

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 930

RIN 3206-A108

Appointment, Pay, and Removal of Administrative Law Judges

AGENCY: Office of Personnel Management.

ACTION: Notice of withdrawal of proposed rulemaking.

SUMMARY: The Office of Personnel Management is withdrawing its proposal to revise the regulations on the appointment, pay, and removal of administrative law judges (published February 23, 1998, 63 FR 8874). The proposal contained several major revisions concerning the administrative law judge program. Because we plan to make additional changes to these regulations, we will publish a revised proposal and invite a new public comment.

FOR FURTHER INFORMATION CONTACT: Juanita Love on (202) 606-0810.

Office of Personnel Management

Janice R. Lachance,
Director.

[FR Doc. 00-27468 Filed 10-25-00; 8:45 am]

BILLING CODE 6325-01-P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 706

Credit Practices

AGENCY: National Credit Union Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Credit Union Administration (NCUA) is publishing for comment proposed regulations implementing provisions of the Fair Credit Reporting Act (FCRA) that permit federal credit unions (FCUs) to communicate information to their

affiliates (affiliate information sharing) without incurring the obligations of consumer reporting agencies. The proposed regulations explain how to comply with the affiliate information sharing provisions, addressing such matters as the content and delivery of the notice to consumers. The proposed regulations also implement certain related provisions. NCUA participated as part of an interagency group composed of representatives from the Board of Governors of the Federal Reserve, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency and the Office of Thrift Supervision (collectively, the Agencies). NCUA's proposed rule is therefore comparable to the proposed rules filed jointly by the Agencies, but takes into account the unique circumstances of federal credit unions and their members. NCUA has attempted to conform these proposed regulations to the final regulations implementing the privacy provisions of the Gramm-Leach-Bliley Act.

DATES: Written comments must be received by the NCUA on or before December 26, 2000.

ADDRESSES: Direct comments to Becky Baker, Secretary of the Board. Mail or hand-deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428. You may also fax comments to (703) 518-6319. *Please send comments by one method only.*

FOR FURTHER INFORMATION CONTACT: Chrisanthy J. Loizos, Staff Attorney, Division of Operations, Office of General Counsel, at the above address or telephone: (703) 518-6540.

SUPPLEMENTARY INFORMATION:

I. Background

The FCRA

The FCRA, enacted in 1970, sets standards for the collection, communication, and use of information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living. 15 U.S.C. 1681-1681u. In 1996, the Consumer Credit Reporting Reform Act amended the FCRA extensively (1996 Amendments). Pub. L. 104-208, 110 Stat. 3009.

For many years, to avoid the obligations of consumer reporting

agencies imposed by the FCRA, many financial institutions avoided making any communications to affiliates of consumer information that could constitute consumer reports.¹ The 1996 Amendments, however, excluded specified types of information sharing with affiliates from the definition of "consumer report" assuring financial institutions that making these communications would not expose them to the obligations of consumer reporting agencies. In particular, the 1996 Amendments excluded from the definition of "consumer report" the sharing of "other information" among affiliates, so long as the consumer, having been given notice and an opportunity to opt out, did not opt out. "Other information" refers to information that is covered by the FCRA and that is not a report containing information solely as to transactions or experiences between the consumer and the person making the report.

The 1996 Amendments prohibited the NCUA and the Agencies from issuing implementing regulations. 15 U.S.C. 1681s(a)(4) (repealed). The Gramm-Leach-Bliley Act (GLBA) repealed this prohibition and directed the Board to prescribe regulations as necessary to carry out the purposes of FCRA with respect to FCUs. Pub. L. 106-102 § 506, 15 U.S.C. 1681s(e)(2).

NCUA's proposed rule and a large portion of the preamble mirror the Agencies' joint notice of proposed rulemaking, although credit unions differ from other financial institutions in several ways. FCUs are not-for-profit cooperative financial institutions, formed to permit those in the field of membership specified in the credit union's charter to save, borrow, and obtain related financial services. Member ownership and control make credit unions unique from other financial institutions. FCU investment in affiliates is limited to credit union service organizations (CUSOs), which are organizations that primarily serve credit unions or their members and whose business is related to the daily

¹ The FCRA creates substantial obligations for "consumer reporting agencies." FCRA, section 603(f); see, e.g., sections 607, 611. These obligations include furnishing consumer reports only for permissible purposes, maintaining high standards for ensuring the accuracy of information in consumer reports, resolving customer disputes, and other matters.