

**OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT****12 CFR Ch. XVII****Agenda of Federal Regulatory and Deregulatory Actions**

**AGENCY:** Office of Federal Housing Enterprise Oversight.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Office of Federal Housing Enterprise Oversight hereby publishes items for the Unified Agenda of Federal Regulatory and Deregulatory Actions, as required by section 4 of Executive Order 12866.

**ADDRESSES:** Office of Federal Housing Enterprise Oversight, 1700 G Street NW., Washington, DC 20552.

**FOR FURTHER INFORMATION CONTACT:** Alfred M. Pollard, General Counsel, Office of General Counsel, Office of Federal Housing Enterprise Oversight, 1700 G Street NW., Washington, DC 20552, (202) 414-3778 (not a toll free number). The telephone number for the Telecommunications Device for the Deaf (TDD) is (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** Division A of the Housing and Economic Recovery Act of 2008, Public Law 110-289, 122 Stat. 2654 (2008), titled the Federal Housing Finance Regulatory Reform Act of 2008 (Act), created the Federal Housing Finance Agency (FHFA) as an independent agency of the Federal Government. FHFA was established on the date of enactment, July 30, 2008, and the Act provides for the abolishment of the Office of Federal Housing Enterprise Oversight (OFHEO) and the Federal Housing Finance Board (FHFB) 1 year after the date of enactment. These agencies, together with the Housing and Urban Development Government-Sponsored Enterprise Mission Teams, are combined to establish FHFA. Consequently, OFHEO is withdrawing its regulations that have been completed or were under development. This will be the last Unified Agenda submission for OFHEO. Regulations of FHFA will be found in 12 CFR chapter XII, parts 1200 to 1299.

The Internet is the primary means for disseminating OFHEO's unified agenda. The complete Unified Agenda will be available online at <http://www.reginfo.gov> in a format that offers users a greatly enhanced ability to obtain information from the Unified Agenda database.

OFHEO's preamble and its entries will not appear in the printed agenda because entries printed in the **Federal Register** are limited to any rulemaking identified by the agency as likely to have a significant economic impact on a substantial number of small entities under section 602 of the Regulatory Flexibility Act and to any rulemaking identified for periodic review under section 610 of the Regulatory Flexibility Act.

**Dated:** September 5, 2008.

**NAME: James B. Lockhart III,**  
*Director, Office of Federal Housing Enterprise Oversight.*

The 10 Regulatory Agendas

Office of Federal Housing Enterprise Oversight - Completed Action

Title	Regulation Identifier Number
Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Office of Federal Housing Enterprise Oversight	<a href="#">2550-AA11</a>
Minimum Capital, Amendment	<a href="#">2550-AA18</a>
Conservators and Conservatorship	<a href="#">2550-AA30</a>
Corporate Governance--Prohibition on Indemnification Payments	<a href="#">2550-AA32</a>
Prompt Supervisory Response Corrective Action, Amendment	<a href="#">2550-AA36</a>
Organization and Functions	<a href="#">2550-AA37</a>
Risk-Based Capital--Loss Severity, Amendment	<a href="#">2550-AA38</a>
Regulatory Reporting Standards--Data Call/Collection	<a href="#">2550-AA39</a>
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Release of Information Amendments	<a href="#">2550-AA42</a>

Office of Federal Housing Enterprise Oversight ( OFHEO )

RIN: 2550-AA11

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Title: Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Office of Federal Housing Enterprise Oversight

Abstract: The Office of Federal Housing Enterprise Oversight intended to, upon receipt of requested guidance from the Department of Justice (DOJ), propose a regulation to effectuate section 119 of the Rehabilitation Comprehensive Services and Developmental Disabilities Amendment of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of disability in programs or activities conducted by executive agencies or the United States Postal Service. For reasons stated in the preamble, OFHEO is withdrawing this proposed rulemaking.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 1706 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 794

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	08/19/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Agency Contact: Isabella W. Sammons

Deputy General Counsel

Office of Federal Housing Enterprise Oversight

1700 G Street NW

Washington , DC 20552

Phone: 202 414-3790

Office of Federal Housing Enterprise Oversight ( OFHEO )

RIN: 2550-AA18

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Title: Minimum Capital, Amendment

Abstract: The Office of Federal Housing Enterprise Oversight intended to solicit comments on a proposed amendment to its Minimum Capital regulation to accommodate changes in Generally Accepted Accounting Principles, clarify reporting requirements, and make supervisory monitoring of capital more transparent. For reasons stated in the preamble, OFHEO is withdrawing this proposed amendment.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 1750 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 4612

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	08/19/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 2550-AA03

Agency Contact: David A. Felt

Deputy General Counsel

Office of Federal Housing Enterprise Oversight

1700 G Street NW

Washington , DC 20552

Phone: 202 414-3750

Office of Federal Housing Enterprise Oversight ( OFHEO )

RIN: 2550-AA30

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Title: Conservators and Conservatorship

Abstract: The Office of Federal Housing Enterprise Oversight intended to solicit comments on a proposed regulation governing the appointment of a conservator for either Fannie Mae or Freddie Mac and the operation of the resulting conservatorship. For reasons stated in the preamble, OFHEO is withdrawing this proposed rulemaking.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 1771 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 4513, 4515 to 4517, 4619 to 4621

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	08/12/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No  
 Agency Contact: David A. Felt  
 Deputy General Counsel  
 Office of Federal Housing Enterprise Oversight  
 1700 G Street NW  
 Washington , DC 20552  
 Phone: 202 414-3750

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Office of Federal Housing Enterprise Oversight ( OFHEO )

RIN: 2550-AA32

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Title: Corporate Governance--Prohibition on Indemnification Payments

Abstract: The Office of Federal Housing Enterprise Oversight intended to solicit comments on a proposed amendment to the existing Corporate Governance regulation to enhance the minimum corporate governance standards applicable to the Enterprises by limiting indemnification payments by the Enterprises. The proposed amendment would have clarified that the Enterprises are subject to the same type of limits on indemnification of employees and directors as other federally regulated financial institutions. These limits help to prevent abuses in indemnity payments and help maintain safe and sound operations at the Enterprises. For reasons stated in the preamble, OFHEO is withdrawing this proposed amendment.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 1710 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 4513(a); 12 USC 4513(b)(1)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	08/19/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.ofheo.gov](http://www.ofheo.gov)

Public Comment URL: [www.RegComments@OFHEO.gov](mailto:www.RegComments@OFHEO.gov)

Related RINs: Related to 2550-AA24; Related to 2550-AA20

Agency Contact: David A. Felt  
 Deputy General Counsel  
 Office of Federal Housing Enterprise Oversight  
 1700 G Street NW  
 Washington , DC 20552  
 Phone: 202 414-3750

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Office of Federal Housing Enterprise Oversight ( OFHEO )

RIN: 2550-AA36

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Title: Prompt Supervisory Response Corrective Action, Amendment

Abstract: The Office of Federal Housing Enterprise Oversight (OFHEO) intended to publish a technical amendment to its Prompt Supervisory Response Corrective Action regulation to amend and revise the developments requiring a prompt supervisory response. In addition, OFHEO would have amended the Supervisory Response options to ensure that supervisory actions are transparent. Finally, OFHEO intended to delete an obsolete provision governing capital classifications of the Enterprises before the effective date of the Risk-Based Capital rule. This provision is moot, because the Risk-Based Capital

rule is now effective. For reasons stated in the preamble, OFHEO is withdrawing this proposed amendment.

Priority: Other Significant  
 Major: No  
 CFR Citation: 12 CFR 1777 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 12 USC 4513(b); 12 USC 4611 to 4619  
 Legal Deadline: None

Agenda Stage of Rulemaking: Completed Action  
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
Withdrawn	08/19/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 2550-AA35

Agency Contact: David A. Felt

Deputy General Counsel

Office of Federal Housing Enterprise Oversight

1700 G Street NW

Washington , DC 20552

Phone: 202 414-3750

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Office of Federal Housing Enterprise Oversight ( OFHEO )

RIN: 2550-AA37

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Title: Organization and Functions

Abstract: The Office of Federal Housing Enterprise Oversight intended to amend its organizational structure to affirm the establishment of an Office of Supervision and to confirm the position of Director of Supervision. For reasons stated in the preamble, OFHEO is withdrawing this amendment.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 1700 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 552; 12 USC 4513; 12 USC 4526

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	08/19/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 2550-AA33; Related to 2550-AA29; Related to 2550-AA27

Agency Contact: Isabella W. Sammons

Deputy General Counsel

Office of Federal Housing Enterprise Oversight

1700 G Street NW

Washington , DC 20552

Phone: 202 414-3790

Office of Federal Housing Enterprise Oversight ( OFHEO )

RIN: 2550-AA38

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Title: Risk-Based Capital--Loss Severity, Amendment

Abstract: OFHEO has amended appendix A, subpart B, of 12 CFR part 1750. This amendment strengthens the risk sensitivity of the Enterprises' risk-based capital requirement by correcting the loss severity equations that currently understate losses on certain defaulted single-family conventional and government guaranteed loans. It also amends treatment of FHA insurance in the econometric model in order to conform the treatment of current law. The final amendments, which also addressed comments, became effective at 72 FR 35893 (June 25, 2008). A correction to the final rule was published at 73 FR 40656 (July 15, 2008).

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 1750 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 4513; 12 USC 4514; 12 USC 4611; 12 USC 4612; 12 USC 4614; 12 USC 4615; 12 USC 4618;

...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/05/2007	72 FR 68655
NPRM Comment Period End	03/04/2008	
Final Action	06/25/2008	73 FR 35893
Correction	07/15/2008	73 FR 40656

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.ofheo.gov](http://www.ofheo.gov)Public Comment URL: [www.ofheo.gov](http://www.ofheo.gov)

Related RINs: Related to 2550-AA35; Related to 2550-AA26; Related to 2550-AA23

Agency Contact: David A. Felt

Deputy General Counsel

Office of Federal Housing Enterprise Oversight

1700 G Street NW

Washington , DC 20552

Phone: 202 414-3750

Office of Federal Housing Enterprise Oversight ( OFHEO )

RIN: 2550-AA39

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Title: Regulatory Reporting Standards--Data Call/Collection

Abstract: This envisioned regulation would have implemented Regulatory Reporting Standards by setting specific data collection standards and reporting requirements for the Enterprises. For reasons stated in the preamble, OFHEO is withdrawing this proposed rulemaking.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 4513(a); 12 USC 4513(b)(1); 12 USC 4513(b)(5); 12 USC 4514(a); 12 USC 4517(a)(2) through (3); 12 USC 4631; 12 USC 4636

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Withdrawn	08/19/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Alfred M. Pollard

General Counsel

Office of Federal Housing Enterprise Oversight

1700 G Street NW

Washington , DC 20552

Phone: 202 414-3788

FAX: 202 414-6504

E-Mail: apollard@ofheo.gov

Office of Federal Housing Enterprise Oversight ( OFHEO )

RIN: 2550-AA40

 [View Related Documents](#)

Title: Rules of Practice and Procedure, Amendment

Abstract: The Office of Federal Housing Enterprise Oversight (OFHEO) intended to issue this notice of proposed rulemaking to solicit comments on proposed revisions to certain provisions in the agency's existing Rules of Practice and Procedure to be followed when OFHEO initiates an administrative enforcement action and conducts a hearing on the record as required by law. The existing rule implements the provisions of subtitle C of title XIII of the Housing and Community Development Act of 1992, known as the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, regarding hearings on the record in certain enforcement actions against the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation (collectively, the Enterprises), or directors or executive officers of the Enterprises. The proposed revisions were intended to clarify certain provisions and to provide OFHEO personnel, the Enterprises, the Enterprises' directors and executive officers, and other interested parties, with the clear guidance necessary to prepare for and participate in the administrative enforcement action process, and to increase the efficiency and transparency of administrative hearings. The proposed revisions are another component of OFHEO's regulatory review program. For reasons stated in the preamble, OFHEO is withdrawing this proposed rulemaking.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 12 CFR 1780 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 12 USC 4501; 12 USC 4513(b); 12 USC 4517; 12 USC 4521; 12 USC 4631 to 4641; ...

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Withdrawn	08/12/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.ofheo.gov](http://www.ofheo.gov)

Related RINs: Previously Reported as 2550-AA16; Previously Reported as 2550-AA04

Agency Contact: Alfred M. Pollard

General Counsel

Office of Federal Housing Enterprise Oversight

1700 G Street NW

Washington , DC 20552



Phone: 202 414-3788  
 FAX: 202 414-6504  
 E-Mail: [apollard@ofheo.gov](mailto:apollard@ofheo.gov)

Office of Federal Housing Enterprise Oversight ( OFHEO )

RIN: 2550-AA42

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Title: Release of Information Amendments

Abstract: The Office of Federal Housing Enterprise Oversight (OFHEO) intended to issue a proposal to revise subparts A, B, C, and D of this rule in an effort to achieve general conformity with other executive offices of the Federal Government. OFHEO intended to revise the text of subparts A, B, C, and D in full. Revision of subparts E and F was to follow. This rule governs OFHEO's basic policies regarding information it maintains and the procedures for obtaining access to such information under the Freedom of Information Act, as amended (5 U.S.C. 552 (FOIA)). When finalized, these changes in the regulation would have increased Agency efficiency and ensure consistency in the implementation of the FOIA. For reasons stated in the preamble, OFHEO is withdrawing this proposed rulemaking.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 3 CFR, 1987 Comp, p 235 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 5 USC 552; 12 USC 4513; 12 USC 4522; 12 USC 4526; 12 USC 4639; EO 12600

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	08/19/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.ofheo.gov](http://www.ofheo.gov)

Public Comment URL: [www.regcomments@ofheo.gov](http://www.regcomments@ofheo.gov)

Related RINs: Related to 2550-AA14; Previously Reported as 2550-AA01

Agency Contact: Mark Laponsky

Executive Director

Office of Federal Housing Enterprise Oversight

Phone: 202 414-3832