

company structure, unless OTS designates another savings and loan holding company in the holding company structure. OTS may designate an intermediate-tier holding company if the assessment of this entity would more accurately reflect OTS costs of supervising the holding company structure and:

(i) There are multiple top-tier holding companies in the holding company structure;

(ii) The top-tier holding company is organized outside of the United States, and is subject to the consolidated review of a foreign regulator; or

(iii) Other circumstances indicate that the assessment of the top-tier holding company is inappropriate.

(2) *Total consolidated holding company assets* are the total assets as reported on the Thrift Financial Report, Schedule HC. If Schedule HC is unavailable, OTS will use total assets reported on report H-(b)11. OTS uses information contained in the September 30 Schedule HC or report H-(b)11 to determine amounts due at the January 31 assessment; and the March 31 Schedule HC or report H-(b)11 to determine amounts due at the July 31 assessment.

[69 FR 30568, May 28, 2004, as amended at 74 FR 68665, Dec. 29, 2009]

**§ 502.27 How does OTS determine the risk/complexity component for a savings and loan holding company?**

(a) OTS computes the risk/complexity component for responsible savings and loan holding companies using schedules that set out charges based on OTS holding company risk/complexity classifications and total consolidated holding company assets. OTS will establish these schedules in a Thrift Bulletin.

(b) For the purposes of this section, the holding company risk/complexity classification is the most recent risk/complexity classification of which OTS notified the savings and loan holding

company in writing before an assessment's due date.

(1) OTS classifies holding companies as Category I (low risk, noncomplex holding company); Category II (complex or high risk holding company); or Category III (conglomerate).

(2) The OTS holding company risk/complexity classifications reflect OTS's assessment of a holding company's financial condition, financial independence of the savings association and other affiliates that are regulated financial entities, operational independence of the savings association and other affiliates that are regulated financial entities, reputational risks raised by affiliation with the holding company, and management experience of the holding company, savings association, and affiliates. The OTS holding company risk/complexity classification system is more fully described in the OTS Holding Company Handbook.

(3) A conglomerate is a holding company that: (i) is one of the most complex or highest risk holding companies under the holding company risk/complexity classification system; (ii) is made up of a number of different companies or legal enterprises that offer products from more than one financial sector (e.g., insurance, securities, and banking) or operate in diversified fields; and (iii) generally manages these companies and enterprises along functional lines, rather than as separate legal entities.

(c) OTS uses the following chart to compute the risk/complexity component under this section. OTS will establish the amounts in column C and D in the Thrift Bulletin for each holding company risk/complexity classification. The amounts established for column C and D that are applicable to conglomerates will be three times the amounts established for column C and D for complex or higher risk holding company enterprises of the same asset size.

**§ 502.28**

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| If your total consolidated assets are . . . |                     | Your risk/complexity component is . . . |                               |                      |
|---|---------------------|---|-------------------------------|----------------------|
| Over . . .                                  | But not over . . .  | This amount . . .                       | Plus—this marginal rate . . . | Of assets over . . . |
| Column A                                    | Column B            | Column C                                | Column D                      | Column E             |
| \$0 .....                                   | \$150 Million ..... | C1                                      | D1                            | \$0                  |
| 150 Million .....                           | 250 Million .....   | C2                                      | D2                            | 150 Million          |
| 250 Million .....                           | 500 Million .....   | C3                                      | D3                            | 250 Million          |
| 500 Million .....                           | 1 Billion .....     | C4                                      | D4                            | 500 Million          |
| 1 Billion .....                             | 5 Billion .....     | C5                                      | D5                            | 1 Billion            |
| 5 Billion .....                             | 50 Billion .....    | C6                                      | D6                            | 5 Billion            |
| 50 Billion .....                            | 100 Billion .....   | C7                                      | D7                            | 50 Billion           |
| 100 Billion .....                           | 300 Billion .....   | C8                                      | D8                            | 100 Billion          |
| Over 300 Billion .....                      |                     | C9                                      | D9                            | 300 Billion          |

(d) To compute your risk/complexity component, find the row in the appropriate schedule that describes your total consolidated assets by referring to the amounts in Columns A and B. In that row, calculate how much your total consolidated assets exceed the class floor (Column E); multiply this number by your marginal rate (Column D); and add the product to the amount in Column C. The total is your risk/complexity component.

**§ 502.28 How does OTS determine the organizational form component for a savings and loan holding company?**

OTS will include an organizational form component if you are a responsible savings and loan holding company that OTS regulates under section 10(l) of the HOLA. OTS will compute your organizational form component by adding the base assessment to your risk/complexity component, and multiplying this amount by 25 percent.

**§ 502.29 How does OTS determine the condition component for a savings and loan holding company?**

(a) If the most recent examination rating assigned to the responsible savings and loan holding company (or most recent examination rating assigned to any savings and loan holding company in the holding company structure) is a composite rating of 4 or 5, OTS will assess a charge under the condition component. The amount of the condition component is equal to 100 percent of the sum of the base assessment amount, the risk/complexity component, and any organizational form component.

(b) For the purposes of this section, examination ratings are the ratings that OTS assigns under the OTS holding company rating system. OTS uses the most recent rating of which the savings and loan holding company has been notified in writing before an assessment's due date.

[69 FR 30568, May 28, 2004, as amended at 74 FR 68665, Dec. 29, 2009]

**PAYMENT OF ASSESSMENTS**

**§ 502.30 When must I pay my assessment?**

OTS will bill you semi-annually for your assessments. Assessments are due January 31 and July 31 of each year, unless that date is a Saturday, Sunday, or Federal holiday. If the due date is a Saturday, Sunday or Federal holiday, your assessment is due on the first day preceding the due date that is not a Saturday, Sunday or Federal holiday. At least seven days before your assessment is due, the Director will mail you a notice that indicates the amount of your assessment, explains how OTS calculated the amount, and specifies when payment is due.

**§ 502.35 How do I pay my assessment?**

(a) *Savings associations.* (1) If you are a member of a Federal Home Loan Bank that offers demand deposit accounts which permit direct debits, you must maintain a demand deposit account at your Federal Home Loan Bank with sufficient funds to pay your assessment when due. OTS will notify your Federal Home Loan Bank of the amount of your assessment. OTS will debit your account for your assessments.