



October 16, 2025

Federal Deposit Insurance Corporation
550 17th Street NW
Washington, DC 20429

Attn: Jennifer M. Jones, Assistant Executive Secretary

Re: Proposal on FDIC Official Sign and Advertising Requirements, False Advertising,
Misrepresentation of Insured Status, and Misuse of the FDIC's Name or Logo
Docket No. RIN 3064-AG14

Dear Ms. Jones:

The Iowa Bankers Association (IBA) is a trade association representing 97 percent of the 265 state- and national-chartered banks and federal thrifts operating in the state of Iowa. IBA members appreciate the FDIC's recognition of the challenges faced by the industry in implementing the December 20, 2023, final rule amending 12 CFR 328 and applaud the FDIC Board's decision to delay the compliance date for Sections 328.4 and 328.5 of the rules. By delaying mandatory compliance dates for these subparts, the FDIC is able to take a step back, seek further industry input to minimize identified implementation issues, reduce burden on insured depository institutions (IDIs), and address potential consumer confusion with respect to signage requirements for automated teller machines (ATMs) and digital deposit-taking channels.

IBA members generally agree that the FDIC's proposed changes to Parts 328.4 and 328.5 provide the clarity and flexibility sought by the industry while still providing consumer protection. To enhance understanding of these requirements, IBA members offer the following technical revisions.

PART 328.4 SIGNS FOR AUTOMATED TELLER MACHINES (ATMs) AND LIKE DEVICES

DISPLAY OF FDIC OFFICIAL DIGITAL SIGN ON ATMs

Part 328.4(b) would require the display of the FDIC official digital sign on “the initial screen” of the IDI’s ATMs and like devices placed in service on or after Jan. 1, 2027 that receive deposits. The preamble discussion explains “an ATM’s ‘initial screen’ is the screen that is displayed **before** an IDI’s customer inserts a debit card or other credentials to access the device (sometimes referred to as a ‘welcome screen’).”

Advancements in technology have expanded the role of ATMs and like devices beyond that of providing access to deposit accounts and nondeposit products. ATMs are now also used as advertising mediums, often displaying static screens and even videos promoting community events, bank products and services, as well as products offered by non-bank entities that are not FDIC-insured. As a result, requiring the display of the FDIC official digital sign on the “initial screen” as defined in the proposal could result in the FDIC official digital sign being displayed near advertisements of products that are not FDIC-insured or, alternatively, would limit the IDIs’ ability to display information on welcome screens that is not related to FDIC-insured products. Therefore, we request the FDIC amend the requirement that the FDIC official digital sign be triggered on the ATM or like device at the point when the customer engages or interacts with the ATM or similar device to open or access an FDIC-insured product; such as the screen that appears **after** the customer has inserted their debit or ATM card to access the device.

DISPLAY OF NON-DEPOSIT SIGN ON ATMS

As proposed, Part 328.4(d) requires an IDI’s “ATM and like devices that both receives deposits and permits a customer to transact with one or more non-deposit products” to display signage indicating that the non-deposit products are not insured by the FDIC, are not deposits, and may lose value.

The preamble discussion regarding this provision clarifies an IDI would only be required to display non-deposit signage for the IDI’s **own** customers using its ATMs. The FDIC acknowledges the technical limitations IDIs face in verifying information related to customers of other financial institutions (referred to as “non-customers”) using the IDI’s ATMs and like devices, including whether the non-customer is accessing FDIC-insured deposit accounts or non-deposit products. Thus, it is the intent of the FDIC that the proposed rule would not require IDIs to display non-deposit signage for pages and screens viewed by non-customers.

IBA members are concerned Part 328.4(d), as currently proposed, does not clarify an IDI would only be required to display the non-deposit signage for the IDI’s own customers accessing non-deposit products and not customers of other institutions who may use the IDI’s ATM to access their non-deposit accounts. While the proposed rule text uses the term “customer,” the rule does not define this term. Therefore, IBA members ask the FDIC to consider adding a clarifying statement to the rule text that mirrors the preamble discussion, indicating the IDIs are not required to display non-deposit signage on pages and screens viewed by non-customers of the IDI who may use the IDI’s ATM.

PART 328.5 SIGNS FOR DIGITAL DEPOSIT-TAKING CHANNELS

SCOPE – DISPLAY OF FDIC OFFICIAL DIGITAL SIGN

The FDIC scoping statement in 328.5(a) indicates the provisions of this subpart apply to “digital deposit-taking channels, including IDI’s websites and web-based or mobile applications that offer the ability to make deposits electronically and provide access to deposits at insured depository institutions.” When the 2023 final rule was initially finalized, IBA members questioned the applicability of the digital channel signage requirements for digital channels that only provide access to a customer’s insured deposits but did not offer the customer the ability to make deposits electronically.

Part 328.4(d) related to signage requirements for ATMs states that the non-deposit signage requirements apply to an “insured depository institution’s ATM and like device that **both** receive deposits and permit a customer to transact with one or more non-deposit products.” However, Part 328.5(a) related to digital deposit-taking channels does not contain the word “both.” For consistency and clarity purposes, IBA members suggest Part 328.5(a) related to digital deposit-taking channels be amended to clarify the digital deposit-taking signage requirement only applies to digital channels “that offer **both** the ability to make deposits electronically and provide access to deposits at insured depository institutions.”

DISPLAY OF FDIC OFFICIAL DIGITAL SIGN

As proposed, Part 328.5(c) would require an IDI’s digital deposit-taking channel to “clearly, continuously, and conspicuously display the FDIC official digital sign . . . on the following pages or screens: (1) Initial page or homepage of the website or application; (2) Login page; and (3) Page or screen where the consumer initiates a deposit account opening.”

IBA members are concerned that a mandate to include the FDIC official digital sign on the initial page or homepage of an IDI’s website or application could result in consumer confusion when the initial or homepage includes information on both insured products **and** uninsured products, such as investment products or products offered by the IDI or an affiliate. In addition, a customer may use a login page to access multiple products, both insured and uninsured; thus a mandate to include the FDIC official digital sign on login pages could also result in consumer confusion.

Therefore, IBA members request the FDIC limit the requirement to display the FDIC official digital sign on pages or screens **solely** dedicated to FDIC-insured deposit products and on the **first** page on which the consumer would initiate the deposit account opening process. It is important to emphasize the need for the FDIC official digital sign to appear on the first page as an IDI’s digital channel account opening process may involve multiple screens and it could be operationally challenging to include the FDIC official digital sign on all screens involved in the account opening process.

We also request the FDIC clarify the intent of the final rule is to provide minimum requirements for the display of the FDIC official digital sign. Meaning, the rule would permit an IDI to place the FDIC official digital sign in locations that exceed the minimum requirements so long as the IDI has a reasonable basis to believe such placement is not misleading and does not cause consumer confusion.

SCOPE - DISPLAY OF NON-DEPOSIT SIGN

Part 328.5(d)(1) details the non-deposit signage requirements apply to digital deposit-taking channels that “offer the ability to make deposits electronically and provide access to deposits and one or more non-deposit products.” Consistent with the recommendation above and rule text as written in Part 328.4(d), IBA members suggest Part 328.5(d)(a) related to digital deposit-taking channels also be amended to clarify the non-deposit digital signage requirement only applies to digital channels “that offer **both** the ability to make deposits electronically and provide access to deposits and one or more non-deposit products.”

PAGES “PRIMARILY DEDICATED” TO NON-DEPOSIT PRODUCTS

Part 328.5(d)(1) requires IDIs that offer the ability to make deposits electronically and provide access to deposits and one or more non-deposit products clearly, continuously, and conspicuously display signage indicating the non-deposit products are not insured by the FDIC, are not deposits, and may lose value. This signage must be displayed on all pages or screens “primarily dedicated” to one or more non-deposit products.

IBA members appreciate FDIC’s more focused approach to the required display of non-deposit signage to pages or screen “primarily dedicated” to non-deposit products. However, as proposed, the rule does not define what constitutes “primarily dedicated.” The preamble discussion explains a page is “primarily dedicated” to non-deposit products if it provides substantive information on one or more non-deposit products. The preamble discussion also provides examples, indicating an IDI’s website page that includes detailed information on annuities or pages where a consumer could purchase a non-deposit product would be “primarily dedicated” to non-deposit products. Conversely, the preamble clarifies IDIs would not be required to display non-deposit signage on pages or screens with incidental references to non-deposit products, such as the homepage or on the navigation menu that references the non-deposit product page.

IBA members urge the FDIC to add the examples currently found in the preamble discussion to the rule text similar to the examples found in the rule at 328.5(e), for clear, continuous, and conspicuous placement. Adding the examples to the rule text will ensure this additional clarification is readily available to IDIs and examiners alike; whereas preamble discussions are not technically part of the rule and are often overlooked by IDI’s and regulators once the rule is finalized.

OVERLAPPING NONDEPOSIT PRODUCT DISCLOSURE REQUIREMENTS

The Retail Nondeposit Investment Products rule and the Interagency Statement on Retail Sales of Nondeposit Investment Products (RNDIPs) already require that “accurate information must be provided to retail customers that RNDIPs are not insured by the Federal Deposit Insurance Corporation (FDIC) and are not deposits or other obligations or guarantees of the bank” and “typically include the investment risks, including possible loss of the principal amount invested.” Additionally, existing rules require various disclosures, including the non-deposit disclosures that are bold, boxed and more prominent than the surrounding investment disclosures. These disclosures are typically displayed at the bottom of bank webpages that reference investment services. Requiring new non-deposit disclosure notices that differs from what is required by the RNDIP guidance may be confusing for consumers, as they are familiar with the RNDIP disclosures that banks have been using for decades. Therefore, we request the FDIC consider adding an exception in the final rule for nondeposit digital signage provisions for digital channels that are in compliance with the RNDIP notice requirements to avoid duplicative notice requirements and reduce consumer confusion.

MANDATORY COMPLIANCE DATE

The FDIC acknowledges in the preamble of the proposal that some IDIs are currently displaying signage on their digital deposit-taking channels, ATMs and like devices consistent with the 2023 final rule, while other IDIs are not displaying the signage due to implementation challenges and the extended mandatory compliance date of March 1, 2026. The FDIC also recognizes that all IDIs will need time to work with vendors to update systems and processes to implement the changes prescribed in the final rule. Accordingly, the FDIC indicates it intends to propose a compliance date of January 1, 2027.

IBA members agree that IDIs are in various stages of implementing the digital deposit-taking channel and ATM signage rules and that it will take time to implement the final rule provisions. IBA members stress that most IDIs are dependent upon vendors to make these technological changes – many of which institute year-end blackout periods or tech freezes. Therefore, should the FDIC issue a final rule in the last quarter of 2025, it is likely vendors will not begin to work on implementation of these changes until 2026. If a final rule is issued in 2026, a January 1, 2027 compliance date may not provide adequate time to implement the changes given the wide variances in complexities of IDI digital deposit taking channels and product offerings. Often vendor solutions must be customized for IDIs based on their product offerings and functionality of their digital deposit-taking channel. The updates will not be a simple “plug and play” solution. Therefore, IBA members request the FDIC establish a mandatory compliance date of no earlier than 18 months following issuance of the final rule to accommodate vendor blackout periods and ensure IDIs have adequate time to implement and test their processes.

Finally, IBA members also request the FDIC engage in formal rulemaking **as soon as reasonably practicable** to delay the March 1, 2026 compliance date currently in place for Parts 328.4 and 328.5. Given the lead time and coordination with vendors necessary to

implement changes across digital channels, IDIs are rapidly approaching the point at which they will need to begin implementing changes to meet the March 1, 2026, deadline in the existing rule. Given the proposal language, it is apparent the FDIC intends to make changes to the 2023 rule. Thus, compliance efforts that IDIs undertake to comply with the existing rule will not likely be consistent with the final rule the FDIC will issue in the near future. Thus, the IDIs efforts and financial commitment would be wasted. Therefore, we urge the FDIC to act **prior to finalization of this proposal** to extend the March 1, 2026 compliance date that currently exists in the rule.

Again, IBA members applaud the FDIC's efforts to ensure a clear and effective final rule that promotes consumer understanding related to the insured status of their deposit products while balancing technology capabilities and limitations of the IDIs offering these products. They believe, with the minor modifications outlined in this letter and an adequate implementation period, the FDIC will achieve its goals outlined in the original rulemaking. IBA members also encourage the FDIC to review the existing Part 328 FAQ after finalizing this rule and rescind those FAQ that are inconsistent with the final rule in an expeditious manner.

For questions related to this comment letter, the FDIC may contact me at

Respectfully Submitted By,

Ronette Schlatter, CRCM
Compliance Analyst, III