

FEDERAL RESERVE BANK OF DALLAS

DALLAS, TEXAS 75222

Circular No. 81-87  
April 29, 1981

AMENDMENT TO REGULATION D

(Exempting Certain Kinds of Time Deposits  
Representing Funds of Deferred Compensation Plans  
From Reserve Requirements)

TO THE CHIEF EXECUTIVE OF  
ALL FINANCIAL INSTITUTIONS IN THE  
ELEVENTH FEDERAL RESERVE DISTRICT:

Printed on the following pages is the text of a press release issued April 10, 1981, by the Board of Governors of the Federal Reserve System and the Federal Register document announcing an amendment to its rules to exempt from reserve requirements certain kinds of time deposits representing funds of deferred compensation plans. The exemption is for nontransferable time deposits held by an employer as part of an unfunded deferred compensation plan established in conformity with Subtitle D of the Internal Revenue Act of 1978. Under the Board's ruling, effective April 30, 1981, such time deposits will be regarded as personal time deposits and will consequently be free of reserve requirements.

A copy of all current amendments to Regulation D is included in the enclosed slip sheet dated April 1981. This slip sheet and the current index should be filed in Volume 2 of the Regulations and Bulletins Binders furnished by this Bank, and the slip sheet dated January 1981 should be destroyed.

Additional copies of the amendments will be furnished upon request to the Department of Communications, Financial and Community Affairs, Ext. 6266.

Sincerely yours,

William H. Wallace

First Vice President

Enclosure

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Banks and others are encouraged to use the following incoming WATS numbers in contacting this Bank: 1-800-442-7140 (intrastate) and 1-800-527-9200 (interstate). For calls placed locally, please use 651 plus the extension referred to above.

# FEDERAL RESERVE press release



For immediate release

April 10, 1981

The Federal Reserve Board has amended its rules to exempt from reserve requirements certain kinds of time deposits representing funds of deferred compensation plans.

Deferred compensation plans allow delayed receipt of presently earned income to a future time and the Board's action is thus expected to result in more even application of reserve requirements to time deposits representing retirement income.

The exemption is for nontransferable time deposits held by an employer as part of an unfunded deferred compensation plan established in conformity with Subtitle D of the Internal Revenue Act of 1978. Under the Board's ruling, such time deposits will be regarded as personal time deposits and will consequently be free of reserve requirements. Previously, time deposits representing unfunded deferred compensation plans had been regarded as nonpersonal time deposits subject to reserve requirements. An unfunded deferred compensation plan is one in which the deposits are held by the employer rather than being placed in a trust or being similarly "funded."

The Board's action amended its Regulation D -- Reserve Requirements of Depository Institutions. The text of the amendment, effective April 30, 1981, is attached.

Attachment

TITLE 12 -- BANKS AND BANKING

CHAPTER II -- FEDERAL RESERVE SYSTEM

SUBCHAPTER A -- BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regulation D]

[Docket No. R-0355]

Part 204 -- RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

Time Deposits of Deferred Compensation Plans

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System has amended its Regulation D -- Reserve Requirements of Depository Institutions (12 CFR Part 204), which imposes federal reserve requirements on depository institutions that maintain transaction accounts or nonpersonal time deposits. Under the amendment, nontransferable time deposits representing funds of deferred compensation plans established pursuant to subtitle D of the Revenue Act of 1978, Pub. L. No. 95-600, 92 Stat. 2763 (1978), will be regarded as personal time deposits, and thus will not be subject to reserve requirements.

EFFECTIVE DATE: April 30, 1981. Depository institutions may begin reporting time deposits of deferred compensation accounts as personal time deposits during the computation period beginning that date.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625), Paul S. Pilecki, Senior Attorney (202/452-3281), or Joseph R. Alexander, Attorney (202/452-2489), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 (Title I of Pub. L. No. 96-221, 94 Stat. 132) (the "Act"), authorizes the Federal Reserve to impose reserve requirements solely for the purpose of conducting monetary policy on all depository institutions that maintain transaction accounts or nonpersonal time deposits. Under Regulation D -- Reserve Requirements of Depository Institutions (12 CFR Part 204), which implements the provisions of the Act, "nonpersonal time deposits" are defined as transferable time deposits or accounts, or time deposits or accounts which represent funds deposited to the credit of, or in which any beneficial interest is held by, a depositor that is not a natural person. In adopting Regulation D to implement the Act, the Board determined that IRA and Keogh Plan time deposits and time deposits held by trustees and other fiduciaries should be regarded as personal time deposits where the entire beneficial interest is held by natural

persons, even though the funds technically may be held in the name of a trustee who is not a natural person (12 CFR § 204.2(f)). The Board has determined that time deposit accounts held pursuant to unfunded deferred compensation plans of state and local governments and certain private employers authorized by subtitle D of the Revenue Act of 1978, Pub. L. No. 95-600, 92 Stat. 2763 (1978), also should be regarded as personal time deposits for purposes of Regulation D, notwithstanding the IRS requirement that such funds remain solely the property of the sponsoring organization subject only to the claims of its general creditors. Therefore, the Board is amending Regulation D to exempt such accounts from the definition of nonpersonal time deposits. It should be noted that nontransferable time deposits of funded deferred compensation plans generally are regarded as personal time deposits under Regulation D at present as funds held by a trustee or other fiduciary.

The Board believes that this amendment will result in more even application of reserve requirements on time deposits of various types of retirement income arrangements. Consequently, the Board, for good cause, finds that the notice and public procedure provisions of 5 U.S.C. § 553(b) with regard to this action are contrary to the public interest, and that deferral of the effective date pursuant to 5 U.S.C. § 553(d) is not necessary.

Effective April 30, 1981, pursuant to the Board's authority under section 19 of the Federal Reserve Act, 12 U.S.C. § 461 et seq., section 204.2(f), subparagraph (2) of Regulation D (12 CFR Part 204) is amended to read as follows:

SECTION 204.2 -- DEFINITIONS

\* \* \* \* \*

(f) \* \* \*

(2) "Nonpersonal time deposit" does not include nontransferable time deposits to the credit of or in which the entire beneficial interest is held by an individual pursuant to an Individual Retirement Account or Keogh (H.R. 10) Plan under 26 U.S.C. (I.R.C. 1954) §§ 408, 401, or nontransferable time deposits held by an employer as part of an unfunded deferred compensation plan established pursuant to subtitle D of the Revenue Act of 1978 (Pub. L. No. 95-600, 92 Stat. 2763).

\* \* \* \* \*

By order of the Board of Governors, April 10, 1981.

(Signed) James McAfee

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James McAfee  
Assistant Secretary of the Board

**BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM**  
**RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS**

**AMENDMENTS TO REGULATION D †**

**As amended effective April 10, 1981**

Effective November 13, 1980, sections 204.2, 204.3, and 204.4 are amended as follows:

1. In section 204.2, paragraph (h)(1) is revised to read as follows:

**SECTION 204.2—DEFINITIONS**

\* \* \* \* \*

(h) “Eurocurrency liabilities” means the sum of the following:

(1) *Transactions with related offices outside the United States.*

(i) \* \* \*

(A) \* \* \*

(B) assets (including participations) held by its non-United States offices or by non-United States offices of an affiliated Edge or Agreement Corporation that were acquired after October 6, 1979, from its United States offices.

(ii) \* \* \*

(A) \* \* \*

(B) assets (including participations) held by its foreign bank (including offices thereof located outside the United States), by its parent holding company, or by non-United States offices of an affiliated Edge or Agreement Corporation that were acquired after October 6, 1979, from the United States branch or agency (other than assets required to be sold by Federal or State supervisory authorities).

\* \* \* \* \*

2. In section 204.3, paragraph (d) is revised to read as follows:

**SECTION 204.3—COMPUTATION AND MAINTENANCE**

\* \* \* \* \*

(d) **Special rule for depository institutions that have total deposits of less than \$15 million.**

(1) A depository institution with total deposits of less than \$15 million shall file a report of deposits once each calendar quarter for a seven-day computation period that begins on the third Thursday of a given month during the calendar quarter. Each Reserve Bank shall divide the depository institutions in its District that qualify under this paragraph into three substantially equal groups and assign each group a different month to report during each calendar quarter.

(2) \* \* \*

(3) A depository institution that has less than \$15 million in total deposits as of December 31, 1979, shall qualify under this paragraph until it reports total deposits of \$15 million or more for two consecutive calendar quarters.

\* \* \* \* \*

3. In section 204.4, paragraph (g) is revised to read as follows:

**SECTION 204.4—TRANSITIONAL ADJUSTMENTS**

\* \* \* \* \*

(g) **Mergers and consolidations.** The following rules concerning transitional adjustments apply to mergers and consolidations of depository institutions.

(1) Where all depository institutions involved in a merger or consolidation are subject to the same paragraph of the transitional adjustment rules contained in paragraphs (a) through (f) of this section during the reserve computation period immediately preceding the merger, the surviving institution shall continue to compute its transitional adjustment of required reserves under such applicable paragraph.

† For this Regulation to be complete retain:

- 1) Printed Regulation pamphlet dated November 13, 1980.
- 2) Supplement slip sheet dated August 1980.
- 3) This slip sheet. (Destroy slip sheet dated January 1981.)

except that the amount of reserves which shall be maintained shall be reduced by an amount determined by multiplying the amount by which the required reserves during the computation period immediately preceding the date of the merger (computed as if the depository institutions had merged) exceeds the sum of the actual required reserves of each depository institution during the same computation period, times the appropriate percentage as specified in the following schedule:

<i>Maintenance periods occurring during quarterly periods following merger</i>	<i>Percentage applied to difference to compute amount to be subtracted</i>
1	87.5
2	75.0
3	62.5
4	50.0
5	37.5
6	25.0
7	12.5
8 and succeeding	0

(2) (i) Where the depository institutions involved in a merger or consolidation are not subject to the same paragraph of the transitional adjustment rules contained in paragraphs (a) through (f) of this section and such merger or consolidation occurs

(A) on or after July 1, 1979, between a nonmember bank and a bank that was a member bank on or after July 1, 1979, and the survivor is a nonmember bank;

(B) on or after March 31, 1980, between a member bank and a nonmember bank and the survivor is a member bank; or

(C) on or after September 1, 1980, between any other depository institutions

the required reserves of the surviving institution shall be computed by allocating its deposits, Eurocurrency liabilities, other reservable claims, balances due from other depository institutions and cash items in process of collection to each depository institution involved in the merger transaction and applying to such amounts the transitional adjustment rule of paragraphs (a) through (f) of this section to which each such depository institution was subject during the reserve computation period immediately prior to the merger or consolidation.

(ii) The deposits of the surviving institution shall be allocated according to the ratio that daily average total required reserves of each depository institution involved in the merger were to the sum

of daily average total required reserves of all institutions involved in the merger or consolidation during the reserve computation period immediately preceding the date of the merger.

(A) If the merger occurs before November 6, 1980, such ratio of daily average total required reserves shall be computed using the reserve requirement ratios in section 204.8(b).

(B) If the merger occurs on or after November 6, 1980, such ratio of daily average total required reserves shall be computed using the reserve requirement ratios in section 204.8(a) without regard to the transitional adjustments of this section.

(iii) The low reserve tranche on transaction accounts (section 204.8(a)) shall be allocated to each institution involved in the merger or consolidation using the ratio computed in subparagraph (2)(ii) and the reserve requirement tranches on demand deposits (section 204.8(b)) shall be allocated to member bank deposits using such ratio of daily average total required reserves.

(iv) The vault cash of the surviving depository institution also will be allocated to each institution involved in the merger or consolidation according to the ratio that daily average vault cash of each depository institution involved in the merger was to the sum of daily average vault cash of all institutions involved in the merger or consolidation during the reserve computation period immediately preceding the date of the merger.

(v) The amount of reserves which shall be maintained shall be reduced by an amount determined by multiplying the amount by which the required reserves during the computation period immediately preceding the date of the merger (computed as if the depository institutions had merged) exceeds the sum of the actual required reserves of each depository institution during the same computation period, times the appropriate percentage as specified in the following schedule:

<i>Maintenance periods occurring during quarterly periods following merger</i>	<i>Percentage applied to difference to compute amount to be subtracted</i>
1	87.5
2	75.0
3	62.5
4	50.0
5	37.5
6	25.0
7	12.5
8 and succeeding	0

Effective December 1, 1980 sections 204.2, 204.3, 204.4 and 204.6 are amended as follows:

1. In section 204.2(e)(6), the second sentence is amended to read as set forth below:

#### SECTION 204.2—DEFINITIONS

\* \* \* \* \*

(e) **“Transaction account”** \* \* \*

\* \* \* \* \*

(6) \* \* \* An account that permits or authorizes more than three such withdrawals in a calendar month, or statement cycle (or similar period) of at least four weeks, is a “transaction account” whether or not more than three such withdrawals actually are made during such period. \* \* \*

\* \* \* \* \*

2. In section 204.2(b)(1)(vii), by inserting the word “which” after the words “withdrawal period has expired and” and before the words “have not been renewed.”

3. In section 204.3(a), the third sentence is revised by deleting “\$5 million” and inserting in its place “\$15 million.”

4. In section 204.3(a), subparagraphs (1)(ii) and (2)(ii) are revised to read as follows:

#### SECTION 204.3—COMPUTATION AND MAINTENANCE

(a) **Maintenance of required reserves.** \* \* \*

(1) *United States branches and agencies of foreign banks.*

(i) \* \* \*

(ii) \* \* \* If the low reserve tranche cannot be fully utilized by a single office or by a group of offices filing a single report of deposits, the unused portion of the tranche may be assigned to other offices of the same foreign bank until the amount of the tranche is exhausted. The foreign bank shall determine this assignment subject to the restriction that if a portion of the tranche is assigned to an office in a particular State, any unused portion must first be assigned to other offices located within the same State and within the same Federal Reserve District, that is, to other offices included on the same aggregated report of deposits. If necessary in order to avoid under-utilization of the low reserve tranche, the allocation may be changed at the beginning of a calendar month. Under other circum-

stances, the low reserve tranche may be reallocated at the beginning of a calendar year.

(2) *Edge and Agreement Corporations.*

(i) \* \* \*

(ii) \* \* \* If the low reserve tranche cannot be fully utilized by a single office or by a group of offices filing a single report of deposits, the unused portion of the tranche may be assigned to other offices of the same institution until the amount of the tranche is exhausted. An Edge or Agreement Corporation shall determine this assignment subject to the restriction that if a portion of the tranche is assigned to an office in a particular State, any unused portion must first be assigned to other offices located within the same State and within the same Federal Reserve District, that is, to other offices included on the same aggregated report of deposits. If necessary in order to avoid under-utilization of the low reserve tranche, the allocation may be changed at the beginning of a calendar month. Under other circumstances, the low reserve tranche may be reallocated at the beginning of a calendar year.

\* \* \* \* \*

5. In sections 204.4(b)(1)(ii) and (2)(ii), by deleting the word “exceeds” and inserting in its place “exceed.”

6. In section 204.4(b)(2), by deleting the parentheses that appear around the phrase “than its required reserves computed using the reserve ratios in effect on August 31, 1980.”

7. In section 204.4(g)(2)(iv), by deleting the phrase “daily average vault cash” and inserting “daily average total required reserves” in both places that it appears.

8. In section 204.6(b)(1), by deleting the word “on” which appears after the word “imposed” and before the word “for.”

Effective December 11, 1980, section 204.2 is amended to read as follows:

In section 204.2, paragraph (h) is revised to read as follows:

#### SECTION 204.2—DEFINITIONS

\* \* \* \* \*

(h) **“Eurocurrency liabilities”** means:

(1) For a depository institution or an Edge or

Agreement Corporation organized under the laws of the United States, the sum, if positive, of the following:

- (i) net balances due to its non-United States offices from its United States offices,
- (ii) assets (including participations) held by its non-United States offices or by non-United States offices of an affiliated Edge or Agreement Corporation that were acquired after October 6, 1979, from its United States offices, and
- (iii) credit outstanding from its non-United States offices to United States residents (other than assets acquired and net balances due from its United States offices), except credit extended (i) in the aggregate amount of \$100,000 or less to any United States resident, (ii) by a non-United States office that at no time during the computation period had credit outstanding to United States residents exceeding \$1 million, or (iii) to an institution that will be maintaining reserves on such credit pursuant to this Part. Credit extended to a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affiliate") controlled by one or more domestic corporations is not regarded as credit extended to a United States resident if the proceeds will be used in its foreign business or that of other foreign affiliates of the controlling domestic corporation(s).

(2) For a United States branch or agency of a foreign bank, the sum, if positive, of the following:

- (i) net balances due to its foreign bank (including offices thereof located outside the United States) after deducting an amount equal to 8 per cent of the following: the United States branch's or agency's total assets less the sum of United States currency and coin, cash items in process of collection, unposted debits, balances due from depository institutions organized under the laws of the United States, balances due from other foreign banks, balances due from foreign central banks, and net balances due from its foreign bank and the foreign bank's United States and non-United States offices, and
- (ii) assets (including participations) held by its foreign bank (including offices thereof located outside the United States), by its parent holding company, or by non-United States offices of an affiliated Edge or Agreement Corporation that were acquired after October 6, 1979, from the United States branch or agency (other than assets required to be sold by Federal or State supervisory authorities).

\* \* \* \* \*

Effective January 15, 1981, section 204.3 (d) is amended by revising subparagraph (2) to read as follows:

#### SECTION 204.3—COMPUTATION AND MAINTENANCE

\* \* \* \* \*

(d) **Special rule for depository institutions that have total deposits of less than \$15 million.**

\* \* \* \* \*

(2) Required reserves are computed on the basis of the depository institution's daily average deposit balances during the seven-day computation period. In determining the reserve balance that a depository institution is required to maintain with the Federal Reserve, the average daily vault cash held during the computation period is deducted from the amount of the institution's required reserves. The reserve balance that is required to be maintained with the Federal Reserve shall be maintained during a corresponding period that begins on the fourth Thursday following the end of the institution's computation period and ends on the third Wednesday after the close of the institution's next computation period. Such reserve balance shall be maintained in the amount required on a daily average basis during each week of the quarterly reserve maintenance period.

\* \* \* \* \*

Effective April 30, 1981, section 204.2(f) is amended by revising subparagraph (2) to read as follows:

#### SECTION 204.2—DEFINITIONS

\* \* \* \* \*

(f) \*\*\*

(2) "Nonpersonal time deposit" does not include nontransferable time deposits to the credit of or in which the entire beneficial interest is held by an individual pursuant to an Individual Retirement Account or Keogh (H.R. 10) Plan under 26 U.S.C. (I.R.C. 1954) §§ 408, 401, or nontransferable time deposits held by an employer as part of an unfunded deferred compensation plan established pursuant to subtitle D of the Revenue Act of 1978 (Pub. L. No. 95-600, 92 Stat. 2763).

\* \* \* \* \*



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\*Not currently furnished in binders.

April 1981