



**DCUC**  
DEFENSE CREDIT UNION COUNCIL

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**Jason Stverak**  
*Chief Advocacy Officer*

April 16, 2026

The Honorable Kyle S. Hauptman  
Chairman  
National Credit Union Administration  
1775 Duke Street  
Alexandria, VA 22314

Dear Chairman Hauptman:

I write on behalf of DCUC and the defense and veterans credit unions we represent to respectfully urge the NCUA to determine, as promptly as practicable, whether it possesses authority comparable to that being asserted by the Office of the Comptroller of the Currency with respect to the Illinois Interchange Fee Prohibition Act and, if so, to exercise that authority in a way that reduces regulatory uncertainty for credit unions. This request is modest but important: our members need clarity on whether, and to what extent, federal law protects federally chartered credit unions and their payment services from a patchwork of state-by-state mandates affecting interchange, transaction data, and related payment operations before the statute's current July 1, 2026 effective date and while the appeal remains pending.

The OCC has now taken several concrete steps that underscore the urgency of this question. In October 2024, the OCC told the district court that the Illinois law is an "ill-conceived, highly unusual, and largely unworkable" state law that threatens to fragment the national payments system, and in March 2026 it urged the Seventh Circuit to reverse the district court's ruling on the interchange-fee ban. Most recently, official OIRA records show that, on April 14, 2026, the OCC submitted for review both an interim final rule titled "National Bank Non-Interest Charges and Fees" and an interim final rule titled "Order Preempting the Illinois Interchange Fee Prohibition Act."

NCUA need not replicate the OCC's exact legal theory to provide meaningful relief. The Federal Credit Union Act and NCUA's regulations already give the agency substantial tools to interpret federally authorized credit union powers, issue advisory opinions of general applicability for federal credit unions, supervise account and payment activities, and displace conflicting state requirements in at least some domains. NCUA's own regulations expressly preempt certain state laws governing federal credit union loans and certain state laws regulating share, share-draft, and share-certificate account fees and conditions; NCUA legal opinions have likewise concluded that state restrictions on share-draft and check-cashing fees are preempted for federal credit unions.

DCUC has raised this issue before. On October 3, 2024, we wrote then-Chairman Harper urging the NCUA to support credit unions in opposing the Illinois law and to consider the OCC's position. We are reflecting the concerns of defense credit unions serving nearly 40 million members, including servicemembers, veterans, Department of War civilians, and military families who depend on seamless card acceptance, fraud monitoring, rewards, and low-friction digital payments. If uncertainty persists, the likely result is not simply legal ambiguity; it is higher operational cost, weaker product certainty, and a greater risk that institutions will scale back benefits or services that matter to households with little room for avoidable disruption.

*Serving Those Who Serve Our Country*

Accordingly, DCUC respectfully requests that the NCUA: first, initiate a formal legal review of the extent to which the Illinois law is preempted or otherwise inapplicable to federal credit unions and, where relevant, federally insured state-chartered credit unions; second, publish a public statement describing the scope and status of that review; third, if the agency concludes that it has sufficient authority, issue supervisory guidance or an interpretive opinion addressing interchange-related payment operations, transaction-data usage, merchant-facing fee mechanics, and related compliance expectations; fourth, coordinate with the OCC and, as appropriate, the Federal Deposit Insurance Corporation to minimize inconsistent federal signals; and fifth, provide an initial public update within 60 days.

We offer these requests in the spirit of constructive engagement and with full respect for the agency's statutory limits. If NCUA ultimately concludes that its authority is narrower than the OCC's, a transparent explanation would still materially help credit unions plan for compliance, litigation risk, vendor contracting, and member communications. If, however, the agency concludes that it does have meaningful authority here, timely action would help preserve parity, reduce unnecessary burden, and protect the ability of credit unions to continue serving military communities effectively.

Thank you for your consideration. DCUC would welcome the opportunity to meet with you and your staff at your earliest convenience.

Please contact me at [Jason.Stverak@dcuc.org](mailto:Jason.Stverak@dcuc.org) with any questions about DCUC's comments.

Sincerely,



Jason Stverak  
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DCUC