



June 3, 2016

Robert E. Feldman
Executive Secretary Federal Deposit Insurance Corporation
550 17th St. NW.
Washington, DC 20429

**RE: Recordkeeping for Timely Deposit Insurance Determination: Proposed Rule
(RIN 3064-AE33)**

Dear Executive Secretary Feldman,

The Mortgage Bankers Association¹ (MBA) appreciates the opportunity to comment on the proposed rule for Recordkeeping for Timely Deposit Insurance Determination² (the Proposal). MBA is concerned that under certain circumstances, banks may not be able to meet the requirement of the Proposal because data may not be readily available in an organization's information technology system that would enable it to calculate the deposit insurance available for each deposit account.

Under the proposed rule, a new section 12 CFR 370.1, Purpose and Scope, would read:

This part requires the information technology system of a "covered institution" (defined in § 370.2(a)) to be capable of calculating the amount of deposit insurance coverage available for each deposit account in the event of the covered institution's failure. The purpose of this part is to improve the FDIC's ability to fulfill its legal mandates to pay

¹ The Mortgage Bankers Association (MBA) is the national association representing the real estate finance industry, an industry that employs more than 280,000 people in virtually every community in the country. Headquartered in Washington, D.C., the association works to ensure the continued strength of the nation's residential and commercial real estate markets; to expand homeownership and extend access to affordable housing to all Americans. MBA promotes fair and ethical lending practices and fosters professional excellence among real estate finance employees through a wide range of educational programs and a variety of publications. Its membership of over 2,200 companies includes all elements of real estate finance: mortgage companies, mortgage brokers, commercial banks, thrifts, REITs, Wall Street conduits, life insurance companies and others in the mortgage lending field. For additional information, visit MBA's Web site: www.mortgagebankers.org.

² 81 Fed. Reg. 10026 (February 26, 2016).

deposit insurance as soon as possible after failure and to resolve a covered institution at the least cost to the Deposit Insurance Fund.

While MBA feels the new rule will help achieve the FDIC's goals of improving its ability to fulfill its legal mandates to pay deposit insurance, the Proposal should allow for flexibility in the information collected by a covered institution. There will be instances where the covered institutions and the FDIC would need additional information outside of internally generated reports when calculating the amount of deposit insurance coverage available for each deposit account. For example, the FDIC has previously recognized that it will need to refer to a servicer's records in determining deposit insurance coverage for mortgage servicing accounts.

Accordingly, we recommend for the Proposal to have additional clarifications that allow reference to sources other than the recordkeeping. This will avoid potential conflicts between the rules upon implementation.

We appreciate the opportunity to comment on the Proposal. If you would like to discuss this issue further, please contact George Green at ggreen@mba.org or (202) 557 -2840.

Sincerely,

A handwritten signature in black ink that reads "George Green". The signature is written in a cursive style with a large initial "G".

George Green
Associate Vice President
Commercial/Multifamily Group
Mortgage Bankers Association