PRESS RELEASE
Federal Deposit Insurance Corporation ● Each Depositor insured to at least $250,000

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FDIC Approves Rule on the Role of Supervisory Guidance

WASHINGTON— The Federal Deposit Insurance Corporation (FDIC) approved a final rule outlining and confirming the agency's use of supervisory guidance for regulated institutions. The final rule codifies the interagency statement on the role of supervisory guidance, as amended, issued in September 2018 to clarify the differences between regulations and guidance, and states that the Statement is binding on the agency.

Unlike a law or regulation, supervisory guidance does not have the force and effect of law, and the FDIC does not take enforcement actions based on supervisory guidance. Rather, supervisory guidance outlines the FDIC's supervisory expectations or priorities and articulates the FDIC's general views regarding appropriate practices for a given subject area.

The codified Statement includes provisions stating that supervisory guidance does not create binding, enforceable legal obligations; that the agency does not issue supervisory criticisms (which includes, in the FDIC's case, matters requiring board attention (MRBAs)) for "violations" of or "non-compliance" with supervisory guidance; and describes the appropriate use of supervisory guidance.

The FDIC issued a final rule that is specifically addressed to the FDIC and FDIC-supervised institutions, rather than a joint rulemaking with the other financial regulators. The final rule will go into effect 30 days after publication in the *Federal Register*.

Attachment:

Role of Supervisory Guidance Final Rule