

December 4, 2018

VIA Electronic Submission

Robert E. Feldman
Executive Secretary
Federal Deposit Insurance Corporation
550 17th St. NW
Washington, DC 20429

Re: Request for Information on FDIC Communication and Transparency; RIN 3064-ZA02

Dear Mr. Feldman:

The Consumer Bankers Association (“CBA” or “the Association”)¹ appreciates the opportunity to offer our views on the Federal Deposit Insurance Corporation’s (“FDIC” or “the agency”) Request for Information regarding the agency’s communication methods and related initiatives to promote efficiency and increase transparency.² CBA fully supports the agency’s efforts to streamline and improve its communication with consumers, insured depository institutions, and members of the financial services industry to minimize burdens associated with obtaining information on FDIC laws, regulations, policies, and other materials, and to promote trust through transparency.

Although the FDIC is required to issue a large volume of information through multiple channels to fulfill its statutory mandate, CBA believes the FDIC could significantly improve its communication methods by making strategic improvements to three current forms of communication: 1) the fdic.gov website; 2) Financial Institution Letters (“FILs”); and 3) the Regulatory Calendar.

The fdic.gov Website

Among the forty-three different methods of communication the agency identified in its Request for Information, the fdic.gov website is among the most important. The fdic.gov website is the central repository for most of the FDIC’s publicly available information and serves as the primary source for consumers and industry representatives to identify and retrieve regulatory documents, including those that are also distributed through the FDIC’s forty-two alternative channels. The fdic.gov website provides a platform for users to perform research, identify agency points-of-contact, and gather necessary data and information to engage in the business of banking. Despite its importance as a communication platform, however, the fdic.gov website is difficult to navigate, and basic information is not easy to find.

¹ The Consumer Bankers Association is the only national trade association focused exclusively on retail banking. Established in 1919, the Association is now a leading voice in the banking industry and Washington, representing members who employ nearly two million Americans, extend roughly \$3 trillion in consumer loans, and provide \$270 billion in small business loans.

² 83 Fed. Reg. 50369 (Oct. 5, 2018).

For example, the page entitled “Organization Directory and Office Contacts” does not list a single phone number or email address for any of the hundreds of employees listed for the Washington Office.³ Further, the “Organization Directory and Office Contacts” page does not display a comprehensive list of all FDIC employees. Failing to provide even basic contact information for the major divisions within the FDIC is not transparent, and is burdensome for those seeking assistance from the FDIC.

The following scenario illustrates the inefficiencies imposed on users of the website. Assuming someone wants to contact the Office of Inspector General, she cannot visit the “Organization Directory and Office Contacts” page displayed prominently on the fdic.gov homepage to find a general hotline number or phone number for the employees listed under the Office of Inspector General Tab, though some contacts are listed under regional offices.⁴ Further complicating her search, a visit to the page entitled “About the FDIC” takes the user to the FDIC’s 2018-2022 Strategic Plan, where there is a link entitled “Inspector General.”⁵ Here, the user finds a narrative explaining the goals of the Inspector General, but the page lacks contact information.⁶

At this juncture, if the user enters the phrase “Office of the Inspector General” into the general search box, she finds overly voluminous and irrelevant search results, as 1-10 of about 44,200 results are produced.⁷ If the user clicks on the first search result, entitled “Federal Deposit Insurance Corporation Office of Inspector General,” the user finds the following message:

The FDIC OIG website moved to a new location. Our recent website redesign has relocated the content of the page you have requested. You will be redirected to this site in 10 seconds. Please change your bookmarks or favorites to reference the new page. Thank you.⁸

Only after waiting to be redirected does the user access the the homepage for the Office of Inspector General; a page that is inaccessible from and not displayed on the fdic.gov homepage. Here, the user finds yet another link to “Contact Us,” where the user finally accesses a full directory of phone numbers and email addresses for the Office of the Inspector General.⁹

Unfortunately, regardless of the topics researched, most users of the fdic.gov website are likely to encounter similar frustrations because there is a large volume of outdated or incomplete information displayed on landing pages that are difficult to locate. Additionally, a large volume of information is not stored on a landing page and is only accessible by manually reviewing search results. The FDIC should update and upgrade the fdic.gov website to facilitate improved search functionality, eliminate expired webpages and links, and organize information intuitively for users to retrieve information. Further, while there may be logical explanations for displaying

³ <https://www.fdic.gov/about/contact/directory/>

⁴ <https://www.fdic.gov/about/contact/directory/>

⁵ <https://www.fdic.gov/about/strategic/strategic/mission.html>

⁶ <https://www.fdic.gov/about/strategic/strategic/inspectorgeneral.html>

⁷ <https://fdic-search.app.cloud.gov/>

⁸ <https://www.fdic.gov/oig/>

⁹ <https://www.fdicig.gov/contact-us>

information related to the same topic in multiple places on the website (e.g. a directory of employees within the Office of the Inspector General listed on the agency contacts page as well as a separate narrative about the Inspector General on the strategic plan page), the FDIC should ensure these pages cross-reference one-another and direct users to other relevant pages (such as the Office of the Inspector General homepage) by displaying accurate hyperlinks.

Users of fdic.gov should be able to search for and access landing pages for all of the FDIC's divisions and offices, as well as major topics of interest (such as deposit insurance) directly from the fdic.gov homepage without performing multiple searches and redirects. The FDIC should also eliminate conflicting and confusing links displayed on the fdic.gov homepage and elsewhere on the website. For example, *Exhibit 1* below shows the fdic.gov homepage currently displays seven different links and tabs related to "deposit insurance."¹⁰

Exhibit 1



Although some of the links provide additional details intended to clarify the type of information a user might access from the link (e.g. consumer protection and deposit insurance versus deposit insurance for bankers), the user must guess whether any of the links directs a user to a single page for comprehensive, organized access to all topics related to deposit insurance. In fact, when the user clicks each of the seven links, she sees pages that look different from one another, do not consistently cross-reference one another or direct the user to the deposit insurance landing page. For example, the drop-down menu for deposit insurance ("the drop down menu") listed at the top of the fdic.gov homepage and the deposit insurance box ("the box") at the bottom of the fdic.gov homepage both appear to house comprehensive repositories for information on deposit insurance, but direct the user to different categories of information. Below is a comparison of the different types of information displayed in drop-down menu, *Exhibit 2* and in the box, *Exhibit 3*.

¹⁰ <https://www.fdic.gov/>

Exhibit 2

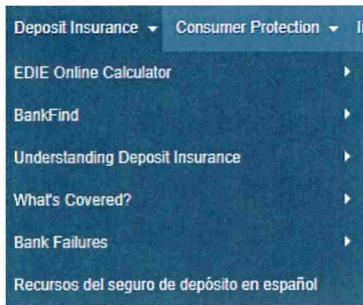


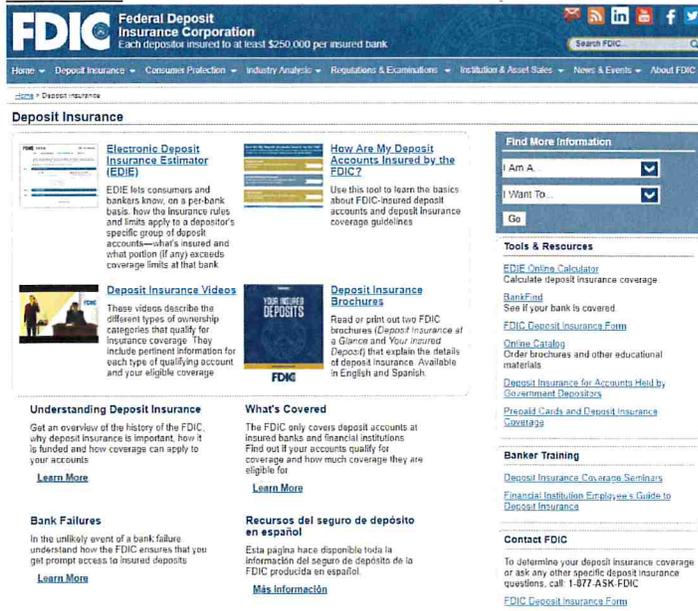
Exhibit 3



If a user is not sure what she is looking for, or perhaps does not find what she is looking for under a specific tab, she must click back to the homepage several times and access all seven different links to review everything available on the homepage related to “deposit insurance.” As a suggested alternative, the fdic.gov homepage could contain a single tab for deposit insurance, eliminate the drop down menu and the box, and direct users to a single deposit insurance landing page.

This type of landing page currently exists, as illustrated below in *Exhibit 4*, but is accessed when a user selects one of two available links from the fdic.gov homepage, each of which contains different descriptors in the drop down menu (by clicking deposit insurance) versus in the box (by clicking learn more).¹¹ The FDIC should perform a comprehensive review of content, click-through, and search functionality to identify pages and links that can be removed or consolidated to simplify the fdic.gov website.

Exhibit 4



¹¹ <https://www.fdic.gov/deposit/>

Financial Institution Letters

FILs are an important and effective method of FDIC communication that CBA's members rely on to gain insight into new regulations and policies, new FDIC publications, and other important announcements for stakeholders within the financial services industry. CBA supports the FDIC's initiative to retire outdated FILs to reduce the volume of information available to review, and to streamline the information the FDIC provides to the industry. Our members encourage the FDIC to perform regular reviews of FILs on an ongoing basis to identify FILs that may be retired. Additionally, CBA recommends the FDIC implement the following additional measures to improve the process of disseminating information through FILs. The Association believes these additional measures will alleviate research burden, and are necessary for individual institutions or stakeholders to efficiently identify relevant and currently applicable FILs.

First, the FDIC should develop a system to categorize and store FILs based on the size of the institution impacted by the FIL. While FILs currently include a statement of applicability to institutions with total assets under \$1 billion, there is no way to search FILs based on applicability to institution size. Second, the FDIC should create a system to distinguish FILs that are supervisory in nature from FILs that are merely informational. Third, the fdic.gov website should enable users to perform advanced searches to filter FILs based on whether the FIL contains supervisory guidance or informational verbiage. Fourth, the fdic.gov website should permit users to search FILs by topic, word-search, and publication date. Finally, the FDIC should clearly inform readers whether the FIL announces a new regulation or policy, or whether the FIL provides an update to an existing FIL.

Regulatory Calendar

When the Regulatory Calendar was created, the FDIC explained in a FIL the purpose of calendar would be to provide dates and topics of upcoming outreach events for bankers as well as dates related to notices of proposed, interim, and final rulemakings as well as supervisory guidance to financial institutions issued by the FDIC and FFIEC, and key dates banks should be aware of, such as the comment period for proposed rules and the effective date for finalized guidance.¹² Despite its purpose as a tool to publicize information, the Regulatory Calendar is not itself widely publicized. The fdic.gov homepage neither displays the Regulatory Calendar nor contains a link to the Regulatory Calendar, and the "News and Events" page does not contain a link to the calendar. Therefore, one must know the Regulatory Calendar exists and perform a word search on the fdic.gov website to view the contents of the Regulatory Calendar.

Additionally problematic, the Regulatory Calendar does not consistently display events and deadlines. For example, while the Regulatory Calendar contains an entry for the date this Request for Information was published, the comment deadline was not also calendared.¹³ In some instances however, the FDIC does publish comment deadlines in the Regulatory Calendar, as it did for an unrelated comment period that closed on October 29, 2018. Other notable FDIC meetings are not displayed on the calendar, including FDIC Board Meetings, meetings of the

¹² FIL-35-2012, July 26, 2012. <https://www.fdic.gov/news/news/inactivefinancial/2012/fil12035.pdf>

¹³ <https://www.fdic.gov/regulations/resources/cbi/calendar.html>

FDIC's Advisory Committees, or FDIC hosted conferences, though dates for these meetings are published elsewhere on the fdic.gov website.

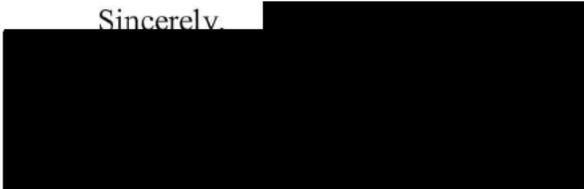
Inconsistencies in the content and frequency of entries in the Regulatory Calendar render the calendar an unreliable reference tool of minimal utility. CBA encourages all FDIC offices and divisions, across all of the FDIC's regions, to consistently and uniformly utilize one published calendar or website page to provide advance notice to consumers, bankers, and industry stakeholders of important regulatory deadlines, upcoming meetings of the FDIC Board and Advisory Committees, and other public engagements where FDIC representatives speak on behalf of the agency.

Conclusion

Thank you for the opportunity to comment on this important initiative to facilitate openness and responsiveness at the FDIC. CBA strongly supports the agency's efforts to improve its communication platforms, maximize efficiency, and reduce the burden for institutions and others seeking information from the FDIC. Our members find value in many of the FDIC's existing communication channels and publications, but we encourage the FDIC to ensure its communications are consistent and accessible.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Jenna Stewart
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Consumer Bankers Association
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