



December 29, 2011

**Consumer Financial Protection Bureau Proposed Interim Final Rule:
Requirements for Depository Institutions Without Federal Deposit Insurance
(Regulation I)**

Under the Dodd-Frank Act, on July 21, 2011 the Consumer Financial Protection Bureau (CFPB) assumed regulatory authority for a number of consumer protection laws, including implementation of disclosure and other requirements for non-federally insured depository institutions, such as privately insured credit unions, under the Federal Deposit Insurance Act (FDIA).

The CFPB is seeking comments on an interim final rule that establishes a new Regulation I for this purpose, Disclosure Requirements for Depository Institutions Lacking Federal Deposit Insurance, 122 CFR Part 1009.

To minimize any potential confusion, other than republishing the FTC's existing rule in 16 CFR Part 320 with the CFPB's part number, the CFPB is preserving where possible the numbering the FTC used in its existing rule. The rule has been edited as necessary to reflect wording changes and other technical amendments required by the Dodd-Frank Act.

Specific Changes

According to the CFPB, the interim final rule is not intended to impose any new substantive obligations on regulated entities (including privately insured credit unions) and substantially duplicates the Federal Trade Commission's (FTC) rule in 16 CFR Part 320.

However, there is a new provision in the CFPB's rule worth noting. Under the FTC's rule, non-federally insured institutions are not permitted to accept new depositors (members) after October 13, 2006 (statutory deadline), or shares or deposits to accounts in existence on or before that date unless an acknowledgement was received from the members or accountholders that they are aware the shares or deposits are not federally insured. The CFPB's proposal would add a new paragraph under (c)(2) of § 1009.5 that deposits or shares to accounts in existence on or before October 13, 2006 (statutory deadline) may not be accepted unless the institution has complied with mailing requirements to provide disclosures regarding nonfederal insurance and to request an acknowledgment regarding share/deposit insurance from the members or accountholders. The two mailings should have occurred first within 90 days after October 13, 2006 and the second within 180 days after that date. CUNA will be discussing this provision with the CFPB.

CUNA is also reviewing the interim final rule to determine if there are any regulatory changes that could be made to Regulation I to make it easier for privately insured credit unions to comply, so that we can include these in our comment letter.

The interim final rule is effective on December 30, 2011 and can be accessed [here](#). **Please submit comments to CUNA by January 16, 2012.** Comments are due to the CFPB by February 14, 2012 and can be filed using <http://www.regulations.gov>. If commenting directly to the CFPB, commenters should refer to Docket No. CFPB–2011–0024 on the comment letter.

For more information about this CFPB rulemaking, please contact CUNA Deputy General Counsel Mary Dunn at mdunn@cuna.com or call (800) 356-9655 ext. 6733.