



12 CFR Part 360

RIN 3064-AG21

Resolution Submissions Required for Covered Insured Depository Institutions

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of proposed rulemaking and request for comment.

SUMMARY: The FDIC is seeking comment on a proposal to revise its regulations that require resolution submissions by insured depository institutions (IDIs) with at least \$50 billion in total assets. The proposed rule would modify the current rule by raising and automatically updating the dollar threshold that determines the scope of applicability; reducing the requirements regarding the content of resolution submissions provided to the FDIC, with a focus on information that most directly supports the FDIC's resolution readiness in the event of material distress and failure of a covered IDI; and standardizing content requirements for covered IDIs. The proposed rule would also eliminate the FDIC's credibility assessment of submissions provided by IDIs, as well as expectations for capabilities testing under the current rule.

DATES: Comments must be received by **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may submit comments on the notice of proposed rulemaking, identified by RIN 3064-AG21, by any of the following methods:

- *Agency Website:* <https://www.fdic.gov/resources/regulations/federal-register-publications/>. Follow instructions for submitting comments on the FDIC's website.
- *Email:* comments@fdic.gov. Include "RIN 3064-AG21" in the subject line of the message.
- *Mail:* Jennifer M. Jones, Deputy Executive Secretary, Attention: Comments/Legal OES (RIN 3064-AG21), Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

- *Hand Delivery/Courier:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street NW) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received, including any personal information provided, will be posted without change to <https://www.fdic.gov/resources/regulations/federal-register-publications/>. Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of this document will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

This proposal, all comments received, and a summary of not more than 100 words of the proposed rule pursuant to the Providing Accountability Through Transparency Act of 2023 are available at <https://www.fdic.gov/federal-register-publications>.

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I. Introduction/Policy Objective

The FDIC’s current regulation “Resolution Plans Required for Insured Depository Institutions with \$100 Billion or More in Total Assets; Informational Filings Required for Insured Depository Institutions with At Least \$50 Billion but Less Than \$100 Billion in Total Assets,”¹ issued in 2024 (current rule), requires insured depository institutions (IDIs) with total assets of at least \$100 billion to submit comprehensive resolution plans to support the FDIC’s ability to undertake an efficient and effective resolution under the Federal Deposit Insurance Act of 1950 (FDI Act), as amended, should such an IDI fail. The current rule requires IDIs with total

¹ 12 CFR 360.10. The rule was published with an effective date of October 30, 2024. 89 FR 2024 (July 9, 2024).

assets of at least \$50 billion but less than \$100 billion to submit more limited informational filings to assist the FDIC in advancing its operational readiness to resolve such IDIs.

Informational filings differ from resolution plans in that they do not involve adoption of a hypothetical failure scenario (as defined in the current rule) or development of a resolution strategy and related valuation information. The current rule provides for engagement between the FDIC and IDIs subject to the current rule on resolution matters, and for periodic testing to validate key capabilities and processes needed in a resolution, such as continuation of critical banking services and potential marketing of the IDI franchise (as defined in the current rule) or its components. The current rule also includes criteria to assess the credibility of IDIs' resolution submissions and describes the FDIC's approach to providing feedback. The current rule amended a rule originally finalized in 2012.² This resolution planning requirement was established to facilitate the FDIC's readiness to resolve such an IDI under the FDI Act.

Under the proposal,³ covered IDIs (CIDs) would be required to provide targeted information most critical for resolving the institution in a cost-effective manner. The proposal would generally eliminate requirements to provide extensive narratives and analysis, such as those related to hypothetical resolution strategies and scenarios. The FDIC's experience with past large bank failures underscores the importance of obtaining key information in advance of failure to maximize the likelihood of an optimal resolution outcome, which is typically a rapid sale. The proposed rule reflects this experience.

Pursuant to Section 7 of the FDI Act,⁴ the FDIC has established a risk-based assessment framework for calculating and charging all IDIs a quarterly assessment for deposit insurance.⁵ The FDIC is also issuing a separate, simultaneous proposal to revise its deposit insurance assessments framework (Assessments proposal) that would implement a resolution readiness

² The 2012 rule was initially published as an interim final rule with an effective date of January 1, 2012. 76 FR 2011 (Sept. 11, 2011); The 2012 rule was finalized and became effective on April 1, 2012. 77 FR 3075 (Jan. 23, 2012).

³ Terms not otherwise defined herein have the definitions set forth in § 360.10(b) of the proposed rule.

⁴ See 12 U.S.C. 1817(b).

⁵ 12 CFR part 327.

adjustment (RRA) that would provide assessment adjustments to large or highly complex institutions, as defined in the Assessments proposal, that can (1) populate a virtual data room (VDR) within a specified period of time and (2) provide the FDIC access to an institution's service provider(s) and/or internal systems to obtain detailed bank data needed to manage and market the bank in receivership. The RRA would be applied to a large or highly complex institution's assessment rate in recognition of the expected reduction in losses to the Deposit Insurance Fund in the event of the failure of a bank that successfully completes the VDR testing exercise or provides the prescribed data access.

Finally, the current rule's dollar threshold to determine whether an IDI is subject to the rule is static, with no mechanism for periodic adjustments over time to reflect inflation or economic growth. As discussed in the FDIC rule "Adjusting and Indexing Certain Regulatory Thresholds (2025 Thresholds Rule),"⁶ the use of applicability thresholds allows the FDIC to differentiate and tailor regulatory requirements based on an institution's size or other considerations, while static dollar-based thresholds can lead to unintended policy consequences if threshold levels are not periodically updated or indexed to inflation. Automatic adjustments would more efficiently and transparently preserve a threshold's intended application and maintain alignment with intended policy objectives over time.

Based upon these considerations, the FDIC is proposing changes to raise and automatically update the scope of the rule and recalibrate resolution submissions to focus on the information that most directly supports the FDIC's preparedness to execute a resolution.

Specifically, the proposed rule would:

- Raise the dollar threshold determining whether a CIDI is subject to the rule from \$50 billion to \$100 billion to reflect inflation from the date of the 2012 rule's initial implementation and other policy considerations, and provide for automatic future adjustments pursuant to an indexing methodology.

⁶ 90 FR 55789 (Dec. 4, 2025).

- Rename filings under the rule as “resolution submissions.”
- Move all CIDs to a three-year cycle for filing resolution submissions and obtain information on material changes relevant for the FDIC’s resolution planning through the notice of extraordinary event process, rather than by relying on interim supplements (as defined in the current rule).
- Eliminate the public section of the submissions.
- Eliminate more than half of the current rule’s “content requirements” for submissions in order to focus on basic operational information to understand structure and infrastructure of CIDs. For example, the proposed rule would eliminate:
 - Requirements focused on resolution-related hypothetical analyses and content, such as development of a strategy and valuation analysis (both of which would need to be undertaken by the FDIC in a failure) and adoption of a failure scenario.
 - Other CID-generated resolution analyses and recommendations regarding optionality, challenges, and mitigating actions in resolution relevant to the FDIC’s resolution responsibilities, such as identification of franchise components (as defined in the current rule) that can be separated and marketed in a timely manner in resolution, potential economic effects of the CID’s resolution, and impact of extraordinary events on resolvability.
 - Descriptions of the CID’s processes and procedures, including in areas such as critical services, capital structure and funding sources, communications, corporate governance, and reporting on contingency planning and similar exercises.
 - Expectations for, and descriptions of, the CID’s capabilities.
- Eliminate capabilities testing.
- Eliminate credibility determinations and the approach to feedback (i.e., “material weakness” or “significant finding,” as described in the current rule).
- Maintain, with certain revisions, key informational content requirements such as deposits;

other financial information; corporate structure; key personnel; and information systems.

- Revise certain content requirements to obtain the most pertinent information on:
 - Interconnections between the CIDI and its affiliates while eliminating the need for the CIDI to identify resolution obstacles and mitigants.
 - Material loan portfolios, to narrow the requirement from the broader concept of material asset portfolios (as defined in the current rule).
 - Digital services and products, by clarifying content to be reported while eliminating resolution-related and hypothetical analyses of franchise value and depositor behavior.
- Add new aspects to certain content requirements to enhance the FDIC's ability to plan and execute a resolution, including:
 - Information to better understand the CIDI's organization, such as an organizational chart and information about non-controlling interests in limited liability companies, partnerships, and joint ventures or similar arrangements.
 - A mapping of the CIDI's information technology architecture, and information on processing cut-off times for deposit and loan operations.
 - Certain deposit information important for resolution execution, such as a list of deposit products; sweep account information; and any controls to restrict funds movement to or from accounts in foreign branches.
 - Certain information on qualified financial contracts (QFC) to understand the risks managed using QFCs.
- Implement a transition such that initial submissions under the final rule would be due no earlier than 270 days after the final rule's effective date.

In finalizing the proposed rule, the FDIC proposes to supersede all prior guidance, frequently asked questions, and feedback related to the current rule.

II. Proposed Rule

A. Scope and Purpose.

The FDIC is proposing to update the dollar threshold that determines whether an IDI is a CIDI under the proposed rule to reflect historical inflation and other policy considerations, and to provide automatic adjustments to the threshold over time using an indexing methodology to account for future inflation. The threshold has not been changed or adjusted since the adoption of the 2012 rule. The proposed rule would initially adjust the threshold to reflect historical inflation (measured as the percentage change in the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI– W)),⁷ based off the date of initial implementation of the 2012 rule (i.e., the April 1, 2012 effective date). The proposed rule’s increase in the threshold from \$50 billion to \$100 billion would also take into account the costly experience of 2023, when three IDIs with total assets ranging from approximately \$110 billion to \$230 billion failed and other IDIs were impacted. In particular, the 2023 failures highlighted the importance of advance planning for IDIs with \$100 billion or more in total assets. In part, because larger institutions are subject to greater public scrutiny, they tend to be more susceptible to liquidity-induced failures and fail with shorter runways. In these cases, it is important for the FDIC to have the most pertinent information in order to plan and execute a timely sale.⁸ Under the proposed rule, the baseline threshold would be \$100 billion as of the effective date of the final rule. As a result of the proposed baseline threshold, IDIs that are group B CIDs under the current rule would no longer be subject to the rule.

⁷ The U.S. Bureau of Labor Statistics publishes the CPI–W on a monthly basis. The CPI–W is used to annually adjust benefits paid to Social Security beneficiaries and Supplemental Security Income recipients. *See*, U.S. Social Security Administration, CPI for Urban Wage Earners and Clerical Workers, available at www.ssa.gov/oact/STATS/cpiw.html. Any reference to inflation herein refers to inflation as measured under the CPI–W, unless specifically noted otherwise.

⁸ Signature Bank, which had total assets of \$110.4 billion as of December 2022 and failed in March 2023, had not yet made any submission under the 2012 rule at the time of its failure; its first submission would have been due in June 2023. Targeted resolution submissions would have facilitated the FDIC’s preparations to more effectively and efficiently market the failed IDI.

The proposed rule incorporates an indexing methodology for subsequent, periodic adjustments of the threshold that would be implemented automatically every three consecutive calendar years. The adjustments provided for in the proposed rule are intended to help preserve, in real terms, the threshold, thereby avoiding the outcome where IDIs become subject to additional or more stringent regulatory requirements due solely to inflation rather than actual changes in the institution's size, risk profile, or level of complexity.

This aspect of the proposed rule is part of a multi-phase effort to reevaluate thresholds within the FDIC's regulations, and the approach is consistent in most ways with the 2025 Thresholds Rule. One difference between the proposed rule and the Thresholds Rule is the cycle for adjustments, as a three-year frequency for inflation adjustments may be more appropriate in the context of the proposed rule, which includes a three-year cycle for submissions by CIDs, rather than the two-year cycle used in the 2025 Thresholds Rule. It is currently anticipated that the initial adjustment to the baseline CIDI threshold of \$100 billion would be October 1, 2030, and adjustments would generally be effective October 1, using CPI-W through August 31.

Under the proposed rule and consistent with the 2025 Thresholds Rule, the FDIC generally would announce threshold adjustments pursuant to the indexing methodology by publishing a final rule in the *Federal Register*. Such final rules would amend the Code of Federal Regulations to reflect the adjusted threshold and would not be subject to a notice and comment period. Although the FDIC would fully expect to publish a final rule in the *Federal Register*, the adjustment would occur even in the absence of a publication in the *Federal Register*.

As discussed above, under the current rule, group A CIDs submit resolution plans and group B CIDs submit a subset of that information in the form of informational filings. Most IDIs are on a triennial cycle for these full resolution submissions and submit interim supplements annually in the interim period. The proposed rule envisions a sharpened focus of submissions on the operational information that most directly supports the FDIC's preparedness for rapid action in the event of an IDI's failure. It would involve a smaller set of content requirements and the

elimination of all requirements that are applicable only to group A CIDs' resolution plans under the current rule, as those requirements generally require CIDI-generated hypothetical analysis that replicates what the FDIC would need to undertake in advance of failure, or at the point of failure.

Under the current rule, the nine group A CIDs that are affiliated with U.S. global systemically important banks (GSIBs) are on a biennial filing cycle for filing full resolution submissions and are not required to submit interim supplements in the calendar year in which they file resolution plans under the rule (i.e., the calendar year in which their affiliates submit resolution plans under section 165(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, as amended,⁹ and its implementing rule (Title I rule))¹⁰. Because resolution plans under the current rule and the Title I rule (Title I resolution plans) are expected to be submitted in alternating years, these nine CIDs are not expected to submit interim supplements. All other group A CIDs, as well as all group B CIDs, are on a triennial cycle for filing full resolution submissions under the current rule and are required to submit interim supplements in the years when no full resolution submission is due. To balance the need to provide current information to the FDIC for its resolution planning and the need to minimize burden on CIDs, the proposed rule would provide for a three-year submission cycle for all CIDs and eliminate interim supplements for all CIDs as discussed below. Potential overlaps associated with submissions under the current rule and the Title I rule would be further addressed by narrowing the focus under the proposal to information most critical to support the FDIC's resolution of the institution under the FDI Act and sustaining alignment, where feasible, between similar concepts used in both contexts (as discussed later).

⁹ 12 U.S.C. 5365(d).

¹⁰ 84 FR 59194 (Nov. 1, 2019), codified at 12 CFR parts 381 and 243.

The FDIC invites comment on all aspects of the scope of the proposed rule and submission cycle. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(1) Do commenters find the basis for the required content associated with submissions under this proposal, and the content's relevance for the FDIC's planning for resolution execution, as presented in this proposal, to be sufficiently compelling? Please explain why or why not.

(2) Do commenters agree that \$100 billion is the appropriate initial update to the threshold to distinguish CIDs from IDIs not subject to the proposed rule?

(3) Would an alternative threshold (e.g., \$75 billion, \$250 billion, \$750 billion) be more appropriate to establish the scope of applicability? If so, explain the advantages of the alternative threshold. Should IDIs that are subsidiaries of bank holding companies subject to Title I resolution plan requirements, or are subsidiaries of a subset of such bank holding companies (e.g., bank holding companies with a single point of entry resolution strategy), be exempt from the proposed rule?

(4) Is three years an appropriate frequency of adjustments to the threshold to determine the scope of IDIs subject to the rule? Would an alternative frequency work better under the proposed rule and its proposed three-year submission cycle?

(5) Do commenters agree that CPI-W is the appropriate reference index to use under the proposed indexing methodology? Are there other indices (e.g., GDP) that should be considered? If so, please explain the advantages and disadvantages of those indices relative to CPI-W.

(6) To what extent do commenters consider it likely that an IDI could become a CIDI, begin the work to prepare its initial resolution submission, and later cease being a CIDI as a result of an automatic threshold adjustment before it has filed its initial resolution submission? How could this scenario best be managed?

- (7) Is the proposed approach to publishing changes to the threshold over time appropriate? Is there an alternative approach that could be more effective?*
- (8) Do commenters consider there to be significant benefits to differentiating the types of submissions made by CIDs based on size or any other metric?*
- (9) Are there any other operational or timing issues that need to be considered in the proposed rule?*
- (10) In commenters' view, is the proposed three-year submission cycle more suitable for CIDs that are biennial filers under the current rule (i.e., CID affiliates of U.S. GSIBs)? Is the expected overlap every six years in submissions by those CIDs under the proposed rule, and the submission of Title I resolution plans by their affiliates, less burdensome than the higher frequency of submissions under the current rule?*
- (11) In commenters' view, would a lower frequency for submissions for all CIDs, such as a five- or ten-year submission cycle, be more appropriate under the proposed rule? If so, please explain why.*

B. Deleted, Modified, and New Definitions

Definitions that are no longer utilized in the proposed rule would be deleted from the definition section and from the text of the proposed rule. Certain definitions would be revised to conform to other changes to the proposed rule.

The definition of "CID" would be revised to reflect the elimination of the distinction between the group A CIDs and the group B CIDs. The proposed rule would add language to the definition of CID to provide the process for a de novo-chartered institution to become a CID. The proposed rule would also replace the numerical dollar amount of the threshold for becoming a CID with a new defined term "CID threshold amount" to reflect the ongoing adjustments to such number pursuant to a threshold indexing methodology.

The term “CIDI threshold amount” would be added as a definition and means the dollar amount that determines whether an IDI is considered a CIDI pursuant to the rule, as adjusted from time to time. The baseline CIDI threshold amount would be \$100 billion as of the effective date of the final rule.

The definition of “Critical services” would be revised to conform with other changes to the proposed rule and to include reference to critical operations of the CIDI as determined pursuant to 12 CFR 381.3(b) that have not yet been included in a Title I resolution plan.

The definition of “Critical services support” would revise the term “systems” to specify “management information systems and applications.”

The definition of “Key personnel” would be revised to conform with other changes to the proposed rule, namely deleting reference to franchise components and replacing the analysis regarding resolution with an analysis of operational continuity.

The definition of “Material change” would be revised to reflect other changes in the proposed rule, namely, the removal of the requirement for CIDIs to provide a resolution strategy. The revised definition would be a change in organization, operations, or strategic direction of the CIDI that would have a material financial or operational effect on the CIDI, as described in the resolution submission. The examples offered for reference would be revised for clarity and to conform with other changes in proposed rule.

The definition of “Material entity” would be revised for clarity.

The term “Material loan portfolio” would be added as a definition and means a pool or portfolio of loans that is significant in terms of income or value to the CIDI or may, in the view of the CIDI, have limited bidder interest or marketability.

The definitions of “Parent company” and “Parent company affiliate” would be deleted and the definitions of “Affiliate” and “Subsidiary” would remain in the proposed rule. The terms “Affiliate” or “Subsidiary” would replace the terms “Parent company” and “Parent company affiliate” throughout the proposed rule, as appropriate. These changes, and any other related

changes, are being made to the proposed rule to streamline the number of definitions and to clarify the text in the proposed rule.

“FDI Act” and “Resolution submission” would be added as definitions in the proposed rule.

The definitions “Affiliate,” “Company,” “Control,” “Subsidiary,” and “United States” would be revised to include their complete definitions rather than refer back to a law or regulation.

The FDIC invites comments on all aspects of the proposed definitions. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(12) Are all definitions clear and useful? Should additional changes be made? If yes, please provide support for any such recommended changes.

(13) For the definition of material change, the proposed rule seeks to balance the objectives of (i) ensuring the concept is well tailored to the context of the proposed rule; (ii) removing aspects of the current rule’s definition that require CIDs to consider their resolvability; and (iii) maintaining alignment with the approach to the similar concept in the Title I rule where feasible, recognizing that certain banking organizations are subject to both rules. Do commenters consider the proposed definition to strike the appropriate balance between these objectives? If not, how would the commenter propose to change the definition?

(14) The definition of material entity entails the CID developing and implementing a methodology for determining materiality to narrow the scope of information reported in the submission and prioritizes alignment with the similar concept in the Title I rule. How do commenters view the tradeoffs between using this type of concept or a broader concept such as “legal entity” that would not entail a methodology but would have implications for the amount of information that would need to be provided to be responsive to related content requirements throughout the proposed rule? If a broader

concept such as “legal entity” were adopted, how might reduced alignment between the concepts used in submissions under the proposed rule and Title I resolution plans of certain CIDs’ affiliates impact burden?

C. Resolution Submissions Required

Under the paragraph of the proposed rule titled “Submission date,” all CIDs would be required to respond to the same content requirements in the form of a resolution submission filed triennially, eliminating the concepts of biennial filers and triennial filers found in the current rule. The paragraph also sets forth the process for determining the initial filing date under the proposed rule for any IDI that is a CID on the effective date of a revised rule.

The paragraph in the proposed rule titled “Resolution submission by new CIDs” continues to require new CIDs to provide their initial submissions on or before a date specified in writing by the FDIC, which would be no earlier than 270 days after the date on which the IDI became a CID. The text of the current rule regarding submissions after a CID’s transition between group A and group B would be deleted.

The paragraph in the current rule titled “Notice of extraordinary event” would be revised to reflect the changes to the proposed rule that eliminate the requirements for CIDs to produce resolution-related analysis, and to adapt the content of the notice to proposed changes to the submission cycle. The notice would continue to be provided by a CID with the same timing and under the same circumstances as the current rule. Under the proposed rule, the notice would no longer include a discussion of how the event impacts the CID’s resolvability, and would instead include a description of any material change resulting from or reasonably anticipated as a result of that event. This would ensure that the FDIC receives timely, updated information for resolution preparedness reflecting the specific circumstances of the CID, and the more targeted approach would address a gap otherwise created by the elimination of the more extensive and one-size-fits-all approach of the interim supplement under the current rule (discussed further

below). The proposed rule would eliminate the requirement for such material changes to be addressed in a subsequent submission, since the information would be provided in the notice. The proposed rule would clarify that a new CIDI that has not yet filed its initial resolution submission under the rule does not need to provide a notice of extraordinary event to the FDIC.

(15) The proposed rule seeks to balance (i) eliminating the requirement for CIDs to produce resolvability-related analysis, in line with the principles underpinning this proposed rulemaking; (ii) ensuring the FDIC would still obtain timely information on material changes in the three-year interim period between submissions in the absence of the interim supplement; and (iii) preserving alignment, where feasible, with the notice of extraordinary event process in the Title I rule, recognizing that banking organizations that have obligations under both rules may be filing notices for a given event in both contexts. Do commenters consider that the appropriate balance would be achieved by the proposed rule? If not, how could the proposed rule be amended?

The paragraph in the current rule titled “Approval by the CIDI board of directors” would be deleted and under the proposed rule submissions would no longer need to be approved by the CIDI’s board of directors.

The paragraph in the current rule titled “Incorporation from other sources” would be renamed “Requirements for incorporation from other sources.” It would be revised for clarity and to conform with other changes to the proposed rule, namely removing reference to submission of analysis, and remains otherwise substantively unchanged.

D. Content of the Resolution Submissions for CIDs

General principles and revisions.

The proposed rule deletes certain content requirements from the current rule, including requirements related to CIDI-generated analysis that replicates what the FDIC would need to undertake in advance of failure, or at the point of failure, of the CIDI. Other content

requirements of the current rule are deleted in the proposed rule because they relate to the CIDI's capabilities, processes, and procedures, or because the FDIC may have alternative sources of information. The proposed deletion of these content requirements is consistent with the intended shift to focus future submissions on the operational information that most directly supports the FDIC's resolution readiness.

The proposed rule would retain content requirements for operational information from the current rule that helps to inform the FDIC's development of a range of options that could be used in the event of a CIDI's material distress and failure, including a rapid sale, liquidation, or the establishment of a bridge depository institution, as appropriate for the institution and the circumstances at the time.

Most of the text of the first paragraph of § 360.10(d) of the current rule would be deleted. The proposed rule would no longer have different content requirements for group A CIDs and group B CIDs and, therefore, information regarding informational filings would no longer be applicable.

The following paragraphs of the current rule would be deleted in the proposed rule, reflecting that they require CIDI-generated hypothetical analysis that replicates what the FDIC would need to undertake in advance of failure, or at the point of failure, of the CIDI: § 360.10(d)(1) Identified strategy; § 360.10(d)(2) Failure scenario; § 360.10(d)(12) Valuation to facilitate FDIC's assessment of least-costly resolution method; § 360.10(d)(19) Economic effects of resolution; § 360.10(d)(20) Non-deposit claims; and § 360.10(d)(27) Any other material factor. For the same reason, all of the requirements in § 360.10(d)(10) Franchise components, with the exception of a requirement on broker-dealer affiliates that does not require consideration of the resolution context, would be deleted.

The following paragraphs of the current rule would be deleted from the proposed rule, reflecting that they are content requirements that are focused on the CIDI's capabilities, processes, and procedures: § 360.10(d)(5) Methodology for material entity designation; §

360.10(d)(25) Corporate governance; and § 360.10(d)(26) CIDI's assessment of the full resolution submission. In addition, most of the requirements in § 360.10(d)(24) Communications playbook would be deleted for this reason.

(16) What requirements of the proposed rule, if any, should be eliminated? Explain the rationale for the elimination of each requirement identified.

(17) Do commenters believe that any of the content requirements that would be removed in the proposed rule should be retained? If so, which one(s) and why?

Summaries.

The paragraph of the current rule titled “Executive summary” would be renamed “Summary of other updates since prior submission” in the proposed rule. The proposed rule would be revised to include only two items in such paragraph: a description of each material change since the prior resolution submission that has not already been addressed in a notice of extraordinary event; and a description of the changes to the CIDI's previously submitted resolution submission resulting from any change in law or regulation or guidance. Reflecting the narrower focus of this revised requirement, this paragraph would be relocated to the end of § 360.10(d) of the proposed rule.

Organizational structure: legal entities and core business lines.

The paragraph in the current rule titled “Organizational structure: Legal entities; core business lines; and branches” would be renamed “Organizational structure: legal entities and core business lines.” As discussed below, additional changes would be made to streamline the proposed rule by incorporating in this section relevant aspects of the current rule's requirements related to cross-border elements located at § 360.10(d)(21) of the current rule.¹¹

¹¹ The paragraph “Cross-border elements” would be deleted and certain of its content would be incorporated into other paragraphs of the proposed rule.

Section 360.10(d)(1)(i) of the proposed rule revises the similar paragraph of the current rule to enhance clarity and to add the content requirement for a CIDI to provide certain organizational charts, which the FDIC found to be a common practice by many CIDs when providing content responsive to the current rule's requirement and would now be incorporated explicitly. The organizational charts may be something the CIDI already has prepared or could easily adapt from existing materials, and they provide helpful context for the descriptions of the structures and reduce the likelihood the FDIC would need to ask clarifying questions.

Section 360.10(d)(1)(ii) of the proposed rule retains certain content requirements from § 360.10(d)(21) of the current rule with revised wording to enhance clarity. The proposed rule would require CIDs to describe all components of the CIDs' and their affiliates' operations that are based or located outside the United States that contribute to the value, revenues, or operations of the CIDI and to identify all authorities with regulatory or supervisory authority over these operations. Where the CIDI has a significant interest (e.g., a controlling interest or a significant economic interest) in a foreign joint venture that contributes to revenue or operations of the CIDI, that information should be included. Entities with no meaningful function or contribution to the CIDI's operations, such as single purpose real estate holding companies, may be excluded.

Section 360.10(d)(1)(iii) of the proposed rule revises and simplifies the similar paragraph of the current rule to require a CIDI to identify and describe each of the CIDI's core business lines, including the assets and annual revenue for each, clearly identifying revenue to the CIDI, and to describe whether any core business line draws additional value from, or relies on the operations of an affiliate of the CIDI, and identify any such operations that are based or located outside the United States. The proposed rule would also incorporate part of the mapping requirements located at § 360.10(d)(4)(iii) of the current rule, namely, to map core business lines to material entities.

Section 360.10(d)(1)(iv) of the proposed rule incorporates certain elements of the first sentence of § 360.10(d)(4)(vi) of the current rule. Section 360.10(d)(1)(iv) of the proposed rule

would require a CIDI to identify all other offices or agencies, not otherwise referenced in paragraphs (d)(1)(i)-(iii), with operations based or located outside of the United States that contribute financially or operationally to the CIDI. The second sentence of § 360.10(d)(4)(vi) of the current rule is deleted, thus the proposed rule would no longer require a CIDI to provide metrics that appropriately depict the size, significance, and location of such entities.

The proposed rule would add § 360.10(d)(1)(v) and require CIDs to identify the CIDI's non-controlling ownership interests in limited liability companies, investments in partnerships, and involvement in joint ventures or similar arrangements. It is important to the FDIC's resolution planning purposes to obtain organizational reporting beyond affiliates, wholly- and majority-owned subsidiaries, other legal entities, and core business lines, to ensure visibility into other forms of entity exposure and methods through which the CIDI engages in business activities. Minority interests in limited liability companies and partnerships and involvement in joint ventures may result in the CIDI's exposure to specialized business activities, structural complexity, or restricted transferability, all of which could impact the speed of marketability or other disposition methods during resolution. Examples of structures that may be relevant to this content requirement include special purpose vehicles formed for community development purposes, tax credit programs, or other complex investments. Because these are non-controlling interests or small-dollar interests, the dollar volume of total exposures are publicly reported in broader asset categories and less visible from an organizational perspective. Incorporating this requirement into this content item in the proposed rule would provide the FDIC with a more comprehensive view of the CIDI's business exposures.

Aspects of the content requirements located at § 360.10(d)(4)(iv) of the current rule would be revised and incorporated into § 360.10(d)(3) of the proposed rule, while the requirement for information on the CIDI's domestic branches would be deleted due to the FDIC's ability to obtain this information from other sources. The content requirements located at

§ 360.10(d)(4)(v) of the current rule related to regulated subsidiaries, and all associated informational requirements elsewhere in the current rule, would be deleted in the proposed rule.

The FDIC invites comments on all aspects of the proposed revised approach to organizational structure, legal entities, and core business lines. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(18) Do commenters agree with the proposed changes to streamline this aspect of the proposed rule? Are there additional changes that the FDIC should consider?

(19) Do commenters find the requirement to identify the CIDI's non-controlling ownership interests in limited liability companies, investments in partnerships, and involvement in joint ventures or similar arrangements to be sufficiently clear and appropriate to achieve the FDIC's policy goals without unduly increasing burden? If not, how could it be further clarified or otherwise amended?

Interconnections.

The paragraph of the current rule titled “Separation from parent; potential barriers or material obstacles to orderly resolution” would be renamed “Interconnections” in the proposed rule and revised in its entirety. The revisions reflect the intention to focus the submission on operational information needed for the FDIC’s resolution preparedness, as opposed to hypothetical resolution-related analysis from the CIDI. The proposed rule would require a CIDI to describe its reliance in its day-to-day operations on its affiliates. Examples of such reliance could include funding, technology, or the human resources function. To streamline requirements, the proposed § 360.10(d)(2)(ii) would retain a relevant part of the content requirements from § 360.10(d)(10)(vii) of the current rule to provide that if a CIDI’s affiliate is a broker-dealer that provides services to the CIDI or customers of the CIDI, the CIDI should describe such services and the integration of the broker-dealer with the CIDI's business and operations.

The FDIC invites comments on all aspects of the proposed revised approach to interconnections informational requirements. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(20) Do commenters find the requirements to be sufficiently clear? If not, how could they be further clarified?

Deposit activities.

The paragraph of the current rule titled “Overall deposit activities,” located at § 360.10(d)(7) would be renamed “Deposit activities” in the proposed rule. The proposed § 360.10(d)(3)(i) would revise the description of deposit activities to require a list of deposit products and a description of the source of deposits and manner in which the deposits are identified on the CIDI’s systems and records (such as product type description or general ledger description). Examples of deposit products may include retail, business, escrow, fiduciary, mortgage, or loan servicing deposit accounts; brokered and listing service deposits; deposit sweeps; and affinity or program deposits. The proposed § 360.10(d)(3)(i) would delete the following requirements under the current § 360.10(d)(7)(i): (1) a description of the insured and uninsured deposits and deposit concentrations or other aspects of the deposit base or underlying systems that may create operational complexity for the FDIC; and (2) a description of how types or groups of deposits are related to a core business line, business segment, or franchise component.

The proposed rule would make clarifying changes to refer to deposits carried on the books and records of the CIDI’s foreign branches, rather than foreign deposits. The proposed § 360.10(d)(3)(iv) would require: (1) for each foreign branch, that the CIDI include the branch code and total deposits carried on its books and records and identify for which branches those deposits are dually payable in the United States; (2) a description of any relationship between

deposit sweep arrangements with foreign branches and affiliates; and (3) a description of any controls to restrict movement of funds between accounts in foreign branches.

The proposed rule would move the deposit sweep arrangement requirements from § 360.10(d)(7)(iii) of the current rule to the proposed § 360.10(d)(3)(ii), and add the following requirements: (1) identify the settlement timeframe; and (2) describe any controls in place to immediately cease accepting, generating, and executing deposit sweep transactions or transfers effective as of the FDIC Cutoff Point, as defined in 12 CFR 360.8(b)(1). If a CIDI is a covered institution and is meeting the requirements of 12 CFR 360.9 or 12 CFR Part 370 as it relates to restrictions of accounts, placing holds, or otherwise as defined in those regulations, stating that in the CIDI's resolution submission would be sufficiently responsive to the description of controls required in the proposed § 360.10(d)(3)(ii). The proposed rule would also clarify that significant amounts of deposits would cover any individual arrangement or any group of arrangements. The proposed rule also would delete from § 360.10(d)(7)(iii) of the current rule the requirement to describe the CIDI's reporting capabilities on sweep deposits, including whether that reporting is automated.

The proposed rule would move the requirements applicable to omnibus, deposit sweep, and pass-through accounts from § 360.10(d)(7)(iv) in the current rule to the proposed § 360.10(d)(3)(iii) and delete the requirement to provide a detailed discussion of the capabilities and timeliness of deposit reporting systems and capabilities to generate accurate and timely contact information with respect to any omnibus, deposit sweep, or pass-through accounts. The proposed rule would also require a CIDI to provide the reports used to monitor deposit sweep account arrangements, and the requirement to include an explanation of any data lag that affects the accuracy of such reports was moved over from § 360.10(d)(7)(iii) of the current rule. The proposed approach reflects an effort to reduce burden by shifting away from requiring CIDs to draft a narrative describing their reporting capabilities and, instead, require the provision of relevant reports already being produced. This information would facilitate the FDIC's

assessment, in the event of the CIDI's failure, of the potential utility of the CIDI's existing reporting to support resolution activities.

Finally, the proposed rule would remove in its entirety the requirements in § 360.10(d)(7)(v) of the current rule that the CIDI provide a report on its key depositors including certain identifying information, and describe the approach to identifying those key depositors, how long it takes to generate the report, and the timeliness of the information provided. The FDIC determined that it could obtain adequate relevant information in this area from other sources.

The FDIC invites comments on all aspects of the proposed revised approach to deposit activities informational requirements. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(21) Do commenters consider the proposed elimination of the key depositor requirement to be appropriate? Is there any key depositor data that could be easily provided by CIDs that would be helpful to the FDIC in planning for a resolution and that is not readily available from other sources?

Critical services.

The paragraph of the current rule titled "Critical services" would be revised in paragraph § 360.10(d)(4)(i) of the proposed rule to clarify that the description of the CIDI's critical services and critical services support include the names of the providers of critical services and critical services support and by clarifying which entities are subject to each paragraph.

To streamline and consolidate requirements, the proposed § 360.10(d)(4)(ii) would revise the "Critical services" paragraph to incorporate certain elements of § 360.10(d)(16) of the current rule, such that "Payment, clearing and settlement" is no longer a stand-alone paragraph. This reflects that the information required pertains only to those PCS services providers that provide a critical service or critical services support. As a result, the proposed rule would incorporate the

requirement in paragraph (ii) that for each PCS service provider of which the CIDI directly is a member or has a direct relationship and that provides a critical service or critical services support, the CIDI describe the PCS services provided, including the value and volume of activities on a per-provider basis. It also would require the CIDI to map those PCS service providers to the CIDI's legal entities and core business lines that hold direct membership, have a direct relationship, or receive such PCS services, which reflects clarifying edits to the current rule's requirement and deletion of the requirement to map PCS service providers to "franchise components."

The proposed rule would eliminate the requirement in § 360.10(d)(8)(ii) of the current rule to describe the process for identifying critical services and critical services support, and the process for collecting and monitoring the terms of contracts governing critical services and critical services support. The proposed rule would revise the requirement in § 360.10(d)(8)(iii) of the current rule to map critical services to the material entities and core business lines that they support by deleting the reference to "franchise components." The proposed rule also would include a non-substantial revision in proposed § 360.10(d)(4)(iv) by replacing the reference to "critical service providers" with "each provider of critical services."

The proposed rule would substantially revise § 360.10(d)(8)(v) in the current rule by deleting the majority of the requirements such that it would only retain the requirement for the CIDI to identify contracts for critical services and critical services support that contain provisions that, upon the insolvency of the CIDI or the FDIC being appointed receiver of the CIDI, purport to permit the service provider to stop providing services, to alter pricing, or to alter other terms of service. Deletions in this paragraph reflect that the current rule requires the CIDI to speculate about the consequences of its failure; describe its internal processes; and provide hypothetical analysis about potential obstacles to maintaining critical services continuity in failure.

The FDIC invites comments on all aspects of the proposed revised approach to critical services informational requirements. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(22) Do commenters view the proposed elimination of the requirement to describe the CIDI's process for identifying critical services and critical services support to be appropriately burden-reducing, or do they consider the context it provides to be a useful component of their submission?

Management information systems; software licenses; intellectual property.

The paragraph of the current rule titled “Management information systems; software licenses; intellectual property” would be revised and is located at § 360.10(d)(5) of the proposed rule, to follow requirements associated with critical services and critical services support given the relationship between these concepts. The proposed rule deletes the following requirements of the current rule in their entirety: (1) descriptions of any obstacles to maintaining access, and approaches to maintaining access, when the CIDI is in resolution for key management information systems or applications for which the CIDI or CIDI subsidiary is not the owner or licensor, located at § 360.10(d)(22)(ii) of the current rule; and (2) descriptions of the capabilities of the CIDI's processes and systems to collect, maintain, and produce the information, located at § 360.10(d)(22)(iii) of the current rule. The elimination of these requirements reflects that the former requires resolution-related analysis, while the latter is focused on the CIDI's capabilities and internal processes.

The proposed rule would revise the first sentence in § 360.10(d)(22)(i) of the current rule to require the CIDI to provide a mapping of the CIDI's information technology architecture, in addition to a detailed inventory and description of the key management information systems and applications. The proposed rule would clarify that the CIDI should include the core processors for deposit and loan data, in addition to systems and applications for risk management,

accounting, and financial and regulatory reporting, used by or for the benefit of the CIDI and CIDI subsidiaries. The proposed rule would no longer include systems and applications used to provide the information required to be provided in the CIDI's resolution submission within this requirement.

The proposed rule also would retain the second sentence in § 360.10(d)(22)(i) of the current rule that requires the CIDI to identify for each system or application the legal owner or licensor and key personnel needed to support the system and, among other things, any related third-party contracts or service-level agreements, any related software or systems licenses, and any other related intellectual property.

The proposed rule would add a requirement that the CIDI identify the end-of-day processing cut-off times for deposit and loan operations. Understanding institution- and product-specific processing cutoff times is critical to resolution execution because the FDIC must be able to identify when and how the movement of funds across deposit, lending, and other customer-facing products can be halted or redirected upon failure. Cut-off times also directly affect the FDIC's ability to establish the receivership perimeter, prevent unauthorized post-failure funds movement, and accurately determine insured and uninsured deposit balances. The FDIC's advance knowledge of this information supports planning for rapid or intra-day failures by ensuring transaction processing and other operational constraints are understood before a failure event.

As noted above, reflecting the close relationship between management information systems (MIS) and critical services support, the MIS requirement would be relocated to just after Critical services in the proposed rule. In meeting the requirements of the proposed rule, filers could include key MIS as a critical service and include it with the description of critical services and critical services support content as long as all required MIS content is included in the submission. Although the proposed rule does not establish benchmarks or standards for identification of "key" MIS, it identifies the core processors for deposit and loan data, and

systems and applications for risk management, accounting, and financial and regulatory reporting as examples to provide context for this requirement. The goal of the requirement is to ensure that the FDIC has the information described with respect to systems and applications that it would need to access in resolution. The same information does not need to be provided twice. Clear cross-referencing of the same information is acceptable so long as it is accompanied by appropriate context.

The FDIC invites comments on all aspects of the proposed revised approach to MIS informational requirements. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(23) Do commenters believe the proposed changes to MIS informational requirements are appropriately calibrated? If not, how could the proposed rule be amended to better achieve the FDIC's policy objectives?

(24) Do commenters find the requirement to provide a mapping of the CIDI's information technology architecture to be sufficiently clear? If not, how could the requirement be further clarified?

(25) Do commenters find the new requirement on processing cut-off times to be sufficiently clear? Would there be benefits to including more specificity, for example that this information should be provided for branches, ATMs, card processing, internet banking, remote deposit capture, and deposit sweep accounts?

Key personnel.

The paragraph of the current rule titled "Key personnel" would be revised to delete § 360.10(d)(9)(ii) of the current rule to eliminate the required description of the CIDI's methodology for identifying key personnel and to delete § 360.10(d)(9)(iii) of the current rule to eliminate the requirements for the CIDI to provide a recommended approach for retaining key personnel during the CIDI's resolution. The reasons for these deletions are that the former

requires descriptions of the CIDI's internal processes and methodology, while the latter requires resolution-related analysis.

Under § 360.10(d)(6)(i) of the proposed rule, CIDIs would still be required to identify all key personnel by title, function, physical location, employing legal entity, with the addition of identifying whether they are dual-hatted (i.e., performing roles at both the CIDI and an affiliate of the CIDI). Identification of dual-hatted key personnel is helpful to the FDIC's preparedness because this type of status may introduce complications that need to be considered when developing retention strategies in resolution. The proposed rule would remove the requirement to identify key personnel by core business line. Further, the proposed rule would add the requirements for the CIDI to identify any CIDI-sponsored work authorizations and the associated jurisdictions that are located outside of the United States to facilitate incorporation of this information into the FDIC's resolution planning.

The content requirements located at § 360.10(d)(9)(vi) of the current rule remain substantively unchanged in the proposed rule as § 360.10(d)(6)(ii). A CIDI would continue to be required to identify all employee benefit programs provided to key personnel, including health insurance, defined contribution and defined benefit retirement programs, and any other employee wellness programs, as well as any collective bargaining agreements or other similar arrangements. Additionally, a CIDI would continue to be required to identify the legal entity sponsor of each employee benefit program, and provide a description of and points of contact (by title) for such programs.

Section 360.10(d)(6)(iii) of the proposed rule retains a relevant part of the content requirement from § 360.10(d)(24)(v) of the current rule to require a CIDI to identify key personnel who are responsible for the CIDI's crisis communications and describe key communications channels that are used across key stakeholder categories.

The FDIC invites comments on all aspects of the proposed key personnel informational requirements. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(26) Do commenters view the proposed elimination of the requirement to describe the CIDI's methodology for key personnel identification to be appropriately burden-reducing, or do they consider the context it provides to be a useful component of their submission?

(27) Do commenters view the proposed elimination of the requirement for CIDs to provide a recommended approach for retaining key personnel during the CIDI's resolution as appropriate? Is there any additional existing information that CIDs might be able to easily provide, not tailored to a resolution context but reflecting important considerations for retention?

Material loan portfolios.

The paragraph of the current rule titled "Material asset portfolios" would be renamed "Material loan portfolios" in the proposed rule and the concept of a material asset portfolio would be removed from the proposed rule. The proposed rule would require information on the narrower concept of material loan portfolios relative to the current rule's focus on material asset portfolios. Similar to the current rule, the proposed rule would require a CIDI to (i) identify each material loan portfolio by size and by class within such material loan portfolio; (ii) include a breakdown of those loans within a material loan portfolio that are held by a foreign branch or subsidiary of the CIDI; and (iii) for each material loan portfolio, describe how the loans within the portfolio are valued. Requirements in the current rule related to describing how the assets within the material asset portfolio are maintained on the books and records of the CIDI, and identifying and discussing impediments to the sale of each material asset portfolio identified and providing a timeline for such sale, would be eliminated. The former generally did not yield

useful information in the full resolution submissions received from CIDs during the 2025-2026 submission cycle, and the latter requires hypothetical, resolution-related analysis by the CID. The definition of material loan portfolio would be added to the proposed rule and is referenced in the definition section above.

For most CIDs, the loans and lease receivables represent the largest asset class and is a significant driver of bidder interest and overall franchise value in a resolution. The proposed shift from a generalized view of asset portfolios to a more focused view of the CID's lending activities supports the FDIC's efforts to assess loan portfolio characteristics that directly influence marketing and disposition strategies, such as valuation analysis, transaction structure, bidder interest, and transferability. Additionally, the FDIC's planning for resolution execution is supported by obtaining information from CIDs on loan portfolios that may, in the view of the CID, have limited bidder interest or marketability.

The FDIC invites comments on all aspects of the proposed material loan portfolio informational requirements. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(28) Do commenters find the requirements to be sufficiently clear? If not, how could they be further clarified?

(29) How do commenters view the shift from material asset portfolios to material loan portfolios?

(30) Do commenters agree with defining material loan portfolios to include loan portfolios that may, in the view of the CID, have limited bidder interest or marketability? Why or why not?

Off-balance-sheet exposures.

The paragraph of the current rule titled “Off-balance-sheet exposures” would be revised to conform with other changes to the proposed rule, including removing the requirement to map these exposures to franchise components and material asset portfolios, and remains otherwise substantively unchanged.

Qualified financial contracts.

The paragraph of the current rule titled “Qualified financial contracts” would be revised to delete references to capabilities, to conform with other changes to the proposed rule, and to add and clarify specific content requirements. The purpose of these requirements is to provide the FDIC with information concerning QFC activities conducted within a CIDI and its subsidiaries. CIDs’ submissions should include information sufficient to provide an understanding of QFC activities conducted within the CIDI and its subsidiaries that addresses the: (1) type of QFC activity conducted within a CIDI and its subsidiaries, and how such activity relates to its core business lines; (2) areas within a CIDI and its subsidiaries where this activity is conducted and the counterparties with which the CIDI and its subsidiaries engage in these QFC activities; (3) type of QFC activity conducted within a CIDI and its subsidiaries, and how such activity is used to manage a CIDI’s hedging and liquidity management needs; and (4) infrastructure used to support these QFC activities, such as systems, reports and third-party providers.

The proposed § 360.10(d)(9)(i) would be revised to conform with other changes to the proposed rule, to delete certain content requirements, and extend content requirements to include subsidiaries of CIDs. QFCs and associated business activities are often managed together across an IDI and its subsidiaries, creating risks and costs if such activity is separated. This dynamic was demonstrated in the 2023 failures, where linkages between the QFC activity of the IDIs and their subsidiaries complicated certain decisions that the FDIC needed to make in the resolution of those IDIs. In those cases, QFC activity entered into by the IDI supported significant lending

activity conducted within a subsidiary, a relationship which could not be readily identified or analyzed on closing weekend. The proposed rule would enable the FDIC to make more informed resolution decisions regarding QFCs of a CIDI and its subsidiaries, provide better information to potential acquirers to inform bids for a failed CIDI or its assets, and thereby reduce losses and increase recoveries. Further, expanding the rule to include CIDI subsidiaries aligns with the requirements of 12 CFR Part 371¹² (QFC recordkeeping rule), which requires QFC recordkeeping by IDIs subject to the rule and their reportable subsidiaries.

However, the proposed rule is not duplicative of the QFC recordkeeping rule, as the proposed rule would require a high-level description of overall QFC activity of a CIDI and its subsidiaries and would not require the detailed position-level data required to be maintained by the QFC recordkeeping rule. Separately, the FDIC is considering amendments to the QFC recordkeeping rule that would reduce the recordkeeping burden of that rule while maintaining the conceptual distinction between the type of information required under the QFC recordkeeping rule and the proposed rule. The QFC recordkeeping rule provides detailed data on QFC positions from IDIs that meet the “troubled condition” threshold as defined in QFC recordkeeping rule, whereas the proposed rule provides a more general description of the use of QFCs by CIDs.

Under the proposed rule, the CIDI would be required to identify and describe the types of QFCs the CIDI or any of its subsidiaries is a party to and how such QFCs are used in the provision of services to customers or in the management of risk, including how the CIDI and its subsidiaries offset position risks from such contracts. The CIDI would be required to describe the types of QFCs utilized by each core business line and the business purpose or risk management purpose of such QFCs. The CIDI would also be required to identify whether the CIDI or any of

¹² 12 CFR Part 371 titled Recordkeeping Requirements for Qualified Financial Contracts requires an IDI in trouble condition (as defined in the rule) to maintain records of QFCs for the IDI and its reportable subsidiaries (as defined in the rule).

its subsidiaries enter into QFCs that are related to loans to customers made by any affiliate of the CIDI (other than any subsidiary of the CIDI) and, if so, the types of such QFCs.

The intention of the proposed § 360.10(d)(9)(i) is to obtain a description from the CIDI on the types of QFC activities conducted within it and its subsidiaries, and their relationship to core business lines. The statutory definition of QFC is broad and includes the following five categories of financial contracts: swap agreements, repurchase agreements, securities contracts, forward contracts, and commodity contracts.¹³ The reference to “types” in the proposed rule is meant to emphasize that QFC activities would be discussed in terms of the five categories under the statutory definition of QFCs. Content responsive to this requirement would describe activities conducted for each type of QFC, and how such activities are used either in support of core business lines (e.g., lending activity) or as a core business line (e.g., capital markets activity). Submissions would also discuss the types of counterparties with which QFCs are executed, such as dealer counterparties and end users.

The proposed § 360.10(d)(9)(ii) would be revised for clarity and to include content from CIDI subsidiaries. The content requirement would provide for a CIDI to identify the booking models used by the CIDI and each of its subsidiaries to support the marketing and management of risk from QFCs, including whether customer-facing risk or other dealer-facing risk resides in the CIDI and CIDI subsidiaries while the position risk hedging is performed by an affiliate of the CIDI. Content responsive to this requirement would describe the type of QFC activity related to management of hedging and liquidity needs of the CIDI and its subsidiaries. This activity is distinct from activity discussed under § 360.10(d)(9)(i) of the proposed rule, which focuses on QFC activity with customers. Similar to above, the FDIC is interested in information on the types of QFC activities, which reflects that discussion of QFC activities would be in terms of the five categories under the statutory definition of QFCs. Content responsive to this requirement also would describe such activity at a core business line level, and at a macro/balance sheet level.

¹³ 12 U.S.C. 1821(e)(8)(D).

As in the current rule, CIDs would be required to describe the CID's use of any "global risk book," "remote bookings," or "back-to-backs" booking model.

The proposed § 360.10(d)(9)(iii) would be revised for clarity and to include content from CID subsidiaries. Content responsive to this requirement would detail the areas within the CID and its subsidiaries where QFC activity described above is originated (e.g., business units responsible for QFC execution), the entities responsible for execution, firm policies and general practices governing the execution, and where risk from QFC activity resides within the firm and how risk from QFC activity is managed across the organization, including whether risk is managed at a transaction level or macro level.

The proposed § 360.10(d)(9)(iv) would be revised to remove references to hedges and capabilities. For each of the first three paragraphs in (d)(9), a CID would now be required to supplement that content by identifying systems and any third-party providers used for valuations, reporting, and any other purposes related to such QFCs. Content responsive to this requirement would describe the infrastructure used by the CID or any of its subsidiaries to support QFC activities discussed under proposed § 360.10(d)(9)(iv)(i) through (iii) above. Discussions would describe the systems and reporting used to manage the QFC activity above, and the use of any third-party service provided to support QFC execution and management.

The FDIC invites comments on all aspects of the proposed QFC informational requirements. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(31) Are the proposed requirements clear and appropriate to the goals of the proposed rule?

(32) Do commenters believe the proposed requirement regarding QFC activity conducted by subsidiaries of CIDs is appropriate? Why or why not?

(33) Is the requirement for CIDs to describe the use of any “global risk book,” “remote bookings,” or “back-to-backs” booking model sufficiently clear? If not, how could it be further clarified?

(34) Is the information proposed to be required readily available to CIDs? If not, please describe which of the required information would not be readily available to CIDs.

(35) To what extent should the proposed requirements be more aligned with other QFC requirements or expectations regarding resolution in order to reduce burden on CIDs or reduce duplicative efforts?

(36) Should the proposed requirements apply to CIDs with a minimum aggregate amount of QFC activity (including IDI subsidiaries)? Should the minimum be set as a minimum notional amount of QFC activity (e.g., \$100 billion, \$500 billion, \$1 trillion, \$25 trillion)?

Unconsolidated balance sheet and material entity financial statements.

The paragraph of the current rule titled “Unconsolidated balance sheet; material entity and regulated subsidiary financial statements” would be renamed “Unconsolidated balance sheet and material entity financial statements” in the proposed rule. The requirement would be revised to conform with other changes to the proposed rule, namely, to remove the term “regulated subsidiary” from the content requirement, and the content would otherwise remain substantively unchanged.

Composition of non-deposit liabilities and funding sources.

The paragraph of the current rule titled “Capital structure; funding sources” would be renamed “Composition of non-deposit liabilities and funding sources” in the proposed rule. The content requirements located at § 360.10(d)(17)(i) of the current rule would be deleted in the proposed rule. The proposed rule would remove the requirements for the CIDI to provide

descriptions of the current processes used by the CIDI to identify the funding, liquidity, and capital needs of and resources available to each material entity that is a CIDI subsidiary or foreign branch and of the current capabilities of the CIDI to project and report its funding and liquidity needs.

Section 360.10(d)(17)(ii) of the current rule would be revised to clarify that it would be limited to non-deposit liabilities, consistent with the fact that both the current rule and proposed rule feature a separate set of informational requirements related to deposits. The proposed § 360.10(d)(11)(i) would require CIDs to identify the composition of the non-deposit liabilities of the CIDI including the types and amounts of short-term and long-term liabilities by type and term to maturity, secured and unsecured liabilities, and subordinated liabilities. Such information must include whether such liabilities are held by affiliates, whether they are publicly issued, their maturity, any call rights provided, and, where applicable, the identity of their indenture trustees.

In order to further streamline the current rule, the paragraph of the current rule titled “Parent and parent company affiliate funding, transactions, accounts, exposures and concentrations” would be deleted and certain of its content would be revised and incorporated into the proposed rule’s “Composition of non-deposit liabilities and funding sources” paragraph.

The proposed rule would generally combine the requirements contained in § 360.10(d)(17)(iii) and §360.10(d)(18)(i) of the current rule into the proposed § 360.10(d)(11)(ii). The proposed rule would require CIDs to identify material affiliate funding relationships, and material inter-affiliate exposures, including amount, terms, purpose, and date of maturity, that the CIDI or any CIDI subsidiary has with any affiliate, and that the CIDI has with any CIDI subsidiary or foreign branch that is a material entity. Such information must include material affiliate financial exposures, claims or liens, lending or borrowing lines and relationships, guaranties, deposits, and derivatives transactions.

The proposed § 360.10(d)(11)(iii) retains and revises certain elements of § 360.10(d)(18)(ii) of the current rule. Certain aspects are deleted to simplify requirements and

facilitate consolidation with § 360.10(d)(17)(iii) and §360.10(d)(18)(i) of the current rule, specifically the nature and extent to which any affiliate serves as a source of funding to the CIDI and CIDI subsidiaries. Other aspects that have not proven informative in the 2025-2026 submission cycle under the current rule are deleted, specifically, mechanisms by which funds are transferred from the CIDI's affiliates to the CIDI and CIDI subsidiaries.

Digital services and products.

The paragraph of the current rule titled “Digital services and electronic platforms” would be renamed “Digital services and products” and the content refined to focus on the information related to a bank’s technology-enabled services that must be considered in the FDIC’s resolution strategies. The FDIC recognizes that IDIs increasingly rely on technology to enhance customer experience by delivering banking products and services through technology-enabled platforms, applications, third-party partnerships, and innovative business models. These developments include arrangements with financial technology (fintech) companies and other embedded financial solutions, reflecting evolving channels through which customers access banking services and banks maintain relationships. Institutions offer these products and services to meet evolving customer expectations, enhance customer experience, and maintain a competitive position in the marketplace. As a result, they may represent important components of an institution’s franchise value by supporting customer acquisition, retention, and engagement.

The channels through which digital products and services are offered may not be readily distinguishable through the current rule’s existing information technology or critical services descriptions. Advance awareness of an institution’s digital products and services supports the FDIC’s efforts to maximize the likelihood of a rapid sale, since understanding their impact to franchise value and related system requirements is critical for potential acquirers to evaluate whether they can rapidly assume and continue these services through transfer, replication, or support through alternative systems. Additionally, certain digital products and services, including

tokenized deposits and bank-sponsored deposit or fintech platforms, may be provided through specialized transaction processing procedures, settlement mechanisms, and non-traditional ledgering arrangements. These transfer capabilities must be understood to accurately establish the receivership perimeter and support timely deposit insurance determination. Such information may also support the FDIC's ability to continue critical customer-facing services while evaluating and executing resolution strategies.

The content revision would narrow the focus on specific technology-enabled services and arrangements that shape facets of retail and business customer relationships. The proposed § 360.10(d)(12)(i) provides additional specificity and narrows the requirements of § 360(d)(23)(i) of the current rule. Rather than describe all digital services and electronic platforms offered to customers to support banking transactions for retail or business customers, a CIDI would be required to briefly describe any novel or emerging digital services and products currently offered to retail or business customers through online, mobile, or other digital channels, including digital wallets and other embedded arrangements. These digital services and products may be offered directly by the institution through proprietary or licensed platforms and systems or facilitated through fintech or other third-party arrangements.

The proposed § 360.10(d)(12)(ii) substantively retains the first sentence of § 360.10(d)(23)(ii) of the current rule, requiring a CIDI to identify whether the services or products are provided by the CIDI, the CIDI's affiliate, or a third party, and which of them owns the related intellectual property or is the licensee. The proposed rule would require a CIDI to provide additional information regarding a third party, namely the entity and its role in the arrangement.

The proposed § 360.10(d)(12)(iii) is added to the proposed rule and requires a CIDI to identify the system on which the CIDI retains customer records, for each digital service and product. Section 360(d)(23)(iii) of the current rule is deleted from the proposed rule, so that a CIDI would not have to discuss how digital services or platforms are significant to the operations

or customer relationships of the CIDI, and their impact on franchise value and depositor behavior.

The FDIC invites comments on all aspects of the digital services and products informational requirements. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(37) Do commenters find the proposed content requirement to be clear? If not, how could it be further clarified?

(38) Do commenters believe the proposed changes to digital services and products informational requirements are appropriately calibrated? If not, how could the proposed rule be amended to achieve the FDIC's policy objectives?

Taking into account the full set of proposed resolution submission informational requirements, the FDIC invites comment on all aspects of these proposed informational requirements. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(39) Are the proposed submission requirements clear and appropriate to the goals of the proposed rule?

(40) Do commenters anticipate any potential overlap between the informational requirements in the proposed rule (to include, for example, those related to MIS, digital services and products, key personnel, organizational structure, deposit activities, loan portfolio, and unconsolidated balance sheet and material entity financial statements) and the separately proposed Assessments proposal, which envisions voluntary provision of certain information through a VDR testing exercise or the prescribed data access by participating large or highly complex institutions? If so, should the requirements of the proposed rule be amended for those institutions that voluntarily provide the information

described in the Assessments proposal? If so, how should the requirements or other aspects of the proposed rule be amended?

E. Other Content

The section of the current rule titled “Interim supplement” would be deleted and CIDs would no longer be required to file interim supplements under the proposed rule. As discussed above, the notice of extraordinary event requirement would be revised such that CIDs would be required to report material changes associated with any extraordinary event within a defined timeframe, in the period between submissions. This more targeted approach to the FDIC receiving timely and updated information relevant for its resolution planning from CIDs would obviate the need for the one-size-fits-all approach of interim supplement submissions.

The section of the current rule titled “Credibility; review of full resolution submissions; engagement; capabilities testing,” located at § 360.10(f) would be deleted and replaced in the proposed rule with two stand-alone sections – “Review of resolution submissions” and “Engagement.” The section on “Review of resolution submissions” would require the FDIC to review the resolution submission to determine whether it meets the applicable requirements of the proposed rule in all material respects. The section on “Engagement” would provide for the FDIC to engage with the CIDI to ask clarifying questions about the resolution submission during the review process. Engagement would no longer be a defined term under the proposed rule and would no longer be a feature under the proposed rule in the manner in which it is set forth in the current rule.

The proposed shift in the focus of submissions to operational information and away from requirements to provide resolution-related hypothetical strategies, analyses, and other content means that the FDIC would not require extensive and structured direct engagement with the staff at a CIDI, as envisioned under the current rule. The FDIC’s engagement with the staff at a CIDI

under this proposed rule would focus on addressing specific questions related to the information contained or required to be contained in their submission.

The FDIC anticipates that a simpler approach to feedback could be adopted compared to the current rule, considering that, as proposed, future submissions would be expected to be significantly shorter, more streamlined, and focused on operational information. The FDIC would expect to communicate timely feedback to CIDs on the submissions and would identify aspects of the submission that do not meet requirements in all material respects.

The FDIC invites comments on all aspects of the proposed resolution submission review and engagement processes. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(41) Do commenters believe the proposed scope of the engagement process is appropriate? For CIDs that participated in engagement under the current rule or the 2012 rule, did they find such engagement useful? If so, were there aspects of this process that could have been made more efficient or effective?

(42) Do commenters consider the proposed approach to feedback to be clear and appropriate? If not, how could the approach be amended?

The paragraph of the current rule titled “No limiting effect on FDIC” would be revised to conform with other changes to the proposed rule and remains otherwise substantively unchanged.

The first sentence in “Financial information” located at § 360.10(g)(1) in the current rule would be revised for clarity and to conform with other changes to the proposed rule. The proposed rule divides that first sentence into two sentences and requires the resolution submission, “to the greatest extent possible,” to use financial information as of the most recent fiscal year-end for which the CID has financial statements.

The proposed rule would add an exception to the existing requirement. CIDs would be able to use financial information as of the quarter immediately preceding year-end if the resolution submission is due on or before a date that is less than six months after the end of the most recent fiscal year-end. In the event a CID is required to file a resolution submission in the first half of a calendar year and the year-end financial information is not yet available, the proposed rule provides flexibility for a CID to utilize financial information as of the previous quarter, if necessary.

The paragraph of the current rule titled “Indexing of information and analysis to full resolution submission and interim supplement content requirements” would be renamed “Indexing of information to resolution submission content requirements.” It would be revised to conform with other changes to the proposed rule. To the extent that certain elements of content requirements under the proposed rule do not apply to a CID because of its structure, organization, business strategy, or other factors, the CID should clearly indicate in its submission that those content elements do not apply and should provide the reason why they do not apply. For example, a CID with no operations outside the United States would not be required to provide any information other than the confirmation that there are no such activities with respect to that requirement. The requirement has been revised to make clear that, to the extent any content requirement is not applicable to a CID, the CID must note such inapplicability and briefly describe the reason.

The paragraph of the current rule titled “Combined full resolution submission or interim supplements by affiliated CIDs” would be renamed “Combined resolution submission by affiliated CIDs” and revised to conform with other changes to the proposed rule and remains otherwise substantively unchanged.

The paragraph of the current rule titled “Form of full resolution submission; confidential treatment of full resolution submissions and interim supplements” would be renamed “Confidential treatment of resolution submissions.” The requirement for a CID to submit a

public section of its submission, located at § 360.10(h)(1) of the current rule, would be removed from the proposed rule, reflecting the shift away from CIDI-generated analyses and strategy to operational information relevant for FDIC resolution preparedness. The remaining portions of the section have been revised to conform with other changes to the proposed rule.

The paragraph of the current rule titled “Extensions and exemptions,” located at § 360.10(i) of the current rule, is unchanged in the proposed rule.

The paragraph of the current rule titled “Enforcement” located at § 360.10(j) of the current rule would be deleted from the proposed rule.

The FDIC invites comment on all aspects of these sections of the proposed rule. In particular, the FDIC seeks comment on the following aspects of the proposed rule:

(43) Do commenters find the exception provided for the use of financial information in the submission to be clear and appropriate? If not, how could these expectations be further clarified or adjusted?

(44) Do commenters agree that the changing nature of the resolution submission, with a narrow focus of operational information relevant for the FDIC’s resolution preparedness rather than strategy and analyses, makes a public section no longer appropriate or relevant? If not, what would be the utility and appropriate scope of a public section?

III. Expected Effects

A. Introduction and Baseline Assumptions

As discussed above, the proposed rule would standardize content and filing frequency requirements for all IDIs with \$100 billion or more in total assets and reduce requirements regarding the content of resolution submissions provided to the FDIC. The FDIC estimates the impact of these proposed changes by estimating the effects under the proposed rule relative to a baseline in which the proposed rule is not adopted and the current rule is in effect.

For its estimates under both the proposed rule and the baseline, the FDIC is utilizing all other relevant laws and regulations in effect, as well as the financial and economic conditions of IDIs, as of March 31, 2026, with one exception: the analysis assumes that, under the proposed rule, the related Assessments proposal would also be finalized. Given the anticipated simultaneous adoption of both proposals and the mitigating effect that the Assessment proposal would have on resolution outcomes, this assumption allows the discussion below to focus on the expected effects under the outcome the FDIC considers most likely.

The FDIC analyzes the effects of the proposed rule, relative to the baseline, over a 12-year period to fully account for the differences in the expected populations of filers and the submission frequencies between biennial filers and triennial filers under the current rule.¹⁴ The 12-year analysis horizon is sufficiently long to capture substantially all of the expected effects of the proposed rule, while avoiding potential uncertainties related to future economic conditions that may arise with longer time horizons.

Although not all the effects of the proposed rule can be quantified, the analysis provides monetary estimates of the cost savings associated with Paperwork Reduction Act (PRA) burden that is imposed by the proposed rule. Given that most of the requirements in 12 CFR 360.10 are related to reporting requirements, PRA burden estimates represent a reasonable basis for quantifying the effects of the proposed rule.

The FDIC recognizes that there may be substantial variation in resolution submissions and related PRA burden across CIDs. To account for this variation, this analysis assumes that the PRA burdens for each type of submission under the baseline and the proposed rule would vary with a CID's assets at a constant ratio of “labor hours per billion in assets” (hours PBA).¹⁵ This measure allows the analysis to account for the fact that larger CIDs are expected to incur more labor hours than smaller CIDs to comply with the same regulation.

¹⁴ A 12-year analysis horizon encompasses multiple full cycles for both biennial filers and triennial filers.

¹⁵ For purposes of estimated PRA burdens, the FDIC uses assets as reported on each institution's Call Report, as of March 31, 2026.

The FDIC uses its most recently developed PRA time burdens to estimate that, under the baseline, a group A CIDI that is an affiliate of a U.S. GSIB, a group A CIDI that is not an affiliate of a U.S. GSIB, and a group B CIDI would incur 72, 73, and 67 hours PBA, respectively, to prepare a full resolution submission.¹⁶ Additionally, the FDIC estimates that, under the baseline, a first-time filer would incur approximately 7,200 hours associated with filing its first full resolution submission. Further, the FDIC estimates that, under the baseline, all triennial filers would incur 24 hours PBA associated with filing interim supplements. Finally, the FDIC estimates that all filers would incur an average compensation rate of \$118 per hour of burden under both the baseline and the proposed rule.¹⁷

Given the uncertainties involved in forecasting total assets of IDIs across a 12-year analysis horizon, this analysis assumes that the total assets reported by existing CIDs, as of the quarter ending March 31, 2026, would remain constant throughout this period. In addition, any new CIDs are assumed to have total assets equal to \$50 billion for group B CIDs and \$100 billion for group A CIDs under the baseline and \$100 billion under the proposed rule and maintain those asset levels throughout the 12-year period. To the extent that this assumption is violated and total assets grow, the estimates of burden under the baseline would be larger than estimated, and the resulting cost savings would be higher than estimated. As such, this constant-asset assumption provides a conservative estimate of the cost savings provided by the proposed rule.

B. Scope

Based on data through March 31, 2026, there are 48 CIDs subject to the requirements of the current rule. Of these, 32 CIDs—with approximately \$18.9 trillion in total assets—are group A CIDs under the current rule, and 16 CIDs—with approximately \$1.2 trillion in total assets—

¹⁶ A full resolution submission is defined as a resolution plan for group A CIDs and an informational filing for group B CIDs, located at 12 CFR 360.10(b) of the current rule.

¹⁷ These estimates are based on the FDIC's latest PRA estimates for 12 CFR 360.10, which was last approved on August 26, 2024, and expires on August 31, 2027. *See* https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202405-3064-002.

are group B CIDs. Of the 32 group A CIDs, nine are affiliates of U.S. GSIBs. The nine CIDs that are affiliates of U.S. GSIBs are biennial filers under the current rule while the remaining 39 CIDs are triennial filers.¹⁸

Under the baseline, all 48 CIDs currently subject to the current rule would remain subject to 12 CFR 360.10 for the entire 12-year period. In addition, the FDIC estimates that three additional IDIs would become group B CIDs and one existing group B CIDI would become a group A CIDI each year under the baseline.¹⁹

Under the proposed rule, the dollar threshold for an IDI to be required to file a resolution submission would be \$100 billion, as compared to \$50 billion under the baseline. At this level, 16 of the 48 CIDs subject to the current rule (all group B CIDs under the baseline) would no longer be CIDs subject to the requirements of the proposed rule. As of March 31, 2026, these 16 IDIs hold approximately \$1.2 trillion in total assets.

Under the proposed rule, the increase in the threshold, along with the indexing of the threshold, would slow the rate that new IDIs become CIDs. The FDIC estimates that the inflation indexing in the proposed rule would result in only one new CIDI each year over the period of analysis. For purposes of this analysis, the FDIC assumes that there is no attrition from the set of returning CIDs each year.

The estimated populations of CIDs under the baseline and under the proposed rule over the 12-year cycle are summarized in Table 1:

<i>Table 1: Estimated Population of CIDs over 12 years</i>				
	Baseline			Proposed Rule
	Group A	Group B	Total	CIDs
Year 1	33	18	51	33
Year 2	34	20	54	34
...	...	...	...	...

¹⁸ Consolidated Reports of Condition and Income data as of June 30, 2025, through March 31, 2026.

¹⁹ To inform these estimates, the FDIC examined the asset growth of IDIs, as reported on Consolidated Reports of Condition and Income, at the \$50 billion and \$100 billion thresholds in the current rule. In the six-year period ending March 31, 2026, an average of 2.5 IDIs breached \$50 billion each year, and an average of one IDI breached \$100 billion each year. Similar per-year averages are obtained when examining longer periods.

Year 11	43	38	81	43
Year 12	44	40	84	44
Based on Consolidated Reports of Condition and Income data as of March 31, 2026, and FDIC calculations based on current counts of 32 group A CIDs and 16 group B CIDs, estimated counts of three new group B CIDs and one group B CIDI that becomes a group A CIDI each year under the baseline, and estimated counts of one new CIDI each year under the proposed rule.				

Using the methodology described above, the FDIC estimates that total average annual PRA costs under the baseline would be approximately \$95.2 million for all affected IDs,²⁰ which include: (1) IDs that are CIDs under the current rule and would remain CIDs under the proposed rule; (2) IDs that are CIDs under the current rule but would not be CIDs under the proposed rule; and (3) IDs that would, over the 12-year horizon, become CIDs under the current rule, but would not become CIDs under the proposed rule.

C. Benefits

The proposed rule would result in substantial compliance cost savings.

Changes in quantified compliance costs

For purposes of the analysis, the FDIC separates the discussion of the quantifiable PRA compliance cost effects of the proposed rule into four broad categories, each based on a proposed change or a set of proposed changes. These categories are as follows:

1. Increasing the dollar threshold from \$50 billion to \$100 billion and periodically adjusting the threshold for inflation.
2. Removal of the interim supplement requirement of the current rule.
3. Reducing the filing frequency for CIDs that are affiliates of U.S. GSIBs from biennial to triennial.

²⁰ \$95.2 million = 807,000 hours annually * \$118 per hour. Full filings: (GSIBs: \$12.7 trillion * 72 hours PBA * six sets of filings over 12 years) + (group A CIDs that are triennial filers: \$7 trillion in average assets over 12 years, including new group A CIDs * 73 hours PBA * four sets of filings over 12 years) + (group B CIDs: \$1.1 trillion in average assets over 12 years, including new group B CIDs * 67 hours PBA * four sets of filings) + (First-time filers: 7,200 hours * 36 total first-time filings). Interim supplements (group A CIDs that are triennial filers: \$7 trillion in average assets over 12 years, including new group A CIDs * 24 hours PBA * eight sets of filings over 12 years) + (group B CIDs: \$1.1 trillion in average assets over 12 years, including new group B CIDs * 24 hours PBA * eight sets of filings over 12 years) + (First-time filers: \$50 billion in assets per first-time filer * 24 hours PBA * 36 total filings over 12 years).

4. Changes to submission content, as well as removing the distinction between group A CIDs and group B CIDs.

The individual components of these changes are discussed below.

Increase in the threshold

The proposed rule would increase the dollar threshold for an IDI to be a CID to \$100 billion and adjust automatically and triennially based on the percentage change in the non-seasonally adjusted CPI-W. As noted above, these changes would reduce the population of CIDs subject to the filing requirements of 12 CFR 360.10. Specifically, the increase in threshold from \$50 billion to \$100 billion would eliminate 16 current CIDs, with approximately \$1.2 trillion in total assets, from the filing requirements of the proposed rule, relative to the baseline. Based on the assets for these 16 CIDs, the latest PRA burden estimate of 67 hours PBA,²¹ and an estimated wage of \$118 per hour, the FDIC estimates that these 16 CIDs each would save an average of approximately \$593,000 per informational filing if they are not a CID under the proposed rule, relative to the baseline.²² Similarly, at a burden of 24 hours PBA, these CIDs would save approximately \$212,000 per interim supplement required under the current rule.²³

Given that these CIDs would submit one informational filing and two interim supplements every three years under the baseline, the elimination of these filings under the proposed rule would result in average annual cost savings of \$339,000²⁴ per year for each of these 16 CIDs, on average.

Further, as discussed above, the proposed rule would reduce the number of first-time filers each year by two, for a total reduction of 24 CIDs over the 12-year period of analysis, relative to the baseline. Given the estimated burden of a first time filing of 7,200 hours under the

²¹ These CIDs would be expected to be group B CIDs under the baseline.

²² $\$593,000 = \$1.2 \text{ trillion total assets for the 16 scoped-out IDs} * 67 \text{ hours PBA} * \$118 \text{ per hour} / 16 \text{ scoped-out IDs}.$

²³ $\$212,000 = \$1.2 \text{ trillion total assets for the 16 scoped-out IDs} * 24 \text{ hours PBA} * \$118 \text{ per hour} / 16 \text{ scoped-out IDs}.$

²⁴ Average annual cost of one informational filing and two interim supplements in a three-year period: $\$339,000 = \$593,000 \text{ per informational filing} + (\$212,000 \text{ per interim supplement} * 2 \text{ interim supplements}) / 3 \text{ years}.$

baseline and the estimated wage of \$118, the elimination of two first-time submissions each year under the proposed rule would provide annual cost savings of approximately \$1.7 million, relative to the baseline.²⁵

The reduction of 24 CIDs over twelve years under the proposed rule would eliminate a total of 36 group B CID informational filings after their first filing, and 96 interim supplements, relative to the baseline.²⁶ Given the constant asset assumption, the elimination of these submissions for the 24 CIDs would result in average annual cost savings of approximately \$2.3 million per year, or approximately \$96,000 per year on average, for these 24 IDs.²⁷

The increase in the threshold, along with the indexing of the threshold, is expected to result in average annual cost savings of \$9.4 million per year for IDs affected by this change in the proposed rule.²⁸

Removal of the interim supplement

The proposed rule would remove the requirement in the current rule for all triennial filers to submit interim supplements in each year they do not file a full resolution submission. This removal would reduce burden for those CIDs under the proposed rule that would file an interim supplement under the baseline. As noted above, there are currently 39 CIDs categorized as triennial filers, as of March 31, 2026. Also as noted above, 16 of these triennial filers would be eliminated from all filing requirements under 12 CFR 360.10, based on the proposed change in the threshold from \$50 to \$100 billion, leaving 23 remaining triennial filers.

²⁵ \$1.7 million per year = two submissions per year * 7,200 hours per submission * \$118 per hour.

²⁶ Under the baseline, each eliminated CID would have had to submit a resolution plan in each triennial cycle following their entry. As such, the six CIDs that would have entered in the first, second, or third triennial cycle of the baseline would have had to file three, two, or one more informational filings, respectively, for a total of 36 submissions. Further, these filers would submit 1 interim supplement in each year of the baseline after the year in which they file for the first time, but not in years in which they submit informational filings. This totals $2*8 + 2*7 + 2*6 + 2*6 + 2*5 + 2*4 + 2*4 + 2*3 + 2*2 + 2*2 + 2*1 + 2*0 = 96$ interim supplements over 12 years.

²⁷ \$2.3 million per year = 36 informational filings * \$50 billion in assets per informational filing * 67 hours PBA * \$118 per hour / 12 years + 96 interim supplements * \$50 billion in assets per interim supplement * 24 hours PBA * \$118 per hour / 12 years. \$2.3 million per year / 24 IDs = \$96,000 per year per ID.

²⁸ \$339,000 in savings per ID * 16 scoped-out IDs = \$5.4 million in savings across all scoped-out IDs per year. \$5.4 million + \$1.7 million in savings from first-time filings per year + \$2.3 million savings from full resolution submissions and interim supplements for new filers per year = \$9.4 million annually.

These 23 triennial filers under the proposed rule would accrue incremental benefits from the removal of the interim supplement. This analysis uses the 23 remaining triennial filers' estimated assets of \$6.23 trillion, as of March 31, 2026, the latest PRA burden estimate of 24 hours PBA, and an estimated wage rate of \$118 to estimate average cost savings of \$767,000 per interim supplement that would not be required under the proposed rule relative to the baseline.²⁹ Given that these 23 CIDs would each submit two interim supplements every three years under the baseline, the average annual cost savings for these CIDs would be approximately \$11.8 million per year.³⁰

The proposed removal of the interim supplement requirement would also benefit IDIs that become CIDs under the proposed rule. Based on the assumptions described above, the FDIC estimates that new CIDs would save an average of \$283,000 per interim supplement that would not be required under the proposed rule relative to the baseline.³¹ Given one new CIDI in each year of the analysis, the proposed rule would result in 48 fewer interim supplement filings over 12 years, relative to the baseline, for these CIDs. This reduction would result in average annual cost savings of \$1.1 million.³²

The proposed rule's removal of the interim supplement requirement would result in estimated average annual cost savings of \$12.9 million per year for IDIs affected by this change in the proposed rule.

Reduction in filing frequency for CIDs that are affiliated with U.S. GSIBs

The proposed rule would adjust the filing frequency for CIDs that are affiliated with U.S. GSIBs from once every two years to once every three years. This change in filing frequency would reduce burden for the nine CIDs that are affiliated with U.S. GSIBs. Relative to the

²⁹ \$767,000 = \$6.23 trillion in total assets * 24 hours PBA * \$118 per hour / 23 CIDs.

³⁰ \$11.8 million per year = \$767,000 per interim supplement * 23 CIDs * two interim supplements per CIDI in each triennial cycle / three years per triennial cycle.

³¹ \$283,000 = \$100 billion in total assets * 24 hours PBA * \$118 per hour.

³² \$1.1 million = \$283,000 per interim supplement * 48 interim supplements / 12 years.

number of filings under the baseline, these nine CIDs would each file two fewer filings under over a twelve-year period under the proposed rule.

As of March 31, 2026, these nine CIDs report \$12.7 trillion in assets, or \$1.4 trillion on average per CID. Based on the estimate of 72 hours PBA under the baseline,³³ these nine CIDs save, on average, approximately \$12 million per filing.³⁴ The reduction of two resolution submissions over twelve years, relative to the baseline, would result in an average annual reduction of approximately \$2 million per CID, or \$18 million for all nine CIDs that are affiliated with U.S. GSIBs.³⁵

Changes in content

The proposed rule would remove the distinction between group A CIDs and group B CIDs and amend various content requirements throughout 12 CFR 360.10. These changes would provide incremental cost savings to the 32 group A CIDs (of which nine are affiliated with U.S. GSIBs) and 12 first-time filers that the FDIC estimates would file resolution submissions under the proposed rule.

The FDIC estimates that the total PRA burden for preparing and filing a resolution submission under the proposed rule would be 36 hours PBA for all filers and 4,078 hours for a first-time filing. For CIDs affiliated with U.S. GSIBs, group A CIDs that are not affiliates of U.S. GSIBs and first-time filers, this represents a decrease of 36 hours PBA (50 percent), 37 hours PBA (51 percent), and 3,122 hours (43 percent), respectively, relative to the baseline.

For the nine CIDs that are affiliated with U.S. GSIBs that would file once every three years under the proposed rule, the proposed reduction in content would result in an average annual collective cost savings of \$18 million.³⁶ This cost savings would be in addition to the \$18 million saved by the proposed change in filing frequency, as discussed above.

³³ Based on the FDIC's latest Paperwork Reduction Act Information Collection Request OMB No. 3064-0185. See https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202405-3064-002.

³⁴ \$12 million per submission = \$12.7 trillion in total assets * 72 hours PBA * \$118 per hour / nine CIDs.

³⁵ \$18 million = \$12 million per submission * two submissions per biennial filer * nine biennial filers / 12 years.

³⁶ \$18 million = 36 hours in savings per submission * \$12.7 trillion in assets * \$118 per hour / three years per submission.

For the 23 CIDs that were group A CIDs under the baseline, that will file once every three years under the proposed rule, the proposed reduction in content would result in an average annual collective cost savings of \$9 million.³⁷

In addition, the analysis estimates that one group B CID per year would become a group A CID under the baseline. Given that group A CIDs incur six more hours PBA per submission than group B CIDs, the proposed standardization of the two submission types would result in an additional \$71,000 in cost savings per submission and average annual collective cost savings of \$178,000.³⁸

This analysis estimates that the population of CIDs increases by one CID each year under the proposed rule. The reduction in content would reduce the costs of first-time filings each year by \$368,000.³⁹ In addition, these new CIDs would file submissions every three years after their first-time filing. At an assumed asset size of \$100 billion, these CIDs would also save \$366,000 per non-first-time submission.⁴⁰ Given an estimated 12 new CIDs in the period of analysis, there would be an estimated 18 total submissions (not including first-time filings) across 12 years, resulting in average annual collective cost savings of \$549,000.⁴¹

In summary, the proposed rule's reduction in content requirements would result in average annual cost savings of \$27.7 million per year for IDs affected by this change in the proposed rule.

Summary of Quantified Cost Savings

Taken together, the effects of the proposed rule above would result in an aggregate cost reduction of approximately \$68 million across all affected IDs when averaged over the 12-year period of analysis.

Table 2: Summary of Cost Savings

³⁷ \$9 million = 37 hours in savings per submission * \$6.2 trillion in assets * \$118 per hour / three years per submission.

³⁸ \$71,000 = six hours PBA savings per submission * \$118 per hour * \$100 billion in assets. \$178,000 = \$71,000 in savings per submissions * 30 submissions / 12 years.

³⁹ \$368,000 = 3,122 hours in hourly burden savings * \$118 per hour.

⁴⁰ \$366,000 = 31 hours PBA savings per submission * \$100 billion in assets * \$118 per hour.

⁴¹ \$549,000 = \$366,000 savings per submission * 18 submissions / 12 years.

	Average Annual Cost Savings
Increase in the threshold	\$9.4 million
Removal of the interim supplement	\$12.9 million
Reduction in filing frequency for CIDs that are affiliated with U.S. GSIBs	\$17.8 million
Changes in content	\$27.7 million
Total cost savings	\$67.8 million
Source: FDIC	
Note: Average annual cost savings are estimated PRA compliance cost savings per year for the twelve years following the effective date of the proposed rule, relative to an estimated baseline cost of \$95.2 million per year.	

Other Benefits to CIDs

Static nominal thresholds without periodic adjustments to reflect inflation do not preserve threshold levels in real terms. As is described in the preamble, raising the dollar threshold that determines whether an IDI is a CID to \$100 billion would better align the proposed rule with the intended scope of application for IDIs under the current rule.

D. Costs

The proposed rule would impose no direct costs on affected IDIs relative to the baseline; it would reduce the requirements imposed by the current rule and result in direct cost savings to all affected IDIs.

Regulators may be less prepared to resolve a failed IDI with total assets between \$50 billion and \$100 billion that would be covered under the current rule, but not under the proposed rule, as the FDIC would not have updated information for these IDIs moving forward. However, the FDIC expects that many of these institutions would elect to qualify for the RRA in the separately proposed Assessments proposal, which would significantly improve resolution outcomes. In addition, the FDIC has other tools to promote resolution preparedness for midsize banks.

Because the proposed rule would remove the interim supplement requirement for current triennial filers and decrease the frequency of submissions for current biennial filers to a triennial cycle, information submitted under the proposed rule may not be up to date at the time of failure. However, the FDIC would still be provided with information that reflects the specific circumstances of each CIDI and is most relevant for the FDIC to rapidly execute a resolution in the event of a failure. A CIDI that elects to participate in the separately proposed RRA would be subject to periodic testing which would give the FDIC confidence in the CIDI's ability to populate a VDR with information that could be used to market the CIDI in the event of its failure. Additionally, a successfully executed data access portion of the RRA would enable the FDIC to directly access data from service provider(s) and/or the CIDI's internal systems, allowing the FDIC to obtain detailed bank data needed to manage and market the bank in receivership.

E. Summary

Based on the analysis described above, the FDIC has determined that the expected benefits of the proposed rule justify its expected costs. The FDIC invites comments on all aspects of the supporting information provided in this analysis, and, in particular, whether the proposed rule would have any material effects that the FDIC has not identified.

IV. Alternatives Considered

The FDIC considered alternatives to the proposed rule to meet the objectives of this rulemaking. For the reasons described below, the FDIC views the proposed rule as the most appropriate and effective means of achieving the policy objectives described in Section II.A.

The FDIC considered not promulgating any regulatory action to amend 12 CFR 360.10. However, as previously discussed, the FDIC has determined that the amendments in the proposed rule would provide substantial regulatory relief to CIDs while maintaining the FDIC's ability to undertake an efficient and effective resolution should a CIDI fail. As discussed above,

the proposed rule would provide clear cost savings and other benefits relative to this no-action alternative.

Additionally, the FDIC considered a range of alternatives relating to filing frequency and content requirements. The FDIC considered maintaining the current rule's biennial filing cycle for CIDs that are affiliated with U.S. GSIBs. This frequency was originally intended to allow these CIDs to file resolution plans under the current rule and Title I resolution plans in alternate years. However, the FDIC generally concluded that a triennial cycle is appropriate for all CIDs. Thus, the FDIC is proposing to align all CID submissions on a triennial frequency.

The FDIC has determined that the proposed rule strikes an appropriate balance by maintaining the content elements that are most relevant to each CID's specific circumstances and, that most directly supports the FDIC's preparedness to execute a resolution in the event of failure.

The FDIC invites comments on all possible alternatives to the proposed rule and will revisit all of its preliminary determinations in the proposal after review of comments.

V. Regulatory Analysis

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency, in connection with a proposed rule, to prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of the proposed rule on small entities.⁴² However, an initial regulatory flexibility analysis is not required if the agency certifies that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. As detailed in the following statement of factual basis, the FDIC certifies that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

⁴² 5 U.S.C. 601 et seq.

The Small Business Administration (SBA) has defined “small entities” to include banking organizations with assets of less than or equal to \$850 million.⁴³ Generally, the FDIC considers a significant economic impact to be a quantified effect in excess of five percent of total annual salaries and benefits or 2.5 percent of total non-interest expenses of the regulated small entity.

As of March 31, 2026, the most recent period for which small entity data are available, the FDIC insures 4,287 depository institutions, of which 2,954 are small entities. The proposed rule would amend resolution plan requirements for insured depository institutions with over \$50 billion in total assets, “as determined based upon the average of the institution's four most recent Consolidated Reports of Condition and Income.”⁴⁴ Given the disparity between the CIDI threshold amount and the upper limit for the asset size of small entities, no institution affected by the proposed rule would be a small entity for purposes of RFA.

Based on this statement of factual basis, the FDIC certifies that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Accordingly, an initial regulatory flexibility analysis is not required.⁴⁵

The FDIC invites comments on all aspects of the supporting information provided in this RFA section.

B. Paperwork Reduction Act

Certain provisions of the proposed rule contain “collections of information” within the meaning of the Paperwork Reduction Act of 1995 (PRA).⁴⁶ In accordance with the requirements

⁴³ The SBA defines a small banking organization as having \$850 million or less in assets, where an organization’s “assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.” *See* 13 CFR 121.201 (as amended by 87 FR 69118, effective December 19, 2022). In its determination, the “SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates.” *See* 13 CFR 121.103. Following these regulations, the FDIC uses an insured depository institution’s affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the insured depository institution is “small” for the purposes of RFA.

⁴⁴ 12 CFR 360.10(b).

⁴⁵ 5 U.S.C. 605(b).

⁴⁶ 44 U.S.C. 3501 *et seq.*

of the PRA, the FDIC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The proposed rule contains revisions to current information collections subject to the PRA. To implement these requirements, the FDIC would rename, revise, and extend for three years the collection currently titled “Resolution Plans Required for Insured Depository Institutions With \$50 Billion or More in Total Assets.”

Information Collection

Title: Resolution Plans Required for Covered Insured Depository Institutions

OMB Control No.: 3064-0185.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: The FDIC is proposing changes to update and automate the scope of the rule and recalibrate resolution submissions to focus on the information that most directly supports the FDIC’s preparedness to execute a resolution. As part of these proposed changes, the FDIC is proposing to update the threshold determining whether an IDI is subject to the rule from \$50 billion to \$100 billion. This change will necessitate a change to the title of the information collection from, “Resolution Plans Required for Insured Depository Institutions With \$50 Billion or More in Total Assets” to “Resolution Plans Required for Covered Insured Depository Institutions.” The proposed rule would also simplify resolution submission filings by, among other things, eliminating the distinction between group A CIDs and group B CIDs, eliminating more than half of the current rule’s “content requirements” for submissions, and moving all filers to a three-year cycle.

The information collection requirements in the proposed rule are as follows:

Section 360.10(c)(1) would require IDIs that are CIDs on the effective date of this rule to file a resolution submission.

Section 360.10(c)(2) would require new CIDs to submit an initial resolution submission.

Section 360.10(c)(3) would require CIDs to provide the FDIC with a notice of any material change resulting from or reasonably anticipated as a result of an extraordinary event.

Section 360.10(i)(1) would allow a CID to submit a written request to the FDIC for any requests for extensions.

Section 360.10(i)(2) would allow a CID to submit a written request to the FDIC for any requests for waivers of content requirements.

Table 1. Summary of Estimated Annual Burden (OMB No. 3064-0185)					
Information Collection (IC) (Obligation to Respond)	Type of Burden (Frequency of Response)	Number of Respondents	Number of Responses per Respondent	Time per Response (hours)	Annual Burden (Hours)
1. Resolution Submission, Ongoing – Section 360.10(c)(1) (Mandatory)	Reporting (Annual, 3-year filing cycle)	32	.333	18,000	198,000
2. Resolution Submission, Implementation – Section 360.10(c)(2) (Mandatory)	Reporting (Annual, 3-year filing cycle)	1	1	4,078	4,078
3. Notice of Extraordinary Event – Section 360.10(c)(3) (Mandatory)	Reporting (On Occasion)	3	1	100	300
4. Written Request for Extensions – Section 360.10(i)(1) (Required to	Reporting (On Occasion)	1	1	5	5

Obtain or Retain a Benefit)					
5. Written Request for Waiver – Section 360.10(i)(2) (Required to Obtain or Retain a Benefit)	Reporting (On Occasion)	1	1	5	5
Total Annual Burden (Hours): 202,388					
Source: FDIC. Note: The estimated annual information collection time burden is the product, rounded to the nearest hour, of the estimated annual number of responses and the estimated time per response for a given IC. The estimated annual number of responses is the product, rounded to the nearest whole number, of the estimated annual number of respondents and the estimated annual number of responses per respondent. This methodology ensures the estimated annual burdens in the table are consistent with the values recorded in OMB's consolidated information system.					

Comments are invited on:

- (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility;
- (b) The accuracy of the estimate of the burden of the information collection, including the validity of the methodology and 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 information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

All comments will become a matter of public record. Comments on aspects of this proposed rule that may affect reporting, recordkeeping, or disclosure requirements and burden

estimates should be sent to the address listed in the **ADDRESSES** section. Written comments and recommendations for this information collection also should be sent within 60 days of publication of this document to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 60-day Review—Open for Public Comments” or by using the search function.

C. Riegle Community Development and Regulatory Improvement Act

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (RCDRIA),⁴⁷ in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on IDIs, each Federal banking agency must consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on affected depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, section 302(b) of the RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form. The FDIC invites comments that further will inform its consideration of the RCDRIA.⁴⁸

D. Plain Language

Section 722 of the Gramm-Leach-Bliley Act⁴⁹ requires the Federal banking agencies to use plain language in all proposed and final rulemakings published in the *Federal Register* after

⁴⁷ 12 U.S.C. 4802(a).

⁴⁸ 12 U.S.C. 4802(b).

⁴⁹ Pub. L. 106-102, section 722, 113 Stat. 1338, 1471 (1999), 12 U.S.C. 4809.

January 1, 2000. The FDIC invites your comments on how to make this proposed rule easier to understand, including the following:

- Has the FDIC organized the material to suit your needs? If not, how could the proposed rule be more clearly stated?
- Are the requirements in the proposed rule clearly stated? If not, how could the proposed rule be more clearly stated?
- Does the proposed rule contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the proposed rule easier to understand? If so, what changes to the format would make the proposed rule easier to understand?
- What else could the FDIC do to make the proposed rule easier to understand?

E. Executive Orders 12866 and 14192

Executive Order 12866 directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This proposed rule was drafted and reviewed in accordance with Executive Order 12866. Within OMB, the Office of Information and Regulatory Affairs (OIRA) has determined that this rulemaking is a “significant regulatory action” under section 3(f)(1) of Executive Order 12866. Accordingly, the draft rule was submitted to OIRA for review. As noted in other sections of the SUPPLEMENTARY INFORMATION of this document, the FDIC has assessed the costs and benefits of this rulemaking and has made a reasoned determination that the benefits of this rulemaking justify its costs. Executive Order 14192, titled “Unleashing Prosperity Through Deregulation,” was issued on January 31, 2025. Section 3(a) of Executive Order 14192 requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed when the agency publicly proposes for notice and comment or

otherwise promulgates a new regulation. In furtherance of this standard, section 3(c) of Executive Order 14192 requires that the new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations. This proposed rule, if finalized as proposed, is expected to be a deregulatory action under Executive Order 14192.

List of Subjects in 12 CFR Part 360

Bank deposit insurance, Banks, banking, Holding companies, National banks, Reporting and recordkeeping requirements, Savings associations.

Authority and Issuance

For the reasons stated in the preamble, the Federal Deposit Insurance Corporation proposes to amend 12 CFR part 360 as follows:

PART 360—RESOLUTIONS AND RECEIVERSHIPS RULES

1. The authority citation for part 360 is revised to read as follows:

Authority: 12 U.S.C. 1811 *et seq.*, 1817(a)(2)(B), 1817(b), 1818(a)(2), 1818(t), 1819(a) Seventh, Eighth, Ninth, and Tenth, 1820(b)(3) and (4), 1820(g), 1821(d)(1), (4), (10)(C), and (11), 1821(e)(1) and (8)(D)(i), 1821(f)(1), 1823(c)(4), and 1823(e)(2).

2. Revise § 360.10 to read as follows:

§ 360.10 Resolution submissions required for covered insured depository institutions.

(a) *Scope and purpose.* This section applies to covered insured depository institutions as defined in §360.10(b) and requires such institutions to provide to the FDIC resolution submissions that meet the requirements of this section. This section establishes requirements regarding the content and process for providing such resolution submissions. This rule is intended to ensure that the FDIC has access to the information necessary to support the FDIC's ability to execute a rapid, low-cost resolution of a covered insured depository institution under the FDI Act.

(b) *Definitions.*

Affiliate means any company that controls, is controlled by, or is under common control with another company.

CIDI or covered insured depository institution means an insured depository institution with the CIDI threshold amount or more in total assets, as determined based upon the average of the institution's four most recent Consolidated Reports of Condition and Income. An insured depository institution remains a CIDI until it has less than the CIDI threshold amount in total assets, for each of the institution's four most recent Consolidated Reports of Condition and Income. In the event of a merger, acquisition of assets, combination, or similar transaction by an insured depository institution that causes it to have the CIDI threshold amount or more in total assets, the FDIC may alternatively consider, in its discretion, to the extent and in the manner the FDIC considers to be appropriate, one or more of the four most recent Consolidated Reports of Condition and Income of the insured depository institutions that will become a CIDI effective as of the date of the consummation of such merger, acquisition, combination, or other transaction. In the event of a de novo chartered insured depository institution that has filed fewer than four Consolidated Reports of Condition and Income, the FDIC will consider the institution's initial Consolidated Report of Condition and Income, or, if it has filed two or three reports, the average of its most recent Consolidated Reports of Condition and Income.

CIDI threshold amount is the dollar amount that determines whether an IDI is considered a CIDI pursuant to this rule, as adjusted from time to time in accordance with § 360.10(c)(5). The baseline CIDI threshold amount is \$100 billion as of the effective date of the final rule.

Company means any corporation, partnership, business trust, association, or similar organization, or any other trust unless by its terms it must terminate within twenty-five years or not later than twenty-one years and ten months after the death of individuals living on the effective date of the trust but shall not include any corporation the majority of the shares of

which are owned by the United States or by any State, and shall not include a qualified family partnership.

Control. A company “controls” another company if:

(i) The company directly or indirectly or acting through one or more other persons owns, controls, or has the power to vote 25 percent or more of any class of voting securities of the other company;

(ii) The company controls in any manner the election of a majority of the directors or trustees of the other company; or

(iii) The Board of Governors of the Federal Reserve System has determined, after notice and opportunity for hearing in accordance with 12 CFR 225.31, that the company directly or indirectly exercises a controlling influence over the management or policies of the other company.

Core business lines means those business lines of the CIDI, including associated operations, services, functions, and support, that, in the view of the CIDI, upon failure would result in a material loss of revenue, profit, or franchise value of the CIDI.

Critical services means services and operations, including shared and outsourced services, that are necessary to continue the day-to-day operations of the CIDI. This includes all services and operations that are necessary to continue any critical operation conducted by the CIDI that has been included in the most recent Title I resolution plan of any of the CIDI’s affiliates or of which such affiliate has been notified pursuant to 12 CFR 381.3(b), as applicable.

Critical services support means resources, including shared and outsourced resources, that are necessary to support the provision of critical services, including management information systems and applications, technology infrastructure, data, key personnel, intellectual property, and facilities.

FDI Act means The Federal Deposit Insurance Act of 1950, as amended.

Insured depository institution has the same meaning as in 12 U.S.C. 1813(c)(2).

Key personnel means personnel tasked with an essential role in, or in support of, a core business line, or critical service, or having a function, responsibility, or knowledge that is significant to the operational continuity of the CIDI. Key personnel may be employed by the CIDI, an affiliate of the CIDI, or a third party.

Material change means a change in organization, operations, or strategic direction of the CIDI since the CIDI's most recent resolution submission that has a material financial or operational effect on the CIDI as described in that most recently submitted resolution submission, including:

- (i) The identification of a new core business line or de-identification of a core business line;
- (ii) The identification of a new material entity or the de-identification of a material entity;
- (iii) Changes to legal or functional organizational structure;
- (iv) Changes to the balance sheet, including liability composition and asset composition;
- (v) Changes to critical services or critical services support;
- (vi) Changes to key management information systems and applications; or
- (vii) Changes to foreign activities and operations.

Material entity means any affiliate of a CIDI, including a domestic branch or a foreign branch as defined in 12 U.S.C. 1813(o), that is significant to the activities of a critical service or core business line, and includes all IDIs that are subsidiaries or affiliates of the CIDI.

Material loan portfolio means a pool or portfolio of loans that is significant in terms of income or value to the CIDI or may, in the view of the CIDI, have limited bidder interest or marketability.

Payment, clearing, and settlement service provider (PCS service provider) means a provider of payment, clearing, and settlement services, agent bank, or financial market utility.

Qualified financial contract has the same meaning as in 12 U.S.C. 1821(e)(8).

Resolution submission means the submission filed by the CIDI pursuant to this section.

Subsidiary means any company which is:

- (i) owned or controlled directly or indirectly by another company; and
- (ii) includes any service corporation owned in whole or part by an insured depository institution or any subsidiary of such a service corporation.

Title I resolution plan means a resolution plan filed by a CIDI's affiliate under 12 U.S.C. 5365(d).

Total assets has the meaning given in the instructions for the filing of Consolidated Reports of Condition and Income.

United States means the United States of America and includes any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

(c) *Resolution submissions required*—(1) *Submission date*. Each IDI that is a CIDI on the effective date of this rule will receive a written notice from the FDIC specifying the date on which its initial resolution submission is due, which will be at least 270 days after **[EFFECTIVE DATE OF FINAL RULE]**. After the submission of its initial resolution submission under this rule, a CIDI must provide a resolution submission to the FDIC on or before the date that is three years after the date of its most recent resolution submission (or first business day thereafter), unless it has received written notice of a different date from the FDIC.

(2) *Resolution submission by new CIDs*. An insured depository institution that becomes a CIDI after **[EFFECTIVE DATE OF FINAL RULE]** must submit its initial resolution submission on or before the date specified in writing by the FDIC. Such date will occur no earlier than 270 days after the date on which the insured depository institution became a CIDI.

(3) *Notice of extraordinary event*. (i) *Requirements*. A CIDI must provide the FDIC with a notice no later than 45 days after any material merger, acquisition or disposition of assets, or similar transaction or fundamental change to the CIDI's organizational structure, core business

lines, size, or complexity. The notice must describe any material change resulting from or reasonably anticipated as a result of the extraordinary event.

(ii) *Exception.* A CIDI is not required to submit a notice under paragraph (c)(3)(i) of this section if the date by which the CIDI would be required to submit the notice under paragraph (c)(3)(i) of this section would be within 90 days before the date on which the CIDI is required to make a resolution submission under this section. A CIDI is not required to submit a notice under paragraph (c)(3)(i) of this section if the CIDI has not yet filed its initial resolution submission.

(4) *Incorporation from other sources.* (i) *Sources.* A CIDI may incorporate information into its resolution submission from one or more of the following sources without seeking the authorization for disclosure of FDIC confidential information required under 12 CFR part 309:

- (A) The most recent resolution submission submitted by a CIDI's affiliate,
- (B) The most recent Title I resolution plan of a CIDI's affiliate, or
- (C) Any other regulatory filing by the CIDI or a CIDI's affiliate with the FDIC.

(ii) *Requirements for incorporation from other sources.* A CIDI may incorporate information from other sources only if:

(A) The resolution submission seeking to incorporate information from other sources clearly indicates the source and as-of date of the information the CIDI is incorporating, and the information required by this section is readily distinguishable from any extraneous information contained in the source, with a description of any material differences, and

(B) The CIDI certifies that the information the CIDI is incorporating from other sources remains accurate in all respects that are material to the CIDI's resolution submission.

(5) *Threshold indexing.* (i) *Methodology.* The CIDI threshold amount will be adjusted by multiplying the baseline CIDI threshold amount by one plus the cumulative percent change in the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers, measured from the effective date of the final rule, as further described in paragraph (c)(5)(ii), and will be rounded in accordance with paragraph (c)(5)(iii).

(ii) *Frequency.* (A) *In general—triennial adjustments.* Except as otherwise provided in paragraphs (c)(5)(ii)(B) and (C), the adjustments described in paragraph (c)(5)(i) will be effective on October 1 following each consecutive three-year period ending August 31, and using the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers as of August 31 of that year.

(B) *2030 adjustment.* The first adjustment, described in paragraph (c)(5)(i), which will be effective on October 1, 2030, will be made using one plus the cumulative percent change in the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers through August 31, 2030.

(C) *Periods of negative inflation—no adjustments.* Notwithstanding paragraphs (c)(5)(ii)(A) or (B), if an adjustment of the CIDI threshold amount using the cumulative percent change of the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers from the effective date of the final rule or the most recent adjustment, as applicable, would not result in an increase from the then current CIDI threshold amount, no adjustment will be made pursuant to paragraph (c)(5)(i).

(iii) *Rounding.* The CIDI threshold amount will be rounded based on the size of the CIDI threshold amount (e.g., billions) to the nearest number with two significant digits.

(iv) *Effective date of CIDI threshold amount adjustments.* The FDIC will announce the CIDI threshold amount adjusted in accordance with paragraph (c)(5)(i) by publishing in the *Federal Register* a final rule without notice and comment. The adjusted CIDI threshold amount will be effective on October 1 of the year during which an adjustment is made.

(v) *Failure to publish final rule in Federal Register.* In the event, for any reason, a final rule is not published in the Federal Register in a year in which an adjustment is made under this paragraph (c)(5), the CIDI threshold amount will adjust as provided in paragraph (c)(5)(i) and be effective on October 1, notwithstanding the lack of a final rule published in the *Federal Register*.

(d) *Content of the resolution submissions for CIDs.* Each CID must submit a resolution submission that includes all content specified in this paragraph (d).

(1) *Organizational structure: legal entities and core business lines.*

(i) Identify and describe the legal and functional structures of the CID and its affiliates, including all material entities, and provide an organizational chart for their legal structures.

(ii) Describe all components of the operations of the CID and its affiliates that are based or located outside of the United States that contribute to the value, revenues, or operations of the CID. Identify all authorities with regulatory or supervisory authority over these operations.

(iii) Identify and describe each of the CID's core business lines, including the assets and annual revenue for each. Describe whether any core business line draws additional value from, or relies on the operations of, an affiliate of the CID and identify any such operations that are based or located outside of the United States. Map core business lines to material entities.

(iv) Identify all other CID offices or agencies not otherwise noted through content items (d)(1)(i) - (iii) with operations based or located outside of the United States that contribute financially or operationally to the CID.

(v) Identify the CID's non-controlling ownership interests in limited liability companies, investments in partnerships, and involvement in joint ventures or similar arrangements. For each non-controlling ownership interest described above, provide the type of entity, the entity's total assets and total liabilities, and the CID's ownership percentage. For joint ventures, provide a description of the arrangement and its purpose.

(2) *Interconnections.*

(i) Describe the CID's reliance in its day-to-day operations on its affiliates.

(ii) If a CID's affiliate is a broker-dealer that provides services to the CID or customers of the CID, describe such services and the integration of the broker-dealer with the CID's business and operations.

(3) *Deposit activities.*

(i) Describe the CIDI's overall deposit activities, including a list of deposit products, and describe the source of the deposits and the manner in which these deposits are identified on the CIDI's systems and records (such as product type description or general ledger description).

(ii) Identify and describe deposit sweep arrangements, if any, that the CIDI has with any of its affiliates or a third party. Such description should identify the settlement timeframe and contracts governing such deposit sweep arrangement. If the CIDI receives significant amounts of deposits through such deposit sweep arrangements (individually or collectively), the CIDI should include a discussion of such relationships, including a discussion of the controls in place to immediately cease accepting, generating, and executing deposit sweep transactions or transfers effective as of the FDIC Cutoff Point, as defined in 12 CFR 360.8(b)(1).

(iii) Identify all omnibus, deposit sweep, and pass-through accounts. For each of these accounts, identify the accountholder, the location of relevant contracts, and the system on which the accounts are maintained. Provide the reports used to monitor deposit sweep account arrangements with an explanation of any data lag that affects the accuracy of such reports.

(iv) For each foreign branch, include the branch code and total deposits carried on its books and records, and identify for which branches those deposits are dually payable in the United States. Describe any relationship between any deposit sweep arrangements with foreign branches and affiliates. Describe any controls in place to restrict movement of funds to or from accounts in foreign branches.

(4) Critical services.

(i) Identify and describe the CIDI's critical services and critical services support, including the names of the providers and whether they are provided, in whole or in part, by or through:

(A) The CIDI itself (or a particular branch of the CIDI) or a subsidiary of the CIDI (and further indicate whether those critical services or critical services support are ultimately provided by a third party), or

(B) An affiliate of the CIDI other than a branch or a subsidiary of the CIDI (and further indicate whether those critical services or critical services support are ultimately provided by a third party).

(ii) For each PCS service provider of which the CIDI directly is a member or has a direct relationship and that provides a critical service or a critical services support:

(A) Describe the PCS services provided, including the value and volume of activities on a per-provider basis.

(B) Map those PCS service providers to the CIDI's legal entities and core business lines that hold direct membership, have a direct relationship, or receive such PCS services.

(iii) Map critical services support to the legal entities that own, contract for, or employ them, and map critical services to the material entities and core business lines that they support.

(iv) Identify the physical locations and jurisdictions of each provider of critical services and critical services support that are located outside of the United States.

(v) Identify contracts for critical services and critical services support that contain provisions that, upon the insolvency of the CIDI or the FDIC being appointed receiver of the CIDI, purport to permit the service provider to stop providing services, to alter pricing, or to alter other terms of service.

(5) *Management information systems; software licenses; intellectual property.*

(i) Provide a mapping of the CIDI's information technology architecture and a detailed inventory and description of the key management information systems and applications. This should include the core processors for deposit and loan data, and systems and applications for risk management, accounting, and financial and regulatory reporting, used by or for the benefit of the CIDI and CIDI subsidiaries. For each key management information system or application the description must identify the legal owner, any licensor, the key personnel (including third parties) needed to support and operate the system or application, the system or application's use and function, any core business line that uses the system or application, its physical location (if

any), any related third party contracts or service-level agreements, any related software or systems licenses, and any other related intellectual property.

(ii) Identify the end-of-day processing cut-off times for deposit and loan operations.

(6) *Key personnel.*

(i) Identify all key personnel by title, function, physical location, employing legal entity, and whether they are dual-hatted. If relevant, identify any CIDI-sponsored work authorizations and the associated jurisdictions that are located outside of the United States.

(ii) Identify all employee benefit programs provided to key personnel, including health insurance, defined contribution and defined benefit retirement programs, and any other employee wellness programs, as well as any collective bargaining agreements or other similar arrangements. Identify the legal entity sponsor of each employee benefit program, and provide a description of and points of contact (by title) for such programs.

(iii) Identify key personnel who are responsible for the CIDI's crisis communications and describe key communications channels that are used across key stakeholder categories.

(7) *Material loan portfolios.* Identify each material loan portfolio by size and by class within such material loan portfolio, and include a breakdown of those loans within a material loan portfolio that are held by a foreign branch or subsidiary of the CIDI. For each material loan portfolio, describe how the loans within the portfolio are valued.

(8) *Off-balance-sheet exposures.* Identify any material off-balance-sheet exposures (including the amount and nature of unfunded commitments, guarantees, and contractual obligations) of the CIDI and map those exposures to core business lines.

(9) *Qualified financial contracts.*

(i) Identify and describe the types of qualified financial contracts to which the CIDI or any of its subsidiaries is a party and how such qualified financial contracts are used in the provision of services to customers or in the management of risk, including how the CIDI and its subsidiaries offset position risks from such contracts. The CIDI must describe the types of

qualified financial contracts utilized by each core business line and the business purpose or risk management purpose of such qualified financial contracts. The CIDI must identify whether the CIDI or any of its subsidiaries enter into qualified financial contracts that are related to loans to customers made by any affiliate of the CIDI (other than any subsidiary of the CIDI) and, if so, the types of such qualified financial contracts. The CIDI must identify the types of counterparties with which the CIDI and its subsidiaries have qualified financial contracts.

(ii) Identify the booking models used by the CIDI and each of its subsidiaries to support the marketing and management of risk from qualified financial contracts, including whether customer-facing risk or other dealer-facing risk resides in the CIDI and CIDI subsidiaries while the position risk hedging is performed by an affiliate of the CIDI. Describe the CIDI's use of any "global risk book," "remote bookings," or "back-to-backs" booking model.

(iii) Describe how the CIDI and each of its subsidiaries use qualified financial contracts to manage its hedging or liquidity needs, including describing the hedged items (including underlying risk, cash flow, assets or liability being hedged) and the applicable core business line, as well as the approach used to mitigate such risks.

(iv) For each of paragraphs (d)(9)(i) through (iii) of this section, identify systems and any third-party providers used by the CIDI or any of its subsidiaries for valuations, reporting, and any other purposes related to qualified financial contracts.

(10) *Unconsolidated balance sheet and material entity financial statements.* Provide an unconsolidated balance sheet for the CIDI and a consolidating schedule for all material entities that are subject to consolidation with the CIDI. Amounts attributed to legal entities that are not material entities may be aggregated on the consolidating schedule. Provide financial statements for each material entity. When available, audited financial statements should be provided.

(11) *Composition of non-deposit liabilities and funding sources*

(i) Identify the composition of the non-deposit liabilities of the CIDI including the types and amounts of short-term and long-term liabilities by type and term to maturity, secured and

unsecured liabilities, and subordinated liabilities. Such information must include whether such liabilities are held by affiliates, whether they are publicly issued, their maturity, any call rights provided, and, where applicable, the identity of their indenture trustees.

(ii) Identify material affiliate funding relationships, and material inter-affiliate exposures, including amount, terms, purpose, and date of maturity, that the CIDI or any CIDI subsidiary has with any affiliate, and that the CIDI has with any CIDI subsidiary or foreign branch that is a material entity. Such information must include material affiliate financial exposures, claims or liens, lending or borrowing lines and relationships, guaranties, deposits, and derivatives transactions.

(iii) Identify any capital maintenance agreements and any similar arrangements that the CIDI or any CIDI subsidiary has with any affiliate, and the location of related assets, funds, or deposits.

(12) Digital services and products.

(i) Briefly describe any novel or emerging digital services and products currently offered to retail or business customers through online, mobile, or digital channels, including online or mobile banking applications and digital wallets and other embedded arrangements.

(ii) Identify whether such digital services and products are provided by the CIDI, the CIDI's affiliate, or a third party and which of them owns the related intellectual property or is the licensee. For digital services and products provided by a third party, identify the entity and its role in the arrangement.

(iii) For each digital service and product, identify the system on which the CIDI retains customer records.

(13) Summary of other updates since prior submission.

(i) Describe each material change since the prior resolution submission that has not already been addressed in a notice of extraordinary event addressing the changed element.

(ii) Describe the changes to the CIDI's previously submitted resolution submission resulting from any change in law or regulation or guidance.

(e) *Review of resolution submissions.* The FDIC will review the resolution submission to determine whether it meets the applicable requirements of this section in all material respects.

(f) *Engagement.* As part of the FDIC's review of the resolution submission, the FDIC may engage with the CIDI to ask clarifying questions with regard to the information contained within it.

(g) *No limiting effect on FDIC.* No resolution submission provided pursuant to this section will be binding on the FDIC as supervisor, deposit insurer, or receiver for a CIDI or otherwise require the FDIC to act in conformance with such resolution submission.

(1) *Financial information.* The resolution submission must, to the greatest extent possible, use financial information as of the most recent fiscal year-end for which the CIDI has financial statements. If the use of financial information as of a more recent date for which the CIDI has financial statements would more accurately reflect the operations of the CIDI on the date of the submission, to the greatest extent possible, the CIDI will use financial information as of that more recent date. If the resolution submission is due on or before a date that is less than six months after the end of the most recent fiscal year-end (for example, before July 1, if the fiscal year end is December 31), the CIDI may use financial information as of the quarter immediately preceding year-end.

(2) *Indexing of information to resolution submission content requirements.* A resolution submission must include an index of each content requirement in paragraph (d) of this section required to be included in that resolution submission to every instance of its location in the resolution submission. To the extent any content requirement is not applicable to a CIDI, the CIDI must note such inapplicability and briefly describe the reason.

(3) *Combined resolution submission by affiliated CIDs.* CIDs that are affiliates may submit a single, combined resolution submission. The combined resolution submission must

satisfy the content requirements for each CIDI's resolution submission, as applicable, and the FDIC must be able to readily identify the portions of a combined resolution submission that comprise each CIDI's resolution submission.

(h) *Confidential treatment of resolution submissions.* (1) The confidentiality of resolution submissions must be determined in accordance with applicable exemptions under the Freedom of Information Act (5 U.S.C. 552(b)) and the FDIC's Disclosure of Information Rules (12 CFR part 309).

(2) Any CIDI submitting a resolution submission or related materials pursuant to this section that desires confidential treatment of the information submitted pursuant to 5 U.S.C. 552(b)(4) and 12 CFR part 309 and related policies may file a request for confidential treatment in accordance with those rules.

(3) To the extent permitted by law, information comprising a resolution submission will be treated as confidential.

(4) To the extent permitted by law, the submission of any non-publicly available data or information under this section will not constitute a waiver of, or otherwise affect, any privilege arising under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject. Privileges that apply to resolution submissions and related materials are protected pursuant to 12 U.S.C. 1828(x).

(i) *Extensions and exemptions—(1) Extension.* Notwithstanding the general requirements of paragraph (c) of this section, on a case-by-case basis, the FDIC may extend, on its own initiative or upon written request, any time frame or deadline of this section.

(2) *Waiver.* The FDIC may, on its own initiative or upon written request, exempt a CIDI from one or more of the requirements of this section.

By order of the Board of Directors.

Dated at Washington, DC, on June 26, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

BILLING CODE 6714-01-P

[FR Doc. 2026-13191 Filed: 6/29/2026 8:45 am; Publication Date: 6/30/2026]