



This document is scheduled to be published in the Federal Register on 01/07/2014 and available online at <http://federalregister.gov/a/2013-29649>, and on [FDsys.gov](http://FDsys.gov)

## **FEDERAL DEPOSIT INSURANCE CORPORATION**

### **12 CFR Ch. III**

#### **Semiannual Agenda of Regulations**

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Federal Deposit Insurance Corporation (“FDIC”) is hereby publishing items for the fall 2013 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:** Robert E. Feldman, Executive Secretary, 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.

**Final Rules:**

*Regulatory Capital Rules: Regulatory Capital, Implementation of Basel*

*III*

*Capital Adequacy, Transition Provisions, Prompt Corrective Action, Standardize*

*Approach for Risk-Weighted Assets, Market Discipline and Disclosure Requirements, Advanced Approaches Risk-Based Capital Rule, and Market Risk Capital Rule (3064-AD95)*

The Federal Deposit Insurance Corporation ("FDIC") is adopting an interim final rule that revises its risk-based and leverage capital requirements for FDIC-supervised institutions. This interim final rule is substantially identical to a joint final rule issued by the Office of the Comptroller of the Currency and the Board of Governors of the Federal Reserve System (together, with the FDIC, "the agencies"). The interim final rule consolidates three separate notices of proposed rulemaking that the agencies jointly published in the Federal Register on August 30, 2012, with selected changes. The interim final rule implements a revised definition of regulatory capital, a new common equity tier 1

minimum capital requirement, higher minimum tier 1 capital requirement, and, for FDIC-supervised institutions subject to the advanced approaches risk-based capital rules, a supplementary leverage ratio that incorporates a broader set of exposures in the denominator. The interim final rule incorporates these new requirements into the FDIC's prompt corrective action framework. In addition, the interim final rule establishes limits on FDIC-supervised institutions' capital distributions and certain discretionary bonus payments if the FDIC-supervised institution does not hold a specified amount of common equity tier 1 capital in addition to the amount necessary to meet its minimum risk-based capital requirements. The interim final rule amends the methodologies for determining risk-weighted assets for all FDIC-supervised institutions. The interim final rule also adopts changes to the FDIC's regulatory capital requirements that meet the requirements of section 171 and section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The interim final rule also codifies the FDIC's regulatory capital rules, which have previously resided in various appendices to their respective regulations, into a harmonized integrated regulatory framework.

**Completed Actions:**

*Recordkeeping Rules for Institutions Operating Under the Exceptions or Exemptions for Banks from the Definitions of “Broker” or “Dealer” in the Securities Exchange Act of 1934 (3064-AD80)*

This RIN has been withdrawn for further interagency action.

*Regulatory Capital Rules (Part III): Standardized Approach for Risk-Weighted Assets; Market Discipline and Disclosure Requirements (3064-AD96)*

On August 30, 2012, the FDIC, together with the Board of Governors of the Federal Reserve System and Office of the Comptroller of the Currency (together, "the agencies") published in the Federal Register a joint notice of proposed rulemaking, titled, Regulatory Capital Rules: Standardized Approach for Risk-Weighted Assets; Market Discipline and Disclosure Requirements" (Standardized Approach NPR or Proposed Rule). The Rule revised and harmonized the agencies' rules for calculating risk weighted assets to enhance risk sensitivity and address weaknesses identified over recent years, including by incorporating certain international capital standards of the Basel

Committee on Banking Supervision ("BCBS") set forth in the standardized approach of the international accord titled, "International Convergency of Capital Measurement and Capital Standards: A Revised Framework", as revised by the BCBS in 2006 and 2009, as well as other proposals set forth in consultative papers of the BCBS.

Section 3(a) of the Regulatory Flexibility Act directs all federal agencies to publish an initial regulatory flexibility analysis, or a summary thereof, describing the impact of a proposed rule on small entities anytime an agency is required to publish a notice of proposed rulemaking in the Federal Register. This Rule has now been merged into 3064-AD95: Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III Capital Adequacy, Transition Provisions, Prompt Corrective Action, Standardize Approach for Risk-Weighted Assets, Market Discipline and Disclosure Requirements, Advanced Approaches Risk-Based Capital Rule, and Market Risk Capital Rule.

*Regulatory Capital Rules: Advanced Approaches Risk-Based Capital Rules; Market Risk Capital Rule (3064-AD97)*

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance

Corporation (collectively, the "Agencies") are seeking comment on three notices of proposed rulemaking ("NPRMs") that would revise and replace the Agencies' current capital rules. In the NPRM (Advanced Approaches and Market Risk NPR) the Agencies are proposing to revise the advanced approaches risk-based capital rule to incorporate certain aspects of "Basel III: A Global Regulatory Framework for More Resilient Banks and Banking Systems" that the agencies would apply only to advanced approach banking organizations. The NPRM also proposes other changes to the advanced approaches rule that the agencies believe are consistent with changes by the Basel Committee on Banking Supervision ("BCBS") to its "International Convergence of Capital Measurement and Capital Standards: A Revised Framework" (Basel II), as revised by the BCBS between 2006 and 2009, and recent consultative papers published by the BCBS. The Agencies also propose to revise the advanced approaches risk-based capital rule to be consistent with Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the "Dodd-Frank Act"). These revisions include replacing reference to credit ratings with alternative standards of creditworthiness consistent with section 939A of the Dodd-Frank Act. This Rule has now been merged into 3064-AD95: Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III Capital

Adequacy, Transition Provisions, Prompt Corrective Action, Standardize Approach for Risk-Weighted Assets, Market Discipline and Disclosure Requirements, Advanced Approaches Risk-Based Capital Rule, and Market Risk Capital Rule.

Federal Deposit Insurance Corporation.

**NAME: Robert E. Feldman,**

*Executive Secretary.*

Federal Deposit Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
541	12 CFR 324 Regulatory Capital Rules:	3064–

	Regulatory Capital, Implementation of Basel III Capital Adequacy, Transition Provisions, Prompt Corrective Action, Standardize Approach for Risk-Weighted Assets	AD95
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Federal Deposit Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
542	12 CFR 342 Recordkeeping Rules for Institutions Operating Under the Exceptions or Exemptions for Banks From the Definitions of “Broker” or “Dealer” in the Securities Exchange Act of 1934	3064– AD80
543	12 CFR 324 Regulatory Capital Rules: Standardized Approach for Risk-Weighted Assets; Market Discipline and Disclosure Requirements	3064– AD96
544	12 CFR 324 Regulatory Capital Rules:	3064–

	Advanced Approaches Risk-Based Capital Rules; Market Risk Capital Rule	AD97
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<b>Federal Deposit Insurance Corporation (FDIC)</b>	<b>Final Rule Stage</b>

**541. REGULATORY CAPITAL RULES: REGULATORY CAPITAL, IMPLEMENTATION OF BASEL III CAPITAL ADEQUACY, TRANSITION PROVISIONS, PROMPT CORRECTIVE ACTION, STANDARDIZE APPROACH FOR RISK-WEIGHTED ASSETS**

**Legal Authority:** 12 USC 378; 12 USC 1813; 12 USC 1815; 12 USC 1817 to 1820

**Abstract:** The Federal Deposit Insurance Corporation (“FDIC”) is adopting an interim final rule that revises its risk-based and leverage capital requirements for FDIC-supervised institutions. This interim final rule is substantially identical to a joint final rule issued by the Office of the Comptroller of the Currency (“OCC”) and the Board of Governors of the Federal Reserve System (“Federal Reserve”) (together, with the FDIC, “the agencies”). The interim final rule consolidates three separate notices of proposed rulemaking that the agencies jointly published in the

Federal Register on August 30, 2012, with selected changes. The interim final rule implements a revised definition of regulatory capital, a new common equity tier 1 minimum capital requirement, higher minimum tier 1 capital requirement, and, for FDIC-supervised institutions subject to the advanced approaches risk-based capital rules, a supplementary leverage ratio that incorporates a broader set of exposures in the denominator. The interim final rule incorporates these new requirements into the FDIC's prompt corrective action ("PCA") framework. In addition, the interim final rule establishes limits on FDIC-supervised institutions' capital distributions and certain discretionary bonus payments if the FDIC-supervised institution does not hold a specified amount of common equity tier 1 capital in addition to the amount necessary to meet its minimum risk-based capital requirements. The interim final rule amends the methodologies for determining risk-weighted assets for all FDIC-supervised institutions. The interim final rule also adopts changes to the FDIC's regulatory capital requirements that meet the requirements of section 171 and section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The interim final rule also codifies the FDIC's regulatory capital rules, which have previously resided in various appendices to their respective regulations, into a harmonized integrated regulatory framework. In

addition, the FDIC is amending the market risk capital rule (market risk rule) to apply to state savings associations. The FDIC is issuing these revisions to its capital regulations as an interim final rule. The FDIC invites comments on the interaction of this rule with other proposed leverage ratio requirements applicable to large, systemically important banking organizations. This interim final rule otherwise contains regulatory text that is identical to the common rule text adopted as final rule by the Federal Reserve and the OCC. This interim final rule enables the FDIC to proceed on a unified, expedited basis with the other Federal banking agencies pending consideration of other issues. Specifically, the FDIC intends to evaluate this interim final rule in the context of the proposed well-capitalized and buffer levels of the supplementary leverage ratio applicable to large, systemically important banking organizations, as described in a separate Notice of Proposed Rulemaking (“NPRM”), titled, Regulatory Capital Rules: Regulatory Capital, Enhanced Supplementary Leverage Ratio Standards for Certain Bank Holding Companies and the Insured Depository Institutions They Control. The FDIC is seeking commenters’ views on the interaction of this interim final rule with the proposed rule regarding the supplementary leverage ratio for large, systemically important banking organizations.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	08/30/12	77 FR 169
NPRM Comment Period End	10/22/12	
Interim Final Rule	11/00/13	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Bobby R. Bean, Chief, Policy Section, Federal  
Deposit Insurance Corporation, 550 17th Street NW., Washington, DC  
20429

Phone: 202 898–3575

Email: [bbean@fdic.gov](mailto:bbean@fdic.gov)

Ryan Billingsley, Senior Policy Analyst, Federal Deposit Insurance  
Corporation, 550 17th Street NW., Washington, DC 20429

Phone: 202 898–3797

Email: [rbillingsley@fdic.gov](mailto:rbillingsley@fdic.gov)

Karl Reitz, Senior Capital Markets Specialist, Federal Deposit Insurance  
Corporation, 550 17th Street NW., Washington, DC 20429

Phone: 202 898–6775

Email: [kreitz@fdic.gov](mailto:kreitz@fdic.gov)

Mark Handzlik, Senior Attorney, Federal Deposit Insurance Corporation,  
550 17th Street NW., Washington, DC 20429

Phone: 202 898–3900

Email: mhandzlik@fdic.gov

Michael Phillips, Counsel, Legal Division, Federal Deposit Insurance  
Corporation, 550 17th Street NW., Washington, DC 20429

Phone: 202 898–3581

Email: mphilips@fdic.gov

**RIN:** 3064–AD95

<b>Federal Deposit Insurance Corporation (FDIC)</b>	<b>Completed Actions</b>

**542. RECORDKEEPING RULES FOR INSTITUTIONS OPERATING  
UNDER THE EXCEPTIONS OR EXEMPTIONS FOR BANKS FROM  
THE DEFINITIONS OF “BROKER” OR “DEALER” IN THE  
SECURITIES EXCHANGE ACT OF 1934**

**Legal Authority:** 12 USC 1818; 12 USC 1819 (Tenth); 12 USC 1828(t)

**Abstract:** The Office of the Comptroller of the Currency, the Board of  
Governors of the Federal Reserve System, and the Federal Deposit

Insurance Corporation will be requesting comment on recordkeeping rules for banks, savings associations, Federal and State-licensed branches and agencies of foreign banks, and Edge and agreement corporations that engage in securities-related activities under the statutory exceptions or regulatory exemptions for “banks” from the definitions of “broker” or “dealer” in section 3(a)(4)(B) or section 3(a)(5) of the Securities Exchange Act of 1934. The rule will be designed to facilitate and promote compliance with these exceptions and exemptions.

**Timetable:**

Action	Date	FR Cite
Withdrawn	10/18/13	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Julia E. Paris, Senior Attorney, Federal Deposit Insurance Corporation, 550 17th Street NW., MB-3064, Washington, DC 20429

Phone: 202 898-3821

Email: [jparis@fdic.gov](mailto:jparis@fdic.gov)

Anthony J. DiMilo, Examination Specialist, Federal Deposit Insurance Corporation, 550 17th Street NW., MB-5100, Washington, DC 20429

Phone: 202 898-7496

Email: adimilo@fdic.gov

**RIN:** 3064–AD80

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**543. REGULATORY CAPITAL RULES: STANDARDIZED  
APPROACH FOR RISK-WEIGHTED ASSETS; MARKET DISCIPLINE  
AND DISCLOSURE REQUIREMENTS**

**Legal Authority:** PL 111–203

**Abstract:** On August 30, 2012, the FDIC, together with the Board of Governors of the Federal Reserve System and Office of the Comptroller of the Currency (together, “the agencies”) published in the Federal Register a joint notice of proposed rulemaking, titled, “Regulatory Capital Rules: Standardized Approach for Risk-Weighted Assets; Market Discipline and Disclosure Requirements” (Standardized Approach NPRM or Proposed Rule). The Proposed Rule would revise and harmonize the agencies’ rules for calculating risk weighted assets to enhance risk sensitivity and address weaknesses identified over recent years, including by incorporating certain international capital standards of the Basel Committee on Banking Supervision (“BCBS”) set forth in the standardized approach of the international accord titled, “International Convergency of Capital Measurement and Capital Standards: A Revised Framework”, as revised by the BCBS in 2006 and

2009, as well as other proposals set forth in consultative papers of the BCBS. Section 3(a) of the Regulatory Flexibility Act (“RFA”) directs all Federal agencies to publish an initial regulatory flexibility analysis (“IRFA”), or a summary thereof, describing the impact of a proposed rule on small entities anytime an agency is required to publish a notice of proposed rulemaking in the Federal Register. As provided in the Standardized Approach NPRM, the agencies are separately publishing initial regulatory flexibility analyses for the Proposed Rule. Accordingly, the FDIC sought comment on the IRFA provided in this Federal Register document, which describes the economic impact of the Standardized Approach NPRM, in accordance with the requirements of the RFA.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	08/30/12	77 FR 52888
Initial Regulatory Flexibility Analysis	10/17/12	77 FR 63763
NPRM Comment Period End	10/22/12	
Initial Regulatory Flexibility Analysis	11/16/12	

Comment Period End		
Merged With 3064– AD95	08/26/13	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Bobby R. Bean, Chief, Policy Section, Federal  
Deposit Insurance Corporation, 550 17th Street NW., Washington, DC  
20429

Phone: 202 898–3575

Email: [bbean@fdic.gov](mailto:bbean@fdic.gov)

Karl Reitz, Senior Capital Markets Specialist, Federal Deposit Insurance  
Corporation, 550 17th Street NW., Washington, DC 20429

Phone: 202 898–6775

Email: [kreitz@fdic.gov](mailto:kreitz@fdic.gov)

Mark Handzlik, Senior Attorney, Federal Deposit Insurance Corporation,  
550 17th Street NW., Washington, DC 20429

Phone: 202 898–3900

Email: [mhandzlik@fdic.gov](mailto:mhandzlik@fdic.gov)

Michael Phillips, Counsel, Legal Division, Federal Deposit Insurance  
Corporation, 550 17th Street NW., Washington, DC 20429

Phone: 202 898–3581

Email: [mphillips@fdic.gov](mailto:mphillips@fdic.gov)

**RIN:** 3064–AD96

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**544. REGULATORY CAPITAL RULES: ADVANCED APPROACHES  
RISK–BASED CAPITAL RULES; MARKET RISK CAPITAL RULE**

**Legal Authority:** PL 111–203

**Abstract:** The Office of the Comptroller of the Currency (“OCC”), the Board of Governors of the Federal Reserve System (“Board”), and the FDIC (collectively, the “Agencies”) are seeking comment on three notices of proposed rulemaking (“NPRMs”) that would revise and replace the Agencies’ current capital rules. In this NPRM (Advanced Approaches and Market Risk NPR) the Agencies are proposing to revise the advanced approaches risk-based capital rule to incorporate certain aspects of “Basel III: A Global Regulatory Framework for More Resilient Banks and Banking Systems” that the agencies would apply only to advanced approach banking organizations. This NPRM also proposes other changes to the advanced approaches rule that the agencies believe are consistent with changes by the Basel Committee on Banking Supervision (“BCBS”) to its “International Convergence of Capital Measurement and Capital Standards: A Revised Framework” (Basel II), as revised by the BCBS between 2006 and 2009, and recent

consultative papers published by the BCBS. The Agencies also propose to revise the advanced approaches risk-based capital rule to be consistent with Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the “Dodd-Frank Act”). These revisions include replacing reference to credit ratings with alternative standards of creditworthiness consistent with section 939A of the Dodd-Frank Act. Additionally, the OCC and FDIC are proposing that the market risk capital rule be applicable to Federal and State savings associations, and the Board is proposing that the advanced approaches and market risk capital rules apply to top-tier savings and loan holding companies domiciled in the United States that meet the applicable thresholds.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	08/30/12	77 FR 52977
NPRM Comment Period End	10/22/12	
Merged With 3064– AD95	08/26/13	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Bobby R. Bean, Chief, Policy Section, Federal  
Deposit Insurance Corporation, 550 17th Street NW., Washington, DC  
20429

Phone: 202 898–3575

Email: [bbean@fdic.gov](mailto:bbean@fdic.gov)

Ryan Billingsley, Senior Policy Analyst, Federal Deposit Insurance  
Corporation, 550 17th Street NW., Washington, DC 20429

Phone: 202 898–3797

Email: [rbillingsley@fdic.gov](mailto:rbillingsley@fdic.gov)

Mark Handzlik, Senior Attorney, Federal Deposit Insurance Corporation,  
550 17th Street NW., Washington, DC 20429

Phone: 202 898–3900

Email: [mhandzlik@fdic.gov](mailto:mhandzlik@fdic.gov)

Michael Phillips, Counsel, Legal Division, Federal Deposit Insurance  
Corporation, 550 17th Street NW., Washington, DC 20429

Phone: 202 898–3581

Email: [mphillips@fdic.gov](mailto:mphillips@fdic.gov)

**RIN:** 3064–AD97

[FR Doc. Filed 11–15–13; :00 am]

**BILLING CODE 6714–01–S**

**[FR Doc. 2013-29649 Filed 01/06/2014 at 8:45 am; Publication Date:  
01/07/2014]**