SUPPORTING STATEMENT

TREATMENT BY THE FEDERAL DEPOSIT INSURANCE CORPORATION AS CONSERVATOR OR RECEIVER OF FINANCIAL ASSETS TRANSFERRED BY AN INSURED DEPOSITORY INSTITUTION IN CONNECTION WITH A SECURITIZATION OR PARTICIPATION
OMB Control No. 3064-0177

INTRODUCTION

The FDIC is requesting OMB approval of the extension and revision of the information collection captioned above. OMB's approval for this information collection expires on June 30, 2026. The information collection requirements are contained in 12 CFR Part 360 of FDIC's rules and regulations. Section 360.6 contains provisions known as the "Securitization Safe Harbor Rule." The Securitization Safe Harbor Rule addresses circumstances that may arise if the FDIC is appointed receiver or conservator for an insured depository institution (IDI) that has transferred financial assets in connection one or more securitization or participation transactions ("covered IDI"). If a securitization satisfies one of the sets of conditions established by the Securitization Safe Harbor Rule, the Rule provides that, depending on which set of conditions is satisfied, either (i) in the exercise of FDIC's authority to repudiate or disclaim contracts, the FDIC shall not reclaim, recover or re-characterize as property of the institution or receivership the financial assets transferred as part of the securitization transaction, or (ii) if the FDIC repudiates the securitization agreement pursuant to which financial assets were transferred and does not pay damages within a specified period, or if the FDIC is in monetary default under a securitization for a specified period due to its failure to pay or apply collections received by it under the securitization documents, certain remedies will be available to investors on an expedited basis.

By providing for these disclosures and recordkeeping requirements as conditions for eligibility for the Securitization Safe Harbor benefits, the FDIC seeks to improve the transparency of securitizations thereby reduce risks to the FDIC's Deposit Insurance Fund. These recordkeeping and disclosure requirements meet the definition of information collections (ICs) under the Paperwork Reduction Act and have been approved for clearance by the Office of Management and Budget (OMB) under ICR OMB No. 3064-0177.

JUSTIFICATION

1. Circumstances that make the collection necessary:

The FDIC, as deposit insurer and receiver for failed IDIs, has a unique responsibility and interest in ensuring that residential mortgage loans and other financial assets originated by IDIs are originated for long-term sustainability. The FDIC's responsibilities to protect insured depositors and resolve failed insured banks and thrifts and its responsibility to the DIF require it to ensure that, where it provides a safe harbor consenting to special relief from the application of its receivership powers, it must do so in a manner that fulfills these responsibilities.

It would be imprudent for the FDIC to provide consent or other clarification of its application of its receivership powers without imposing requirements designed to realign the incentives in the securitization process to avoid the effects of the misalignment of incentives described below. The FDIC's adoption of 12 C.F.R. § 360.6 provided clarification of "legal isolation" and facilitated legal and accounting analyses that supported securitization. In view of the accounting changes and the effects they have upon the application of the Securitization Rule, it is crucial that the FDIC provide clarification of the application of its receivership powers in a way that reduces the risks to the Deposit Insurance Fund (DIF) by better aligning the incentives in securitization to support sustainable lending and structured finance transactions.

The Securitization Safe Harbor Rule addresses circumstances that may arise if the FDIC is appointed receiver or conservator for an insured depository institution (IDI) that has transferred financial assets in connection one or more securitization or participation transactions ("covered IDI"). If a securitization satisfies one of the sets of conditions established by the Securitization Safe Harbor Rule, the Rule provides that, depending on which set of conditions is satisfied, either (i) in the exercise of FDIC's authority to repudiate or disclaim contracts, the FDIC shall not reclaim, recover or re-characterize as property of the institution or receivership the financial assets transferred as part of the securitization transaction, or (ii) if the FDIC repudiates the securitization agreement pursuant to which financial assets were transferred and does not pay damages within a specified period, or if the FDIC is in monetary default under a securitization for a specified period due to its failure to pay or apply collections received by it under the securitization documents, certain remedies will be available to investors on an expedited basis.

For a securitization to qualify for the above benefits, the securitization documents must require that the securitization sponsor ("covered IDI") disclose certain information to investors and engage in recordkeeping activities, as delineated in 12 CFR 360.6. In particular, the documents must require the covered IDI to make an initial disclosure of the securitization structure and compensation arrangements between the parties involved in the securitization, and make periodic disclosures of credit performance and changes to the compensation arrangements. Also, documents must require that the closing documents for a securitization be kept in a readily accessible paper or electronic form. Additionally, for securitizations in which the financial assets include residential mortgage loans (RMBS), the securitization sponsor must disclose loan-level information and a third-party due diligence report; and the securitization documents must require that the servicer disclose any servicer or affiliate ownership interests in other whole loans secured by the same real property that secures a loan included in the financial asset pool.

2. Use of the Information:

The conditions are designed to provide greater clarity and transparency to allow a better ongoing evaluation of the quality of lending by banks and reduce the risks to the DIF from the opaque securitization structures and the poorly underwritten loans that led to the onset of the 2008 financial crisis. In addition, these conditions were designed to address the difficulties provided by the then existing model of securitization. However, greater transparency is not solely for investors but will serve to more closely tie the origination of loans to their long-term performance by requiring disclosure of that performance.

3. Consideration of the use of improved information technology:

Respondents may use technology to the extent feasible, desirable or appropriate to make the required disclosures and to maintain the required records that permits review by FDIC examiners.

4. Efforts to identify duplication:

The information required is unique. It is not duplicated elsewhere.

5. Methods used to minimize burden if the collection has a significant impact on a substantial number of small entities:

The information is collected only from a limited group of IDIs who engage in securitization transactions. Small entities are not affected.

6. Consequences to the Federal program if the collection were conducted less frequently:

The disclosure requirements are imposed on a per occurrence/transaction basis. Less frequent disclosures would impair the ability of investors to adequately evaluate the investment potential of each transaction. The conditions are designed to provide greater clarity and transparency to allow a better ongoing evaluation of the quality of lending by banks and reduce the risks to the DIF from opaque securitization structures and poorly underwritten loans.

7. Special circumstances necessitating collection inconsistent with 5 CFR Part 1320.5(d)(2):

None. The information collection is conducted in accordance with OMB guidelines in 5 CFR part 1320.5(d)(2).

8. Efforts to consult with persons outside the agency:

On April 21, 2026 the FDIC published a Federal Register notice proposing to renew this information collection (91 FR 21291). The FDIC did not receive any comments.

9. Payments or gifts to respondents:

None.

10. Any assurance of confidentiality:

The information collected will be kept confidential to the extent permitted by law.

11. Justification for questions of a sensitive nature:

None of the information required to be reported, disclosed or maintained is of a sensitive nature.

12. Estimate of hour burden including annualized hourly costs:

Summary of Estimated Annual Burden (OMB No. 3064-0177)					
Information Collection (IC) (Obligation to Respond)	Type of Burden (Frequency of Response)	Number of Respondents	Number of Responses per Respondent	Average Time per Response (HH:MM)	Annual Burden (Hours)
1. Credit performance and changes to compensation arrangements, 12 CFR 360.6(b)(2)(i)(C) & (D) (Mandatory)	Disclosure (Monthly)	22	135.273	02:00	5,952
2. Securitization structure and initial compensation arrangements, 12 CFR 360.6(b)(2)(i)(B) & (D) (Mandatory)	Disclosure (On Occasion)	22	11.273	03:00	744
3. Residential mortgages: loan-level information and sponsor's disclosure of third-party due diligence report on compliance with 360.6(b)(2)(ii)(B), 12 CFR 360.6(b)(2)(ii)(A) & (B) (Mandatory)	Disclosure (On Occasion)	4	4.667	02:00	38
4. Residential mortgages: servicer or affiliate ownership interests, 12 CFR 360.6(b)(2)(ii)(C) (Mandatory)	Disclosure (On Occasion)	9	2.926	01:00	26
5. Securitization documents, 12 CFR 360.6(c)(7) (Mandatory)	Recordkeeping (On Occasion)	22	11.273	01:00	248
				Total Annual Burden (Hours):	***7,008***
Source: FDIC.					

Summary of Hourly Burden Cost Estimate (OMB No. 3064-0177)								
Information Collection (IC) (Obligation to Respond)	Hourly Weight (%)	Percentage Shares of Hours Spent by and Hourly Compensation Rates for each Occupation Group (by Collection)						Estimated Hourly Compensation Rate
		Exec. & Mgr. ($159.84)	Lawyer ($180.27)	Compl. Ofc. ($81.09)	IT ($116.97)	Fin. Anlst. ($101.69)	Clerical ($42.73)	
1. Credit performance and changes to compensation arrangements, 12 CFR 360.6(b)(2)(i)(C) & (D) (Mandatory)	84.93	25	25	0	0	50	0	$135.87
2. Securitization structure and initial compensation arrangements, 12 CFR 360.6(b)(2)(i)(B) & (D) (Mandatory)	10.62	25	25	0	0	50	0	$135.87
3. Residential mortgages: loan-level information and sponsor's disclosure of third-party due diligence report on compliance with 360.6(b)(2)(ii)(B), 12 CFR 360.6(b)(2)(ii)(A) & (B) (Mandatory)	0.54	25	25	0	0	50	0	$135.87
4. Residential mortgages: servicer or affiliate ownership interests, 12 CFR 360.6(b)(2)(ii)(C) (Mandatory)	0.37	25	25	0	0	50	0	$135.87
5. Securitization documents, 12 CFR 360.6(c)(7) (Mandatory)	3.54	0	0	100	0	0	0	$81.09
Weighted Average Hourly Compensation Rate:								***$133.93***
Source: Bureau of Labor Statistics: 'National Industry-Specific Occupational Employment and Wage Estimates: Industry: Credit Intermediation and Related Activities (5221 And 5223 only)' (May 2024), Employer Cost of Employee Compensation (March 2024), and								

Employment Cost Index (March 2024 and December 2025). Standard Occupational Classification (SOC) Codes: Exec. And Mgr = 11-0000 Management Occupations; Lawyer = 23-0000 Legal Occupations; Compl. Ofc. = 13-1040 Compliance Officers; IT = 15-0000 Computer and

Note: The estimated hourly compensation rate for a given IC is the average of the hourly compensation rates for the occupations used to comply with that IC, weighted by the estimated share of hours spent by each occupation. The weighted average hourly compensation rate for the entire ICR is the average of the estimated hourly compensation rates for all ICs, weighted by the share of hourly burden for IC. These hourly weights, as shown in the "Hourly Weight" column of this table, are the quotients of the estimated number of annual burden hours for each IC and the total estimated number of annual burden hours across all ICs.

Total Estimated Cost Burden (OMB No. 3064-0177)			
Information Collection Request	Annual Burden (Hours)	Weighted Average Hourly Compensation Rate	Annual Respondent Cost
Sample Information Collection Request	7,008	$133.93	$938,581
		Total Annual Respondent Cost:	***$938,581***
Source: FDIC.			

13. Estimate of start-up costs to respondents:

FDIC assumes that the reasonable cost of obtaining a third-party due diligence report associated with IC 3 is approximately $500,000 per RMBS securitization deal. The number of responses per respondent per year to IC 3 implies 19 reports per year. This results in an estimated annual external cost of **$9,500,000**.

14. Estimate of annualized costs to the government:

None.

15. Analysis of change in burden:

There is no change in the estimated annual burden associated with this information collection. The burden estimates remain unchanged from those approved under the previous renewal.

16. Information regarding collections whose results are planned to be published for statistical use:

The results of this collection will not be published for statistical use.

17. Display of expiration date:

Not applicable.

18. Exceptions to certification:

None.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.