September 22, 2025

Jennifer Jones
Deputy Executive Secretary
Federal Deposit Insurance Corporation
550 17th Street NW
Washington, DC 20429

RE: RIN 3064-AG14

Dear Ms. Jones:

The American Bankers Association (ABA)[1] and the Bank Policy Institute[2] appreciate the FDIC's issuance of a proposal that would amend 12 CFR part 328 (subpart A) entitled "FDIC Official Signs, Advertisement of Membership, False Advertising, Misrepresentation of Insured Status, and Misuse of the FDIC's Name or Logo" related to the display of the FDIC official digital sign on an insured depository institution's (IDI's) digital channels, as well as analogous requirements related to IDI's automated teller machines (ATMs) and like devices (the Proposal).[3] We will file a detailed comment letter responding to the proposal, and write now to bring your attention to an important matter that we respectfully request the FDIC address expeditiously.

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[1] The American Bankers Association is the voice of the nation's $24.5 trillion banking industry, which is composed of small, regional and large banks that together employ approximately 2.1 million people, safeguard $19.5 trillion in deposits and extend $12.8 trillion in loans.

[2] The Bank Policy Institute is a nonpartisan public policy, research and advocacy group that represents universal banks, regional banks, and the major foreign banks doing business in the United States. The Institute produces academic research and analysis on regulatory and monetary policy topics, analyzes and comments on proposed regulations, and represents the financial services industry with respect to cybersecurity, fraud, and other information security issues.

[3] 90 Fed. Reg. 40,767(August 21, 2025)

We are concerned that the Proposal places our members in a state of regulatory uncertainty and is likely to impose unnecessary burden due to a looming compliance date of March 1, 2026, under the current rule. To mitigate these concerns, we respectfully request that the FDIC stay the pending compliance dates in the existing rule and pause enforcement of that rule until after the FDIC has completed its consideration of the Proposal and issued a final rule.

On December 20, 2023, the FDIC adopted a final rule (2023 Final Rule) that amended the FDIC's signage and advertisement requirements for insured depository institutions. Subsequently, in recognition of the need for additional clarity and accommodation of IDI digital platforms and product offerings, the FDIC Board pushed back the compliance dates for Sections 328.4 and 328.5 of the 2023 Final Rule to March 1, 2026. If adopted as a final rule, the Proposal would change these sections of the 2023 Final Rule and establish a new compliance date. However, the existing compliance date of March 1, 2026 is not impacted by the Proposal and remains in effect.

This compliance timeline is confusing and imposes unnecessary burden as our members are now required to work towards compliance with a rule that is actively being considered for revision.

We urge the FDIC to stay the existing compliance deadline of March 1, 2026 for sections 328.4 and 328.5. The lead time necessary to implement changes across digital channels means that banks are rapidly approaching the point at which they will need to begin implementing changes to meet the 2023 Final Rule's March 1, 2026 deadline. This timeline is further compressed by year-end technology freezes. As the FDIC acknowledges in the Proposal, some IDIs have implemented changes to comply with the 2023 Final Rule, while others are awaiting clarity on aspects of the 2023 Final Rule that may be addressed once the Proposal is finalized. A decision to maintain the deadlines would force banks to expend resources to attempt to assess and make changes to comply with the 2023 Final Rule prior to the Proposal being finalized, work that may ultimately need to be redone if beneficial changes to the proposal become final. As will be outlined in our more detailed comment letter to follow, the FDIC should extend any compliance deadlines until at least 18 months after a final rule is issued.

Additionally, as the FDIC acknowledges in the Proposal, some banks have implemented changes to comply with the 2023 Final Rule, while others are awaiting clarity on aspects of the 2023 Final Rule that may be addressed once the proposal is finalized. In light of these facts, we urge the FDIC to take explicit action to suspend the current compliance date while finalizing the changes to Sections 328.4 and 328.5. Alternatively, if the FDIC is unable to indefinitely suspend the compliance date, we would at a minimum ask that the FDIC extend the compliance date by an additional year to allow sufficient time for a final rule to be published and provide a new compliance deadline for Sections 328.4 and 328.5. In either approach, we request the FDIC make certain that no enforcement action will be taken with respect to Sections 328.4 and 328.5 while we are engaged in the rulemaking process.

Thank you for your consideration of these important issues. We would be pleased to discuss these concerns with you and welcome you contact the undersigned at [redacted]

Sincerely,

Alison Touhey
SVP, Bank Funding
American Bankers Association

Paige Paridon
EVP & CO-Head of Regulatory Affairs
Bank Policy Institute