

4.1.2 CFPB Issued a Bulletin on Unfair Returned Deposited Item Fee Assessment Practices

As described above, on October 26, 2022, the CFPB issued a bulletin²⁵ stating that blanket policies of charging returned deposited item fees to consumers for all returned transactions irrespective of the circumstances or patterns of behavior on the account are likely unfair under the CFPB.

4.1.3 CFPB Issued an Advisory Opinion on Debt Collectors Collection of Pay To Pay Fees

On June 29, 2022, the CFPB issued an advisory opinion²⁶ affirming that Federal law often prohibits debt collectors from charging “pay-to-pay” fees. These charges, commonly described by debt collectors as “convenience fees,” are imposed on consumers who want to make a payment in a particular way, such as online or by phone.

5. Remedial Actions

5.1 USASF Servicing

On August 2, 2023, the CFPB filed a lawsuit in Federal court against auto loan servicer USASF Servicing, alleging USASF engaged in a host of illegal practices that harmed individuals with auto loans.²⁷ These alleged practices include wrongfully disabling borrowers' vehicles, wrongfully activating late payment warning tones, improperly repossessing vehicles, double-billing borrowers for insurance premiums, misallocating consumer payments, and failing to return millions of dollars in unearned GAP premiums to consumers. The CFPB is seeking redress for consumers, civil money penalties, and to stop any future violations.

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

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²⁵ Bulletin 2022–06: Unfair Returned Deposited Item Fee Assessment Practices, available at: https://files.consumerfinance.gov/f/documents/cfpb_returned-deposited-item-fee-assessment-practice-compliance-bulletin_2022-10.pdf.

²⁶ Advisory Opinion on Debt Collectors' Collection of Pay-to-Pay Fees, available at: <https://www.consumerfinance.gov/compliance/advisory-opinion-program/>.

²⁷ Consumer Financial Protection Bureau v. USASF Servicing, LLC. The complaint is available at: <https://www.consumerfinance.gov/about-us/newsroom/cfpb-sues-usasf-servicing-for-illegally-disabling-vehicles-and-for-improper-double-billing-practices/>.

DEPARTMENT OF EDUCATION

Membership of the Performance Review Board

AGENCY: Office of Finance and Operations, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary publishes a list of persons named to serve on the Performance Review Board that oversees the evaluation of performance appraisals for Senior Executive Service members of the Department of Education (Department).

DATES: These appointments are effective on October 17, 2023.

FOR FURTHER INFORMATION CONTACT: Jennifer Geldhof, Director, Executive Resources Division, Office of Human Resources, Office of Finance and Operations, U.S. Department of Education, 400 Maryland Avenue SW, Room 210–00, LBJ, Washington, DC 20202–4573. Telephone: (202) 580–9669. Email: Jennifer.Geldhof@ed.gov.

If you use a telecommunications device for the deaf (TDD), or text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Membership

Under the Civil Service Reform Act of 1978, Public Law 95–454 (5 U.S.C. 4314(c)(4)), the Department must publish in the **Federal Register** a list of persons named to serve on the Performance Review Board that oversees the evaluation of performance appraisals for Senior Executive Service members of the Department. The following persons are named to serve on the Performance Review Board:

Chapman, Christopher D.
Clay, Jacqueline J.
Eliadis, Pamela D.
Juengst, Phillip R.
Mitchell, Calvin J.
St. Pierre, Tracey
Toney, Lawanda

Alternate:

Burse, Tiwanda M.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

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You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Miguel A. Cardona,

Secretary of Education.

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DEPARTMENT OF EDUCATION

[Docket ID ED–2023–IES–0182]

Request for Information on Potential New Program, From Seedlings to Scale (S2S); Correction

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice; correction.

SUMMARY: On October 12, 2023, the Department of Education (Department) published in the **Federal Register** a request for information (RFI) on a potential new program, From Seedlings to Scale (S2S). We are correcting the docket identification number. All other information in the RFI remains the same.

DATES: This correction is applicable October 17, 2023.

FOR FURTHER INFORMATION CONTACT: Erin Higgins, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: (202) 987–1531. Email: Erin.Higgins@ed.gov.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: On October 12, 2023, the Department published a RFI on S2S, a potential new program. (88 FR 70652). We are correcting the docket identification number.

Accessible Format: On request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in