

Monday, December 22, 2003

### Part L

## Farm Credit Administration

Semiannual Regulatory Agenda

#### FARM CREDIT ADMINISTRATION (FCA)

#### **FARM CREDIT ADMINISTRATION**

#### 12 CFR Ch. VI

### Unified Agenda of Federal Regulatory and Deregulatory Actions

**AGENCY:** Farm Credit Administration. **ACTION:** Semiannual regulatory agenda.

SUMMARY: The Farm Credit Administration (FCA), as an independent regulatory agency, in compliance with Executive Order 12866, sets forth the following agenda of regulations, which it will have under development and review during the 12 months following publication.

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Administration, 1501 Farm Credit Drive, McLean, VA 22102, (703) 883-4125, TTY (703) 883-4056.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small entities. FCA regulations, which apply to Farm Credit banks and associations, generally do not and will not have a substantial impact

on "small entities" as that term is defined in the Regulatory Flexibility Act.

The FCA, as an independent regulatory agency, is exempt from certain provisions of Executive Order 12866. It participates in this joint publication to further the public interest by including the FCA in a single source of information concerning current and projected rulemaking and reviews of existing regulations, pursuant to section 4 of Executive Order 12866.

Dated: September 12,2003.

#### Jeanette C. Brinkley,

Secretary, Farm Credit Administration Board.

#### Farm Credit Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
4009 4010	Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations—Investments in Rural America Title IV Conservators, Receivers, and Voluntary Liquidations; Joint and Several Liability—Priority of Claims	3052—AB92 3052—AC16

#### Farm Credit Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4011	Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations	2052 ADOC
4040	ations—OFI Lending	3052—AB96
4012	Loan Policies and Operations—Young, Beginning, and Small Farmers and Ranchers	3052—AC07
4013	Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy—Leverage	
	Ratio	3052—AC08
4014	Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy—Risk—Weighting Revisions	3052—AC09
10.15		
4015	Federal Agricultural Mortgage Corporation—Farmer Mac Risk—Based Capital Standards	3052—AC17
4016	Federal Agricultural Mortgage Corporation—Farmer Mac Nonprogram Investments and Liquidity	3052—AC18
4017	Organization; Standards of Conduct; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Oper-	
	ations; Gen. Provisions; Definitions; Disclosure to Shareholders; Disclosure to Investors	3052—AC19
4018	Eligibility and Scope of Financing—Scope of Lending	3052—AC20
4019	Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations—Capital Adequacy—Preferred	
	Stock	3052—AC21
4020	Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations-Investments, Liquidity, and	
	Divestiture	3052—AC22

#### Farm Credit Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4021 4022 4023	Loan Policies and Operations—Distressed Loan Restructuring	3052—AB69 3052—AC04 3052—AC06

#### **FCA**

#### Farm Credit Administration—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
4024 4025 4026 4027	Organization and Functions—FCA Organization  Disclosure to Shareholders; Accounting and Reporting Requirements—Disclosure and Reporting Requirements  Loan Policies and Operations—Loan Syndication Transactions	3052—AB82 3052—AC11 3052—AC13 3052—AC15

#### Farm Credit Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
4028	Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy—Technical Amendments	3052—AC05
4029	Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy—ABS and MBS Investments	3052—AC14

#### Farm Credit Administration (FCA)

**Prerule Stage** 

#### 4009. FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS—INVESTMENTS IN RURAL AMERICA

Priority: Other Significant

Legal Authority: 12 USC 2013; 12 USC 2015; 12 USC 2018 to 2020; 12 USC 2073 to 2076; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2132; 12 USC 2146; 12 USC 2154; 12 USC 2154a; 12 USC 2160; 12 USC 2202b; 12 USC 2211; 12 USC 2243; 12 USC 2252; 12 USC 2278b; 12 USC 2278b—6; 12 USC 2279aa—4; 12 USC 2279aa—3; 12 USC 2279aa—4; 12 USC 2279aa—10; 12 USC 2279aa—10; 12 USC 2279aa—12

CFR Citation: 12 CFR 615 Legal Deadline: None

**Abstract:** This regulation would develop safety and soundness standards and other criteria for investments in rural America.

#### Timetable:

Action	Date	FR Cite
Begin Review	03/00/04	

**Regulatory Flexibility Analysis** 

Required: No

Small Entities Affected: No

**Government Levels Affected: None** 

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Email: real@fca.gov RIN: 3052–AB92

#### 4010. TITLE IV CONSERVATORS, RECEIVERS, AND VOLUNTARY LIQUIDATIONS; JOINT AND SEVERAL LIABILITY—PRIORITY OF CLAIMS

Priority: Substantive, Nonsignificant Legal Authority: 12 USC 2183; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2277a; ...

CFR Citation: 12 CFR 627 Legal Deadline: None

**Abstract:** This rulemaking would respond to a regulatory petition to

change priority of claims from FCS banks under their joint and several obligation for debt issuances.

#### Timetable:

Action	Date	FR Cite
Begin Review	04/25/03	
End Review	03/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None Additional Information: FEDERAL

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RIN: 3052-AC16

#### Farm Credit Administration (FCA)

#### **Proposed Rule Stage**

# 4011. LOAN POLICIES AND OPERATIONS; FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS—OFI LENDING

**Priority:** Other Significant

Legal Authority: 12 USC 2011; 12 USC 2013 to 2015; 12 USC 2017 to 2020; 12 USC 2071; 12 USC 2073 to 2076; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2097; 12 USC 2121; 12 USC 2122; 12 USC 2124; 12 USC 2128; 12 USC 2129; 12 USC 2131; 12 USC 2132; 12 USC 2141; 12 USC 2146; 12 USC 2149; 12 USC 2154; 12 USC 2184; 12 USC 2199; ...

CFR Citation: 12 CFR 614; 12 CFR 615

Legal Deadline: None

**Abstract:** The regulation would address impediments for System funding of other financing institutions (OFIs), including the risk weightings of OFI loans made by System banks and borrower rights applicable to loans made by OFIs.

#### Timetable:

Action	Date	FR Cite
ANPRM	04/20/00	65 FR 21151
ANPRM Comment Period End	06/19/00	
Comment Period Extended	06/26/00	65 FR 39319
Public Meeting	07/05/01	66 FR 35428
Public Meeting	07/19/01	66 FR 37681
NPRM	08/11/03	68 FR 47502
NPRM Comment Period End	10/10/03	
NPRM; Reopening of Comment Period	10/23/03	68 FR 60627
Reopening Comment Period End	12/22/03	
Final Rule	04/00/04	
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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No Government Levels Affected: None

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RIN: 3052-AB96

# 4012. LOAN POLICIES AND OPERATIONS—YOUNG, BEGINNING, AND SMALL FARMERS AND RANCHERS

Priority: Other Significant Legal Authority: 12 USC 2207 CFR Citation: 12 CFR 614 Legal Deadline: None

**Abstract:** This rulemaking would enhance the System's service to borrowers who are young, beginning, and small farmers and ranchers and the System's reporting on young, beginning, and small farmers.

#### Timetable:

Action	Date	FR Cite	
ANPRM	09/23/02	67 FR 59479	
Notice of Public Meeting	10/18/02	67 FR 64320	
ANPRM Comment Period End	12/23/02		
NPRM	09/15/03	68 FR 53915	
NPRM Comment Period End	11/14/03		
NPRM Reopening of Comment Period	11/20/03	68 FR 65417	
Reopening Comment Period End	01/20/04		
Final Rule	04/00/04		
Regulatory Flexibility Analysis			

## Regulatory Flexibility Analysis Required: No

Small Entities Affected: No.

Government Levels Affected: None

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4013. FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; CAPITAL ADEQUACY— LEVERAGE RATIO

**Priority:** Other Significant

Legal Authority: 12 USC 2013; 12 USC 2015; 12 USC 2018 to 2020; 12 USC 2073 to 2076; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2132; 12 USC 2146; 12 USC 2154; 12 USC 2154A; 12 USC 2160; 12 USC 2202b; 12 USC 2211; 12 USC 2243; 12 USC 2252; 12 USC 2278b; 12 USC 2278b—6; 12 USC 2279aa—4; 12 USC 2279aa—6; 12 USC 2279aa—8; ...

CFR Citation: 12 CFR 615 Legal Deadline: None

**Abstract:** This rulemaking would review the net collateral ratio requirements for Farm Credit banks and consider a capital leverage ratio for Farm Credit System institutions.

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

#### Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

**Government Levels Affected: None** 

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FCA Proposed Rule Stage

4014. FUNDING AND FISCAL
AFFAIRS, LOAN POLICIES AND
OPERATIONS, AND FUNDING
OPERATIONS; CAPITAL ADEQUACY—
RISK—WEIGHTING REVISIONS

Priority: Other Significant

Legal Authority: 12 USC 2013; 12 USC 2015; 12 USC 2018 to 2020; 12 USC 2073 to 2076; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2132; 12 USC 2146; 12 USC 2154; 12 USC 2154a; 12 USC 2160; 12 USC 2202b; 12 USC 2211; 12 USC 2243; 12 USC 2252; 12 USC 2278b; 12 USC 2278b—6; 12 USC 2279aa—10; 12 USC 2279aa—12; . . .

CFR Citation: 12 CFR 615 Legal Deadline: None

**Abstract:** This regulation would revise capital risk weightings of assets consistent with the other Federal bank regulatory agencies and other risk—weighting issues affecting System institutions.

#### Timetable:

Action	Date	FR Cite
NPRM	02/00/04	
Final Rule	09/00/04	

**Regulatory Flexibility Analysis Required:** No

Small Entities Affected: No

**Government Levels Affected: None** 

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**RIN:** 3052-AC09

# 4015. FEDERAL AGRICULTURAL MORTGAGE CORPORATION—FARMER MAC RISK—BASED CAPITAL STANDARDS

**Priority:** Other Significant

**Legal Authority:** 12 USC 2183; 12 USC 2243; 12 USC 2252; 12 USC 2279aa—11; 12 USC 2279bb; ...

CFR Citation: 12 CFR 650 Legal Deadline: None

**Abstract:** This rulemaking would revise and clarify existing risk—based capital regulatory standards for Farmer Mac.

#### Timetable:

initiable.		
Action	Date	FR Cite
NPRM	08/00/04	
Regulatory Flex Reguired: No	ibility Analy	rsis

Small Entities Affected: No

Government Levels Affected: None

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**RIN:** 3052–AC17

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# 4016. FEDERAL AGRICULTURAL MORTGAGE CORPORATION—FARMER MAC NONPROGRAM INVESTMENTS AND LIQUIDITY

Priority: Other Significant

**Legal Authority:** 12 USC 2183; 12 USC 2243; 12 USC 2252; 12 USC 2279aa—11; 12 USC 2279bb; ...

CFR Citation: 12 CFR 650 Legal Deadline: None

**Abstract:** This rulemaking would propose liquidity standards and regulatory limits for nonmission investments permitted for Farmer Mac.

#### Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

**Additional Information:** FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Technical Editor, Office of

**Government Levels Affected: None** 

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RIN: 3052–AC18

4017. ORGANIZATION; STANDARDS
OF CONDUCT; FUNDING AND FISCAL
AFFAIRS, LOAN POLICIES AND
OPERATIONS, AND FUNDING
OPERATIONS; GEN. PROVISIONS;
DEFINITIONS; DISCLOSURE TO
SHAREHOLDERS; DISCLOSURE TO
INVESTORS

**Priority:** Other Significant

**Legal Authority:** 12 USC 2243; 12 USC 2252; 12 USC 2254; 12 USC 2013; 12 USC 2019

JSC 2019

**CFR Citation:** 12 CFR 611; 12 CFR 612; 12 CFR 615; 12 CFR 618; 12 CFR 619; 12 CFR 620; 12 CFR 630

**Legal Deadline:** None

Abstract: This rulemaking would review governance of FCS institutions for enhanced independent and objective oversight of management and operations; would enhance disclosure requirements for FCS institution employees and directors who receive compensation from other entities; and would review the audit committee requirements for FCS institutions.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
Final Rule	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

**FCA** 

#### Proposed Rule Stage

Government Levels Affected: None Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Technical Editor, Office of the Secretary to the Board, (703) 883—4125, nicholsonc@fca.gov

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RIN: 3052-AC19

### 4018. ELIGIBILITY AND SCOPE OF FINANCING—SCOPE OF LENDING

**Priority:** Other Significant

**Legal Authority:** 12 USC 2013; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12

USC 2019: ...

CFR Citation: 12 CFR 613 Legal Deadline: None

**Abstract:** This rulemaking would respond to a petition from the FCS and help determine if regulatory changes are needed to section 613.3005, Lending Objective of Existing Eligibility and Scope of Financing regulations.

#### Timetable:

Action	Date	FR Cite
ANPRM	05/02/03	68 FR 23425
Public Hearing	05/02/03	68 FR 23425
Comment Period Extended	07/29/03	68 FR 44490
ANPRM Comment Period End	07/31/03	
Comment Period End	10/29/03	
NPRM	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No Government Levels Affected: None Additional Information: FEDERAL

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RIN: 3052-AC20

#### 4019. ● FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS—CAPITAL ADEQUACY—PREFERRED STOCK

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is

undetermined.

**Legal Authority:** 12 USC 2013; 12 USC 2015; 12 USC 2018 to 2020; 12 USC

2073 to 2076; ...

CFR Citation: 12 CFR 615 Legal Deadline: None

**Abstract:** This regulation would establish safety and soundness parameters on the issuance of preferred stock and establish regulatory controls to ensure fair and equitable treatment of all shareholders.

#### Timetable:

Action	Date	FR Cite
NPRM	01/00/04	
Regulatory Flexib	ility Analy	sis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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4020. • FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS—INVESTMENTS, LIQUIDITY, AND DIVESTITURE

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is

undetermined.

**Legal Authority:** 12 USC 2013; 12 USC 2015; 12 USC 2018 to 2020; 12 USC

2073 to 2076; ...

CFR Citation: 12 CFR 615 Legal Deadline: None

**Abstract:** This regulation would modify current investment eligibility criteria,

portfolio limits, and liquidity requirements.

Timetable:

#### rimetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected:  ${
m No}$ 

**Government Levels Affected:** None **Additional Information:** FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Technical Editor, Office of the Secretary to the Board, (703) 883—4125, nicholsonc@fca.gov

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**RIN:** 3052–AC22

#### Farm Credit Administration (FCA)

Final Rule Stage

## 4021. LOAN POLICIES AND OPERATIONS—DISTRESSED LOAN RESTRUCTURING

**Priority:** Substantive, Nonsignificant

Legal Authority: 12 USC 2011; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121; 12 USC 2013 to 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074

CFR Citation: 12 CFR 614 Legal Deadline: None

**Abstract:** This rulemaking would clarify certain provisions of the borrower rights regulations and address regulatory burden comments.

#### Timetable:

Action	Date	FR Cite
NPRM	02/04/03	68 FR 5595
NPRM Comment Period End	04/07/03	
Final Rule	02/00/04	

**Regulatory Flexibility Analysis** 

Required: No

Small Entities Affected: No
Government Levels Affected: None

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RIN: 3052-AB69

## 4022. LOAN POLICIES AND OPERATIONS—EFFECTIVE INTEREST RATE DISCLOSURE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 2011; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121; 12 USC 2013 to 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; . . .

CFR Citation: 12 CFR 614

Legal Deadline: None

**Abstract:** This rulemaking would clarify and provide guidance for implementing the effective interest rate disclosure requirements of the Farm Credit Act of 1971, as amended.

#### Timetable:

Action	Date	FR Cite
NPRM	02/04/03	68 FR 5587
NPRM Comment Period End	03/06/03	
Final Rule	02/00/04	

#### Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

**Government Levels Affected: None** 

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RIN: 3052-AC04

#### 4023. ELIGIBILITY AND SCOPE OF FINANCING; LOAN POLICIES AND OPERATIONS; GENERAL PROVISIONS—CREDIT AND RELATED SERVICES

**Priority:** Substantive, Nonsignificant

Legal Authority: 12 USC 2013; 12 USC 2015; 12 USC 2017 to 2019; 12 USC 2073; 12 USC 2073; 12 USC 2075; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2129; 12 USC 2143; 12 USC 2206a; 12 USC 2211 to 2213; 12 USC 2243; 12 USC 2252

**CFR Citation:** 12 CFR 613; 12 CFR 614;

12 CFR 618

Legal Deadline: None

**Abstract:** This rulemaking would amend regulations to provide guidance, address regulatory burden comments, and incorporate statutory changes provided by the 2002 Farm Bill.

#### Timetable:

Action	Date	FR Cite
NPRM	05/21/03	68 FR 27757
NPRM Comment Period End	06/20/03	
Final Rule	03/00/04	

#### Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

**Government Levels Affected:** None **Additional Information:** FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Technical Editor, Office of the Secretary to the Board, (703) 883—

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**RIN:** 3052-AC06

#### Farm Credit Administration (FCA)

#### **Long-Term Actions**

## 4024. ORGANIZATION AND FUNCTIONS—FCA ORGANIZATION

**Priority:** Info./Admin./Other **CFR Citation:** 12 CFR 600

Timetable:

Action Date FR Cite
Final Rule To Be Determined

**Regulatory Flexibility Analysis** 

Required: No

Government Levels Affected: None Agency Contact: Robert Edward

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#### 4025. DISCLOSURE TO SHAREHOLDERS; ACCOUNTING AND REPORTING REQUIREMENTS— DISCLOSURE AND REPORTING REQUIREMENTS

**Priority:** Other Significant

CFR Citation: 12 CFR 620; 12 CFR 621

Timetable:

Action Date FR Cite

NPRM To Be Determined

**Regulatory Flexibility Analysis** 

Required: No

Government Levels Affected: None

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RIN: 3052-AC11

## 4026. LOAN POLICIES AND OPERATIONS—LOAN SYNDICATION TRANSACTIONS

**Priority:** Other Significant **CFR Citation:** 12 CFR 614

Timetable:

Action	Date	FR Cite
Notice	01/17/03	68 FR 2540
Comment Period End	02/18/03	
Comment Period Extended	02/25/03	68 FR 8764
Comment Period End	04/21/03	
Comment Period Extended	04/21/03	68 FR 19538
Comment Period End	06/20/03	
Comment Period Extended	06/25/03	68 FR 37824
Comment Period End	08/19/03	
Next Action Undeterm	ined	

#### Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None Agency Contact: Dennis K. Carpenter

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**RIN:** 3052–AC13

#### **4027. REGULATORY BURDEN**

**Priority:** Substantive, Nonsignificant **CFR Citation:** 12 CFR 600 to 650

Timetable:

Action	Date	FR Cite
Notice	05/16/03	68 FR 26551
Comment Period End	07/15/03	
Begin Review	10/15/03	
End Review	To Be	Determined

#### Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None Agency Contact: Lori Markowitz

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**RIN:** 3052–AC15

#### Farm Credit Administration (FCA)

#### **Completed Actions**

4028. FUNDING AND FISCAL
AFFAIRS, LOAN POLICIES AND
OPERATIONS, AND FUNDING
OPERATIONS; CAPITAL ADEQUACY—
TECHNICAL AMENDMENTS

**Priority:** Substantive, Nonsignificant **CFR Citation:** 12 CFR 615

Completed:

Reason	Date	FR Cite
Final Rule	04/16/03	68 FR 18532
Final Rule Effective	06/05/03	68 FP 33617

**Regulatory Flexibility Analysis** 

Required: No

**Government Levels Affected: None** 

Agency Contact: Laurie A. Rea

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4029. FUNDING AND FISCAL
AFFAIRS, LOAN POLICIES AND
OPERATIONS, AND FUNDING
OPERATIONS; CAPITAL ADEQUACY—
ABS AND MBS INVESTMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 12 CFR 615

Completed:

End

Reason	Date	FR Cite
Interim Final Rule	03/28/03	68 FR 15045
Interim Final Rule	04/28/03	
Comment Period		

Reason Date FR Cite
Interim Final Rule 66/04/03 68 FR 33347
Effective

Regulatory Flexibility Analysis Required: No

**Government Levels Affected:** None

**Agency Contact:** Laurie A. Rea Phone: 703 883—4498 TDD Phone: 703 883—4434

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**RIN:** 3052-AC14

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