

Board of Governors of the Federal Reserve System

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# Federal Open Market Committee Rules and Authorizations



January 2010

## Table of Contents

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<b>FOMC Rules, Statements, and Resolutions .....</b>	<b>4</b>
FOMC Rules of Organization .....	4
FOMC Rules of Procedure .....	6
Open Market Operations of Federal Reserve Banks .....	9
Procedures for Allocation of Securities in the System Open Market Account.....	11
Resolution Authorizing Certain Actions by Federal Reserve Banks During an Emergency.....	12
Guidelines for the Conduct of System Open Market Operations in Federal Agency Issues .....	13
Temporary Authority to Operate System Account.....	14
FOMC Rules Regarding the Availability of Information.....	15
FOMC Statements of Policy.....	23
<b>Desk Authorizations .....</b>	<b>25</b>
Authorization for Domestic Open Market Operations .....	25
Authorization for Foreign Currency Operations .....	27
Foreign Currency Directive.....	29
Procedural Instructions with Respect to Foreign Currency Operations.....	30

# Federal Open Market Committee—Rules of Organization

As reaffirmed effective January 27, 2009

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## SECTION 1—Authority

The rules<sup>i</sup> are issued by the Federal Open Market Committee (the “Committee”) pursuant to the requirement of section 552 of title 5 of the United States Code<sup>ii</sup> that every agency shall publish in the Federal Register a description of its central and field organization.

## SECTION 2—Composition of Committee

(a) *Members.* The Committee consists of the seven members of the Board of Governors of the Federal Reserve System (the “Board”) and five representatives of the Federal Reserve Banks, each of whom is a president or a first vice president of a Reserve Bank.

(b) *Reserve Bank representatives.* The representatives of the Federal Reserve Banks, and an alternate for each representative, are elected by the boards of directors of the Reserve Banks in accordance with section 12A of the Federal Reserve Act (12 USC 263) for annual terms commencing on the date of the first regularly scheduled meeting of the Committee occurring on or after January 1 of each year. Prior to the first regularly scheduled meeting of the Committee on or after January 1 of each year, each member of the Committee representing the Federal Reserve Banks shall cause a record of the member’s election and of the election of the member’s alternate to be forwarded to the secretary of the Committee. If any question is raised as to the election or eligibility of a member or alternate, the Committee determines such question before such member or alternate participates in a meeting of the Committee. In the event a member is absent from a meeting of the Committee, the member’s alternate, in attending the meeting, shall have the same status as the member for whom the alternate is serving. If a member or alternate ceases to be a president or first vice president of a Reserve Bank, a successor may be chosen in a special election by the boards of directors of the appropriate Reserve Bank or Banks and such successor serves until the

next annual election.

(c) *Oath of office.* Each member of the Committee and each alternate take the same oath of office as that prescribed by statute to be taken by officers of the United States.

## SECTION 3—Chairman and Vice Chairman

At its first regularly scheduled meeting on or after January 1 of each year, the Committee elects a chairman and a vice chairman from among its membership. The chairman presides at all meetings of the Committee and performs such other duties as the Committee may require. The vice chairman performs the duties of the chairman in the absence of the chairman. In the absence of both the chairman and the vice chairman of the Committee, the vice chairman of the Board acts as chairman of the Committee; and, in the absence of the chairman and the vice chairman of the Committee and the vice chairman of the Board, the member of the Board present with the longest service as a member of the Board acts as chairman of the Committee.

## SECTION 4—Staff

(a) *Selection of staff officers.* At its first regularly scheduled meeting on or after January 1 of each year, the Committee selects, from among the officers and employees of the Board and the Federal Reserve Banks, the following staff officers to serve until the first regularly scheduled meeting on or after January 1 of the next following year: secretary, deputy secretary, and one or more assistant secretaries; general counsel, deputy general counsel, and one or more assistant general counsels; economists, one or more of whom may be designated as senior or associate economists or given titles reflecting their areas of particular specialization; and such other officers as the Committee might wish from time to time. A staff officer ceases to be an officer of the Committee if he or she ceases to

be employed by the Board or by a Federal Reserve Bank or if the Committee selects a successor to that staff officer.

(b) *Secretary and deputy and assistant secretaries.* The secretary keeps minutes of actions and records of discussions at all meetings of the Committee; maintains a complete record of the actions taken by the Committee upon all questions of policy relating to open market operations; and records the votes taken in connection with the determination of open market policies and the reasons underlying each such action. The secretary has custody of such minutes and records, and performs such other duties as the Committee may require. In the absence of the secretary of the Committee, the deputy secretary or an assistant secretary acts as secretary pro tem.

(c) *Economists.* The economists prepare for the use of the Committee and present to it such information regarding business and credit conditions and domestic and international economic and financial developments as will assist the Committee in the determination of open market policies, and they perform such other duties as the Committee may require.

(d) *General counsel and deputy and assistant general counsel.* The general counsel furnishes such legal advice as the Committee may require.

In the absence of the general counsel, the deputy general counsel or an assistant general counsel acts as general counsel pro tem.

(e) *Filling of vacancies.* At any meeting the

Committee may fill any vacancy in the offices described in this section.

(f) *Other staff assistance.* The services of any officers and employees of the Board and the Federal Reserve Banks are made available and are utilized by the Committee as required.

#### SECTION 5—Manager

The Committee selects a manager of the System Open Market Account. The foregoing shall be satisfactory to the Federal Reserve Bank selected by the Committee to execute open market transactions for such account and shall serve at the pleasure of the Committee. The manager keeps the Committee informed on market conditions and on transactions made for such account and renders such reports as the Committee may specify. In the event that the president of the Federal Reserve Bank selected by the Committee determines that the manager is not able to perform the duties of the position, the chairman may select a person satisfactory to such president to serve as manager until the Committee and the designated Reserve Bank select a replacement manager in accordance with this section.

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<sup>i</sup> These are uncodified rules, for use within the Federal Reserve System.

<sup>ii</sup> See 5 USC 552(a)(1) at 8-311.

# Federal Open Market Committee—Rules of Procedure

12 CFR 272; as reaffirmed effective January 27, 2009

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## SECTION 272.1—Authority

This part<sup>i</sup> is issued by the Federal Open Market Committee (the “Committee”) pursuant to the requirement of section 552 of title 5 of the United States Code that every agency shall publish in the Federal Register its rules of procedure.

## SECTION 272.2—Functions of the Committee

The procedures followed by the Committee are designed to facilitate the effective performance of the Committee’s statutory functions with respect to the regulation and direction of open market operations conducted by the Federal Reserve Banks and with respect to certain direct transactions between the Reserve Banks and the United States. In determining the policies to be followed in such operations, the Committee considers information regarding business and credit conditions and domestic and international economic and financial developments, and other pertinent information gathered and submitted by its staff and the staffs of the Board of Governors of the Federal Reserve System (the “Board”) and the Federal Reserve Banks. Against the background of such information, the Committee takes actions from time to time to regulate and direct the open market operations of the Reserve Banks. Such policy actions ordinarily are taken through the adoption and transmission to the Federal Reserve Banks of regulations, authorizations, and directives.

## SECTION 272.3—Meetings

(a) *Place and frequency.* The Committee meets in Washington, D.C., at least four times each year and oftener if deemed necessary. Meetings are held upon the call of the chairman of the Board or at the request of any three members of the Committee. Notices of calls by the chairman of the

Board to other members are given by the secretary of the Committee in writing, by telephone, or electronic means. Requests of any three members for the calling of a meeting shall state the time therefore and shall be filed in writing, by telephone, or electronic means with the secretary who shall forthwith notify all members of the Committee in writing, by telephone, or electronic means. When the secretary has sent notices to all members of the Committee that a meeting has been requested by three members and of the time therefore, a meeting is deemed to have been called. If, in the judgment of the chairman, circumstances require that a meeting be called at such short notice that one or more members cannot be present in person, such members may participate in the meeting by telephone conference arrangements or by electronic means.

(b) *Alternates.* Whenever any member of the Committee representing Federal Reserve Banks shall find that the member will be unable to attend a meeting of the Committee, the member shall promptly notify the member’s alternate and the secretary of the Committee in writing, by telephone, or electronic means, and upon receipt of such notice such alternate shall advise the secretary whether the alternate will attend such meeting.

(c) *Quorum.* Seven members constitute a quorum of the Committee for purposes of transacting business except that, if there are fewer than seven members in office, then the number of members in office constitute a quorum. For purposes of this paragraph (c), members of the Committee include alternates acting in the absence of members. Less than a quorum may adjourn a meeting of the Committee from time to time until a quorum is in attendance.

(d) *Attendance at meetings.* Attendance at Committee meetings is restricted to members and alternate members of the Committee, the presidents of Federal Reserve Banks who are not at the time members or alternates, staff officers of the Committee, the manager, and such other advisers as the

Committee may invite from time to time.

(e) *Meeting agendas.* The secretary, in consultation with the chairman, prepares an agenda of matters to be discussed at each regularly scheduled meeting and the secretary transmits the agenda to the members of the Committee within a reasonable time in advance of such meeting. In general, the agendas include reports by the manager on open market operations since the previous meeting, and ratification by the Committee of such operations; reports by economists on, and Committee discussion of, the economic and financial situation and outlook; Committee discussion of monetary policy and action with respect thereto; and such other matters as may be considered necessary.

#### SECTION 272.4—Committee Actions

(a) *Actions at meetings.* Actions are taken at meetings of the Committee except as described below.

(b) *Policy actions between meetings.* Special circumstances may make it desirable in the public interest for Committee members to consider an action to modify an outstanding Committee authorization or directive at a time when it is not feasible to call a meeting. Whenever, in the judgment of the chairman, such circumstances have arisen, the relevant information and recommendations for action are transmitted to the members by the secretary, and the members communicate their votes to the secretary. If the action is approved by a majority of the members, advice to that effect is promptly given by the secretary to the members of the Committee and to the Reserve Bank selected to execute transactions for the System Open Market Account. All communications of recommended actions and votes under this paragraph shall be in writing, by telephone, or electronic means; if the communication is made orally, the secretary shall cause a written record to be made without delay. An action taken between meetings has the force and effect of an action at a meeting; provided,

however, that if a meeting is held before the execution of any operations pursuant to the action, the action is null and void unless it is ratified and confirmed by the Committee at such meeting.

(c) *Other actions between meetings.* Circumstances may make it desirable in the public interest for Committee members to consider other actions, such as approval of the minutes, between meetings. In these circumstances, the relevant information and recommendations for such action are transmitted to the members by the secretary, and the members communicate their votes to the secretary. All communications of recommended actions and votes under this paragraph shall be in writing, by telephone, or electronic means; if the communication is made orally, the secretary shall cause a written record to be made without delay.

(d) *Delegations of authority.* In special circumstances, the Committee may delegate authority to take an action, subject to such instructions or guidelines as the Committee deems proper. Such delegations of authority may be made to the chairman; to a subcommittee consisting of the chairman and the vice chairman of the Committee and the vice chairman of the Board (or in the absence of the chairman or of the vice chairman of the Board the members of the Board designated by the chairman as alternates, and in the absence of the vice chairman of the Committee the alternate for the vice chairman); or to any other member or members of the Committee. An action taken pursuant to such a delegation of authority has the force and effect of an action taken by the Committee.

(e) *Technical changes to Committee rules.* The secretary of the Committee (or the acting secretary) is authorized to make technical corrections, such as spelling, grammar, construction, and organization (including removal of obsolete provisions and references), to the Committee's rules, regulations, and orders and other records of Committee action but only with the concurrence of the Committee's general counsel.

(f) *Effective date.* Committee action ordi-

narily is made effective as of the time it is taken because the nature of the subject matter and the action taken is such that the public interest and the proper discharge of the Committee's responsibilities so require. Occasionally, however, the Committee may specify that an action is to be effective at some different time.

#### SECTION 272.5—Notice and Public Procedure

There ordinarily is no published notice of proposed action by the Committee or public procedure thereon, as described in section 553 of title 5 of the United States Code, because such notice and procedure are impracticable, unnecessary, or contrary to the public interest.

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<sup>i</sup> The words "this part," as used herein, means Rules of Procedure of the FOMC (Code of Federal Regulations, title 12, chapter II, part 272).



# Open Market Operations of Federal Reserve Banks

12 CFR 270; as amended effective March 28, 1983

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## SECTION 270.1—Authority

This part<sup>i</sup> is issued by the Federal Open Market Committee (the “Committee”) pursuant to authority conferred upon it by sections 12A and 14 of the Federal Reserve Act (12 USC 263, 355)<sup>ii</sup>.

## SECTION 270.2—Definitions

(a) The term “obligations” means government securities, U.S. agency securities, banker’s acceptances, bills of exchange, cable transfers, bonds, notes, warrants, debentures, and other obligations that Federal Reserve Banks are authorized by law to purchase and sell.

(b) The term “government securities” means direct obligations of the United States (i.e., U.S. bonds, notes, certificates of indebtedness, and Treasury bills) and obligations fully guaranteed as to principal and interest by the United States.

(c) The term “U.S. agency securities” means obligations that are direct obligations of, or are fully guaranteed as to principal and interest by, any agency of the United States.

(d) The term “System Open Market Account” means the obligations acquired pursuant to authorizations and directives issued by the Committee and held on behalf of all Federal Reserve Banks.

## SECTION 270.3—Governing Principles

As required by section 12A of the Federal Reserve Act, the time, character, and volume of all purchases and sales of obligations in the open market by Federal Reserve Banks are governed with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country.

## SECTION 270.4—Transactions in Obligations

(a) Each Federal Reserve Bank shall

engage in open market operations under section 14 of the Federal Reserve Act only in accordance with this part and with the authorizations and directives issued by the Committee from time to time, and no Reserve Bank shall decline to engage in open market operations as directed by the Committee.

(b) Transactions for the System Open Market Account shall be executed by a Federal Reserve Bank selected by the Committee. The participations of the several Federal Reserve Banks in such account and in the profits and losses on transactions for the account shall be allocated in accordance with principles determined by the Committee from time to time.

(c) In accordance with such limitations, terms, and conditions as are prescribed by law and in authorizations and directives issued by the Committee, the Reserve Bank selected by the Committee is authorized and directed—

(1) To buy and sell government securities and U.S. agency securities in the open market for the System Open Market Account, and to exchange maturing securities with the issuer;

(2) To buy and sell banker’s acceptances in the open market for its own account;

(3) To buy government securities, U.S. agency securities, and banker’s acceptances of the kinds described above, under agreements for repurchase of such obligations, in the open market for its own account; and

(4) To buy and sell foreign currencies in the form of cable transfers in the open market for the System Open Market Account and to maintain for such account reciprocal currency arrangements with foreign banks among those designated by the Board of Governors of the Federal Reserve System under section 214.5 of this chapter [Regulation N].

(d) The Federal Reserve Banks are authorized and directed to engage in such other operations as the Committee may from

time to time determine to be reasonably necessary to the effective conduct of open market operations and the effectuation of open market policies.

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<sup>i</sup> The words “this part,” as used herein, mean Open Market Operations of Federal Reserve Banks (Code of Federal Regulations, title 12, chapter II, part 270).

<sup>ii</sup> At 1-108 and 1-129.

## Procedures for Allocation of Securities in the System Open Market Account

As amended effective March 28, 1995

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1. Securities in the System Open Market Account shall be reallocated at least once each year as determined by the Board's Division of Reserve Bank Operations and Payment Systems and the manager of the System Open Market Account, for the purpose of settling inter-District clearings and approximately equalizing for each Federal Reserve Bank the ratio of gold certificate holdings to Federal

Reserve notes outstanding.

2. Until the next reallocation, the account shall be apportioned on the basis of the ratios determined in paragraph 1.

3. Profits and losses on the sale of securities from the account shall be allocated on the day of delivery of the securities sold on the basis of each Bank's current holdings at the opening of business on that day.

## Resolution Authorizing Certain Actions by Federal Reserve Banks During an Emergency

As amended February 2, 2005

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The Federal Open Market Committee hereby authorizes each Federal Reserve Bank to take any or all of the actions set forth below during and following a national security emergency when such Federal Reserve Bank finds itself unable after reasonable efforts to be in communication with the Federal Open Market Committee or when the Federal Open Market Committee is unable to function. Action(s) under this authorization will be taken by a Federal Reserve Bank only after reasonable efforts have been made to consult with the chairman of the Committee or if the latter is not available with the vice chairman of the Committee or if both the chairman and the vice chairman are not available, with whatever member of the Board of Governors may be available to serve as acting chairman as provided for by the Committee's Rules of Organization. In addition, to the extent feasible, the action(s) should be coordinated with other Reserve Banks with which the Reserve Bank is able to communicate.

(1) Whenever it deems it necessary in the light of economic conditions and the general credit situation then prevailing (after taking into account the possibility of providing necessary credit through advances secured by

direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act), such Federal Reserve Bank may purchase and sell obligations of the United States for its own account, either outright or under repurchase agreement, from and to banks, dealers, or other holders of such obligations.

(2) Such Federal Reserve Banks may engage in operations of the types specified in the Committee's authorization for System foreign-currency operations when requested to do so by an authorized official of the U.S. Treasury Department; provided, however, that such Bank shall take all steps practicable at the time to ensure as far as possible that, in light of the information available on other System foreign-currency operations, its own operations do not result in the aggregate in breaching any of the several dollar limits specified in the authorization.

Authority to take the actions set forth shall be effective only until such time as the Federal Reserve Bank is able again to establish communications with the Federal Open Market Committee, and such Committee is then functioning.

## Guidelines for the Conduct of System Open Market Operations in Federal-Agency Issues

Temporarily suspended January 27, 2009

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1. System open market operations in federal-agency issues are an integral part of total System open market operations designed to influence bank reserves, money market conditions, and monetary aggregates.

2. System open market operations in federal-agency issues are not designed to support individual sectors of the market or to channel funds into issues of particular agencies.

## Temporary Authority to Operate System Account

As amended effective January 28, 2003

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The Chairman of the Committee is authorized to appoint a Federal Reserve Bank as agent to operate the System Account temporarily in case the Federal Reserve Bank of New York is unable to function. In the event the

Chairman exercises such authority, the Chairman also is authorized to appoint a Federal Reserve official to act temporarily as manager of the System Account.

# Federal Open Market Committee—Rules Regarding Availability of Information

12 CFR 271; as amended effective February 16, 2005

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## SECTION 271.1—Authority and Purpose

(a) **Authority.** This part<sup>1</sup> is issued by the Federal Open Market Committee (the Committee) pursuant to the Freedom of Information Act, 5 USC 552, and also pursuant to the Committee's authority under section 12A of the Federal Reserve Act, 12 USC 263, to issue regulations governing the conduct of its business.

(b) **Purpose.** This part sets forth the categories of information made available to the public and the procedures for obtaining documents and records.

## SECTION 271.2—Definitions

(a) **Board** means the Board of Governors of the Federal Reserve System established by the Federal Reserve Act of 1913 (38 Stat. 251).

(b) **Commercial use request** refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

(c) **Direct costs** mean those expenditures that the Committee actually incurs in searching for, reviewing, and duplicating documents in response to a request made under section 271.5.

(d) **Duplication** refers to the process of making a copy of a document in response to a request for disclosure of records or for inspection of original records that contain exempt material or that otherwise cannot be inspected directly. Among others, such copies may take the form of paper, microform, audiovisual materials, or machine-readable documentation (e.g., magnetic tape or disk).

(e) **Education institution** refers to a preschool, a public or private elementary or secondary school, or an institution of undergraduate higher education, graduate higher education, professional education, or an institution of vocational education that operates a program of scholarly research.

(f) **Federal Reserve Bank** means one of the

District Banks authorized by the Federal Reserve Act, 12 USC 222, including any branch of any such Bank.

(g) **Information of the Committee** means all information coming into the possession of the Committee or of any member thereof or of any officer, employee, or agent of the Committee, the Board, or any Federal Reserve Bank, in the performance of duties for, or pursuant to the direction of, the Committee.

(h) **Noncommercial scientific institution** refers to an institution that is not operated on a "commercial" basis (as that term is used in this section) and which is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

(i) **Records of the Committee** includes rules, statements, decisions, minutes, memoranda, letters, reports, transcripts, accounts, charts, and other written material, as well as any materials in machine-readable form that constitute a part of the Committee's official files.

(j) **Representative of the news media** refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

(1) The term "news" means information about current events or that would be of current interest to the public.

(2) Examples of news-media entities include, but are not limited to, television or radio stations broadcasting to the public at large, and publishers of newspapers and other periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public.

(3) "Freelance" journalists may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it.

(k)(1) **Review** refers to the process of examining documents, located in response to a request for access, to determine whether any portion of a document is exempt informa-

tion. It includes doing all that is necessary to excise the documents and otherwise to prepare them for release.

(2) *Review* does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(b)(1) *Search* means a reasonable search, by manual or automated means, of the Committee's official files and any other files containing records of the Committee as seem reasonably likely in the particular circumstances to contain documents of the kind requested. For purposes of computing fees under section 271.9, search time includes all time spent looking for material that is responsive to a request, including line-by-line identification of material within documents. Such activity is distinct from "review" of material to determine whether the material is exempt from disclosure.

(2) *Search* does not mean or include research, creation of any document, or extensive modification of an existing program or system that would significantly interfere with the operation of the Committee's automated information system.

### SECTION 271.3—Published Information

(a) *Federal Register*. The Committee publishes in the *Federal Register*, in addition to this part:

- (1) a description of its organization;
- (2) statements of the general course and method by which its functions are channeled and determined;
- (3) rules of procedure;
- (4) substantive rules of general applicability, and statements of general policy and interpretations of general applicability formulated and adopted by the Committee;
- (5) every amendment, revision, or repeal of the foregoing; and
- (6) general notices of proposed rulemaking.

(b) *Annual report to Congress*. Each annual report made to Congress by the Board includes a complete record of the actions taken by the Committee during the preceding year

upon all matters of policy relating to open market operations, showing the reasons underlying the actions, and the votes taken.

(c) *Other published information*. From time to time, other information relating to open market operations of the Federal Reserve Banks is published in the *Federal Reserve Bulletin*, in the Board's annual report to Congress, and in announcements and statements released to the press. Copies of issues of the *Bulletin* and of annual reports of the Board may be obtained from the Publications Services Section of the Federal Reserve Board, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551 (pedestrian entrance is on C Street, N.W.). Subscription or other charges may apply.

### SECTION 271.4—Records Available for Public Inspection and Copying

(a) *Types of records made available*. Unless they were published promptly and made available for sale or without charge, certain records shall be made available for inspection and copying at the Board's Freedom of Information Office pursuant to 5 USC 552(a)(2).

(b) *Reading room procedures*.

(1) Information available under this section is available for inspection and copying, from 9:00 a.m. to 5:00 p.m. weekdays, at the Freedom of Information Office of the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551 (the pedestrian entrance is on C Street, N.W.).

(2) The Committee may determine that certain classes of publicly available filings shall be made available for inspection and copying only at the Federal Reserve Bank where those records are maintained.

(c) *Electronic records*. Information available under this section that was created on or after November 1, 1996, shall also be available on the Board's web site, found at <http://www.federalreserve.gov>.

(d) *Privacy protection*. The Committee may delete identifying details from any record to prevent a clearly unwarranted invasion of per-



sonal privacy.

#### SECTION 271.5—Records Available to the Public on Request

(a) *Types of records made available.* All records of the Committee that are not available under sections 271.3 and 271.4 shall be made available upon request, pursuant to the procedures in this section and the exceptions in section 271.7.

(b) *Procedures for requesting records.*

(1) A request for identifiable records shall reasonably describe the records in a way that enables the Committee's staff to identify and produce the records with reasonable effort and without unduly burdening or significantly interfering with any of the Committee's operations. Information that assists staff in identifying responsive records includes the subject matter and date or time frame of the information requested.

(2) The request shall be submitted in writing to the Secretary of the Committee:

(i) By completing the online request form located on the FOMC's FOIA internet site at <http://www.federalreserve.gov/fomc/foia/FOMCForm.cfm>;

(ii) By facsimile clearly marked "Freedom of Information Act Request" to (202) 452-2921; or

(iii) By letter clearly marked "Freedom of Information Act Request" to the Federal Open Market Committee Secretariat, 20th and C Street, N.W., Washington, D.C. 20551;

(c) *Contents of request.* The request shall contain the following information:

(1) the name and address of the requester, and the telephone number at which the requester can be reached during normal business hours;

(2) whether the requested information is intended for commercial use, and whether the requester represents an educational or noncommercial scientific institution, or news media;

(3) a statement agreeing to pay the applicable fees, or a statement identifying any

fee limitation desired, or a request for a waiver or reduction of fees that satisfies section 271.9(f).

(d) *Defective requests.* The Committee need not accept or process a request that does not reasonably describe the records requested or that does not otherwise comply with the requirements of this section. The Committee may return a defective request, specifying the deficiency. The requester may submit a corrected request, which will be treated as a new request.

#### SECTION 271.6—Processing Requests

(a) *Receipt of requests.* The date of receipt for any request, including one that is addressed incorrectly or that is referred to the Committee by another agency or by a Federal Reserve Bank, is the date the secretary of the Committee actually receives the request.

(b) *Priority of responses.* The Committee shall normally process requests in the order they are received. However, in the secretary's discretion, or upon a court order in a matter to which the Committee is a party, a particular request may be processed out of turn.

(c) *Expedited processing.* Where a person requesting expedited access to records has demonstrated a compelling need for the records, or where the Committee has determined to expedite the response, the Committee shall process the request as soon as practicable.

(1) To demonstrate a compelling need for expedited processing, the requester shall provide a certified statement, a sample of which may be obtained from the Board's Freedom of Information Office. The statement, certified to be true and correct to the best of the requester's knowledge and belief, shall demonstrate that—

(i) the failure to obtain the records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) the requester is a representative of the news media, as defined in section

- 271.2, and there is urgency to inform the public concerning actual or alleged Committee activity.
- (2) In response to a request for expedited processing, the secretary of the Committee shall notify a requester of the determination within 10 working days of receipt of the request. In exceptional situations, the secretary of the Committee has the discretion to waive the formality of certification. If the secretary of the Committee denies a request for expedited processing, the requester may file an appeal pursuant to the procedures set forth in paragraph (i) of this section, and the Committee shall respond to the appeal within 10 working days after the appeal was received by the Committee.
- (d) *Time limits.* The time for response to requests shall be 20 working days, except—
- (1) in the case of expedited treatment under paragraph (c) of this section;
  - (2) where the running of such time is suspended for payment of fees pursuant to section 271.9(b)(2);
  - (3) in unusual circumstances, as defined in 5 USC 552(a)(6)(B). In such circumstances, the time limit may be extended for a period of time not to exceed—
    - (i) 10 working days as provided by written notice to the requester, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched; or
    - (ii) such alternative time period as mutually agreed to by the secretary of the Committee and the requester when the secretary of the Committee notifies the requester that the request cannot be processed in the specified time limit.
- (e) *Response to request.* In response to a request that satisfies section 271.5, an appropriate search shall be conducted of records of the Committee in existence on the date of receipt of the request, and a review made of any responsive information located. The secretary shall notify the requester of—
- (1) the Committee's determination of the request;
  - (2) the reasons for the determination;
  - (3) the amount of information withheld;
  - (4) the right of the requester to appeal to the Committee any denial or partial denial, as specified in paragraph (i) of this section; and
  - (5) in the case of a denial of a request, the name and title or position of the person responsible for the denial.
- (f) *Referral to another agency.* To the extent a request covers documents that were created by, obtained from, or classified by another agency, the Committee may refer the request to that agency for a response and inform the requester promptly of the referral.
- (g) *Providing responsive records.*
- (1) Copies of requested records shall be sent to the requester by regular U.S. mail to the address indicated in the request, unless the requester elects to take delivery of the documents at the Board's Freedom of Information Office or makes other acceptable arrangements, or the Committee deems it appropriate to send the documents by another means.
  - (2) The Committee shall provide a copy of the record in any form or format requested if the record is readily reproducible by the Committee in that form or format, but the Committee need not provide more than one copy of any record to a requester.
- (h) *Appeal of denial of request.* Any person denied access to Committee records requested under section 271.5 may file a written appeal with the Committee, as follows:
- (1) The appeal shall prominently display the phrase *FREEDOM OF INFORMATION ACT APPEAL* on the first page, and shall be addressed to the Secretary of the Committee, Federal Open Market Committee, 20th and C Street, N.W., Washington, D.C. 20551; or sent by facsimile to the secretary of the Committee, (202) 452-2921.
  - (2) An initial request for records may not be combined in the same letter with an appeal.
  - (3) The Committee, or such member of the Committee as is delegated the authority, shall make a determination regarding any appeal within 20 working days of actual re-

ceipt of the appeal by the secretary, and the determination letter shall notify the appealing party of the right to seek judicial review of such denial.

#### SECTION 271.7—Exemptions from Disclosure

(a) *Types of records exempt from disclosure.* Pursuant to 5 USC 552(b), the following records of the Committee are exempt from disclosure under this part:

(1) *National defense.* Any information that is specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and is in fact properly classified pursuant to the executive order.

(2) *Internal personnel rules and practices.* Any information related solely to the internal personnel rules and practices of the Board.

(3) *Statutory exemption.* Any information specifically exempted from disclosure by statute (other than 5 USC 552(b)), if the statute—

- (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or
- (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld.

(4) *Trade secrets; commercial or financial information.* Any matter that is a trade secret or that constitutes commercial or financial information obtained from a person and that is privileged or confidential.

(5) *Inter- or intra-agency memorandums.* Information contained in inter- or intra-agency memorandums or letters that would not be available by law to a party (other than an agency) in litigation with an agency, including, but not limited to—

- (i) memorandums;
- (ii) reports;
- (iii) other documents prepared by the staffs of the Committee, Board or Federal Reserve Banks; and
- (iv) records of deliberations of the

Committee and of discussions at meetings of the Committee or its staff.

(6) *Personnel and medical files.* Any information contained in personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) *Information compiled for law enforcement purposes.* Any records or information compiled for law enforcement purposes, to the extent permitted under 5 USC 552(b)(7).

(8) *Examination, inspection, operating, or condition reports, and confidential supervisory information.* Any matter that is contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, including a state financial institution supervisory agency.

(b) *Segregation of nonexempt information.* The Committee shall provide any reasonably segregable portion of a record that is requested after deleting those portions that are exempt under this section.

(c) *Discretionary release.* Except where disclosure is expressly prohibited by statute, regulation, or order, the Committee may authorize the release of records that are exempt from mandatory disclosure whenever the Committee or designated Committee members determines that such disclosure would be in the public interest.

(d) *Delayed release.* Publication in the *Federal Register* or availability to the public of certain information may be delayed if immediate disclosure would likely—

- (1) interfere with accomplishing the objectives of the Committee in the discharge of its statutory functions;
- (2) interfere with the orderly conduct of the foreign affairs of the United States;
- (3) permit speculators or others to gain unfair profits or other unfair advantages by speculative trading in securities or otherwise;
- (4) result in unnecessary or unwarranted disturbances in the securities markets;

(5) interfere with the orderly execution of the objectives or policies of other government agencies; or

(6) impair the ability to negotiate any contract or otherwise harm the commercial or financial interest of the United States, the Committee, the Board, any Federal Reserve Bank, or any department or agency of the United States.

(e) *Prohibition against disclosure.* Except as provided in this part, no officer, employee, or agent of the Committee or any Federal Reserve Bank shall disclose or permit the disclosure of any unpublished information of the Committee to any person (other than Committee officers, employees, or agents properly entitled to such information for the performance of official duties).

#### SECTION 271.8—Subpoenas

(a) *Advice by person served.* If any person, whether or not an officer or employee of the Committee, of the Board of Governors of the Federal Reserve System, or of a Federal Reserve Bank, has information of the Committee that may not be disclosed by reason of section 271.7 and in connection therewith is served with a subpoena, order, or other process requiring the person's personal attendance as a witness or the production of documents or information upon any proceeding, the person should promptly inform the secretary of the Committee of such service and of all relevant facts, including the documents and information requested and any facts that may be of assistance in determining whether such documents or information should be made available; and the person should take action at the appropriate time to inform the court or tribunal that issued the process, and the attorney for the party at whose instance the process was issued, if known, of the substance of this part.

(b) *Appearance by person served.* Except as disclosure of the relevant information is authorized pursuant to this part, any person who has information of the Committee and is required to respond to a subpoena or other legal process shall attend at the time and place

therein mentioned and decline to disclose such information or give any testimony with respect thereto, basing such refusal upon this part. If, notwithstanding, the court or other body orders the disclosure of such information, or the giving of such testimony, the person having such information of the Committee shall continue to decline to disclose such information and shall promptly report the facts to the Committee for such action as the Committee may deem appropriate.

#### SECTION 271.9—Fee Schedules; Waiver of Fees

(a) *Fee schedules.* The fees applicable to a request for records pursuant to 271.4 and 271.5 are set forth in appendix A to this section. These fees cover only the full allowable direct costs of search, duplication, and review. No fees will be charged where the average cost of collecting the fee (calculated at \$5.00) exceeds the amount of the fee.

(b) *Payment procedures.* The secretary may assume that a person requesting records pursuant to section 271.5 will pay the applicable fees, unless the request includes a limitation on fees to be paid or seeks a waiver or reduction of fees pursuant to paragraph (f) of this section.

(1) *Advance notification of fees.* If the estimated charges are likely to exceed \$100, the secretary of the Committee shall notify the requester of the estimated amount, unless the requester has indicated a willingness to pay fees as high as those anticipated. Upon receipt of such notice, the requester may confer with the Secretary to reformulate the request to lower the costs.

(2) *Advance payment.* The secretary may require advance payment of any fee estimated to exceed \$250. The secretary may also require full payment in advance where a requester has previously failed to pay a fee in a timely fashion. The time period for responding to requests under section 271.6(d), and the processing of the request shall be suspended until the secretary receives the required payment.

- (3) *Late charges.* The secretary may assess interest charges when fee payment is not made within 30 days of the date on which the billing was sent. Interest is at the rate prescribed in 31 USC 317 and accrues from the date of the billing.
- (c) *Categories of uses.* The fees assessed depend upon the intended use for the records requested. In determining which category is appropriate, the secretary shall look to the intended use set forth in the request for records. Where a requester's description of the use is insufficient to make a determination, the secretary may seek additional clarification before categorizing the request.
- (1) *Commercial use.* The fees for search, duplication, and review apply when records are requested for commercial use.
- (2) *Educational, research, or media use.* The fees for duplication apply when records are not sought for commercial use, and the requester is a representative of the news media or an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research. The first 100 pages of duplication, however, will be provided free.
- (3) *All other uses.* For all other requests, the fees for document search and duplication apply. The first two hours of search time and the first 100 pages of duplication, however, will be provided free.
- (d) *Nonproductive search.* Fees for search and review may be charged even if no responsive documents are located or if the request is denied.
- (e) *Aggregated requests.* A requester may not file multiple requests at the same time, solely in order to avoid payment of fees. If the secretary reasonably believes that a requester is separating a request into a series of requests for the purpose of evading the assessment of fees, the secretary may aggregate any such requests and charge accordingly. It is considered reasonable for the secretary to presume that multiple requests of this type made within a 30-day period have been made to avoid fees.
- (f) *Waiver or reduction of fees.* A request for a waiver or reduction of the fees, and the justification for the waiver, shall be included with the request for records to which it pertains. If a waiver is requested and the requester has not indicated in writing an agreement to pay the applicable fees if the waiver request is denied, the time for response to the request for documents, as set forth in section 271.6(d), shall not begin until a determination has been made on the request for a waiver or reduction of fees.
- (1) *Standards for determining waiver or reduction.* The secretary shall grant a waiver or reduction of fees where it is determined both that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operation or activities of the government, and that the disclosure of information is not primarily in the commercial interest of the requester. In making this determination, the following factors shall be considered:
- (i) whether the subject of the records concerns the operations or activities of the government;
  - (ii) whether disclosure of the information is likely to contribute significantly to public understanding of government operations or activities;
  - (iii) whether the requester has the intention and ability to disseminate the information to the public;
  - (iv) whether the information is already in the public domain;
  - (v) whether the requester has a commercial interest that would be furthered by the disclosure; and, if so,
  - (vi) whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.
- (2) *Contents of request for waiver.* A request for a waiver or reduction of fees shall include—
- (i) a clear statement of the requester's interest in the documents;

- (ii) the use proposed for the documents and whether the requester will derive income or other benefit for such use;
  - (iii) a statement of how the public will benefit from such use and from the Committee’s release of the documents;
  - (iv) a description of the method by which the information will be disseminated to the public; and
  - (v) if specialized use of the information is contemplated, a statement of the requester’s qualifications that are relevant to that use.
- (3) *Burden of proof.* The burden shall be on the requester to present evidence or information in support of a request for a waiver or reduction of fees.
- (4) *Determination by secretary.* The secretary shall make a determination on the request for a waiver or reduction of fees and shall notify the requester accordingly. A denial may be appealed to the Committee in accordance with section 271.6(h).
- (g) *Employee requests.* In connection with any request by an employee, former employee, or applicant for employment, for records for use in prosecuting a grievance or complaint of discrimination against the Committee, fees shall be waived where the total charges (including charges for information provided under the Privacy Act of 1974 (5 USC 552a)) are \$50 or less; but the secretary may waive fees in excess of that amount.
- (h) *Special services.* The secretary may agree to provide, and set fees to recover the costs of, special services not covered by the

Freedom of Information Act, such as certifying records or information and sending records by special methods such as express mail or overnight delivery.

Appendix A to Section 271.9—Freedom of Information Fee Schedule

*Duplication*

Photocopy, per standard page	\$ 0.10
Paper copies of microfiche, per frame	\$ 0.10
Duplicate microfiche, per microfiche	\$ 0.35

*Search and Review*

Clerical/technical, hourly rate	\$20.00
Professional/supervisory, hourly rate	\$38.00
Manager/senior professional, hourly rate	\$65.00

*Computer Search and Production*

Computer operator search, hourly rate	\$32.00
Tapes (cassette), per tape	\$ 6.00
Tapes (cartridge), per tape	\$ 9.00
Tapes (reel), per tape	\$18.00
Diskettes (3 1/2”), per diskette	\$ 4.00
Diskettes (5 1/4”), per diskette	\$ 5.00
Computer output (PC), per minute	\$ 0.10
Computer output (mainframe)	actual cost

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<sup>i</sup> The words “this part,” as used herein, mean these Rules Regarding Availability of Information (Code of Federal Regulations, title 12, chapter II, part 271).

## Federal Open Market Committee—Statements of Policy

12 CFR 281; as amended effective February 16, 2005

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### SECTION 281.1—Policy Regarding the Government in the Sunshine Act<sup>i</sup>

On September 13, 1976, there was enacted into law the Government in the Sunshine Act, Pub. L. No. 94-409, 90 Stat. 1241 (“Sunshine Act”), established for the purpose of providing the public with the “fullest practicable information regarding the decision-making processes of the Federal Government \* \* \* while protecting the rights of individuals and the ability of the Government to carry out its responsibilities.”<sup>ii</sup> The Sunshine Act applies only to those federal agencies that are defined in section 552(e) of title 5 of the United States Code and “headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency.”<sup>iii</sup>

The Federal Open Market Committee (“FOMC”) is a separate and independent statutory body within the Federal Reserve System. In no respect is it an agent or “subdivision” of the Board of Governors of the Federal Reserve System (“Board of Governors”). It was originally established by the Banking Act of 1933 and restructured in its present form by the Banking Act of 1935 and subsequent legislation in 1942 (generally see 12 USC 263(a)). The FOMC’s membership is composed of the seven members of the Board of Governors and five representatives of the Federal Reserve Banks who are selected annually in accordance with the procedures set forth in section 12A of the Federal Reserve Act, 12 USC 263(a). Members of the Board of Governors serve in an ex officio capacity on the FOMC by reason of their appointment as members of the Board of Governors, not as a result of an appointment “to such position” (the FOMC) by the President. Representatives of the Reserve Banks serve on the FOMC not as a result of an appointment “to such position” by the President, but rather by virtue of their positions with the Reserve Banks and their selection pursuant to section 12A of the Federal

Reserve Act. It is clear therefore that the FOMC does not fall within the scope of an “agency” or “subdivision” as defined in the Sunshine Act and consequently is not subject to the provisions of that act.

As explained below, the act would not require the FOMC to hold its meetings in open session even if the FOMC were covered by the act. However, despite the conclusion reached that the Sunshine Act does not apply to the FOMC, the FOMC has determined that its procedures and timing of public disclosure already are conducted in accordance with the spirit of the Sunshine Act, as that act would apply to deliberations of the nature engaged in by the FOMC.

In the foregoing regard, the FOMC has noted that while the act calls generally for open meetings of multi-member federal agencies, 10 specific exemptions from the open meeting requirement are provided to assure the ability of the government to carry out its responsibilities. Among the exemptions provided is that which authorizes any agency operating under the act to conduct closed meetings where the subject of a meeting involves information “the premature disclosure of which would—in the case of an agency which regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities.”<sup>iv</sup>

As to meetings closed under such exemption, the act requires the maintenance of either a transcript, electronic recording or minutes and sets forth specified, detailed requirements as to the contents and timing of disclosure of certain portions or all of such minutes. The act permits the withholding from the public of the minutes where disclosure would be likely to produce adverse consequences of the nature described in the relevant exemptions.

The FOMC has reviewed the agenda of its monthly meetings for the past three years and has determined that all such meetings could have been closed pursuant to the exemption dealing with financial speculation or other exemptions set forth in the Sunshine Act. The FOMC has further determined that virtually all

of its substantive deliberations could have been preserved pursuant to the act's minutes requirements and that such minutes could similarly have been protected against premature disclosure under the provisions of the act.

The FOMC's deliberations are currently reported by means of a document entitled "Record of Policy Actions" which is released to the public approximately one month after the meeting to which it relates. The Record of Policy Actions complies with the act's minutes requirements in that it contains a full and accurate report of all matters of policy discussed and views presented, clearly sets forth all policy actions taken by the FOMC and the reasons therefore, and includes the votes by individual members on each policy action. The timing of release of the Record of Policy Actions is fully consistent with the act's provisions assuring against premature release of any item of discussion in an agency's minutes that contains information of a sensitive financial nature. In fact, by releasing the comprehensive Record of Policy Actions to the public approximately

a month after each meeting, the FOMC exceeds the publication requirements that would be mandated by the letter of the Sunshine Act.

Recognizing the congressional purpose underlying the enactment of the Sunshine Act, the FOMC has determined to continue its current practice and timing of public disclosures in the conviction that its operations thus conducted are consistent with the intent and spirit of the Sunshine Act.

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<sup>i</sup> Code of Federal Regulations, title 12, chapter II, part 281. The statement in section 281.1 was effective March 10, 1977. An amendment to 12 CFR 281 effective February 16, 2005, deleted an obsolete statement.

<sup>ii</sup> Government in the Sunshine Act, Pub. L. No. 94-409, 2, 90 Stat. 1241 (1976).

<sup>iii</sup> Government in the Sunshine Act, Pub. L. No. 94-409, 3(a), 90 Stat. 1241 (1976).

<sup>iv</sup> Government in the Sunshine Act, Pub. L. No. 94-409, 3(a), 90 Stat. 1242 (1976).



# Authorization for Domestic Open Market Operations

As amended January 26, 2010

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1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, to the extent necessary to carry out the most recent domestic policy directive adopted at a meeting of the Committee:

A. To buy or sell U.S. government securities, including securities of the Federal Financing Bank, and securities that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States in the open market, from or to securities dealers and foreign and international accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the System Open Market Account at market prices, and, for such Account, to exchange maturing U.S. government and federal agency securities with the Treasury or the individual agencies or to allow them to mature without replacement; and

B. To buy or sell in the open market U.S. government securities, and securities that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States, for the System Open Market Account under agreements to resell or repurchase such securities or obligations (including such transactions as are commonly referred to as repo and reverse repo transactions) in 65 business days or less, at rates that, unless otherwise expressly authorized by the Committee, shall be determined by competitive bidding, after applying reasonable limitations on the volume of agreements with individual counterparties.

2. In order to ensure the effective conduct of open market operations, the Federal Open Market Committee authorizes the Federal Reserve Bank of New York to use agents in agency MBS-related transactions.

3. In order to ensure the effective conduct of open market operations, the Federal Open Market Committee authorizes the Federal Reserve Bank of New York to lend on an overnight basis U.S. government securities and securities that are direct obligations of

any agency of the United States, held in the System Open Market Account, to dealers at rates that shall be determined by competitive bidding. The Federal Reserve Bank of New York shall set a minimum lending fee consistent with the objectives of the program and apply reasonable limitations on the total amount of a specific issue that may be auctioned and on the amount of securities that each dealer may borrow. The Federal Reserve Bank of New York may reject bids that could facilitate a dealer's ability to control a single issue as determined solely by the Federal Reserve Bank of New York.

4. In order to ensure the effective conduct of open market operations, while assisting in the provision of short-term investments for foreign and international accounts maintained at the Federal Reserve Bank of New York and accounts maintained at the Federal Reserve Bank of New York as fiscal agent of the United States pursuant to section 15 of the Federal Reserve Act, the Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York:

A. For the System Open Market Account, to sell U.S. government securities and securities that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States to such accounts on the bases set forth in paragraph 1.A under agreements providing for the resale by such accounts of those securities in 65 business days or less on terms comparable to those available on such transactions in the market; and

B. For the New York Bank account, when appropriate, to undertake with dealers, subject to the conditions imposed on purchases and sales of securities in paragraph 1.B, repurchase agreements in U.S. government securities and securities that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States, and to arrange corresponding sale and repurchase agreements between its own account and such foreign, international, and fiscal agency accounts maintained at the Bank.

Transactions undertaken with such accounts under the provisions of this paragraph may provide for a service fee when appropriate.

5. In the execution of the Committee's decision regarding policy during any intermeeting period, the Committee authorizes and directs the Federal Reserve Bank of New York, upon the instruction of the Chairman of the Committee, to adjust somewhat in exceptional circumstances the degree of pressure on reserve positions and hence the intended federal funds rate and to take actions that result in material changes in the composition and size of the assets in the System

Open Market Account other than those anticipated by the Committee at its most recent meeting. Any such adjustment shall be made in the context of the Committee's discussion and decision at its most recent meeting and the Committee's long-run objectives for price stability and sustainable economic growth, and shall be based on economic, financial, and monetary developments during the intermeeting period. Consistent with Committee practice, the Chairman, if feasible, will consult with the Committee before making any adjustment.

# Authorization for Foreign Currency Operations

As reaffirmed January 26, 2010

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1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, for the System Open Market Account, to the extent necessary to carry out the Committee's foreign currency directive and express authorizations by the Committee pursuant thereto, and in conformity with such procedural instructions as the Committee may issue from time to time:

A. To purchase and sell the following foreign currencies in the form of cable transfers through spot or forward transactions on the open market at home and abroad, including transactions with the U.S. Treasury, with the U.S. Exchange Stabilization Fund established by section 10 of the Gold Reserve Act of 1934, with foreign monetary authorities, with the Bank for International Settlements, and with other international financial institutions:

- Australian dollars
- Brazilian reais
- Canadian dollars
- Danish kroner
- euro
- Japanese yen
- Korean won
- Mexican pesos
- New Zealand dollars
- Norwegian kroner
- Pounds sterling
- Singapore dollars
- Swedish kronor
- Swiss francs

B. To hold balances of, and to have outstanding forward contracts to receive or to deliver, the foreign currencies listed in paragraph A above.

C. To draw foreign currencies and to permit foreign banks to draw dollars under the reciprocal currency arrangements listed in paragraph 2 below, provided that drawings by either party to any such arrangement shall be fully liquidated within 12 months after any amount outstanding at that time was first drawn, unless the Com-

mittee, because of exceptional circumstances, specifically authorizes a delay.

D. To maintain an overall open position in all foreign currencies not exceeding \$25.0 billion. For this purpose, the overall open position in all foreign currencies is defined as the sum (disregarding signs) of net positions in individual currencies, excluding changes in dollar value due to foreign exchange rate movements and interest accruals. The net position in a single foreign currency is defined as holdings of balances in that currency, plus outstanding contracts for future receipt, minus outstanding contracts for future delivery of that currency, i.e., as the sum of these elements with due regard to sign.

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for the System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under section 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank	Amount of arrangement (millions of dollars equivalent)
Bank of Canada	2,000
Bank of Mexico	3,000

Any changes in the terms of existing swap arrangements, and the proposed terms of any new arrangements that may be authorized, shall be referred for review and approval to the Committee.

3. All transactions in foreign currencies undertaken under paragraph 1.A above shall, unless otherwise expressly authorized by the Committee, be at prevailing market rates. For the purpose of providing an investment return on System holdings of foreign currencies or for the purpose of adjusting interest

rates paid or received in connection with swap drawings, transactions with foreign central banks may be undertaken at non-market exchange rates.

4. It shall be the normal practice to arrange with foreign central banks for the coordination of foreign currency transactions. In making operating arrangements with foreign central banks on System holdings of foreign currencies, the Federal Reserve Bank of New York shall not commit itself to maintain any specific balance, unless authorized by the Federal Open Market Committee. Any agreements or understandings concerning the administration of the accounts maintained by the Federal Reserve Bank of New York with the foreign banks designated by the Board of Governors under section 214.5 of Regulation N shall be referred for review and approval to the Committee.

5. Foreign currency holdings shall be invested to ensure that adequate liquidity is maintained to meet anticipated needs and so that each currency portfolio shall generally have an average duration of no more than 18 months (calculated as Macaulay duration). Such investments may include buying or selling outright obligations of, or fully guaranteed as to principal and interest by, a foreign government or agency thereof; buying such securities under agreements for repurchase of such securities; selling such securities under agreements for the resale of such securities; and holding various time and other deposit accounts at foreign institutions. In addition, when appropriate in connection with arrangements to provide investment facilities for foreign currency holdings, U.S. government securities may be purchased from foreign central banks under agreements for repurchase of such securities within 30 calendar days.

6. All operations undertaken pursuant to the preceding paragraphs shall be reported promptly to the Foreign Currency Subcommittee and the Committee. The Foreign Currency Subcommittee consists of the Chairman and Vice Chairman of the Committee, the Vice Chairman of the Board of Gover-

nors, and such other member of the Board as the Chairman may designate (or in the absence of members of the Board serving on the Subcommittee, other Board members designated by the Chairman as alternates, and in the absence of the Vice Chairman of the Committee, the Vice Chairman's alternate). Meetings of the Subcommittee shall be called at the request of any member, or at the request of the Manager, System Open Market Account ("Manager"), for the purposes of reviewing recent or contemplated operations and of consulting with the Manager on other matters relating to the Manager's responsibilities. At the request of any member of the Subcommittee, questions arising from such reviews and consultations shall be referred for determination to the Federal Open Market Committee.

7. The Chairman is authorized:

A. With the approval of the Committee, to enter into any needed agreement or understanding with the Secretary of the Treasury about the division of responsibility for foreign currency operations between the System and the Treasury;

B. To keep the Secretary of the Treasury fully advised concerning System foreign currency operations, and to consult with the Secretary on policy matters relating to foreign currency operations;

C. From time to time, to transmit appropriate reports and information to the National Advisory Council on International Monetary and Financial Policies.

8. Staff officers of the Committee are authorized to transmit pertinent information on System foreign currency operations to appropriate officials of the Treasury Department.

9. All Federal Reserve Banks shall participate in the foreign currency operations for System Account in accordance with paragraph 3G(1) of the Board of Governors' Statement of Procedure with Respect to Foreign Relationships of Federal Reserve Banks dated January 1, 1944.

## Foreign Currency Directive

As reaffirmed January 26, 2010

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1. System operations in foreign currencies shall generally be directed at countering disorderly market conditions, provided that market exchange rates for the U.S. dollar reflect actions and behavior consistent with IMF Article IV, Section 1.
2. To achieve this end the System shall:
  - A. Undertake spot and forward purchases and sales of foreign exchange.
  - B. Maintain reciprocal currency (“swap”) arrangements with selected foreign central banks.
  - C. Cooperate in other respects with central banks of other countries and with international monetary institutions.
3. Transactions may also be undertaken:
  - A. To adjust System balances in light of probable future needs for currencies.
  - B. To provide means for meeting System and Treasury commitments in particular currencies, and to facilitate operations of the Exchange Stabilization Fund.
  - C. For such other purposes as may be expressly authorized by the Committee.
4. System foreign currency operations shall be conducted:
  - A. In close and continuous consultation and cooperation with the United States Treasury;
  - B. In cooperation, as appropriate, with foreign monetary authorities; and
  - C. In a manner consistent with the obligations of the United States in the International Monetary Fund regarding exchange arrangements under IMF Article IV.

## Procedural Instructions with Respect to Foreign Currency Operations

As reaffirmed January 26, 2010

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In conducting operations pursuant to the authorization and direction of the Federal Open Market Committee as set forth in the Authorization for Foreign Currency Operations and the Foreign Currency Directive, the Federal Reserve Bank of New York, through the Manager, System Open Market Account (“Manager”), shall be guided by the following procedural understandings with respect to consultations and clearances with the Committee, the Foreign Currency Subcommittee, and the Chairman of the Committee, unless otherwise directed by the Committee. All operations undertaken pursuant to such clearances shall be reported promptly to the Committee.

1. The Manager shall clear with the Subcommittee (or with the Chairman, if the Chairman believes that consultation with the Subcommittee is not feasible in the time available):

A. Any operation that would result in a change in the System’s overall open position in foreign currencies exceeding \$300 million on any day or \$600 million since the most recent regular meeting of the Committee.

B. Any operation that would result in a change on any day in the System’s net position in a single foreign currency exceeding \$150 million, or \$300 million when the operation is associated with repayment of swap drawings.

C. Any operation that might generate a substantial volume of trading in a particular currency by the System, even though the change in the System’s net position in that currency might be less than the limits specified in 1.B.

D. Any swap drawing proposed by a foreign bank not exceeding the larger of (i) \$200 million or (ii) 15 percent of the size of the swap arrangement.

2. The Manager shall clear with the Committee (or with the Subcommittee, if the Subcommittee believes that consultation with the full Committee is not feasible in the time available, or with the Chairman, if the Chairman believes that consultation with the Subcommittee is not feasible in the time available):

A. Any operation that would result in a change in the System’s overall open position in foreign currencies exceeding \$1.5 billion since the most recent regular meeting of the Committee.

B. Any swap drawing proposed by a foreign bank exceeding the larger of (i) \$200 million or (ii) 15 percent of the size of the swap arrangement.

3. The Manager shall also consult with the Subcommittee or the Chairman about proposed swap drawings by the System and about any operations that are not of a routine character.

**PROGRAM FOR SECURITY OF FOMC INFORMATION**  
**As Amended, January 26, 2010**

**I. Introduction.**

The Program for Security of FOMC Information (“the Program”) describes what confidential FOMC information is, how it is classified, who has access to it, how it should be handled, and who is responsible for ensuring that it is protected. Everyone with access to confidential FOMC information is required to review and abide by the rules described below.

These security procedures are not intended to preclude discussions within the Federal Reserve of important FOMC-related issues, including the general reasons for the Committee’s decisions. Such discussions may be conducted for research purposes or for preparing briefings and other information for Committee members, but care should be taken that all discussion participants have the appropriate level of authorization if confidential information is being shared.

**II. Definition of Confidential FOMC Information.**

Confidential FOMC information includes all privileged information that comes into the possession of the Governors, Federal Reserve Bank Presidents, or Federal Reserve System staff in the performance of their duties for, or pursuant to the direction of, the Committee. Such information covers, but is not limited to, expressions of policy views at FOMC meetings, reasons for those views, votes of the Committee, and staff forecasts. The information that must be kept confidential may be in any form. It includes not only paper documents, but also electronic messages and files, recordings, notes, oral briefings, and discussions relating to confidential FOMC matters.

**III. Classification of Confidential FOMC Information.**

There are three security classifications for confidential FOMC information. The first two classifications —“Class I FOMC - Restricted Controlled (FR)” and “Class II FOMC - Restricted (FR)” — apply to very sensitive FOMC information. Class I FOMC information must be handled at least as securely as material classified by the Federal Reserve Board as “Restricted Controlled (FR).” Access to Class II information is somewhat less restrictive than access to Class I. It must be treated at least as securely as material classified by the Federal Reserve Board as “Restricted (FR).” The classification “Class III FOMC - Internal (FR)” applies to less sensitive information that still requires confidential treatment. It must be handled at least as securely as material classified by the Federal Reserve Board as “Internal (FR).” (See Section VI below for handling requirements.) Information in these classifications must be kept confidential until it is released to the public by the Chairman or by the Committee Secretary pursuant to Committee instructions. All questions related to the classification, distribution, or handling of documents should be directed to the FOMC Secretariat.

A. “Class I FOMC - Restricted Controlled (FR).”

This classification is generally applied to information that includes policymaker input, e.g., information related to monetary policy decisions at meetings, views expressed by policymakers on likely future policy, and identification of meeting participants who express particular views. Class I information includes, but is not limited to:

1. *Monetary Policy Alternatives* (“Bluebook”).
2. Minutes of FOMC meetings.
3. FOMC meeting recordings and transcripts.

4. Policy-related portions of FOMC participants' prepared remarks.
5. Information related to FOMC participants' quarterly economic forecasts and to the associated semiannual Congressional testimony.
6. Special memoranda or reports deemed particularly sensitive, including materials that might otherwise carry a Class II designation (e.g., a report from the Manager containing information on sensitive foreign exchange operations).

B. "Class II FOMC - Restricted (FR)."

This classification is generally applied to staff forecasts prepared for the FOMC and to information about open market operations. Class II information includes, but is not limited to:

1. *Current Economic Conditions* ("Greenbook"), Part 1, and staff projections or assumptions relating to interest rates.
2. Reports of the Manager on domestic and foreign open market operations.
3. Information on Desk operations posted on confidential portions of the "MarketSource" website of the New York Bank.
4. Other materials on economic and financial developments (including foreign), special memoranda, tables, and charts less sensitive than those in Class I, including briefing materials containing Class II information that are produced and circulated within the Board or individual Reserve Banks.

C. "Class III FOMC - Internal (FR)."

This classification is generally applied to less-sensitive background information supporting policy discussions. Class III information includes, but is not limited to, Part 2 of the Greenbook.

D. Security Classification Downgrading of FOMC Information.

FOMC information loses its security classification when the Committee releases it to the public. Class II information is downgraded to Class III six months after the relevant FOMC meeting. Additionally, the Bluebook is downgraded from Class I to Class II six months after the relevant FOMC meeting, and from Class II to Class III one year after the relevant meeting.

#### **IV. Access to Confidential FOMC Information Within the Federal Reserve System.**

Staff access to confidential FOMC information requires prior authorization. Before gaining access and annually thereafter, the staff member must receive, review, and agree to abide by the rules for handling confidential information that are referred to in this document.

At each Bank, the President, or the Research Director on the President's behalf, is responsible for designating those individuals to be given access to each class of information. At the New York Bank, the Manager of the System Open Market Account may also designate staff on behalf of the President. At the Board, that responsibility is assumed by the Chairman or the Committee Secretary on the Chairman's behalf and by Board members for their assistants. Access at the New York Bank and the Board of Governors is limited on a strict "need-to-know" basis; access at other Banks is subject to the numerical limits noted below. In complying with these limits, Banks may designate different individuals to have access to different documents. For example, one slot could be filled by designating an international economist as having access to all special memoranda relating to foreign currency operations, and a domestic economist as having access to other Class I and Class II memoranda. At each institution, access to Class I and Class II information should be reviewed carefully at least once every year.



- A. Access to “Class I FOMC - Restricted Controlled (FR)” materials at Reserve Banks other than the New York Bank (and the Bank that serves as the backup site for Open Market Operations) is restricted to the President and First Vice President and to seven other Bank personnel as well as a limited number of office support staff.
- B. Access to “Class II FOMC - Restricted (FR)” materials at Reserve Banks other than the New York Bank (and the Bank that serves as the backup site for Open Market Operations) is restricted to the President and First Vice President and to eleven other Bank personnel as well as a limited number of office support staff.
- C. Access to “Class III FOMC - Internal (FR)” information is limited on a “need-to-know” basis, but no specific limit is set on the number of individuals who may have access to such information at each location.
- D. The lists of all persons who are authorized to have access to Class I and Class II information are to be generated and transmitted to the Secretariat annually, after the first regularly scheduled FOMC meeting of the year (at which any changes to the Program would typically be considered). Over the course of the year, changes resulting from new staff assignments should also be transmitted. Records of individuals’ agreements to abide by the rules described in the Program should be maintained at each institution. Such records would include individuals’ signatures or electronic equivalent. Office support personnel, such as executive assistants, who have substantive access to Class I or Class II information are included in those required to review and agree to the rules described in the Program.
- E. To facilitate the preparation of special analyses and briefings within the System, qualified staff may be granted ad-hoc access to Class I and Class II information on a strict “need-to-know” basis for a specific and limited period of time. Such ad-hoc access may be granted by the President of a Federal Reserve Bank or a Research Director on his/her behalf or by the Secretary for Board staff. Staff granted ad-hoc access must review and agree to abide by the rules described in the Program before receiving access. The Secretariat should be advised that such access has been given, and records of the access and related agreement should be maintained at each Bank.
- F. The Chairman may make ad-hoc exceptions to this section that are either more or less restrictive for particular documents being circulated or for other confidential information.
- G. In order to provide secure and rapid document delivery, access to selected confidential FOMC information is given electronically through the Secure Document System (SDS) for up to four users at each Bank. The Desk at the New York Bank has access for two additional users at that Bank. The President of each Bank may delegate to the Research Director the responsibility for selecting users, monitoring compliance with SDS guidelines, and communicating with the Secretariat when changes in usage or other issues occur. Access to SDS for Board staff is authorized by the Secretary on behalf of the Chairman and monitored by the Secretariat.
- H. Eligibility for access to confidential FOMC information for non-US citizens is governed by 12 CFR 268.205. (A summary of this rule, as it pertains to FOMC information, is appended to this document as “Attachment 1.”) Eligibility is determined based on a number of factors (including, but not limited to, country of origin, immigration status, length of residency, and employment history) and in many cases may require a background check.
- I. Individuals who are not employees may not be given confidential FOMC information unless all the requirements of this section IV, including citizenship requirements, are met and the Secretary gives prior approval.

## **V. Access to Confidential FOMC Information Outside the Federal Reserve System.**

Access to classified FOMC information outside the Federal Reserve System is limited as follows:

- A. Parts 1 and 2 of the Greenbook may be sent to the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, the Director of the Office of Management and Budget, and the head of the National Economic Council, with prior notice to the Secretariat. Each of these recipients is informed that the information is for the recipient's personal and confidential use only.
- B. Confidential FOMC documents generally are made available to the public after a lag of about five years. Such availability is subject to staff review (including consultation with the Chairman or the Committee where appropriate) for the purpose of redacting any materials that are still deemed to be sensitive after five years. For example, confidential information obtained from or about particular individuals or businesses, foreign governments and central banks, and international institutions that is deemed sensitive after the five-year lag will be protected. In addition, national security classified information that may be contained in FOMC documents remains confidential until it is declassified. The principal objectives of the Committee's policy of withholding sensitive information after the five-year lag are to preserve the Committee's ability to collect needed information, to allow its representatives to participate in sensitive discussions and report on them to the Committee, to avoid disclosures that would adversely affect U.S. international relations, and to comply with the applicable laws governing the disclosure of confidential information.
- C. Staff officers of the Committee are authorized to transmit pertinent information on System foreign currency operations to appropriate officials of the Treasury Department.
- D. The Chairman may make ad-hoc exceptions to this section that are either more or less restrictive for particular documents or for other confidential information.

## **VI. Handling of Confidential FOMC Materials.**

To assure the necessary confidentiality, it is important that special care be exercised in handling FOMC materials. The minimum requirements for handling confidential FOMC and Federal Reserve information are described in the Federal Reserve Board's "Information Classification & Handling Specifications" document (copies of summary appendices of this document, labeled "Attachment 2-A" and "Attachment 2-B," are attached for convenience and are also available as pages 21-22 at:

<http://fedweb.frb.gov/fedweb/board/irm/Infosec/policies/InfoClassificationHandling.pdf> ). As noted in Section III above, confidential FOMC information must be treated at least as securely as information in the corresponding Federal Reserve Board category. The following requirements are highlighted here:

- A. In addition to ensuring that the materials themselves are made available only to staff members who have been given access to them, the information they contain should be discussed with such persons only.
- B. Persons who no longer have access to confidential FOMC information, whether because of a job change within the Federal Reserve, employment outside the Federal Reserve, or retirement, must release custody of all confidential materials in their possession and remain subject to all the prohibitions relating to the disclosure of FOMC information that is still confidential.

- C. The distribution to the FOMC of all documents, other than the Manager's reports, should be handled through the Secretariat.
- D. In addition, to facilitate the identification of Class I and Class II FOMC information, the appropriate coversheet should be placed on all such documents that are to be circulated. (The Bluebook and the Greenbook are distinctive in appearance and meet this requirement without an additional cover page.) The most up-to-date coversheets are available on the FOMC Secretariat's web site: (<http://fweb.rsma.frb.gov/dma/fomc/>)

#### **VII. Ongoing Responsibility for Maintaining Confidentiality.**

- A. The President of each Federal Reserve Bank is responsible for ensuring the confidentiality of FOMC information at each Bank and for the conduct and discretion of that Bank's staff with regard to the use of such information. The Chairman fulfills this role at the Board.
- B. At each institution the basic principles and rules of confidentiality need to be reviewed at least once a year with individuals who are given access to confidential FOMC information. In addition to annual circulation of the Program for Security of FOMC Information, institutions may implement further procedures in support of information security.

#### **VIII. FOMC Meeting Attendance.**

- A. Except by approval of the Committee, attendance at FOMC meetings, including conference calls, is limited to:
  1. Governors and Reserve Bank Presidents and any other Alternate Members. In the absence of a President, a substitute Bank officer designated by the President or the Bank's board of directors.
  2. Committee officers. In the absence of an associate economist from a Reserve Bank, one substitute designated in advance by the President, with notice to the Secretariat.
  3. The Manager of the System Open Market Account. In the Manager's absence, a substitute designated by the Manager or the President of the New York Bank, with notice to the Secretariat.
  4. One adviser or one substitute designated in advance, with notice to the Secretariat, by each President who is not currently a member of the Committee.
  5. One First Vice President of a Bank. This designee would be in addition to those listed above. The Secretariat maintains a rotational schedule based on nominations from Banks.
  6. One assistant to the Manager, Secretariat assistance, and a limited number of additional members of System staff designated by the Chairman.
- B. Attendance may be limited further by the Chairman if a meeting, or portion of a meeting, gives rise to unusual sensitivity problems.

**Non-Citizen Eligibility for Access to FOMC Information**  
Summary of 12 C.F.R. 268.205

Access to all FOMC information is governed under the Program for the Security of FOMC Information. Under these rules, U.S. citizens are eligible for access to all levels of FOMC information (Class I, II, and III).<sup>1</sup> As explained below, eligibility for access to FOMC information for non-citizens depends on the individual's job, citizenship status, residency and other requirements. The FOMC applies the same requirements for access to its information that the Board applies when granting access to sensitive information of the Board.<sup>2</sup>

As a general matter, a non-citizen is eligible for access to FOMC Information in only one of two ways—as a *Protected Individual* or as an *Eligible Employee*. Protected Individuals, defined below, are treated similarly to citizens, and are eligible for all levels of FOMC Information. Eligible Employees, defined below, are initially eligible for access based on their country of origin, but may subsequently be eligible for a higher level of access if they meet certain criteria. Non-citizens who are neither Protected Individuals nor Eligible Employees may not be granted access to FOMC Information.

**(1) Protected Individuals**<sup>3</sup>

A “Protected Individual” is a person who is a lawful permanent resident (that is, holds a “green card”) and who has taken certain steps toward becoming a U.S. citizen. Those steps require that the person *either*:

A) Sign a declaration of intent to become a U.S. citizen and file for U.S. citizenship within six months of becoming eligible to do so,

*or*

A) Be an employee of the Federal Reserve System (FRS) since January 1, 2006;  
B) File for citizenship before requesting access to FOMC Information; and  
C) Pass a background check acceptable to the Board.

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<sup>1</sup> In all cases, whether an individual is a citizen or not, access to information of the FOMC is contingent on both the eligibility discussed here **and a “need to know,”** which involves a determination by the FOMC Secretariat or the FOMC Chairman that the individual must be permitted access at the proposed level in order to perform his or her job. Individuals who are granted access to FOMC information must abide by all rules that apply to the handling of that information.

<sup>2</sup> The Board's rule for access to sensitive information by non-citizens is set forth in 12 C.F.R. 268.205.

<sup>3</sup> Under the Board's rule, the term “Protected Individual” also includes U.S. citizens and U.S. nationals (persons who are born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of non-citizen nationals born abroad). The term “Protected Individuals” also covers three additional categories of individuals (those admitted for temporary residence under certain immigration provisions and those granted asylum or refugee status). However, requests for access by persons in these later categories are unlikely to arise and are thus not described here.

A green card holder who does not qualify under one of these criteria is not a Protected Individual, and therefore is eligible for access only if he or she is an Eligible Employee (see below).

## (2) Eligible Employees

To be an Eligible Employee, the non-citizen must be employed in a position at the Board or Reserve Bank that requires a Ph.D. in economics or finance. If the non-citizen is employed in such a position, his or her eligibility for access is granted in two stages.

- A) **Initial Eligibility:** Eligibility in the initial stage depends on whether the non-citizen's country of origin is on the current "country list," which is a list of countries whose citizens may be hired by appropriated federal agencies under federal legislation (see the current country list below).<sup>4</sup>
- i. If the non-citizen is from a country on the country list, he or she is eligible initially for Class II access.
  - ii. If the non-citizen is not from a country on the country list, he or she is eligible initially only for Class III access.
- B) **Higher Eligibility:** In the second stage of eligibility, a non-citizen can become eligible for access to information **one** level higher (i.e., a non-citizen from a country list country can become eligible for Class I access and a non-citizen who is not from a country list country can become eligible for Class II access). A non-citizen is eligible for this next level of access if he or she has:
- i. Resided in the United States for six years;
  - ii. Been employed with the FRS for two years;
  - iii. Been recommended for a higher level of access by his or her division director; and
  - iv. Passed a background check acceptable to the Board.

### Country List

Albania	Denmark	Ireland	Philippines
Argentina	Dominican Republic	Israel	Poland
Australia	Ecuador	Italy	Portugal
Bahamas	El Salvador	Japan	Romania
Belgium	Estonia	Latvia	Slovakia
Bolivia	France	Lithuania	Slovak Republic
Brazil	Germany	Luxembourg	Slovenia
Bulgaria	Greece	Netherlands	Spain
Canada	Guatemala	New Zealand	South Korea
Chile	Haiti	Nicaragua	Thailand
Colombia	Honduras	Norway	Trinidad & Tobago
Costa Rica	Hungary	Panama	Turkey
Croatia	Iceland	Paraguay	United Kingdom
Cuba		Peru	Uruguay
Czech Republic			Venezuela

<sup>4</sup> The list of eligible countries and persons is subject to legislative and other changes. The last change to the list was in 2004.

## Attachment 2-A: Summary for Handling Printed Information

<b>PRINTED</b>	<b>Restricted-Controlled FR</b>	<b>Restricted FR</b>	<b>Board Personnel (Sensitive PII)</b>	<b>Internal FR (including Non-Sensitive PII)</b>
<b>MP-2 Access</b>	A list of the specific FR Staff authorized to access the information must be prepared & attached to the document(s) or centrally maintained by an authorized authority	Authorized and need to know for official business purposes and limited to as few people as possible.	Share only as provided in the Board's Policy for Handling Personally Identifiable Information policy and limited to as few people as possible	Authorized & need to know for official business purposes. PII may be shared with a FRS employee or Board contractor if authorized by the Board employee's supervisor or the employee's position
<b>MP-2 Duplication</b>	Not recommended. If necessary, each copy must have a unique identifier	Limited to need to know	Limited to need to know	Limited to need to know
<b>MP-3 Labeling</b>	"Restricted-Controlled FR" at the top of every page. Numbered using the "x of y" numbering or consecutively numbered w/ the final page labeled "last page"	"Restricted FR" at the top of every page. Numbered using the "x of y" numbering or consecutively numbered w/ the final page labeled "last page"	"Board Personnel" at the top of every page. All pages must be consecutively numbered	"Internal FR" at the top of the first page. All pages must be consecutively numbered
<b>MP-3 Coversheet</b>	Restricted-Controlled FR blue coversheet	Restricted FR pink coversheet	Board Personnel green coversheet	No coversheet
<b>MP-4 Storage</b>	1 of the following physical controls: locked desk drawer, file cabinet or office	1 of the following physical controls: locked desk drawer, file cabinet or office	1 of the following physical controls: locked desk drawer, file cabinet or office	Stored in a secure location
<b>MP-5 Transport: Internal</b>	Hand-delivered or placed within two sealed envelopes. The innermost envelope labeled as "Restricted-Controlled FR."	Hand-delivered or placed within a sealed envelope	Hand-delivered or placed within a sealed envelope	No special requirements
<b>MP-5 Transport: External</b>	Two sealed envelopes and sent via Registered Mail (or equivalent service) providing delivery tracking & confirmation. Sender must maintain a list of specific items containing Restricted-Controlled FR that were shipped	Two sealed envelopes and sent via Registered Mail (or equivalent service) providing delivery tracking & confirmation.	2 sealed envelopes & sent via Registered Mail providing delivery tracking & confirmation. Sender must maintain a list of specific items containing Sensitive PII that were shipped. When tracking is not used, the transmitter must use compensating controls to the extent possible.	Placed within a sealed envelope
<b>MP-5 Transport: Fax</b>	Sent via encrypted fax machine and confirm receipt	Sent via encrypted fax machine and confirm receipt	Sent via encrypted fax machine & confirm receipt. When using non-secure fax, the transmitter must use compensating controls to the extent possible.	No special requirements
<b>MP-6 Sanitization &amp; Disposal</b>	Physically destroyed (e.g., paper shredders or approved secure document receptacles)	Physically destroyed (e.g., paper shredders or approved secure document receptacles)	Physically destroyed (e.g., paper shredders or approved secure document receptacles)	Physically destroyed (e.g., paper shredders or recycle bins)

## Attachment 2-B: Summary for Handling Digital Information

<b>DIGITAL</b>	<b>Restricted-Controlled FR</b>	<b>Restricted FR</b>	<b>Board Personnel (Sensitive PII)</b>	<b>Internal FR (including Non-sensitive PII)</b>
<b>MP-2 Access</b>	A list of the specific FR Staff authorized to access the information must be prepared & attached to the media or centrally maintained by an authorized authority.	Authorized and need to know for official business purposes and limited to as few people as possible.	Share only as provided in the Board's Policy for Handling Personally Identifiable Information policy and limited to as few people as possible	Authorized & need to know for official business purposes. PII may be shared with a FRS employee or Board contractor if authorized by the Board employee's supervisor or the employee's position
<b>MP-2 Duplication</b>	Not recommended. If necessary, each copy must have a unique identifier	Limited to need to know	Limited to need to know	Limited to need to know
<b>MP-3 Labeling</b>	Restricted-Controlled FR label must be provided when the information is accessed or displayed. Label Removable media "Restricted-Controlled FR"	Restricted FR label must be provided when the information is accessed or displayed. Label Removable media "Restricted FR"	Removable media labeled "Board Personnel"	Removable media labeled as "Internal FR"
<b>MP-4 Storage</b>	1 of the following physical controls: locked desk drawer, file cabinet or office. Store only on Board or FRS owned media.	1 of the following physical controls: locked desk drawer, file cabinet or office. Store only on Board or FRS owned media.	1 of the following physical controls: locked desk drawer, file cabinet or office. Sensitive PII stored on portable media must be encrypted. Store only on Board or FRS owned media.	Store in a secure location. Store only on Board or FRS owned media.
<b>MP-5 Transport: Internal</b>	Transport on Board or FRS owned encrypted portable media & hand-deliver or place in 2 sealed envelopes. Innermost envelope labeled Restricted-Controlled FR	Transport on Board or FRS owned encrypted portable media and hand-deliver or place in a sealed envelope	Transport on Board or FRS owned encrypted portable media and hand-deliver or place in a sealed envelope	Transport only on Board or FRS owned media
<b>MP-5 Transport: External</b>	Transport on Board or FRS owned encrypted removable media in 2 sealed envelopes and sent via Registered Mail providing delivery tracking & confirmation. Sender must maintain a list of specific items containing Restricted-Controlled FR that were shipped	Transport on Board or FRS owned encrypted removable media in 2 sealed envelopes and sent via Registered Mail (or equivalent service) providing delivery tracking & confirmation.	Transport on Board or FRS owned encrypted removable media in 2 sealed envelopes and sent via Registered Mail providing delivery tracking & confirmation. Sender must maintain a list of specific items that were shipped. When tracking is not used, the transmitter must use compensating controls to the extent possible.	Placed within a sealed envelope. Transport only on Board or FRS owned media.
<b>MP-5 Transport: Email</b>	Send via encrypted Lotus Notes or Board-approved encrypted email solution such as ZixMail	Send via encrypted Lotus Notes or Board-approved encrypted email solution such as ZixMail	Send via encrypted email unless the person the information concerns specifically authorizes the unencrypted email communication. Using unencrypted e-mail requires the transmitter to use compensating controls. Use Lotus Notes encryption within FRS. Outside the FRS do not use Lotus Notes, use another Board-approved encrypted email.	No special requirements
<b>MP-6 Sanitization &amp; Disposal</b>	Follow the Media Disposal Policy & Procedures	Follow the Media Disposal Policy & Procedures	Follow the Media Disposal Policy & Procedures	Follow the Media Disposal Policy & Procedures