

TABLE 1 TO APPENDIX A—Continued

Designated Federal Laws and Regulations Applicable to					
		National banks	State member banks	State non-member banks	Savings associations
1831o .....	Prompt Corrective Action—Dividend Restrictions.	✓	✓	✓	✓
Parts and/or Sections of Title 12 of the Code of Federal Regulations					
5.61 .....	Payment of dividends; capital limitation .....	✓	.....	.....	.....
5.62 .....	Payment of dividends; earnings limitation ...	✓	.....	.....	.....
6.6 .....	Prompt Corrective Action—Dividend Restrictions.	✓	.....	.....	.....
7.6120 .....	Dividends Payable in Property Other Than Cash.	✓	.....	.....	.....
208.19 .....	Payments of Dividends .....	.....	✓	.....	.....
208.35 .....	Prompt Corrective Action .....	.....	✓	.....	.....
325.105 .....	Prompt Corrective Action .....	.....	.....	✓	.....
563.134 .....	Capital Distributions .....	.....	.....	.....	✓
565 .....	Prompt Corrective Action .....	.....	.....	.....	✓

<sup>1</sup> Subsections (g) and (h) only.  
<sup>2</sup> Applies only to insured federal branches of foreign banks.  
<sup>3</sup> Applies only to insured state branches of foreign banks.  
<sup>4</sup> See 12 CFR parts 337.3 and 349.3.  
<sup>5</sup> See 12 CFR part 563.43.

[58 FR 31335, June 2, 1993, as amended at 61 FR 6494, Feb. 21, 1996; 62 FR 63258, Nov. 28, 1997; 70 FR 71232, Nov. 28, 2005]

**PART 364—STANDARDS FOR SAFETY AND SOUNDNESS**

Sec.  
 364.100 Purpose.  
 364.101 Standards for safety and soundness.  
 APPENDIX A TO PART 364—INTERAGENCY GUIDELINES ESTABLISHING STANDARDS FOR SAFETY AND SOUNDNESS  
 APPENDIX B TO PART 364—INTERAGENCY GUIDELINES ESTABLISHING INFORMATION SECURITY STANDARDS

AUTHORITY: 12 U.S.C. 1819(Tenth), 1831p-1; 15 U.S.C. 1681s, 1681w, 6801(b), 6805(b)(1).  
 SOURCE: 60 FR 35685, July 10, 1995, unless otherwise noted.

**§ 364.100 Purpose.**

Section 39 of the Federal Deposit Insurance Act requires the Federal Deposit Insurance Corporation to establish safety and soundness standards. Pursuant to section 39, this part establishes safety and soundness standards by guideline.

**§ 364.101 Standards for safety and soundness.**

(a) *General standards.* The Interagency Guidelines Establishing Standards for Safety and Soundness pre-

scribed pursuant to section 39 of the Federal Deposit Insurance Act (12 U.S.C. 1831p-1), as set forth as appendix A to this part, apply to all insured state nonmember banks and to state-licensed insured branches of foreign banks, that are subject to the provisions of section 39 of the Federal Deposit Insurance Act.

(b) *Interagency Guidelines Establishing Information Security Standards.* The Interagency Guidelines Establishing Information Security Standards prescribed pursuant to section 39 of the Federal Deposit Insurance Act (12 U.S.C. 1831p-1), and sections 501 and 505(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801, 6805(b)), and with respect to the proper disposal of consumer information requirements pursuant to section 628 of the Fair Credit Reporting Act (15 U.S.C. 1681w), as set forth in appendix B to this part, apply to all insured state nonmember banks, insured state licensed branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers).

[63 FR 55488, Oct. 15, 1998, as amended at 66 FR 8638, Feb. 1, 2001; 69 FR 77619, Dec. 28, 2004]