTR methodology and any alternatives commenters may offer. Areas the Board specifically seeks comments on include:

- Whether the OTR should continue to be determined using a formula-driven approach, or instead be set largely at the discretion of the Board;
- The definition NCUA uses for insurance-related activities;
- Adjustments or changes to the current calculation; and
- Alternate methodologies to arrive at an accurate and fair allocation of costs.

The Board encourages the public to provide the specific basis for their comments and recommendations, as well as documentation to support any proposed adjustments or alternatives.

GCUA would like to know your thoughts and/or concerns on NCUA's proposals. Please send your comments on these proposals to Selina Gambrell at [selinag@gcua.org](mailto:selinag@gcua.org) by **April 8, 2016**.

The [CUNA Advocacy Update](#) keeps you on top of the most important changes in Washington for credit unions--and what CUNA is doing to monitor, analyze, and influence government agencies and federal law. You can view the current report and past reports from the archive.

**Click [here](#) to request to be added to the mailing list for this and/or other GCUA email publications.**

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