

§ 565.10

a case where no hearing has been requested, the OTS shall grant or deny the request for reinstatement and notify the Respondent of the OTS's decision. If the OTS denies the request for reinstatement, the OTS shall set forth in the notification the reasons for the OTS's action.

[57 FR 44903, Sept. 29, 1992, as amended at 60 FR 66719, Dec. 26, 1995]

§ 565.10 Enforcement of directives.

(a) *Judicial remedies.* Whenever a savings association or company that controls a savings association fails to comply with a directive issued under section 38, the OTS may seek enforcement of the directive in the appropriate United States district court pursuant to section 8(i)(1) of the FDI Act.

(b) *Administrative remedies—(1) Failure to comply with directive.* Pursuant to section 8(i)(2)(A) of the FDI Act, the OTS may assess a civil money penalty against any savings association or company that controls a savings association that violates or otherwise fails to comply with any final directive issued under section 38 and against any institution-affiliated party who participates in such violation or non-compliance.

(2) *Failure to implement capital restoration plan.* The failure of a savings association to implement a capital restoration plan required under section 38, or this part, or the failure of a company having control of a savings association to fulfill a guarantee of a capital restoration plan made pursuant to section 38(e)(2) of the FDI Act shall subject the savings association or company to the assessment of civil money penalties pursuant to section 8(i)(2)(A) of the FDI Act.

(c) *Other enforcement action.* In addition to the actions described in paragraphs (a) and (b) of this section, the OTS may seek enforcement of the provisions of section 38 or this part through any other judicial or administrative proceeding authorized by law.

PART 566—LIQUIDITY

- Sec.
566.1 Definitions.
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566.3 [Reserved]

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- 566.4 Records; deficiencies.
566.5 [Reserved]

AUTHORITY: 12 U.S.C. 1462, 1462a, 1463, 1464, 1465, 1467a; 15 U.S.C. 1691, 1691a.

SOURCE: 54 FR 49646, Nov. 30, 1989, unless otherwise noted.

§ 566.1 Definitions.

(a) *Cash.* The term *cash* means cash on hand and unpledged demand accounts in a Federal Home Loan Bank, an insured bank, a savings association, the Bank for Savings and Loan Associations (Chicago, Illinois), or the Savings Banks Trust Company (New York, New York), but not gold in any form.

(b) *Insured financial institution.* The term *insured financial institution* means a commercial or savings bank or savings association whose deposits are insured by the Federal Deposit Insurance Corporation and which is not under the control of any supervisory authority.

(c) *Liquidity base.* The term *liquidity base* means savings association's net withdrawable accounts plus the savings association's short-term borrowings.

(d) *Net withdrawable accounts.* The term *net withdrawable accounts* means withdrawable accounts less the unpaid balance of loans secured by such accounts. In computing net withdrawable accounts, a savings association may, at its option, exclude withdrawable accounts maturing in more than one year. Tax and loan accounts, note accounts, accounts to the extent that security has been given upon them pursuant to any applicable regulations, U.S. Treasury General Accounts, and U.S. Treasury Time Deposit Open Accounts are not withdrawable accounts.

(e) *Short-term borrowings.* The term *short-term borrowings* means any portion of the principal amount thereof, payable on demand or in one year or less, but not including tax and loan accounts, note accounts, U.S. Treasury General Accounts, or U.S. Treasury Time Deposit Open Accounts.

(f) *Obligations of the United States.* The term *obligations of the United States* means evidences of indebtedness issued by the United States, or issued by an agency or instrumentality thereof and fully guaranteed as to principal and interest by the United States.

(g) *Liquid assets.* The term *liquid assets* means the total of cash, accrued