

II. The RED List

In light of the challenges associated with taking enforcement action against such entities, the Commission believes it useful to educate and empower prospective investors. The goal of the RED List is to provide prospective investors with information regarding unregistered soliciting entities before they invest. For a foreign entity to be listed on the CFTC's RED List, reasonable grounds must exist to believe that the entity meets the following six criteria:

1. The entity is foreign;
2. The foreign entity has no or limited presence in the United States;⁴
3. The foreign entity is soliciting and/or accepting funds from U.S. residents;
4. The foreign entity is offering a product within the Commission's jurisdiction (e.g. "forex");
5. The foreign entity is required to be registered; and

6. The foreign entity is not registered.⁵ If the foreign entity meets these criteria, Enforcement will propose that it be included on a publicly disclosed list stating that the foreign entity is acting in a capacity that appears to require registration but is not registered with the Commission. This list will then be publicized by the Commission's Office of Consumer Outreach by a variety of different methods and media.

The RED List process contains three separate levels of review before a recommendation is made to the Commission for inclusion on the RED List. First the Intake Officer reviews the complaint and makes an initial determination of whether a foreign entity should potentially be included in the RED List. This initial determination is passed to a Triage Officer who will conduct a limited investigation and then make a recommendation to an Enforcement Deputy Director. The Deputy Director will, based on the information before him/her, make a decision as to whether to recommend to the Commission that it include a foreign entity on the RED List. These levels of review are to ensure that only those foreign entities that should be included on the RED List are included on the RED List.

investor Alert Portal on its Web site to receive and publish alerts and warnings from its members about firms which are not authorized to provide investment services in the jurisdiction that issued the alert or warning.

⁴ Merely registering a Web site with a U.S. based domain name registrar does not constitute physical presence.

⁵ If the foreign entity offers binary options there is one additional criterion: Whether the entity is a foreign board of trade. If it is a foreign board of trade, then the entity would not be eligible for the RED list.

The CFTC is committed to providing accurate information to investors using the RED List. Before listing an entity on the RED List, Commission staff will notify the entity by Notice Letter of the Commission's intent to list the entity. The entity will have the opportunity to respond to the Commission and provide relevant documentation. If the foreign entity does not respond to the notice letter or provides an unsatisfactory response, Enforcement will recommend to the Commission that a foreign entity should be included on the RED List.

To implement the RED List, the Commission will post on its public Web sites, <http://www.SmartCheck.gov/REDList>, the names, and only the names, of unregistered soliciting foreign entities that have been subject of complaints received by the CFTC. The RED list will contain the following information:

RED (Registration Deficient) LIST

List of Foreign Entities That Have Been Identified as Acting in a Capacity That Appears To Require Registration but Are Not Appropriately Registered With the Commission

The Commodity Futures Trading Commission ("CFTC") frequently receives investigative leads and questions from the public about foreign entities that solicit and/or accept funds from U.S. residents at a retail level. For example these leads and questions can relate to, among things, foreign entities that engage in foreign currency ("Forex") in a capacity similar to Retail Foreign Exchange Dealers ("RFEDs"), Introducing Brokers, Commodity Trading Advisors or Commodity Pool Operators [http://www.cftc.gov/PressRoom/PressReleases/fraudadv_binaryoptions](http://www.cftc.gov/ConsumerProtection/FraudAwarenessPrevention/ForeignCurrencyTrading/index.htm). Many of these foreign entities are acting in a capacity that requires them to be registered with the CFTC.

If a foreign entity is registered with the CFTC, then it is subject to CFTC regulations and oversight that apply to registrants. Generally, foreign entities that solicit you to trade are required to register with the CFTC. For this reason, it is important for you to consider whether the foreign entity that solicits you is, in fact, registered with the CFTC.

In certain cases, a preliminary review by the CFTC reveals that foreign entities that solicit and/or accept funds from U.S. residents at a retail level have no or limited U.S. presence, and act in a capacity that requires registration, but are not in fact registered. In an effort to warn the public about these entities, the CFTC is publishing the names of those foreign entities.

The goal of this list is to provide information to U.S. consumers about foreign entities that are acting in an unregistered capacity and to help them make more informed decisions about whether to trade with or through such an entity. The more that

U.S. consumers trade with and through registered entities, the more likely that their funds will have a greater chance of being protected.

The named foreign entities currently appear to be acting in a capacity that requires registration with the CFTC but are NOT registered with the CFTC.

[Inserted will be a list of all of the foreign entities that have met the criteria, as approved by the Commission.]

The inclusion of an entity's name on the RED list does not mean that the CFTC or a Court has concluded that a violation of any provision of the Commodity Exchange Act or the Commission's Regulations has occurred.

III. Review of RED List

Twice annually, on or about June 30 and December 31, the Triage Officer will review the RED List and, if it appears that a minimum of 12 months have elapsed during which no complaints have been received regarding the a foreign entity and the foreign entity's Web site is either inactive or taken down, Enforcement will submit a recommendation for Commission consideration to move the foreign entity from the active portion of the RED List homepage to the archival portion of such page.

Issued in Washington, DC, on September 9, 2015, by the Commission.

Robert N. Sidman,

Deputy Secretary of the Commission.

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BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB-2015-0038]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is proposing a new information collection titled, "Regulation F: Fair Debt Collection Practices Act, State Application for Exemption (12 CFR 1006.2)".

DATES: Written comments are encouraged and must be received on or before October 14, 2015 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see

below), and docket number (see above), by any of the following methods:

- *Electronic*: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *OMB*: Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503 or fax to (202) 395-5806. Mailed or faxed comments to OMB should be to the attention of the OMB Desk Officer for the Bureau of Consumer Financial Protection.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT:

Documentation prepared in support of this information collection request is available at www.reginfo.gov (this link active on the day following publication of this notice). Select "Information Collection Review," under "Currently under review, use the dropdown menu "Select Agency" and select "Consumer Financial Protection Bureau" (recent submissions to OMB will be at the top of the list). The same documentation is also available at <http://www.regulations.gov>. Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435-9575, or email: PRA@cfpb.gov. *Please do not submit comments to this email box.*

Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435-9575, or email: PRA@cfpb.gov. *Please do not submit comments to this email box.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Regulation F: Fair Debt Collection Practices Act, State Application for Exemption (12 CFR 1006.2).

OMB Control Number: 3170-XXXX.

Type of Review: Request for a new OMB Control Number.

Affected Public: State and Tribal governments and the five (5) inhabited U.S. Territories.

Estimated Number of Respondents: 1.

Estimated Total Annual Burden Hours: 2.

Abstract: This Rule establishes procedures and criteria whereby states may apply to the Bureau for exemption of a class of debt collection practices within the applying state from the provisions of the Fair Debt Collection Practices Act (FDCPA) as provided in section 817 of the Act, 15 U.S.C. 1692. The information collection request seeks OMB approval for the state application for exemption from the provisions of FDCPA as contained in 12 CFR 1006.2.

Request for Comments: The Bureau issued a 60-day **Federal Register** notice on June 15, 2015, (80 FR 34148). Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Dated: September 9, 2015.

Linda F. Powell,

Chief Data Officer, Bureau of Consumer Financial Protection.

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BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB-2015-0039]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection, titled, "High-Cost Mortgage and Homeownership Counseling Amendments to the Truth in Lending Act (Regulation Z)."

DATES: Written comments are encouraged and must be received on or before November 13, 2015 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic*: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail*: Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.

- *Hand Delivery/Courier*: Consumer Financial Protection Bureau (Attention: PRA Office), 1275 First Street NE., Washington, DC 20002.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT:

Documentation prepared in support of this information collection request is available at www.regulations.gov. Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435-9575, or email: PRA@cfpb.gov. *Please do not submit comments to this mailbox.*

SUPPLEMENTARY INFORMATION:

Title of Collection: High-Cost Mortgage and Homeownership Counseling Amendments to the Truth in Lending Act (Regulation Z).

OMB Control Number: 3170-0023.

Type of Review: Extension without change of a currently approved collection.

Affected Public: Businesses and other for- and non-profit institutions.

Estimated Number of Respondents: 49.

Estimated Total Annual Burden Hours: 317.

Abstract: The Truth in Lending Act (TILA), 15 U.S.C. 1601 *et seq.*, was enacted to foster comparison credit shopping and informed credit decision making by requiring accurate disclosure of the costs and terms of credit to consumers. Creditors are subject to disclosure and other requirements that apply to open-end credit (*e.g.*, revolving credit or credit lines) and closed-end credit (*e.g.*, installment financing). TILA imposes disclosure requirements on all types of creditors in connection with consumer credit, including mortgage companies, finance companies, retailers, and credit card issuers, to ensure that consumers are fully apprised of the terms of financing prior to consummation of the transaction and, in some instances, during the loan term. It also imposes advertising disclosure requirements on advertisers of consumer credit. TILA also establishes billing error resolution procedures for open-end credit and limits consumer