

Delegations of Authority – Enforcement Actions (Unless Otherwise Reserved to the Board) – Updated as of March 20, 2024

As used herein, RMS is the Division of Risk Management Supervision, DCP is the Division of Depositor and Consumer Protection, and Legal is the Legal Division

Section 8(a) of the FDI Act: Termination of Insurance

Enforcement Action	Type of Delegation	Reserved to Board	Director, Senior Deputy Director, & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Concurrence General Counsel or designee required	Concurrence Regional Counsel or designee required
15-Day Letters 8(a) Notice to Primary Regulator	Issue letter	No	Yes	Yes	Yes	No	Yes	Yes
	Capital* < 2% and no Tier II Capital	No	Yes	Yes	Yes	No	Yes	Yes
	Capital* < 2%	No	Yes	Yes	No	No	Yes	No
	Capital* 2% or greater	Yes	No	No	No	No	NA	NA
8(a) Notice of Intent to Terminate Insured Status	Respondent failed to correct viol/ practice/ condition	No	Yes	Yes	No	No	Yes	No
8(a) Order Terminating Insured Status	Issue Order	Yes	No	No	No	No	NA	NA

(\*) Respondent bank’s book capital is at or above 2 percent of total assets and adjusted Tier 1 capital is at or above 2 percent of adjusted part 324 total assets as defined in 12 CFR §303.2(b).

\*FOOTNOTES APPLICABLE TO ALL ENFORCEMENT ACTION MATRICES

1.
- Any subdelegation below the Regional Director level must be in writing by the Regional Director.
2.
- Any FDIC official with delegated authority under this part may elect not to exercise that authority.
3.
- Consumer-related actions are issued by DCP.

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### Sections 8(b) and 8(c) of the FDI Act: Cease and Desist Proceedings

Enforcement Action	Type of Delegation	Reserved to Board	Director, Senior Deputy Director, & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Concurrence General Counsel or designee required	Concurrence Regional Counsel or designee required
Issue 8(b) Notice against an institution without consent	Issue Notice of charges	No	Yes	Yes	Yes	No	Yes	Yes
8(b) Consent Orders against institutions	Consent C&D (no <u>Notice</u> )	No	Yes	Yes	Yes	No	Yes	Yes
	Consent C&D, with Notice, prior to ALJ filing of proposed Findings of Fact	No	Yes	Yes	Yes	No	Yes	Yes
	Consent C&D after ALJ filing of proposed Findings of Fact	No	Yes Director Only	No	No	No	Yes	No
Issue 8(b) Notice against an individual without consent	Issue Notice of charges	No	Yes (1)	Yes (1)	No	No	Yes	No
8(b) Consent Order against an individual	Consent PC&D (No notice)	No	Yes	Yes	No	No	Yes	No
	Consent PC&D, with Notice, prior to ALJ filing of proposed Findings of Fact							
	Consent PC&D after ALJ filing of proposed Findings of Fact	No	Yes Director Only	No	No	No	Yes	No
Issue 8(b) Order without consent	Issue Order	Yes	No	No	No	No	NA	NA
8(b)(6)(A) Restitution Action	Issue Notice of Charges	No	Yes (1)	Yes (1)	No	No	Yes	No
8(b)(6)(A) Restitution Action	Consent Restitution Order (No notice)	No	Yes	Yes	No	No	Yes	No
	Consent Restitution Order, with Notice, prior to ALJ filing of proposed Findings of Fact							

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	Consent Restitution Order after ALJ filing of proposed Findings of Fact	No	<b>Yes Director Only</b>	No	No	No	<b>Yes</b>	No
8(c) Temp C&D	Issue 8(c)	No	<b>Yes</b>	<b>Yes</b>	No	No	<b>Yes</b>	No

**Sections 8(e) and 8(g) of the FDI Act: Removal and Prohibition Authority**

Enforcement Action	Type of Delegation	Reserved to Board	Director, Senior Deputy Director, & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Concurrence General Counsel or designee required	Concurrence Regional Counsel or designee required
8(e) Removal	Notice of Intent to remove under 8(e)(1) and 8(e)(2)	No	<b>Yes (1)</b>	<b>Yes (1)</b>	No	No	<b>Yes</b>	No
Issue 8(e) (1), (2) or (3) (Consent)	Consent, no Notice	No	<b>Yes</b>	<b>Yes</b>	No	No	<b>Yes</b>	No
	Consent with Notice prior to ALJ filing proposed Findings of Fact	No	<b>Yes</b>	<b>Yes</b>	No	No	<b>Yes</b>	No
	After ALJ filing proposed Findings	No	<b>Yes Director Only</b>	No	No	No	<b>Yes</b>	No
Issue 8(e)(1), (2) or (3) Order without consent	Issue Order	<b>Yes</b>	No	No	No	No	NA	NA
Issue 8(g) Suspension & Removal	With consent, to issue 8(g) Suspension Order (after indictment) or 8(g) Permanent Order (after conviction)	No	<b>Yes</b>	<b>Yes</b>	No	No	<b>Yes</b>	No
	8(g) Without Consent	<b>Yes</b>	No	No	No	No	NA	NA

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**Sections 8(j) and 7(a)of the FDI Act: Civil Money Penalties**

Enforcement Action	Type of Delegation	Reserved to Board	Director, Senior Deputy Director, & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Concurrence General Counsel or designee required	Concurrence Regional Counsel or designee required
8(i) & 7(a)(1) Civil Money Penalties	Notice of Assessment of CMPs (other than Mandatory CMPs for violations of the Flood Act)	No	Yes (1) (2)	Yes (1) (2)	No	No	Yes	No
	Issue Consent Final Order to Pay, with or without prior Notice of Assessment (other than Mandatory CMPs for violations of the Flood Act)	No	Yes (2)	Yes (2)	No	No	Yes	No
	Issue Notice of Assessment of Mandatory CMPs for violations of the Flood Act	No	Yes	Yes	Yes	No	Yes	Yes
	Issue Consent Final Order to Pay, Mandatory CMP with or without prior Notice of Assessment for violations of the Flood Act	No	Yes	Yes	Yes	No	Yes	Yes
	Issue Final Order to Pay without consent and hearings have been held	Yes	No	No	No	No	Yes	No

**Section 5(e) of the FDI Act: Liability of Commonly Controlled Institutions**

Enforcement Action	Type of Delegation	Reserved to Board	Director, Senior Deputy Director, & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Concurrence General Counsel or designee required	Concurrence Regional Counsel or designee required
5(e) Liability of Commonly Controlled Depository Institutions	Notice of Assessment of Liability to Commonly Controlled Insured Institutions	No	Yes	Yes	No	No	Yes	No
	Grant or Denial of request for waiver of liability	Yes	No	No	No	No	NA	NA

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**Section 38 of the FDI Act: Prompt Corrective Action**

Enforcement Action	Type of Delegation	Reserved to Board	Director, Senior Deputy Director, & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Concurrence General Counsel or designee required	Concurrence Regional Counsel or designee required
FDIA Section 38 PCA Actions (Directives / Orders / Cap Plans)	Accept/Reject Cap Plan Require new/revised Cap Plan; any determination as to Cap Plan	No	Yes	Yes	Yes	No	Yes	Yes
	<b>Issue Notice of Intent to:</b>							
	issue capital directive	No	Yes	Yes	Yes	No	Yes	Yes
	issue PCA directive other than 38(f)(2)(F)(ii)	No	Yes	Yes	Yes	No	Yes	Yes
	38(f)(2)(F)(ii) dismissals	No	Yes	Yes	No	No	Yes	No
	reclassify capital category per 325.103(d) or 308.202	No	Yes	Yes	Yes	No	Yes	Yes
FDIA Section 38 PCA Actions	<b>Issue:</b>							
	Capital Directive	No	Yes	Yes	Yes	No	Yes	Yes
	PCA Directive other than 38(f)(2)(F)(ii)	No	Yes	Yes	Yes	No	Yes	Yes
	38(f)(2)(F)(ii) dismissal order with consent	No	Yes	Yes	No	No	Yes	No
	Immediate issuance of Directive without Notice (308.201(a)(2))	No	Yes	Yes	Yes	No	Yes	Yes
FDIA Section 38 PCA Actions (Continued)	Act on Appeals of Immediately effective PCA Directive	No	Yes	Yes	No	No	Yes	No
	Directives to Reclassify per 325.103(d) or 308.202 with consent	No	Yes	Yes	Yes	No	Yes	Yes
	Orders on requests for informal hearing to reconsider reclassification per 308.202	No	Yes	Yes	Yes	No	Yes	Yes
	Act on Recommended Decision of Presiding Officer in Reclassification Hearing (308.202)	No	Yes	Yes	No	No	Yes	No

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Settlement Offers and Acceptance of Written Agreements

Enforcement Action	Type of Delegation	Reserved to Board	Director, Senior Deputy Director, & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Concurrence General Counsel or designee required	Concurrence Regional Counsel or designee required
Unilateral Settlement Offers	Accept, deny, enter into negotiations regarding settlement and offers pursuant to Part 308	No	Yes	Yes	No	No	Yes	No
Acceptance of Written Agreements with institution or institution-affiliated party	Pertaining to any Section 8 (a) matter	No	Yes	Yes	No	No	Yes	No
	Pertaining to or in lieu of any Section 8(b) matter / order	No	Yes	Yes	No	No	Yes	No
	Concerning conditions precedent to FDIC’s non-objection to a filing	No	Yes	Yes	Yes	No	Yes	Yes

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**Modification or Termination of Enforcement Actions and Orders**

Enforcement Action	Type of Delegation	Reserved to Board	Director, Senior Deputy Director, & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Concurrence General Counsel or designee required	Concurrence Regional Counsel or designee required
Modification or Termination of Enforcement Actions and Orders	Termination of any 8(a) orders, agreements, actions when insured inst. is closed by chartering authority	No	Yes	Yes	Yes	No	Yes	Yes
	Termination of 8(a) Notification to Primary Regulator (Material Compliance)	No	Yes	Yes	Yes (4)	No	Yes	Yes
	Termination of 8(a) Notice of Intent to Terminate Insured Status (Material Compliance)	No	Yes	Yes	Yes (4)	No	Yes	Yes
	Terminate 8(b) and (c) Orders and Agreements or actions pending under 8(b) or (c) when inst. is closed by chartering authority	No	Yes	Yes	Yes	No	Yes	Yes
	Terminate 8(b) Orders	No	Yes (5)	Yes (5)	Yes (5)	No	Yes	Yes
	Terminate 8(b) Orders against individuals (PC&D)	No	Yes	Yes	No	No	Yes	No
	Modification or Termination of 8(e) Order or action	No	Yes	Yes	No	No	Yes	No
	Grant or deny requests for reinstatement to office, whether or not an informal hearing has been requested, pursuant to 12 C.F.R. 308.203	Yes	No	No	No	No	NA	NA
	Modification or Termination of 8(g)	No	Yes	Yes	No	No	Yes	No
	Denials of Requests for 8(g) modifications or terminations	Yes	No	No	No	No	NA	NA
	<u>Termination of any pending enforcement action:</u> Any pending action may be dismissed or terminated at any time prior to the commencement of a hearing on the merits by ALJ	No	Yes	No	No	No	Yes	No
	With consent before ALJ files recommended decision	No	Yes	No	No	No	Yes	No
	After ALJ files recommended decision	No	Yes Director Only	No	No	No	Yes	No

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Section 39 of the FDI Act: Compliance Plans

Enforcement Action	Type of Delegation	Reserved to Board	Director, Senior Deputy Director, & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Concurrence General Counsel or designee required	Concurrence Regional Counsel or designee required
Section 39 Compliance Plans (39 Plans)	Accept/reject 39 Plans Require new/revised 39 plans; make any determination as to 39 plans	No	Yes	Yes	Yes	No	Yes	Yes
	Issue Notice of Intent to issue Order and Issue Order pursuant to Section 39	No	Yes	Yes	No	No	Yes	No
	Act on requests for modification or rescission of Section 39 Order	No	Yes	Yes	No	No	Yes	No
	Act on appeals of immediately effective orders issues pursuant to section 39 of the FDI Act	No	Yes	Yes	No	No	Yes	No

Sections 8(p) and 8(q) of the FDI Act: Termination of Insurance

Enforcement Action	Type of Delegation	Reserved to Board	Administrative Officer	Concur Director, Senior Deputy Director, & Deputy Director	Concur Associate Director	Certification of General Counsel or Designee Required
8(p) Termination of Insured Status	Institution ceases to accept deposits other than trust funds	No	Yes (3)	Yes	Yes	Yes
8(q) Termination of Insured Status	Deposit Liabilities have been assumed by another insured institution	No	Yes (3)	Yes	Yes	Yes



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Section 10(c) of the FDI Act: Investigations

Enforcement Action	Type of Delegation	Reserved to Board	Director, Senior Deputy Director, & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Concurrence of General Counsel or designee required
10(c) Investigations	Order of Investigation pursuant to FDIA 10(c)	No	Yes	Yes	No	No	Yes

Section 19 of the FDI Act: Participation by Convicted Individuals

Enforcement Action	Type of Delegation	Reserved to Board	Director, Senior Deputy Director, & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Concurrence General Counsel or designee required	Concurrence Regional Counsel or designee required
Participation by Convicted Individual	Approve or Deny after a Part 308 hearing is held	Yes	No	No	No	No	NA	NA
Bank-sponsored application: Participation by Convicted Individual prior to Hearing, if any	Approve and primary supervisory authority interposes no objection (7)	No	Yes (6)	Yes (6)	Yes (6)	Yes (6)	Yes	Yes
	Approve but primary supervisory authority interposes objection (7)	No	Yes Director Only	No	No	No	Yes	No
	Deny and primary supervisory authority interposes no objection (7)	No	Yes	Yes	Yes	No	Yes	Yes
	Deny but primary supervisory authority interposes objection (7)	No	Yes Director Only	No	No	No	Yes	No

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Act on waiver pursuant to §303.220	Grant or deny waiver for institution filing requirement; includes approving or denying the Section 19l application	No	Yes	Yes	No	No	Yes	No
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FOOTNOTES:

1. Authority delegated to the Senior Deputy Director, the Deputy Director, and the Associate Director, Risk Management, to issue Notices of Charges pursuant to sections 8(e) and (g) of the Federal Deposit Insurance Act and Notices of Assessment and Orders to Pay pursuant to section 8(i) (except Call Report, Flood insurance or other consumer-related Civil Money Penalties) and 8(b)(6) and (7) of the Act (collectively “Notices”) can be exercised only upon the prior written joint concurrence by the Director and the General Counsel of the FDIC for the issuance of the Notice. The authority delegated to the Senior Deputy Director and Deputy Director, DCP, for consumer-related Civil Money Penalties, other than for Mandatory Flood Insurance Penalties under section 102(f) of the Flood Act, 42 U.S.C. §4012a(f), can be exercised only upon prior written joint concurrence by the Director and the General Counsel of the FDIC. Authority is delegated to the Regional Directors and Deputy Regional Directors to issue a Notice of Assessment of Civil Money Penalty and authority to issue a consent final Order to Pay, with or without prior Notice of Assessment, for Flood Insurance Mandatory Penalty violations.
2. Authority is delegated to the Director, Senior Deputy Director, Deputy Directors, and Associate Directors to assess CMPs for late, inaccurate, false, or misleading filing of Reports of Condition and Income pursuant to §7(a)(1) of the Act.

The authority to levy and enforce such CMPs has historically been granted exclusively to the General Counsel. It is important that the requesting division consult with, and coordinate closely with, the Legal Division (Compliance and Enforcement) in addition to obtaining appropriate General Counsel concurrence in order to preserve appropriate historical perspective and expertise in these cases.

3. Authority to issue Termination of Insured Status Orders to be exercised upon recommendation of Director, Senior Deputy Director, Deputy Directors, and Associate Directors, and concurrence of General Counsel, or his designee.
4. Prior to exercising this authority, the Regional Director, or designee, should consult with Washington senior management and provide information regarding how an institution is in material compliance with the outstanding notice.
5. Section 8(b) Orders may be terminated under the following conditions:

The institution is in full compliance with all the provisions of the Order and has fully corrected the violations of laws and regulations, unsafe and unsound practices, or conditions that led to the issuance of the order;

Any provisions deemed “not in compliance” have become outdated or irrelevant to the institution’s current circumstances, including situations in which the institution is closed; or

Deterioration or any provisions deemed “not in compliance” leads to issuance of a new or revised formal action.

There may be limited exceptions in which replacing an enforcement action with a less severe or less comprehensive action may be appropriate. Requests for use of this limited exception must be presented to the appropriate Division Director and the General Counsel and require consultation with the Chairman. Use of the limited exception is expected to be rare.

6. The Senior Deputy Director, Deputy Directors, Associate Directors, Regional Directors, Deputy Regional Directors, or Assistant Regional Directors, when exercising their delegated authority for approval may impose the

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following conditions:

- a. A participant or Institution-affiliated party shall be bonded to the same extent as others in similar positions; and/or
  - b. Prior consent of Regional Director shall be required for any proposed significant changes in duties and/or responsibilities of the person who is subject of the filing.
7. The “primary supervisory authority” may be a Federal or State financial regulator.