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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1206

[Document Number AMS–SC–18–0023]

Mango Promotion, Research and Information Order; Referendum on Inclusion of Frozen Mangos

AGENCY: Agricultural Marketing Service.

ACTION: Notification of referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible first handlers and importers of mangos to determine whether they favor the inclusion of frozen mangos as a covered commodity under the Mango Promotion, Research and Information Order (Order).

DATES: This referendum will be conducted from March 25, 2019 through April 12, 2019. The U.S. Department of Agriculture (Department) will provide the option for electronic ballots. Further details will be provided in the ballot instructions. First handlers who received 500,000 or more pounds of fresh mangos from producers and importers who imported 500,000 or more pounds of fresh mangos or 200,000 or more pounds of frozen mangos into the United States, during the representative period from January 1 through December 31, 2017, are eligible to vote. Mail ballots must be postmarked by April 12, 2019. Ballots delivered via express mail or email must show proof of delivery by no later than 11:59 p.m. Eastern Time (ET) on April 12, 2019.

ADDRESSES: Copies of the Order may be obtained from: Referendum Agent, Promotion and Economics Division (PED), Specialty Crops Program (SCP), AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW, Washington, DC 20250–0244; telephone: (202) 720–9915, (202) 720–5976 (direct line); facsimile: (202) 205–2800.

FOR FURTHER INFORMATION CONTACT: Jeanette Palmer, Marketing Specialist, PED, SCP, AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW, Washington, DC 20250–0244; telephone: (202) 720–9915, (202) 720–5976 (direct line); facsimile: (202) 205–2800; or electronic mail: *Jeanette.Palmer@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Commodity Promotion, Research and Information Act of 1996 (7 U.S.C. 7411–7425) (1996 Act), it is hereby directed that a referendum be conducted to ascertain whether the inclusion of frozen mangos in the Order is favored by eligible first handlers of fresh mangos and importers of fresh and frozen mangos covered under the program. Recently, the Order was modified to add frozen mangos as a covered commodity, and importers of frozen mangos will be assessed one cent ($0.01) per pound on frozen mangos. In addition, the National Mango Board membership has been expanded from 18 to 21 with the addition of two seats for importers of frozen mangos and one seat for a foreign processor. As these changes to the Order involve new covered entities, the Department determines that it is appropriate to conduct a referendum on the provisions regarding frozen mangos to ensure that those covered under the program agree with continuation of the Order as modified.

The representative period for establishing voter eligibility for the referendum shall be the period from January 1 through December 31, 2017. First handlers who received 500,000 or more pounds of fresh mangos from producers and importers who imported 500,000 or more pounds of fresh mangos or 200,000 or more pounds of frozen mangos into the United States during the representative period are eligible to vote. Persons who received an exemption from assessments for the entire representative period are ineligible to vote. The referendum shall be conducted by mail ballot from March 25, through April 12, 2019. The Department will provide the option for electronic ballots. Further details will be provided in the ballot instructions.

Section 518(d) of the Act authorizes referenda at any time to determine whether the continuation, suspension, or termination of the order or a provision of the order is favored by persons eligible to vote. The Department would retain the provisions of the Order that added frozen mangos to the program if approved by a majority of the first handlers and importers voting in the referendum. If not approved, the Department will conduct rulemaking to remove the provisions from the Order.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the referendum ballot has been approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0093. It has been estimated that there are approximately five first handlers and 275 importers of fresh mangos and 190 importers of frozen mangos who will be eligible to vote in the referendum. It will take an average of 15 minutes for each voter to read the voting instructions and complete the referendum ballot.

Referendum Order

Jeanette Palmer, Marketing Specialist and Heather Pichelman, Director, Promotion and Economics Division, SCP, AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW, Washington, DC 20250–0244, are designated as the referendum agents to conduct this referendum. The referendum procedures at 7 CFR 1206.100 through 1206.108, which were issued pursuant to the Act, shall be used to conduct the referendum.

The referendum agents will distribute the ballots to be cast in the referendum and voting instructions to all known first handlers who received 500,000 or more pounds of fresh mangos from producers and importers who imported 500,000 or more pounds of fresh mangos or 200,000 or more of frozen mangos into the United States during the representative period, prior to the first day of the voting period. Persons who are eligible first handlers or importers during the representative period and are first handlers or importers at the time of the referendum are eligible to vote. Persons who received an exemption from assessments during the entire representative period are ineligible to vote. Any eligible first handler or importer who does not receive a ballot should contact a referendum agent no later than one week before the end of the voting period. Mail ballots must be postmarked by April 12, 2019. Ballots delivered via express mail or email must show proof of delivery by no later than 11:59 p.m. Eastern Time (ET) on April 12, 2019.

List of Subjects in 7 CFR Part 1206

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Mango promotion, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 7411–7425 and 7 U.S.C. 7401.

Dated: February 14, 2019.

Bruce Summers,

Administrator.

[FR Doc. 2019–02851 Filed 2–20–19; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 327

RIN 3064–AE98

Assessments

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) invites public comment on a notice of proposed rulemaking (NPR or proposal) that would amend its deposit insurance assessment regulations to apply the community bank leverage ratio (CBLR) framework to the deposit insurance assessment system. The FDIC, the Board of Governors of the Federal Reserve System (Federal Reserve) and the Office of the Comptroller of the Currency (OCC) (collectively, the Federal banking agencies) recently issued an interagency proposal to implement the community bank leverage ratio (the CBLR NPR). Under this proposal, the FDIC would assess all banks that elect to use the CBLR framework (CBLR banks) as small banks. Through amendments to the assessment regulations and corresponding changes to the Consolidated Reports of Condition and Income (Call Report), CBLR banks would have the option of using either CBLR tangible equity or tier 1 capital for their assessment base calculation, and using either the CBLR or the tier 1 leverage ratio for the Leverage Ratio that the FDIC uses to calculate an established small bank's assessment rate. Through this NPR, the FDIC also would clarify that a CBLR bank that meets the definition of a custodial bank would have no change to its custodial bank deduction or reporting items required to calculate the deduction; and the assessment regulations would continue to reference the prompt corrective action (PCA) regulations for the definitions of capital categories used in the deposit insurance assessment system, with technical amendments to align with the CBLR NPR. To assist banks in understanding the effects of the NPR, the FDIC plans to provide on its website an assessment estimation tool that estimates deposit insurance assessment amounts under the proposal.

DATES: Comments must be received on or before April 22, 2019.

ADDRESSES: You may submit comments, identified by RIN 3064–AE98, by any of the following methods:

- *Agency website: https://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the Agency website.
- *Email: Comments@FDIC.gov.* Include RIN 3064–AE98 in the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429. Include RIN 3064–AE98 in the subject line of the letter.
- *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street NW building (located on F Street) on business days between 7 a.m. and 5 p.m. (EDT).
- *Public Inspection:* All comments received, including any personal information provided, will be posted without change to *https://www.fdic.gov/regulations/laws/federal.* Paper copies of public comments may be ordered from the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226 or by telephone at (877) 275–3342 or (703) 562–2200.

FOR FURTHER INFORMATION CONTACT: Ashley Mihalik, Chief, Banking and Regulatory Policy Section, Division of Insurance and Research, (202) 898–3793, *amihalik@fdic.gov*; Daniel Hoople, Financial Economist, Banking and Regulatory Policy Section, Division of Insurance and Research, *dhoople@fdic.gov*; (202) 898–3835; Nefretete Smith, Counsel, Legal Division, (202) 898–6851, *NefSmith@fdic.gov.*

SUPPLEMENTARY INFORMATION:

I. Policy Objectives

The Federal Deposit Insurance Act (FDI Act) requires that the FDIC establish a risk-based deposit insurance assessment system.[1] Pursuant to this requirement, the FDIC first adopted a risk-based deposit insurance assessment system effective in 1993 that applied to all insured depository institutions (IDIs).[2] The FDIC implemented a risk-based assessment system with the goals of making the deposit insurance system fairer to well-run institutions and encouraging weaker institutions to improve their condition, and thus, promote the safety and soundness of IDIs.[3] Deposit insurance assessments based on risk also provide incentives for IDIs to monitor and reduce risks that could increase potential losses to the DIF. Since 1993, the FDIC has met its statutory mandate and has pursued these policy goals by periodically introducing improvements to the deposit insurance assessment system's ability to differentiate for risk.

The primary objective of this proposal is to incorporate the CBLR framework[4] into the current risk-based deposit insurance assessment system in a manner that: (1) Maximizes regulatory relief for small institutions that use the CBLR framework; and (2) minimizes increases in deposit insurance assessments that may arise without a change in risk. The rulemaking also would maintain fair and appropriate pricing of deposit insurance for institutions that use the CBLR.

II. Background

The FDIC assesses all IDIs an amount for deposit insurance equal to the bank's[5] deposit insurance assessment base multiplied by its risk-based assessment rate.[6] A bank's assessment base and risk-based assessment rate depend in part, on tier 1 capital and the tier 1 leverage ratio. This information would no longer be reported on the Consolidated Reports of Condition and Income (Call Report) by banks that elect the CBLR framework.

A. Notice of Proposed Rulemaking: Community Bank Leverage Ratio

On February 8, 2019, the Federal banking agencies published in the **Federal Register** the CBLR NPR.[7] The CBLR NPR would provide for a

[1] 12 U.S.C. 1817(b). Generally, a ''risk-based assessment system'' means a system for calculating a depository institution's assessment based on the institution's probability of causing a loss to the Deposit Insurance Fund (DIF) due to the composition and concentration of the institution's assets and liabilities, the likely amount of any such loss, and the revenue needs of the DIF. *See* 12 U.S.C. 1817(b)(1)(C).

[2] 57 FR 45263 (Oct. 1, 1992).

[3] *See* 57 FR at 45264.

[4] In this proposal, the term ''CBLR framework'' refers to the simplified measure of capital adequacy provided in the CBLR NPR, as well as any subsequent changes to that proposal that are adopted during the rulemaking process.

[5] As used in this NPR, the term ''bank'' is synonymous with the term ''insured depository institution'' as it is used in section 3(c)(2) of the FDI Act, 12 U.S.C. 1817(c)(2).

[6] *See* 12 CFR 327.3(b)(1).

[7] *See* 84 FR 3062 (February 8, 2019).