

FEDERAL DEPOSIT INSURANCE CORPORATION**12 CFR Ch. III**

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is hereby publishing items for the Fall 2010 Unified Agenda of Federal Regulatory and Deregulatory Actions. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the Agenda. Unless otherwise noted, the address for all FDIC staff identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

Risk-Based Capital Standards: Market Risk: The OCC, Board and the FDIC proposed revisions to the market risk capital rule to enhance its risk sensitivity and introduce requirements for public disclosure of certain qualitative and quantitative information about the market risk of a bank or bank holding company. The Office of Thrift Supervision (OTS) currently does not apply a market risk capital rule to savings associations and is proposing in this notice a market risk capital rule for savings associations. The proposed rules for each agency are substantively identical.

Deposit Insurance Regulations; Revocable Trust Accounts: The FDIC adopted this rule to simplify and modernize its deposit insurance rules for revocable trust accounts. The FDIC's main goal in implementing these revisions is to make the rules easier to understand and apply, without decreasing coverage currently available for revocable trust account owners. The FDIC believes that the rule will result in faster deposit insurance determinations after depository institution closings and will help improve public confidence in the banking system. The rule eliminates the concept of qualifying beneficiaries. Also, for account owners with revocable trust accounts totaling no more than \$500,000, coverage will be determined without regard to the beneficial interest of each beneficiary in the trust.

Under the new rule, a trust account owner with up to five different beneficiaries named in all his or her revocable trust accounts at one FDIC-insured institution will be insured up to \$100,000 per beneficiary. Revocable trust account owners with more than \$500,000 and more than five different beneficiaries named in the trust(s) will be insured for the greater of either: \$500,000 or the aggregate amount of all the beneficiaries' interests in the trust(s), limited to \$100,000 per beneficiary.

Guidelines for Furnishers of Information to Consumer Reporting Agencies: The OCC, Board, FDIC, OTS, NCUA, and FTC (collectively, the Agencies) request comment to gather information that would assist the Agencies in considering the development of a possible proposed addition to the furnisher accuracy and integrity guidelines which, along with the accompanying regulations, implement the accuracy and integrity provisions in section 312 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act) that amended section 623 of the Fair Credit Reporting Act (FCRA). This advance notice of proposed rulemaking (ANPRM) seeks to obtain information that would assist the Agencies in determining whether it would be appropriate to propose an addition to one of the guidelines that would delineate the circumstances under which a furnisher would be expected to provide an account opening date to a

consumer reporting agency to promote the integrity of the information. In addition, the Agencies request comment more broadly on whether furnishers should be expected to provide any other types of information to a consumer reporting agency in order to promote integrity.

Community Reinvestment Act Regulations: The OCC, the Board, the FDIC, and the OTS (collectively, the Agencies) issued this notice of proposed rulemaking that would revise our rules implementing the Community Reinvestment Act (CRA). The proposed rule would incorporate into our rules recently adopted statutory language that requires the Agencies, when assessing an institution's record of meeting community credit needs, to consider, as a factor, low-cost education loans provided by the financial institution to low-income borrowers. The proposal also would incorporate into our rules statutory language that allows the Agencies, when assessing an institution's record, to consider as a factor capital investment, loan participation, and other ventures undertaken by non minority-owned and nonwomen-owned financial institutions in cooperation with minority- and women-owned financial institutions and low-income credit unions.

Defining Safe Harbor Protection for Treatment by the FDIC as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution: The Federal Deposit Insurance Corporation (FDIC) is amending its regulation codified at 12 CFR section 360.6, Defining Safe Harbor Protection for Treatment By The Federal Deposit Insurance Corporation As Conservator Or Receiver Of Financial Assets Transferred In Connection With A Securitization Or Participation. The amendment adds a new subparagraph (b)(2) in order to continue for a limited time the safe harbor provision of section 360.6(b) for participations or securitizations that would be affected by recent changes to generally accepted accounting principles. In effect, the Rule "grandfathers" all participations and securitizations for which financial assets were transferred or, for revolving securitization trusts, for which securities were issued prior to March 31, 2010 so long as those participations or securitizations complied with the preexisting section 360.6 under generally accepted accounting principles in effect prior to November 15, 2009. The transitional safe harbor will apply irrespective of whether or not the participation or securitization satisfies all of the conditions for sale accounting treatment under generally accepted accounting principles as effective for reporting periods after November 15, 2009.

Incorporating Executive Compensation Criteria Into the Risk Assessment System: The FDIC is seeking comment on ways that the FDIC's risk-based deposit insurance assessment system (risk-based assessment system) could be changed to account for the risks posed by certain employee compensation programs. Section 7 of the Federal Deposit Insurance Act (FDI Act, 12 U.S.C. 1817) sets forth the risk-based assessment authorities underlying the FDIC's deposit insurance system, and the parameters of the FDIC's rules are set forth at 12 CFR part 327.

Assessments: The FDIC proposes to amend 12 CFR part 327 to revise the assessment system applicable to large institutions to better differentiate institutions by taking a more forward-looking view of risk; to better take into account the losses that the FDIC will incur if an institution fails; to revise the initial base assessment rates for all insured depository institutions; and to make technical and other changes to the rules governing the risk-based assessment system.

Special Reporting, Analysis and Contingent Resolution Plans at Certain Large Insured Depository Institutions: The FDIC is seeking comment on a proposed rule that would require certain identified insured depository institutions (IDIs) that are subsidiaries of large and complex financial parent companies to submit to the FDIC analysis, information, and contingent resolution plans that address and demonstrate the IDI's ability to be separated from its parent structure, and to be wound down or resolved in an orderly fashion. The IDI's plan would include a gap analysis that would identify impediments to the orderly stand-alone resolution of the IDI, and identify reasonable steps that are or will be taken to eliminate or mitigate such impediments. The contingent resolution plan, gap analysis, and mitigation efforts are intended to enable the FDIC to develop a reasonable strategy, plan or options for the orderly resolution of the institution. The proposal would apply only to IDIs with greater than \$10 billion in total assets that are owned or controlled by parent companies with more than \$100 billion in total assets.

Alternatives to the Use of Credit Ratings in the Risk-Based Capital Guidelines of the Federal Banking Agencies: The Dodd-Frank Wall Street Reform and Consumer Protection Act (the Act), enacted on July 21, 2010, requires Federal agencies to review their regulations that (1) require an assessment of the credit-worthiness of a security or money market instrument and (2) contain references to or requirements regarding credit ratings. In addition, the agencies are required to remove such requirements that refer to or rely upon credit ratings, and to substitute in their place uniform standards of credit-worthiness. The Advanced Notice of Proposed Rulemaking seeks comment on alternative standards of credit-worthiness that may be used for risk-based capital requirements.

Federal Deposit Insurance Corporation.

NAME: Valerie J. Best,
Assistant Executive Secretary.

The 21 Regulatory Agendas

Federal Deposit Insurance Corporation - Proposed Rule

Title	Regulation Identifier Number
Guidelines for Furnishers of Information to Consumer Reporting Agencies	3064-AD40

Federal Deposit Insurance Corporation - Final Rule

Title	Regulation Identifier Number
Deposit Insurance Regulations; Revocable Trust Accounts	3064-AD33
Community Reinvestment Act Regulations	3064-AD45
Defining Safe Harbor Protection for Treatment by the FDIC as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution	3064-AD53
Incorporating Executive Compensation Criteria Into The Risk Assessment System	3064-AD56
Assessments	3064-AD57
Special Reporting, Analysis and Contingent Resolution Plans at Certain Large Insured Depository Institutions	3064-AD59

Federal Deposit Insurance Corporation - Long-term Action

Title	Regulation Identifier Number
Risk-Based Capital Standards: Market Risk	3064-AD10
Minimum Capital Ratios; Capital Adequacy Guidelines; Capital Maintenance; Capital: Treatment of Certain Claims On, or Guaranteed By, Fannie Mae and Freddie Mac	3064-AD34
Alternatives to the Use of Credit Ratings in the Risk-Based Capital Guidelines of the Federal Banking Agencies	3064-AD62

Federal Deposit Insurance Corporation - Completed Action

Title	Regulation Identifier Number
Interstate Banking; Federal Interest Rate Authority	3064-AC95
Community Reinvestment Act; Interagency Questions and Answers Regarding Community Reinvestment	3064-AC97
Industrial Banks Subsidiaries of Financial Companies	3064-AD15
Minority and Women Outreach Program Contracting Activities	3064-AD23
Risk-Based Capital Guidelines; Capital Adequacy Guidelines: Standardized Framework	3064-AD29
Interest Rate Restrictions on Institutions That Are Less Than Well Capitalized	3064-AD41
Registration of Mortgage Loan Originators	3064-AD43
Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed	3064-AD48
Prepaid Assessments	3064-AD49
Community Reinvestment Act Regulations	3064-AD60
To Conform Deposit Insurance and Advertising (Logo) Regulations to Permanent Standard Maximum Deposit Insurance (SMDIA) of \$250,000	3064-AD61

Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD40

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Title: Guidelines for Furnishers of Information to Consumer Reporting Agencies

Abstract: The OCC, Board, FDIC, OTS, NCUA, and FTC (Agencies) request comment to gather information that would assist the Agencies in considering the development of a possible proposed addition to the furnish accuracy and integrity guidelines which, along with the accompanying regulations, implement the accuracy and integrity provisions in section 312 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act) that amended section 623 of the Fair Credit Reporting Act (FCRA). This advance notice of proposed rulemaking (ANPRM) seeks to obtain information that would assist the Agencies in determining whether it would be appropriate to propose an addition to one of the guidelines that would delineate the circumstances under which a furnisher would be expected to provide an account opening date to a consumer reporting agency to promote the integrity of the information. In addition, the Agencies request comment more broadly on whether furnishers should be expected to provide any other types of information to a consumer reporting agency in order to promote integrity.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 334 app E (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1818; 12 USC 1819 (Tenth); PL 108-159

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	07/01/2009	74 FR 31529
ANPRM Comment Period End	08/31/2009	
NPRM	12/00/2010	

Additional Information: Email comments to: Comments@FDIC.gov--Include RIN 3064-AD40 on the subject line of the message.

Regulatory Flexibility Analysis Required: Undetermined **Government Levels Affected:** No

Federalism: No

Energy Affected: No

Public Comment

URL: www.FDIC.gov/regulations/laws/federal/propose.html

Related RINs: Related to 3064-AC99

Related Agencies: Joint: FRS; Joint: OCC; Joint: OTS; Joint: FTC

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD33

 [View Related Documents](#)

Title: Deposit Insurance Regulations; Revocable Trust Accounts

Abstract: The FDIC adopted its interim rule to simplify and modernize its deposit insurance rules for revocable trust accounts. The FDIC's main goal in implementing these revisions is to make the rules easier to understand and apply, without decreasing coverage currently available for revocable trust account owners. The FDIC believes that the interim rule will result in faster deposit insurance determinations after depository institution closings and will help improve public confidence in the banking system. The interim rule eliminates the concept of qualifying beneficiaries. Also, for account owners with revocable trust accounts totaling no

more than \$500,000, coverage will be determined without regard to the beneficial interest of each beneficiary in the trust. Under the new rules, a trust account owner with up to five different beneficiaries named in all his or her revocable trust accounts at one FDIC-insured institution will be insured up to \$100,000 per beneficiary. Revocable trust account owners with more than \$500,000 and more than five different beneficiaries named in the trust(s) will be insured for the greater of either: \$500,000 or the aggregate amount of all the beneficiaries' interests in the trust(s), limited to \$100,000 per beneficiary.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 330 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1813(l); 12 USC 1813(m); 12 USC 1817(i); 12 USC 1818(q)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/2008	73 FR 56706
Interim Final Rule Comment Period End	12/01/2008	
Final Action	12/00/2010	

Additional Information: Email comments to: Comments@FDIC.gov--Include RIN 3064-AD33 in subject line of message.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information

Public Comment

URL: www.fdic.gov/regulations/laws/federal/08final.html

URL: www.fdic.gov/regulations/laws/federal/08final.html

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD45

 [View Related Documents](#)

Title: Community Reinvestment Act Regulations

Abstract: The OCC, the Board, the FDIC, and the OTS (collectively, the Agencies) issued this notice of proposed rulemaking that would revise our rules implementing the Community Reinvestment Act (CRA). The proposed rule would incorporate into our rules recently adopted statutory language that requires the Agencies, when assessing an institution's record of meeting community credit needs, to consider, as a factor, low-cost education loans provided by the financial institution to low-income borrowers. The proposal also would incorporate into our rules statutory language that allows the Agencies, when assessing an institution's record, to consider as a factor capital investment, loan participation, and other ventures undertaken by nonminority-owned and nonwomen-owned financial institutions in

cooperation with minority- and women-owned financial institutions and low-income credit unions.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 12 CFR 345 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1814 to 1817; 12 USC 1819 to 1820; 12 USC 1828 to 1831u; 12 USC 2901 to 2908; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/30/2009	74 FR 31209
NPRM Comment Period End	07/30/2009	
Final Action	12/00/2010	

Additional Information: Email comments to: Comments@FDIC.gov--Include RIN 3064-AD45 on the subject line of the message.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information

Public Comment

URL: www.fdic.gov/regulations/laws/federal/2009/09proposeAD45.pdf URL: www.fdic.gov/regulations/laws/federal/2009/09comAD45.html

Related Agencies: Joint : OCC; Joint : FRS; Joint : OTS

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD53

 [View Related Documents](#)

Title: Defining Safe Harbor Protection for Treatment by the FDIC as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution

Abstract: The Federal Deposit Insurance Corporation (FDIC) is amending its regulation codified at 12 CFR section 360.6, Defining Safe Harbor Protection for Treatment By The Federal Deposit Insurance Corporation As Conservator Or Receiver Of Financial Assets Transferred In Connection With A Securitization Or Participation. The amendment adds a new subparagraph (b)(2) in order to continue for a limited time the safe harbor provision of section 360.6(b) for participations or securitizations that would be affected by recent changes to generally accepted accounting principles. In effect, the Interim Rule "grandfathers" all participations and securitizations for which financial assets were transferred or, for revolving securitization trusts, for which securities were issued prior to March 31, 2010 so long as those participations or securitizations complied with the preexisting section 360.6 under generally accepted accounting principles in effect prior to November 15, 2009. The transitional safe harbor will apply irrespective of whether or not the participation or securitization satisfies all of the conditions for sale accounting treatment under generally accepted accounting principles as effective for reporting periods after November 15, 2009. The FDIC is intending to publish in December 2009, a Notice of Proposed Rulemaking to amend section 360.6 further regarding the treatment of participations and securitizations issued after March 31, 2010.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 360.6 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1821(d)(1); 12 USC 1821(d)(10)(C); 12 USC 1821(d)(11); 12 USC 1821(e)(1); 12 USC 1821(e)(8)(D)(i); 12 USC 1823(c)(4); 12 USC 1823(e)(2); PL 101-73; 103 Stat 357

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/17/2009	74 FR 59066
Interim Final Rule Comment Period End	01/04/2010	
NPRM	05/17/2010	75 FR 27471
NPRM Comment Period End	07/01/2010	75 FR 27471
Final Action	12/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Public Comment

URL: www.FDIC.gov/regulations/laws/federal/notices.html

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD56

 [View Related Documents](#)

Title: Incorporating Executive Compensation Criteria Into The Risk Assessment System

Abstract: The FDIC is seeking comment on ways that the FDIC's risk-based deposit insurance assessment system (risk-based assessment system) could be changed to account for the risks posed by certain employee compensation programs. Section 7 of the Federal Deposit Insurance Act (FDI Act, 12 U.S.C. 1817) sets forth the risk-based assessment authorities underlying the FDIC's deposit insurance system, and the parameters of the FDIC's rules are set forth at 12 CFR part 327.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 327 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1817

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	01/19/2010	75 FR 2823
ANPRM Comment Period End	02/18/2010	
Final Action	12/00/2010	

Additional Information: Email: Comments@FDIC.gov--Include RIN 3064-AD56 on the subject line of the message.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.fdic.gov/regulations/laws/

Public Comment

URL: www.fdic.gov/regulations/laws/federal/notices.html

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD57

 [View Related Documents](#)

Title: Assessments

Abstract: The FDIC proposes to amend 12 CFR part 327 to revise the assessment system applicable to large institutions to better differentiate institutions by taking a more forward-looking view of risk; to better take into account the losses that the FDIC will incur if an institution fails; to revise the initial base assessment rates for all insured depository institutions; and to make technical and other changes to the rules governing the risk-based assessment system.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 327 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1441; 12 USC 1813; 12 USC 1815; 12 USC 1821; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/03/2010	75 FR 23516
NPRM Comment Period End	07/02/2010	75 FR 23516
Final Action	12/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information

URL: <http://www.fdic.gov/regulations/laws/index.html>

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD59

 [View Related Documents](#)

Title: Special Reporting, Analysis and Contingent Resolution Plans at Certain Large Insured Depository Institutions

Abstract: The FDIC is seeking comment on a proposed rule that would require certain identified insured depository institutions (IDIs) that are subsidiaries of large and complex financial parent companies to submit to the FDIC analysis, information, and contingent resolution plans that address and demonstrate the IDI's ability to be separated from its parent structure, and to be wound down or resolved in an orderly fashion. The IDI's plan would include a gap analysis that would identify impediments to the orderly stand-alone resolution of the IDI, and identify reasonable steps that are or will be taken to eliminate or mitigate such impediments. The contingent resolution plan, gap analysis, and mitigation efforts are intended to enable the FDIC to develop a reasonable strategy, plan or options for the orderly resolution of the institution. The proposal would apply only to IDIs with greater than \$10 billion in total assets that are owned or controlled by parent companies with more than \$100 billion in total assets.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 12 CFR 360.10 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1817(b); 12 USC 1818(a)(2); 12 USC 1818(t); 12 USC 1819(a) Seventh; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/17/2010	75 FR 27464
NPRM Comment Period End	07/16/2010	75 FR 27464
Final Action	12/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information

URL: <http://www.fdic.gov/regulations/laws/index.html>

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD10

 [View Related Documents](#)

Title: Risk-Based Capital Standards: Market Risk

Abstract: The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC) proposed revisions to the market risk capital rule to enhance its risk sensitivity and introduce requirements for public disclosure of certain qualitative and quantitative information about the market risk of a bank or bank holding company. The Office of Thrift Supervision (OTS) currently does not apply a market risk capital rule to savings associations and is proposing in this notice a market risk capital rule for savings associations. The proposed rules for each agency are substantively identical.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 325 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1815(a); 12 USC 1815(b); 12 USC 1816; 12 USC 1818(b) to 1818(c); ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	09/25/2006	71 FR 55958
NPRM Comment Period End	01/23/2007	

Additional Information: E-Mail comments to: Comments@FDIC.gov - Include RIN # 3064-AD10 on the subject line of the message.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information

Public Comment

URL: <http://www.fdic.gov/regulations/laws/federal/06propose.html> URL: <http://www.fdic.gov/regulations/laws/federal/2006/06comAD10.html>

Related Agencies: Joint : OCC; Joint : FRS; Joint : OTS

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD34

 [View Related Documents](#)

Title: Minimum Capital Ratios; Capital Adequacy Guidelines; Capital Maintenance; Capital: Treatment of Certain Claims On, or Guaranteed By, Fannie Mae and Freddie Mac

Abstract: On September 7, 2008, the U.S. Department of Treasury (Treasury) entered into senior preferred stock purchase agreements (together, the Agreements, singularly an Agreement) with the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac), which effectively provide protection to the holders of senior debt, subordinated debt, and mortgage-backed securities (MBS) issued or guaranteed by these entities. In light of the financial support provided under the Agreements, the Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), and Office of Thrift Supervision (OTS) (collectively, the Agencies) are proposing to adopt a 10 percent risk weight for claims on, and claims guaranteed by, Fannie Mae or Freddie Mac. The 10 percent risk weight would apply so long as an Agreement remains in effect with the respective entity.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 325 app A (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1815(a); 12 USC 1815(b); 12 USC 1816; 12 USC 1818(a); ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	10/27/2008	73 FR 63656
NPRM Comment Period End	11/26/2008	

Additional Information: E-mail comments to: Comments@FDIC.gov - Include RIN # 3064-AD34 on the subject line of message.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information

Public Comment

URL: <http://www.fdic.gov/regulations/laws/federal/2008/08notice27Oct.pdf> URL: <http://www.fdic.gov/regulations/laws/federal/2008/08comAD34.html>

Related Agencies: Joint : OCC; Joint : FRS; Joint : OTS

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD62

 [View Related Documents](#)

Title: Alternatives to the Use of Credit Ratings in the Risk-Based Capital Guidelines of the Federal Banking Agencies

Abstract: The Dodd-Frank Wall Street Reform and Consumer Protection Act (the Act), enacted on July 21, 2010, requires Federal agencies to review their regulations that (1) require an assessment of the credit-worthiness of a security or money market instrument and (2) contain references to or requirements regarding credit ratings. In addition, the agencies are required to remove such requirements that refer to or rely upon credit ratings, and to substitute in their place uniform standards of credit-worthiness. The ANPRM seeks comment on alternative standards of credit-worthiness that may be used for risk-based capital requirements.

Priority: Economically Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Yes

Unfunded Mandates: No

CFR Citation: 12 CFR 325 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Dodd-Frank Wall Street Reform and Consumer Protection Act

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	08/25/2010	75 FR 52283
ANPRM Comment Period End	10/25/2010	

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AC95

 [View Related Documents](#)

Title: Interstate Banking; Federal Interest Rate Authority

Abstract: The FDIC received a petition for rulemaking to preempt certain state laws with the stated purpose of establishing parity between national banks and state-chartered banks in interstate activities and operations. The petition also requested rulemaking to implement the interest rate authority contained in the Federal Deposit Insurance Act.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 331; 12 CFR 362 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1819(a)(Tenth); 12 USC 1820(g); 12 USC 1831d note; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/14/2005	70 FR 60019
NPRM Comment Period End	12/13/2005	
Withdrawn	08/30/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information

Public Comment

URL: <http://www.FDIC.gov/regulations/laws/federal/propose.html>URL: <http://www.FDIC.gov/regulations/laws/federal/propose.html>

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AC97

 [View Related Documents](#)

Title: Community Reinvestment Act; Interagency Questions and Answers Regarding Community Reinvestment

Abstract: The OCC, Board, FDIC, and OTS (the Agencies) are adopting as final the Interagency Questions and Answers Regarding Community Reinvestment (Questions and Answers) that were proposed on July 11, 2007. In response to comments received, the Agencies clarified several of the new and revised questions and answers that were proposed and are withdrawing the proposed revisions to an existing question and answer. Also, in response to comments we received, the Agencies are proposing a new question and answer that would provide examples of how an institution can determine that community services it provides are targeted to low- and moderate-income individuals. The Agencies are also proposing to revise two existing questions and answers to allow pro rata consideration in certain circumstances for an activity that provides affordable housing targeted to low-or moderate income individuals. The Agencies invite public comment on these proposed new and revised questions and answers.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 25; 12 CFR 228; 12 CFR 345; 12 CFR 563e (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 2901

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice	11/10/2005	70 FR 68450
Notice Comment Period End	01/09/2006	
Second Notice	03/10/2006	71 FR 12424
Third Notice	07/11/2007	72 FR 37922
Third Notice Comment Period End	09/10/2007	
Fourth Notice	01/06/2009	74 FR 498
Fourth Notice Comment Period End	03/09/2009	
Fifth Notice	03/11/2010	75 FR 11642

Additional Information: Email comments to: Comments@FDIC.gov--Include RIN 3064-AC97 on the subject line of the message.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information

Public Comment

URL: www.fdic.gov/regulations/laws/federal/propose.html

URL: www.fdic.gov/regulations/laws/federal/notices.html

Related Agencies: Joint : OCC; Joint : FRS; Joint : OTS

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD15

 [View Related Documents](#)

Title: Industrial Banks Subsidiaries of Financial Companies

Abstract: The FDIC published for comment proposed rules that would impose certain conditions and requirements on each deposit insurance application approval and non-objection to a change in control notice that would result in an insured industrial loan company or industrial bank, becoming after the effective date of any final rules, a subsidiary of a company that is engaged

solely in financial activities and that is not subject to consolidated bank supervision by the Federal Reserve Board or the Office of Thrift Supervision. The proposed rules would also require that before any industrial bank may become a subsidiary of a company that is engaged solely in financial activities and that is not subject to Federal Consolidated Bank Supervision, such company and the industrial bank must enter into one or more written agreements with the FDIC. Simultaneously with the proposed rules, the FDIC is publishing a Notice to extend for one year its moratorium for applications for deposit insurance and change in control notices for industrial banks that will become subsidiaries of companies engaged in non-financial activities. By this action, however, the FDIC is not expressing any conclusion about the propriety of ownership or control of industrial banks by commercial companies. The FDIC has determined that it is appropriate to provide additional time for review of such ownership and the related issues by the FDIC and by Congress.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 354 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1811; 12 USC 1815 to 1817; 12 USC 1819(a) Seventh and Tenth; 12 USC 1820(g); 12 USC 3108; 12 USC 3207

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/05/2007	72 FR 5217
NPRM Comment Period End	05/07/2007	
Withdrawn	09/01/2010	

Additional Information: Email comments to: Comments@FDIC.gov--Include RIN 3064-AD15 on the subject line of the message.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information

Public Comment

URL: www.fdic.gov/regulations/laws/federal/propose.html

URL: www.fdic.gov/regulations/laws/federal/2007/07comAD15.html

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD23

 [View Related Documents](#)

Title: Minority and Women Outreach Program Contracting Activities

Abstract: This proposed rule amends existing FDIC regulations regarding the FDIC's contracting activities under its Minority and Women Outreach Program (MWOP). These are relatively minor amendments designed to eliminate several provisions rendered obsolete by significant reductions in FDIC contracting activities and decreases in FDIC staff to monitor the contracting activities of Minority and Women-Owned Businesses (MWOBs).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 361 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1833e

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/03/2008	73 FR 421
NPRM Comment Period End	03/03/2008	
Withdrawn	09/01/2010	

Additional Information: Email comments to: Comments@FDIC.gov--Include RIN 3064-AD23 on the subject line of the message.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information

Public Comment

URL: <http://www.fdic.gov/regulations/laws/federal/2008/08final114.pdf> URL: www.fdic.gov/regulations/laws/federal/propose.html

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD29

 [View Related Documents](#)

Title: Risk-Based Capital Guidelines; Capital Adequacy Guidelines: Standardized Framework

Abstract: The Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), and Office of Thrift Supervision (OTS) (collectively, the Agencies) propose a new risk-based capital framework (standardized framework) based on the standardized approach for credit risk and the basic indicator approach for operational risk described in the capital adequacy framework titled "International Convergence of Capital Measurement and Capital Standards: A Revised Framework" (New Accord) released by the Basel Committee on Banking Supervision. The standardized framework generally would be available, on an optional basis, to banks, bank holding companies, and savings associations (banking organizations) that apply the general risk-based capital rules.

Priority: Economically Significant

Agenda Stage of Rulemaking: Completed Action

Major: Yes

Unfunded Mandates: No

CFR Citation: 12 CFR 325 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1815(a); 12 USC 1815(b); 12 USC 1816; 12 USC 1818(a); 12 USC 1818(b); 12 USC 1818(t); 12 USC 1819(Tenth); 12 USC 1828(c); ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/10/2008	73 FR 43981
NPRM Comment Period End	10/27/2008	
Final Rule	01/28/2010	75 FR 4636
Final Rule Effective	03/29/2010	75 FR 4636

Additional Information: E-mail comments to: Comments@FDIC.gov - Include RIN 3064-AD29 on the subject line of the message.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.fdic.gov/regulations/laws/

Related Agencies: Joint : OCC; Joint : FRS; Joint : OTS

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD41

 [View Related Documents](#)

Title: Interest Rate Restrictions on Institutions That Are Less Than Well Capitalized

Abstract: The FDIC published its proposed rule to amend its regulations relating to the interest rate restrictions that apply to insured depository institutions that are not well capitalized. Under the proposed rule, such insured depository institutions generally would be permitted to offer the "national rate" plus 75 basis points. The "national rate" would be defined, for deposits of similar size and maturity, as an average of rates paid by all insured depository institutions and branches for which data are available. For those cases in which the "national rate" does not represent the prevailing rate in a particular market, as indicated by available evidence, the depository institution would be permitted to offer the prevailing rate plus 75 basis points.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 337 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1831f(a); 12 USC 1831f(c)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/03/2009	74 FR 5904
NPRM Comment Period End	04/06/2009	
Final Rule	06/03/2009	74 FR 26516
Final Rule Effective	12/03/2009	74 FR 26516

Additional Information: Email comments to: Comments@FDIC.gov--Include RIN 3064-AD41 on the subject line of message.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

RIN Information

Public Comment

URL: www.fdic.gov/regulations/laws/federal/2009/09ProposedAD41.pdf URL: www.fdic.gov/regulations/laws/federal/2009/09comAD41.html

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD43

 [View Related Documents](#)

Title: Registration of Mortgage Loan Originators

Abstract: The OCC, Board, FDIC, OTS, FCA, and NCUA (collectively, the Agencies) proposed amendments to their rules to implement the Secure and Fair Enforcement for Mortgage Licensing Act (the S.A.F.E. Act). The S.A.F.E. Act requires an employee of a bank, savings association, credit union or other depository institution and their subsidiaries regulated by a Federal banking agency or an employee of an institution regulated by the FCA (collectively, Agency-regulated institutions) who acts as a residential mortgage loan originator to register with the Nationwide Mortgage Licensing System and Registry (Registry), obtain a unique identifier, and maintain this registration. This proposal implements these requirements. It also provides that Agency-regulated institutions must require their employees who act as residential mortgage loan originators to comply with the S.A.F.E. Act's requirements to register and obtain a unique identifier and must adopt and follow written policies and procedures designed to assure compliance with these requirements.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 365 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1828(o); 12 USC 5105 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/09/2009	74 FR 27386
NPRM Comment Period End	07/09/2009	
Final Rule	07/28/2010	75 FR 44656
Correction	08/23/2010	75 FR 51623
Final Rule Effective	10/01/2010	75 FR 51623

Additional Information: Email comments to: Comments@FDIC.gov--Include RIN 3064-AD43 on the subject line of the message.

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

RIN Information

URL: www.fdic.gov/regulations/laws/federal/2009/09proposeAD43.pdf

Related Agencies: Joint : OCC; Joint : FRS; Joint : OTS; Joint : FCA; Joint : NCUA

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Government Levels Affected: No

Federalism: No

Public Comment

URL: www.fdic.gov/regulations/laws/federal/2009/09comAD43.html

Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD48

 [View Related Documents](#)

Title: Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed

Abstract: The Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), and the Office of Thrift Supervision (OTS) (collectively, the agencies) are amending their general risk-based and advanced risk-based capital adequacy frameworks by adopting a final rule that eliminates the exclusion of certain consolidated asset-backed commercial paper programs from risk-weighted assets; provides for an optional two-quarter implementation delay followed by an optional two-quarter partial implementation of the effect on risk-weighted assets that will result from changes to generally accepted accounting principles; provides an optional two-quarter delay, followed by an option two-quarter phase-in, of the application of the agencies' regulatory limit on the inclusion of the allowance for loan and lease losses (ALLL) in tier 2 capital for the portion of the ALL associated with the assets a banking organization consolidates as a result of changes to U.S. generally accepted accounting principles; and provides a reservation of authority to permit the agencies to require a banking organization to treat entities that are not consolidated under accounting standards as if they were consolidated for risk-based capital purposes, commensurate with the risk relationship of the banking organization to the structure. The delay and subsequent phase-in periods of the implementation will apply only to the agencies' risk-based capital requirements, not the leverage ratio requirement.

Priority: Substantive, Nonsignificant

Major: No

CFR Citation: 12 CFR 325 app A; 12 CFR 325 app D (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Agenda Stage of Rulemaking: Completed Action

Unfunded Mandates: No

Legal Authority: 12 USC 1815(a) and 1815(b); 12 USC 1816 and 1818(a); ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/15/2009	74 FR 47138
NPRM Comment Period End	10/15/2009	
Final Rule	01/28/2010	75 FR 18

Additional Information: Email comments to: Comments@FDIC.gov--Include RIN 3064-AD48 on the subject line of the message.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.fdic.gov/regulations/laws/

Related Agencies: Joint : OCC; Joint : FRS; Joint : OTS

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD49

 [View Related Documents](#)

Title: Prepaid Assessments

Abstract: Pursuant to 12 U.S.C. section 1817(b), the FDIC is amending 12 CFR part 327 to require insured institutions to prepay their estimated quarterly risk-based assessments for the fourth quarter of 2009, and for all of 2010, 2011, and 2012. The prepaid assessment for these periods was collected on December 30, 2009, along with each institution's regular quarterly risk-based deposit insurance assessment for the third quarter of 2009. For the fourth quarter of 2009 and for all of 2010, the prepaid assessment rate would be based on each institution's total base assessment rate for the third quarter of 2009, modified to assume that the assessment rate in effect for the institution on September 30, 2009, had been in effect for the entire third quarter of 2009. The prepaid assessment rate for 2011 and 2012 would be equal to that institution's modified third quarter 2009 total base assessment rate plus 3 basis points. Each institution's prepaid assessment base would be calculated using its third quarter 2009 assessment base, adjusted quarterly for an estimated 5 percent annual growth rate in the assessment base through the end of 2012.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 327.12 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 1441; 12 USC 1813; 12 USC 1815; 12 USC 1817 to 1819

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/02/2009	74 FR 51063
NPRM Comment Period End	10/28/2009	
Final Rule	11/17/2009	74 FR 220

Additional Information: Follow instructions for submitting comments on the Agency Web Site.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.fdic.gov/regulations/laws/

Related RINs: Related to 3064-AD52; Related to 3064-AD51

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD60

 [View Related Documents](#)

Title: Community Reinvestment Act Regulations

Abstract: The OCC, the Board, the FDIC, and the OTS (collectively, the Agencies) are issuing this proposed rule to revise provisions of our rules implementing the Community Reinvestment Act (CRA). The rule proposes to revise the term "community development" to include loans, investments, and services by financial institutions that support, enable, or facilitate projects or activities that meet the criteria described in Section 2301(c)(3) of the Housing and Economic Recovery Act of 2008 (HERA) and are conducted in designated target areas identified in plans approved by the United States Department of Housing and Urban Development (HUD) under the Neighborhood Stabilization Program, established pursuant to the HERA and the American Recovery and Reinvestment Act of 2009. The rule would provide favorable CRA consideration to such activities that, pursuant to the requirements of the program, benefit low-, moderate-, and middle-income individuals and geographies in designated target areas. Such consideration would include covered activities within an institution's assessment area(s) and outside of its assessment area(s), as long as the institution has adequately addressed the community development needs of its assessment area(s). Favorable consideration under the new rule would only be available until two years after the last date appropriated funds for the program are required to be spent by the grantees. The Agencies will provide reasonable advance notice to institutions in the Federal Register regarding termination of the rule once a date certain has been identified.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 25; 12 CFR 228; 12 CFR 345; 12 CFR 563e; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 21; 12 USC 22; 12 USC 26; 12 USC 27; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Public Hearing	06/23/2010	75 FR 35686

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information

URL: <http://www.fdic.gov/regulations/laws/index.html>

Related Agencies: Joint : OCC; Joint : OTS; Joint : FRS

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Federal Deposit Insurance Corporation (FDIC)

RIN: 3064-AD61

 [View Related Documents](#)

Title: To Conform Deposit Insurance and Advertising (Logo) Regulations to Permanent Standard Maximum Deposit Insurance (SMDIA) of \$250,000

Abstract: On July 21, 2010, the President signed into law the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). Section 335 of the Dodd-Frank Act made permanent the SMDIA amount of \$250,000. The FDIC is conforming its regulations to reflect this recent congressional action.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 330; 12 CFR 347; 12 CFR 328 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Dodd-Frank Wall Street Reform and Consumer Protection Act

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	08/13/2010	75 FR 49363

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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