GUILFORD COUNTY

January 22, 2014

Department of the Treasury
Office of the Comptroller of the Currency
Docket ID OCC-2013-0016
VIA ELECTRONIC MAIL: regs.comments@occ.treas.gov

Board of Governors of the Federal Reserve System
Attn: Robert deV. Frierson, Secretary
Docket No. R-1466
VIA ELECTRONIC MAIL: regs.comments@federalreserve.gov

FDIC
Robert E. Feldman, Executive Secretary
Attn: Comments / Legal ESS
RIN No. 3064-AE04
VIA ELECTRONIC MAIL: comments@FDIC.gov

RE: Federal Proposal for Bank Liquidity Coverage Rules; Unintended Negative Consequences to Municipal Bond Market

Ladies and Gentlemen:

Guilford County, North Carolina appreciates the opportunity to respond to the request for comment issued by the Office of the Comptroller of the Currency, Department of the Treasury, the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation (collectively, "the Agencies") on the proposed rule implementing the Basel III Liquidity Coverage Ratio (the "Proposed Rule"). It is our understanding that the intention of the Proposed Rule is to implement a quantitative liquidity requirement consistent with the liquidity coverage ratio standard established by the Basel Committee on Banking Supervision ("BCBS") for large, internationally active banking organizations, covered nonbank companies and their consolidated subsidiary depository institutions with total assets greater than $10 billion.

Guilford County fully supports the efforts of the Agencies to enhance liquidity risk management in the banking sector and ensure strong and resilient financial markets. We are concerned, however, that the proposed definition of High Quality Liquid Assets ("HQLA") wrongly excludes bonds of state and local governments (commonly referred to as "municipal bonds") although the BCBS proposal includes them in its definition of HQLA. Further, we fear that your omission will have the unintended consequence of reducing the marketability of municipal bonds by discouraging banks from purchasing them.

Guilford County is a North Carolina County that is authorized, through and upon approval by the North Carolina Local Government Commission, to issue debt to fund capital projects. Since 2005, Guilford County issued $844 million of General Obligation bonds, of which 85% has funded construction and renovation of public school and community college facilities. An additional $160 million remains to be issued for educational facilities under existing voted authorizations and the local school board and community college have indicated tens of millions of dollars in additional capital needs. If we are to meet the educational needs of the County in a cost effective manner, ready access to the municipal debt market is critical.

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We agree that HQLA should include assets that are low risk and have limited price volatility, are traded in high volume and may be pledged at the central bank. Accordingly, we believe that the proposed exclusion of municipal bonds from the HQLA definition is unjustified based on the Agencies' own liquidity criteria and our understanding of the municipal market. Any assumption that municipal bonds are not liquid and do not meet this criteria is unfounded. We write with the intention of providing information to you that will allow you to include municipal bonds in the definition of HQLA.

I. Municipal Bonds Meet the Agencies' Liquidity Criteria

In support of the argument that municipal bonds are a safe liquid investment, consider the following:

A. Municipal bonds continue to carry high ratings. The average investment grade municipal bond carries an Aa2 rating while the average corporate rating is Baa for bonds rated by Moody's Investor Services. Guilford County's General Obligation bonds carry triple-A ratings from the three major ratings services.

B. The default rate for municipal bonds remains low in comparison to corporate bonds.

C. Price volatility in the municipal market during periods of stress has historically been lower than corporate bonds. This fact was evident during the 2008 financial crisis (the very crisis that led to the implementation of Basel III), when municipal bonds held their value better than corporate bonds in spite of the collapse of both the bond insurance industry and the auction rate security market, and the severe curtailing of the variable rate bond market.

D. A large and well established market exists for municipal debt. As a percentage of outstanding bonds, municipal bonds trade at a greater rate than corporate bonds, and only slightly behind United States agency securities (excluding GNMAs). The Municipal Securities Rulemaking Board regulates approximately 1,600 registered broker-dealers for municipal securities. The investor base for municipal bonds is large and is comprised of households, mutual funds, United States depository institutions and insurance companies. More than forty percent (40%) of outstanding municipal bonds are held in retail or separately-managed portfolio accounts[1]. Additionally, there are billions of dollars of outstanding municipal bonds that have been advance-refunded with the expectation that United States Treasuries will be the source of future principal and interest payments.

E. Municipal bonds may be pledged at a central bank. In fact, the Federal Reserve accepts United States municipal bonds at a two to five percent (2 - 5%) haircut, comparable to the haircut applied to United States agency securities. Corporate bonds rated AAA receive a haircut of three to six percent (3 - 6%) while other investment grade corporate bonds receive a five to eight percent (5 - 8%) haircut. Clearly, the Federal Reserve realizes the high credit quality and liquidity of municipal securities. There is no justification for the Agencies (of which the Federal Reserve is a part) to diverge from the Federal Reserve on this point. We encourage you to apply a consistent treatment of municipal securities to the determination on HQLA.

F. The Agencies have imposed certain diversification requirements with respect to a covered company's stock of HQLA. According to Federal Reserve data[2], municipal securities currently comprise less than 4% of U.S. Depository Institutions' total assets. That is less than either corporate bonds or Agency and GSE-backed securities. From this perspective, municipal securities present less systemic risk. We believe, therefore, that this under-concentrated exposure among U.S. banks to municipal securities should make the asset class desirable for inclusion in HQLA.

II. The Proposed Rule Creates a Dichotomy that puts State and Local Government Issuer at a Disadvantage

The proposed rule permits foreign sovereign state obligations to be categorized as HQLA. Depending on the standard risk weighting and subjective criteria, such obligations may be counted as Level 1 (e.g., France, Italy, Slovenia, Spain and Taiwan) or Level 2A (e.g., Botswana, Chile, Saudi Arabia and United Arab Emirates). Sovereign obligations of U.S. states (e.g., North Carolina), however, are specifically excluded from consideration in any category of HQLA. This dichotomy unfairly discriminates against the liquid debt markets of U.S. states and instrumentalities, and penalizes U.S. banks for servicing domestic public sector clients.

III. The Proposed Rule May Create Unintended Negative Consequences for the Bond Market and the Nation as a Whole

We fear that the omission of municipal bonds from the definition of HQLA will do great harm to the nation as a whole as well as to its state and local governments for the following reasons:

A. The omission will have the unintended consequence of reducing the marketability of bonds by discouraging banks from purchasing them. This goes against a long history of legislative motivation for banks to serve and support the municipal bond market. Since 2010, financial institutions have increasingly invested in the municipal bond market to the benefit of both the market and state and local governments. Excluding municipal securities from classification as HQLA will rob financial institutions of a very safe source of liquidity and prevent institutions from using municipal bonds to diversify their portfolios. This will result in higher borrowing costs and lower interest rates on deposits for municipal borrowers. Moreover, we expect it to disproportionately affect small issuers who do not ordinarily attract bond fund and other non-bank purchasers. This will increase borrowing costs, leading to increased taxes and rates for citizens and delayed or forgone capital projects.

B. The infrastructure needs of the nation are tremendous and state and local governments take the lead in fulfilling a large percentage of those needs. Any action that increases the borrowing costs for state and local governments will add to the nation's unfulfilled infrastructure needs and hinder these governments' ability to protect the health, safety and welfare of our citizens. We believe that the immediate and direct consequence of this exclusion to Guilford County and our taxpaying constituents will, therefore, be unnecessary, and potentially unbearable, increases in the cost of financing desperately needed construction and renovation of our school and community college facilities, which serve our thousands of residents, including children, every day.

C. Lower demand for municipal debt by financial institutions will mean fewer bonds are available to collateralize state and local government deposits. More than $7 billion in deposits by the State of North Carolina and its local governments are collateralized by bonds held in escrow accounts. Decreased availability of bonds for collateralization will result in lower earnings rates for municipal deposits and in some cases outright refusal by the affected banks to hold municipal deposits. A large regional bank with a national footprint from which we have consistently purchased certificates of deposit over the past twenty years, recently informed us they will no longer quote rates on public funds CD's due to the expense of collateralizing these deposits as a result of the new regulations. Finding safe investments that meet our liquidity needs is difficult enough without having another potential vehicle rendered unavailable as a result of these capricious regulations.

D. Excluding municipal securities from the HQLA classification will lessen the ability of financial institutions to provide liquidity support to state and local governments that have variable rate demand bonds outstanding. This will decrease the supply and increase the costs of liquidity agreements resulting in higher taxes and rates, or potentially preventing much needed projects from being undertaken.

Clearly, municipal securities meet the criteria for inclusion in HQLA. Municipal bonds represent a secure investment by United States financial institutions and are more qualified to be classified as HQLA than most corporate bonds and the debt of other sovereign states. The State of North Carolina and its local governments have more than $34 billion in bonds outstanding. That debt is a very safe and liquid investment vehicle. Omitting this debt from HQLA will have a negative impact on the bond market, the nation's infrastructure, the debt management of state and local governments, and the health of the U.S economy more broadly. We urge the Agencies to amend the proposed rule in order to reclassify all investment grade municipal securities as eligible for inclusion as Level 2A HQLA.

Guilford County appreciates this opportunity to comment and welcomes any questions that the Agencies may have for us.

Respectfully,
Guilford County

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CCH:swm

[1] Federal Reserve Statistical Release, Z.1 Financial Accounts of the United States, L.211, September 25, 2013.

[2] Federal Reserve Statistical Release, Z .1 Financial Accounts of the United States, L.110, September 25, 2013. Holdings of private residential and commercial CMOs and other structured MBS have excluded from corporate bond data.