

**Supporting Statement for the
Market Risk Capital Rule
(FR 4201; OMB No. 7100-0314)**

Summary

The Board of Governors of the Federal Reserve System (Board), under authority delegated by the Office of Management and Budget (OMB), proposes to extend for three years, with revision, the reporting, recordkeeping, and disclosure requirements associated with the Market Risk Capital Rule (FR 4201; OMB No. 7100-0314). The market risk rule, which requires banking organizations to hold capital to cover their exposure to market risk, is a component of the Board's regulatory capital framework, Regulation Q - Capital Adequacy of Bank Holding Companies, Savings and Loan Holding Companies, and State Member Banks (12 CFR Part 217). The respondents for this information collection are bank holding companies (BHCs), covered savings and loan holding companies (SLHCs),¹ U.S. intermediate holding companies of foreign banking organizations (IHCs), and state member banks (SMBs) (collectively, "banking organizations") that meet certain risk thresholds described below.

The Board proposes to revise the FR 4201 information collection to account for a recordkeeping requirement in section 217.203(b)(2) of Regulation Q that had not been previously cleared by the Board.

The current estimated total annual burden for the FR 4201 is 35,644 hours, and would increase to 36,236 hours. The proposed revisions would result in an increase of 592 hours.

Background and Justification

The market risk rule is part of the Board's regulatory capital framework. The rule includes information collections that permit the Board to monitor the market risk profile of Board-regulated banking organizations that have significant market risk. These information collections provide current statistical data identifying market risk areas on which to focus onsite and offsite examinations. They also allow the Board to assess the levels and components of each reporting institution's risk-based capital requirements for market risk and the adequacy of the institution's capital under the market risk rule.

This information is not available from other sources. Basel III Subpart F Section 205(c) requires banks to backtest their trading risk models (i.e. Value at Risk "VaR" models) at subportfolio levels and identify any backtesting exceptions, (i.e. trading losses greater than the respective VaR estimates). A high number of backtesting exceptions and large trading losses are safety and soundness issues. The Board must monitor the backtesting exceptions as well as large trading losses in trading desks to identify systematic issues and investigate the associated root causes of large trading losses in the banking system.

¹ For the definition of "covered savings and loan holding company," see 12 CFR 217.2.

Description of Information Collection

The market risk rule applies to any banking organization with aggregate trading assets and trading liabilities equal to (1) 10 percent or more of quarter-end total assets or (2) \$1 billion or more.² The Board may exclude a banking organization that meets these thresholds if the Board determines that the exclusion is appropriate based on the level of market risk of the banking organization and is consistent with safe and sound banking practices.³ The Board may further apply the market risk rule to any other banking organization if the Board deems it necessary or appropriate because of the level of market risk of the banking organization or to ensure safe and sound banking practices.⁴ Throughout this supporting statement, organizations that are subject to the requirements of the market risk rule are referred to as “subject banking organizations.” The market risk rule includes certain reporting, recordkeeping, and disclosure requirements in sections 217.203 through 217.210 and section 217.212. Details of the information collection requirements in each section are provided below.

Reporting Requirements

Sections 217.203(c)(1) and (2), 217.204(a)(2)(vi)(B), 217.206(b)(3), 217.208(a), and 217.209(a) - Prior Approvals

Section 217.203(c)(1) of the market risk rule requires a subject banking organization to obtain the prior written approval of the Board before using any internal model to calculate its risk-based capital requirements under subpart F. Section 217.203(c)(2) requires that a subject banking organization institution promptly notify the Board when the subject banking organization (1) plans to extend the use of a model that the Board has approved under this subpart to an additional business line or product type; (2) the banking organization plans makes any change to an internal model approved by the Board under this subpart that would result in a material change in the subject banking organization’s risk-weighted asset amount for a portfolio of covered positions; or (3) the banking organization makes any material change to its modeling assumptions.

Section 217.204(a)(2)(vi)(B) requires a subject banking organization to obtain the prior written approval of the Board before including in its capital requirement for *de minimis* exposures the capital requirement for any *de minimis* exposures using alternative techniques that appropriately measure the market risk associated with those exposures.

Section 217.206(b)(3) requires a subject banking organization to obtain the prior approval of the Board and notify the Board if the banking organization makes any material changes to the policies and procedures required by that section, which are described below.

² See 12 CFR 217.201(b)(1).

³ See 12 CFR 217.201(b)(3).

⁴ See 12 CFR 217.201(b)(2).

Section 217.208(a) requires a subject banking organization that measures the specific risk of a portfolio of debt positions using internal models to obtain prior approval of the Board to include portfolios of equity positions in its incremental risk model.

Section 217.209(a) requires a subject banking organization to obtain the prior approval of the Board before using the method specified in that section to measure comprehensive risk for one or more portfolios of correlation trading positions.

Recordkeeping Requirements

Sections 217.203(a)(1), 217.203(b)(1), Section 217.203(b)(2), and 217.206(b)(3) - Policies and Procedures

Section 217.203(a)(1) of the market risk rule requires subject banking organizations to have clearly defined policies and procedures for determining which trading assets and trading liabilities are trading positions and which trading positions are correlation trading positions. These policies and procedures must take into account (1) the extent to which a position, or a federal of its material risks, can be marked-to-market daily by reference to a two-way market and (2) possible impairments to the liquidity of a position or its hedge.

Section 217.203(b)(1) requires subject banking organizations to have clearly defined policies and procedures for actively managing all covered positions, and at a minimum, these policies and procedures must require (1) marking positions to market or to model on a daily basis, (2) daily assessment of the banking organization's ability to hedge position and portfolio risks, and of the extent of market liquidity, (3) establishment and daily monitoring of limits on positions by a risk control unit independent of the trading business unit, (4) daily monitoring by senior management of (1) to (3) hereinabove, (5) at least annual reassessment of established limits on positions by senior management, and (6) at least annual assessments by qualified personnel of the quality of market inputs to the valuation process, the soundness of key assumptions, the reliability of parameter estimation in pricing models, and the stability and accuracy of model calibration under alternative market scenarios.

Section 217.203(b)(2) requires subject banking organizations to have a process for prudent valuation of its covered positions that includes policies and procedures on the valuation of positions, marking positions to market or to model, independent price verification, and valuation adjustments or reserves. The valuation process must consider, as appropriate, unearned credit spreads, close-out costs, early termination costs, investing and funding costs, liquidity, and model risk.

Section 217.206(b)(3) requires a subject banking organization to have policies and procedures that describe how the banking organization determines the period of significant financial stress used to calculate its stressed Value-at-Risk (VaR)-based measure under this section. The policies and procedures must address (1) how the banking organization links the period of significant financial stress used to calculate the stressed VaR-based measure to the composition and directional bias of its current portfolio and (2) the banking organization's

process for selecting, reviewing, and updating the period of significant financial stress used to calculate the stressed VaR-based measure and for monitoring the appropriateness of the period to the banking organization's current portfolio.

Section 217.203(a)(2) - Trading and Hedging Strategy

Section 217.203(a)(2) of the market risk rule requires subject banking organizations to have clearly defined trading and hedging strategies for trading positions. The trading strategy must be approved by the banking organization's senior management and must articulate the expected holding period of, and the market risk associated with, each portfolio of trading positions. The hedging strategy must articulate for each portfolio of trading positions the level of market risk the banking organization is willing to accept and must detail the instruments, techniques, and strategies the banking organization will use to hedge the risk of the portfolio.

Section 217.203(f) - General Recordkeeping

Section 217.203(f) of the market risk rule requires that a subject banking organization adequately document all material aspects of its internal models, management and valuation of covered positions, control, oversight, validation and review processes and results, and internal assessment of capital adequacy.

Section 217.205(c) - Backtesting

Section 217.205(c) of the market risk rule requires a subject banking organization to divide its portfolio exposures subject to the market risk rule into a number of significant subportfolios approved by the Board for subportfolio backtesting purposes. The banking organization must retain and make available to the Board the following information for each subportfolio for each business day over the previous two years (500 business days), with no more than a 60-day lag: (1) a daily VaR-based measure for the subportfolio calibrated to a one-tail, 99.0 percent confidence level, (2) the daily profit or loss for the subportfolio (that is, the net change in price of the positions held in the portfolio at the end of the previous business day), and (3) the probability of observing a profit that is less than, or a loss that is greater than, the amount projected for each day.

Section 217.209(c) - Stress Testing

Section 217.209(c) of the market risk rule requires that a subject banking organization must at least weekly apply specific, supervisory stress scenarios to its portfolio of correlation trading positions that capture changes in (1) default rates, (2) recovery rates, (3) credit spreads, (4) correlations of underlying exposures, and (5) correlations of a correlation trading position and its hedge. A subject banking organization must retain and make available to the Board the results of the supervisory stress testing, including comparisons with the capital requirements generated by the banking organization's comprehensive risk model. A subject banking organization must report to the Board promptly any instances where the stress tests indicate any material deficiencies in the comprehensive risk model.

Section 217.210(f) - Securitizations

Section 217.210(f)(1) of the market risk rule requires that a subject banking organization demonstrate to the satisfaction of the Board a comprehensive understanding of the features of a securitization position that would materially affect the performance of the position by conducting and documenting the analysis set forth in section 217.210(f)(2). The banking organization's analysis must be commensurate with the complexity of the securitization position and the materiality of the position in relation to capital. To support the demonstration of its comprehensive understanding, for each securitization position a banking organization must conduct and document an analysis of the risk characteristics of a securitization position prior to acquiring the position, considering structural features of the securitization that would materially impact the performance of the position, relevant information regarding the performance of underlying credit exposure(s), relevant market data of the securitization, and, for resecuritization positions, performance information on the underlying securitization exposure. The banking organization also must, on an on-going basis (but no less frequently than quarterly), evaluate, review, and update as appropriate the analysis required above for each securitization position.

Section 217.212(b) - Disclosure Policy

Section 217.212(b) of the market risk rule requires that a subject banking organization must have a formal disclosure policy that addresses the banking organization's approach for determining the market risk disclosures. The policy must be approved by the board of directors and must address the associated internal controls and disclosure controls and procedures.

Disclosure Requirements

The market risk rule includes certain disclosure requirements described below. A subject banking organization believes that disclosure of specific commercial or financial information would prejudice seriously its position by making public certain information that is either proprietary or confidential in nature, the subject banking organization is not required to disclose these specific items, but must disclose more general information about the subject matter of the requirement, together with the fact that, and the reason why, the specific items of information have not been disclosed.⁵

A subject banking organization's management may provide all of the disclosures required described below in one place on the institution's public web site or may provide the disclosures in more than one public financial report or other regulatory reports, provided that the subject banking organization publicly provides a summary table specifically indicating the location(s) of all such disclosures.⁶

Section 217.212(c) - Quantitative Disclosures

⁵ 12 CFR 217.212(a).

⁶ Id.

Section 217.212(c) of the market risk rule requires certain public quantitative disclosures. For each material portfolio of covered positions, the subject banking organization must publicly disclose the following at least quarterly (1) the high, low, and mean VaR-based measures over the reporting period and the VaR-based measure at period-end, (2) the high, low, and mean stressed VaR-based measures over the reporting period and the stressed VaR-based measure at period-end, (3) the high, low, and mean incremental risk capital requirements over the reporting period and the incremental risk capital requirement at period-end, (4) the high, low, and mean comprehensive risk capital requirements over the reporting period and the comprehensive risk capital requirement at period-end, with the period-end requirement broken down into appropriate risk classifications, (5) separate measures for interest rate risk, credit spread risk, equity price risk, foreign exchange risk, and commodity price risk used to calculate the VaR-based measure, and (6) a comparison of VaR-based estimates with actual gains or losses experienced by the bank, with an analysis of important outliers. The banking organization must also publicly disclose the following at least quarterly (1) the aggregate amount of on-balance sheet and off-balance sheet securitization positions by exposure type and (2) the aggregate amount of correlation trading positions.

Section 217.212(d) - Qualitative Disclosures

Section 217.212(d) requires the following qualitative disclosures at least annually, with any material changes disclosed in the interim (1) the composition of material portfolios of covered positions, (2) the subject banking organization's valuation policies, procedures, and methodologies for covered positions including, for securitization positions, the methods and key assumptions used for valuing such positions, any significant changes since the last reporting period, and the impact of such change, (3) the characteristics of the internal models used for purposes of the market risk rule, (4) a description of the approaches used for validating and evaluating the accuracy of internal models and modeling processes for purposes of the market risk rule, (5) for each market risk category (that is, interest rate risk, credit spread risk, equity price risk, foreign exchange risk, and commodity price risk), a description of the stress tests applied to the positions subject to the factor, (6) the results of the comparison of the banking organization's internal estimates for purposes of the market risk rule with actual outcomes during a sample period not used in model development, (7) the soundness standard on which the banking organization's internal capital adequacy assessment under the market risk rule is based, including a description of the methodologies used to achieve a capital adequacy assessment that is consistent with the soundness standard, (8) a description of the banking organization's processes for monitoring changes in the credit and market risk of securitization positions, including how those processes differ for resecuritization positions, and (9) a description of the banking organization's policy governing the use of credit risk mitigation to mitigate the risks of securitization and resecuritization positions.

Respondent Panel

The FR 4201 panel comprises BHCs, covered SLHCs, IHCs, and SMBs that meet certain risk thresholds. The market risk rule applies to any such banking organization with aggregate

trading assets and trading liabilities equal to (1) 10 percent or more of quarter-end total assets or (2) \$1 billion or more.

Frequency and Time Schedule

This information collection contains reporting, recordkeeping, and disclosure requirements. The recordkeeping requirements are ongoing. The prior written approvals are all required on occasion. The disclosures are required quarterly, annually, and on occasion.

Proposed Revisions to the FR 4201

The Board proposes to revise the FR 4201 information collection to account for a recordkeeping requirement in section 217.203(b)(2) of Regulation Q that had not been previously cleared by the Board. Under section 217.203(b)(2), the Board proposes to require subject banking organizations to have a process for prudent valuation of their covered positions that includes policies and procedures on the valuation of positions, marking positions to market or to model, independent price verification, and valuation adjustments or reserves. The valuation process must consider, as appropriate, unearned credit spreads, close-out costs, early termination costs, investing and funding costs, liquidity, and model risk.

Public Availability of Data

No data collected pursuant to this information collection is made available to the public by the Board.

Legal Status

The FR 4201 is authorized pursuant to sections 9(6) and 11 of the Federal Reserve Act for state member banks;⁷ pursuant to section 5 of the Bank Holding Company Act (“BHC Act”)⁸ and, in some cases, section 165 of the Dodd-Frank Act for BHCs;⁹ pursuant to section 5 of the BHC Act, in conjunction with section 8 of the International Banking Act,¹⁰ and section 165 of the Dodd-Frank Act for IHCs; and pursuant to sections 10(b)(2) and (g) of the Home Owners’ Loan Act for SLCHs.¹¹ The FR 4201 includes certain information collections that are mandatory, and others that are required to obtain a benefit.

The information collected pursuant to the FR 4201 is collected as part of the Board’s supervisory process, and therefore is afforded confidential treatment pursuant to exemption 8 of

⁷ 12 U.S.C. §§ 324 and 248.

⁸ 12 U.S.C. § 1844(c).

⁹ 12 U.S.C. § 5365.

¹⁰ 12 U.S.C. §§ 1844 and 3106.

¹¹ 12 U.S.C. § 1467a(b)(2) and (g).

the Freedom of Information Act (“FOIA”).¹² In addition, individual respondents may request that certain data be afforded confidential treatment pursuant to FOIA exemption 4, if it is nonpublic commercial or financial information which is both customarily and actually treated as private by the respondent.¹³ Determinations of confidentiality based on FOIA exemption 4 would be made on a case-by-case basis.

Consultation Outside the Agency

The Board consulted with the OCC and FDIC with respect to the extension, with revision, of this information collection.

Public Comments

On December 4, 2023, the Board published an initial notice in the *Federal Register* (88 FR 84141) requesting public comment for 60 days on the extension, with revision, of the Market Risk Capital Rule. The comment period for this notice expires on February 2, 2024.

Estimate of Respondent Burden

As shown in the table below, the estimated total annual burden for the FR 4201 is 35,644 hours, and would increase to 36,236 hours with the proposed revisions. As of December 31, 2022, there are 37 banking organizations with aggregate trading assets and trading liabilities equal to (1) 10 percent or more of quarter-end total assets or (2) \$1 billion or more. The number of respondents has been stable for the past five years. The initial implementation of market risk rule requirements can be labor intensive, as estimated in the prior approvals reporting row. Assuming a firm may conduct trades in all five asset classes i.e., interest rate, foreign exchange, credit spread, equities and commodities, implementing pricing models and generating daily profits and losses may take 200 hours per asset class. Hence, it may take a total of 1,000 hours to complete the initial implementation of the market risk rule. An additional 88 hours of independent verification for all the five asset classes may be required for the prior approvals. This would bring the total estimate for prior approvals to 1,088 hours. These reporting, recordkeeping, and disclosure requirements represent less than 1 percent of the Board’s total paperwork burden.

¹² 5 U.S.C. § 552(b)(8).

¹³ 5 U.S.C. § 552(b)(4).

FR 4201	<i>Estimated number of respondents</i> 14	<i>Estimated annual frequency</i>	<i>Estimated average hours per response</i>	<i>Estimated annual burden hours</i>
Current Reporting				
Sections 217.203(c)(1), 217.204(a)(2)(vi)(B), 217.206(b)(3), 217.208(a), and 217.209(a)				
Prior approvals	1	1	1,088	1,088
Recordkeeping				
Sections 217.203(a)(1), 217.203(b)(1), and 217.206(b)(3)				
Policies and procedures	37	1	96	3,552
Section 217.203(a)(2)				
Trading and hedging strategy	37	1	16	592
Section 217.203(f)				
General recordkeeping	37	1	128	4,736
Section 217.205(c)				
Backtesting	37	1	96	3,552
Section 217.209(c)				
Stress testing	6	1	12	72
Section 217.210(f)				
Securitizations	37	4	120	17,760
Section 217.212(b)				
Disclosure policy	37	1	40	1,480
Disclosure				
Section 217.212(c)				
Quantitative	37	4	16	2,368
Section 217.212(d)				
Qualitative	37	1	12	<u>444</u>
<i>Current Total</i>				35,644
Proposed Reporting				
Sections 217.203(c)(1) and (2), 217.204(a)(2)(vi)(B), 217.206(b)(3), 217.208(a), and 217.209(a)				
Prior approvals	1	1	1,088	1,088
Recordkeeping				
Sections 217.203(a)(1), 217.203(b)(1), 217.203(b)(2), and 217.206(b)(3)	37	1	112	4,144

¹⁴ Of these respondents, none are considered small entities as defined by the Small Business Administration (i.e., entities with less than \$850 million in total assets), <https://www.sba.gov/document/support-table-size-standards>.

Policies and procedures				
Section 217.203(a)(2)				
Trading and hedging strategy	37	1	16	592
Section 217.203(f)				
General recordkeeping	37	1	128	4,736
Section 217.205(c)				
Backtesting	37	1	96	3,552
Section 217.209(c)				
Stress testing	6	1	12	72
Section 217.210(f)				
Securitizations	37	4	120	17,760
Section 217.212(b)				
Disclosure policy	37	1	40	1,480
Disclosure				
Section 217.212(c)				
Quantitative	37	4	16	2,368
Section 217.212(d)				
Qualitative	37	1	12	<u>444</u>
<i>Proposed Total</i>				36,236
<i>Change</i>				<u>592</u>

The estimated total annual cost to the public for the FR 4201 is \$2,361,415 and would increase to \$2,400,635 with the proposed revisions.¹⁵

Sensitive Questions

These collections of information contain no questions of a sensitive nature, as defined by OMB guidelines.

Estimate of Cost to the Federal Reserve System

The estimated cost to the Federal Reserve System for collecting and processing this information collection is negligible.

¹⁵ Total cost to the responding public was estimated using the following formula: percent of staff time, multiplied by annual burden hours, multiplied by hourly rates (30% Office & Administrative Support at \$22, 45% Financial Managers at \$80, 15% Lawyers at \$79, and 10% Chief Executives at \$118). Hourly rates for each occupational group are the (rounded) mean hourly wages from the Bureau of Labor Statistics (BLS), *Occupational Employment and Wages*, May 2022, published April 25, 2023, <https://www.bls.gov/news.release/ocwage.t01.htm>. Occupations are defined using the BLS Standard Occupational Classification System, <https://www.bls.gov/soc/>.