

## Corporate & Financial Weekly Digest

September 23, 2011 by [Jeffrey M. Werthan](#)

### **Office of Comptroller Applies Forex Rules Applicable to National Banks to Federal Savings Banks**

The Office of the Comptroller of the Currency (OCC) announced on September 12 that it adopted an interim final rule amending its rule governing retail foreign exchange transactions to apply to Federal savings associations and making conforming changes to the required risk disclosure statements. As amended effective on July 16, 2011, by the Dodd–Frank Wall Street Reform and Consumer Protection Act, the Commodity Exchange Act forbids Federal savings associations from engaging in certain off-exchange transactions in foreign currency with retail customers (retail forex transactions), except pursuant to a rule authorizing the transaction (a retail forex rule). The OCC promulgated a retail forex rule for national banks on July 14. See 76 Fed. Reg. 41375 (codified at 12 CFR part 48). On July 21, the OCC obtained the authority to promulgate a retail forex rule for Federal savings associations. This interim final rule authorizes Federal savings associations to engage in retail forex transactions on the same terms as national banks. As required by the Commodity Exchange Act, the retail forex rule includes requirements for conducting retail forex transactions with respect to disclosure, recordkeeping, capital and margin, reporting, business conduct, and documentation. This interim final rule also makes conforming changes to the risk disclosures required by the retail forex rule.

This interim final rule took effect on September 12. Federal savings associations that were engaged in a retail forex business prior to July 16, 2011, must request a supervisory no-objection to continue their retail forex business within 30 days of the effective date of the interim final rule.

To view the final rule, click [here](#).

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