

(c) *Waivers.* The Board's Designated Agency Ethics Official, after consulting with the relevant Division director, may grant a written waiver from the disqualification requirement in paragraph (a) of this section using the authorization process set forth in the Office of Government Ethics' Standards of Ethical Conduct at 5 CFR 2635.502(d).

§ 6801.108 Restrictions resulting from employment of family members.

A supervisory employee may not participate in any particular matter to which a depository institution or its affiliate is a party if the depository institution or affiliate employs his or her spouse, child, parent or sibling unless the supervising officer, with the concurrence of the Board's Designated Agency Ethics Official, has authorized the employee to participate in the matter using the authorization process set forth in the Office of Government Ethics' Standards of Ethical Conduct at 5 CFR 2635.502(d).

§ 6801.109 Prior approval for compensated outside employment.

(a) *Approval requirement.* An employee shall obtain prior written approval from his or her Division director (or the Division director's designee) and the concurrence of the Board's Designated Agency Ethics Official before engaging in compensated outside employment.

(b) *Standard for approval.* Approval will be granted unless a determination is made that the prospective outside employment is expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and this part.

(c) *Definition of employment.* For purposes of this section, the term compensated outside employment means any form of compensated non-Federal employment or business relationship involving the provision of personal services by the employee. It includes, but is not limited to, personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker.

TITLE 12—BANKS AND BANKING

CHAPTER II—FEDERAL RESERVE SYSTEM

2. 12 CFR part 264 is revised to read as follows:

PART 264—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Authority: 5 U.S.C. 7301; 12 U.S.C. 244.

§ 264.101 Cross-reference to employees' ethical conduct standards and financial disclosure regulations.

Employees of the Board of Governors of the Federal Reserve System (Board) are subject to the executive branch-wide standards of ethical conduct at 5 CFR part 2635 and the Board's regulation at 5 CFR part 6801, which supplements the executive branch-wide standards, and the executive branch-wide financial disclosure regulation at 5 CFR part 2634.

[FR Doc. 96-26407 Filed 10-15-96; 8:45 am]
BILLING CODE 6210-01-P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103, 235, 286 and 299

[INS No. 1675-94]

RIN 1115-AD82

Collection of Fees Under the Dedicated Commuter Lane Program; Port Passenger Accelerated Service System (PORTPASS) Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: The Immigration and Naturalization Service (Service) published an interim rule with request for comments on September 29, 1995, which allowed for implementation of additional land border inspection fee projects designed to facilitate the entry of identified, low-risk, legitimate border crossers on the northern border. The rule also allowed for the implementation of a pilot dedicated commuter lane (DCL) to facilitate the entry of identified, low-risk, legitimate border crossers on the California-Mexico border. This final rule clarifies and better defines the interim rule, and addresses questions and practical issues which arose during the operation of the pilot dedicated commuter lane (DCL) on the California-Mexico border at the Otay Mesa Port of Entry (POE).

EFFECTIVE DATE: October 16, 1996.

FOR FURTHER INFORMATION CONTACT: Robert A. Mocny, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street, NW., Room 4064, Washington, DC 20536, telephone (202) 514-3019.

SUPPLEMENTARY INFORMATION: The provisions of Public Law 101-515, dated November 5, 1990, authorized the establishment of pilot projects at land

border POEs for which a fee may be charged and collected for inspection services provided at land border POEs. The implementing regulation which established pilot programs for the charging of a land border user fee for inspection services was published as an interim rule by the Service on May 13, 1991, at 56 FR 21917-21920. That interim rule placed all eligibility requirements, application processes, and compliance requirements pertaining to inspection user fees in § 286.6.

On September 29, 1995, the Commissioner, Immigration and Naturalization Service, published in the Federal Register at 60 FR 50386-50399, an interim rule with request for comments by November 28, 1995. The interim rule added a variety of border inspection pilot projects to selected POEs on the northern and California-Mexico land borders, and moved application and eligibility requirements for those persons seeking to participate in any of the pilot projects from 8 CFR 286.8 to 8 CFR 235.13. Expanding and testing pilot projects on land borders facilitates the entry of low-risk, legitimate border crossers, while still safeguarding the integrity of the United States land borders.

No comments were received on the interim rule. However, the following summarizes and explains the changes made in this final rule which clarify and address practical issues which arose during implementation and operation of the pilot program.

PORTPASS Program Definitions—§ 235.13(a)(1)

The effect of use of the PORTPASS Program by an alien participant was distinguished from use of the program by the U.S. citizen participant. Each time the alien uses the PORTPASS program he or she is making an "entry" as defined by section 101(a)(13) of the Immigration and Nationality Act (Act), as amended, a term which is not applicable to U.S. citizens.

In the definition under "DCL System Costs Fee," a vehicle fee was added to cover the costs in certain situations of a participant registering more than one vehicle, and expiration dates were clarified.

Eligibility Requirements—§ 235.13(a)(3)

Additional notice is provided that criminal history databases will be accessed in order to determine an applicant's program eligibility.

Application—§ 235.13(a)(4) and (5)

This paragraph was rewritten to allow for better organization and understanding of the application

procedure and its documentary requirements, including the requirement to provide proof of vehicle insurance and registration. The name of the application, Form I-823, is changed from "Application—Inspections Facilitation Program," to, "Application—Alternative Inspection Services," in order to identify better the use of the application to the public. In addition, paragraph (a)(4)(x) provides for reapplication for use of the lane following a denial only after a 90 day waiting period. Because the number of applications accepted for the program may be limited, this rule will allow more persons to apply for the program. Clarification is also provided in paragraph (a)(5)(viii) that each occupant of a vehicle in the lane is responsible for the contents of the vehicle when passing through the lane.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities because of the following factors. The rule applies to individuals, not small entities, and provides a clear benefit to participants by allowing expeditious passage through a POE. Although there is a fee charged for this service, participation is voluntary.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulations proposed herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The information collection requirement contained in this rule has been cleared by the Office of Management and Budget under the provisions of the Paperwork Reduction

Act. The clearance number for this collection is contained in 8 CFR 299.5 Display of control numbers.

List of Subjects

8 CFR Part 103

Administrative practice and procedures, Aliens, Authority delegations (Government agencies), Freedom of Information, Privacy Act, Reporting and record keeping requirements.

8 CFR Part 235

Administrative practice and procedure, Aliens, Immigration, Passport and visas.

8 CFR Part 286

Fees, Immigration, Reporting and record keeping requirements.

8 CFR Part 299

Administrative practice and procedure, Aliens, Forms, Immigration, Reporting and record keeping requirements.

Accordingly, the interim rule amending 8 CFR Parts 103, 235, 286, and 299 which was published at 60 FR 50386-50399 on September 29, 1995, is adopted as a final rule with the following changes:

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

1. The authority citation for part 235 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252.

2. Section 235.13 is revised to read as follows:

§ 235.13 Automated inspection services.

(a) *PORTPASS Program*—(1) *Definitions*—(i) *Port Passenger Accelerated Service System (PORTPASS)*. A system in which certain ports-of-entry (POEs) are identified and designated by the Service as providing access to the United States for a group of identified, low-risk, border crossers. Alien participants in the PORTPASS program are personally inspected, identified, and screened in advance of approval for participation in the program by an immigration officer, and may apply to enter the United States through a dedicated commuter lane (DCL) or through an automated permit port (APP). Such advance inspection and identification, when the enrolled participant satisfies the conditions and requirements set forth in this section, satisfies the reporting requirements of § 235.1(a). Each successful use of PORTPASS constitutes a separate and completed inspection and application

for entry by the alien program participants on the date PORTPASS is used. United States citizens who meet the eligibility requirements for participation are subject to all rules, procedures, and conditions for use set forth in this section.

(ii) *Automated Permit Port (APP)*. A POE designated by the Service to provide access to the United States by an identified, low-risk, border crosser through the use of automation when the POE is not staffed. An APP has limited hours of operation and is located at a remote location on a land border. This program is limited to the northern border of the United States.

(iii) *Dedicated commuter lane (DCL)*. A special lane set apart from the normal flow of traffic at a land border POE which allows an accelerated inspection for identified, low-risk travelers. This program is limited to the northern border of the United States and the California-Mexico border.

(iv) *DCL system costs fee*. A fee charged to a participant to cover the cost of the implementation and operation of the PORTPASS system. If a participant wishes to enroll more than one vehicle for use in the PORTPASS system, he or she will be assessed an *additional vehicle fee* for each additional vehicle enrolled. Regardless of when the additional vehicle is enrolled, the expiration date for use of that vehicle in the DCL will be the same date that the respective participant's authorized use of the lane expires, or is otherwise revoked.

(2) *Designation of POEs for PORTPASS access*. The following criteria shall be used by the Service in the selection of a POE when classifying the POE as having PORTPASS access:

(i) The location has an identifiable group of low-risk border crossers;

(ii) The institution of PORTPASS access will not significantly inhibit normal traffic flow;

(iii) The POE selected for access via a DCL has a sufficient number of Service personnel to perform primary and secondary inspection functions.

(3) *General eligibility requirements for PORTPASS program applicants*. Applicants to PORTPASS must be citizens or lawful permanent residents of the United States, or nonimmigrants determined to be eligible by the Commissioner of the Service. Non-United States citizens must meet all applicable documentary and entry eligibility requirements of the Act. Applicants must agree to furnish all information requested on the application, and must agree to terms set forth for use of the PORTPASS program. Use of the PORTPASS program

constitutes application for entry into the United States. Criminal justice information databases will be checked to assist in determining the applicant's eligibility for the PORTPASS program at the time the Form I-823, Application—Alternative Inspection Services, is submitted. Criminal justice information on PORTPASS participants will be updated regularly, and the results will be checked electronically at the time of each approved participant's use of PORTPASS. Notwithstanding the provisions of 8 CFR part 264, fingerprints on Form FD-258 or in the manner prescribed by the Service may be required.

(4) *Application.* (i) Application for PORTPASS access shall be made on Form I-823, Application—Alternative Inspection Services. Applications may be submitted during regular working hours at the principal Port-of-Entry having jurisdiction over the Port-of-Entry for which the applicant requests access. Applications may also be submitted by mail.

(ii) Each person seeking PORTPASS access must file a separate application.

(iii) The number of persons and vehicles which can use a DCL is limited numerically by the technology of the system. For this reason, distribution of applications at each POE may be limited.

(iv) Applications must be supported by evidence of citizenship, and, in the case of lawful permanent residents of the United States, evidence of lawful permanent resident status in the United States. Alien applicants required to possess a valid visa must present documentation establishing such possession and any other documentation as required by the Act at the time of the application, and must be in possession of such documentation at the time of each entry, and at all times while present in the United States. Evidence of residency must be submitted by all applicants. Evidence of employment may be required to be furnished by the applicant. A current valid driver's license, and evidence of vehicle registration and insurance for the vehicle which will be occupied by the applicant as a driver or passenger when he or she uses the DCL or APP must be presented to the Service prior to approval of the application.

(v) A completed Form I-823 must be accompanied by the fee as prescribed in § 103.7(b)(1) of this chapter. Each PORTPASS applicant 14 years-of-age or older must complete the application and pay the application fee. Applicants under the age of 14 will be required to complete the application, but will not be required to pay the application fee.

An application for a replacement PORTPASS card must be made on the Form I-823, and filed with the fee prescribed in § 103.7(b)(1). The district director having jurisdiction over the POE where the applicant requests access may, in his or her discretion, waive the application or replacement fee.

(vi) If fingerprints are required to assist in a determination of eligibility at that POE, the applicant will be so advised by the Service prior to submitting his or her application. The applicant shall also be informed at that time of the current Federal Bureau of Investigation fee for conducting a fingerprint check. This fee must be paid by the applicant to the Service before any processing of the application shall occur. The fingerprint fee may be not be waived.

(vii) Each applicant must present himself or herself for an inspection and/or positive identification at a time designated by the Service prior to approval of the application.

(viii) Each vehicle that a PORTPASS participant desires to register in PORTPASS must be inspected and approved by the Service prior to use in the PORTPASS system. Evidence of valid, current registration and vehicle insurance must be presented to the Service at the time the vehicle is inspected. If the vehicle is not owned by the participant, the participant may be required to present written permission from the registered owner authorizing use of the vehicle in the PORTPASS program throughout the PORTPASS registration period.

(ix) An applicant, whether an occupant or driver, may apply to use more than one vehicle in the DCL. The first vehicle listed on the Form I-823 will be designated as the applicant's primary vehicle. The second vehicle, if not designated by another applicant as his or her primary vehicle, is subject to the additional vehicle charge as prescribed by the Service.

(x) An application may be denied in the discretion of the district director having jurisdiction over the POE where the applicant requests access. Notice of such denial shall be given to the applicant. There is no appeal from the denial, but denial is without prejudice to reapplying for this or any other Service benefit. Re-applications, or applications following revocation of permission to use the lane, will not be considered by the Service until 90 days have passed following the date of denial or revocation. Criteria which will be considered in the decision to approve or deny the application include the following: admissibility to the United States and documentation so

evidencing, criminal history and/or evidence of criminality, purpose of travel, employment, residency, prior immigration history, possession of current driver's license, vehicle insurance and registration, and vehicle inspection.

(xi) Applications approved by the Service will entitle the applicant to seek entry via a designated PORTPASS Program POE for a period of 1 year from the date of approval of the application unless approval is otherwise withdrawn. An application for a replacement card will not extend the initial period of approval.

(5) By applying for and participating in the PORTPASS program, each approved participant acknowledges and agrees to all of the following:

(i) The installation and/or use of, in the vehicle approved for use in the PORTPASS program, any and all decals, devices, technology or other methodology deemed necessary by the Service to ensure inspection of the person(s) seeking entry through a DCL, in addition to any fee and/or monetary deposit assessed by the Service pending return of any and all such decals, devices, technology, and other methodology in undamaged condition.

(ii) That all devices, decals, or other equipment, methodology, or technology used to identify or inspect persons or vehicles seeking entry via any PORTPASS program remains the property of the United States Government at all times, and must be surrendered upon request by the Service. Each participant agrees to abide by the terms set forth by the Service for use of any device, decal, or other equipment, method or technology.

(iii) The payment of a system costs fee as determined by the Service to be necessary to cover the costs of implementing, maintaining, and operating the PORTPASS program.

(iv) That each occupant of a vehicle applying for entry through PORTPASS must have current approval from the Service to apply for entry through the PORTPASS program in that vehicle.

(v) That a participant must be in possession of any authorization document(s) issued for PORTPASS access and any other entry document(s) as required by the Act or by regulation at the time of each entry to the United States.

(vi) That a participant must positively identify himself or herself in the manner prescribed by the Service at the time of each application for entry via the PORTPASS.

(vii) That each use of PORTPASS constitutes a separate application for

entry to the United States by the alien participant.

(viii) That each participant agrees to be responsible for all contents of the vehicle that he or she occupies when using PORTPASS.

(ix) That a participant may not import merchandise or transport controlled or restricted items using PORTPASS. The entry of any merchandise or goods must be in accordance with the laws and regulations of all other Federal inspection agencies.

(x) That a participant must abide by all Federal, state and local laws regarding the importation of alcohol or agricultural products or the importation or possession of controlled substances as defined in section 101 of the Controlled Substance Act (21 U.S.C. § 802).

(xi) That a participant will be subject to random checks or inspections that may be conducted by the Service at any time and at any location, to ensure compliance.

(xii) That current vehicle registration and, if applicable, current permission to use the vehicle in PORTPASS, and evidence of current vehicle insurance, shall be in the vehicle at all times during use of PORTPASS.

(xiii) Participant agrees to notify the Service if a vehicle approved for use in a PORTPASS program is sold, stolen, damaged, or disposed of otherwise. If a vehicle is sold, it is the responsibility of the participant to remove or obliterate any identifying device or other

authorization for participation in the program or at the time of sale unless otherwise notified by the Service. If any license plates are replaced on an enrolled vehicle, the participant must submit a properly executed Form I-823, without fee, prior to use of the vehicle in the PORTPASS program.

(xiv) That APP-approved participants who wish to enter the United States through a POE other than one designated as an APP through which they may pass must present themselves for inspection or examination by an immigration officer during normal business hours. Entry to the United States during hours when a Port of Entry is not staffed may be made only through a POE designated as an APP.

(b) *Violation of condition of the PORTPASS program.* A PORTPASS program participant who violates any condition of the PORTPASS program, or who has violated any immigration law or regulation, or a law or regulation of the United States Customs Service or other Federal Inspection Service, or who is otherwise determined by an immigration officer to be inadmissible to the United States or ineligible to participate in PORTPASS, may have the PORTPASS access revoked at the discretion of the district director or the chief patrol agent and may be subject to other applicable sanctions, such as criminal and/or administrative prosecution or deportation, as well as possible seizure of goods and/or vehicles.

(c) *Judicial review.* Nothing in this section is intended to create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the Department of Justice, the Immigration and Naturalization Service, their officers or any employees of the Department of Justice.

PART 286—IMMIGRATION USER FEE

3. The authority citation for part 286 continues to read as follows:

Authority: 8 U.S.C. 1103, 1156; 8 CFR part 2.

4. In § 286.8, a new paragraph (f) is added to read as follows:

§ 286.8 Establishment of pilot programs for the charging of a land border fee for inspection services.

* * * * *

(f) Costs associated with the administration of the Land Border Inspection Fee account.

PART 299—IMMIGRATION FORMS

5. The authority citation for part 299 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103; 8 CFR part 2.

6. Section 299.1 is amended by revising the entry for the "Form I-823" to read as follows:

§ 299.1 Prescribed forms.

* * * * *

Form No.	Edition date	Title
I-823	9-10-96	Application—Alternative Inspection Services.

7. Section 299.5 is amended by revising the entry for the Form "I-823" to read as follows:

§ 299.5 Display of control numbers.

INS form No. OMB	INS form title	Currently assigned control OMB No.
I-823	Application—Alternative Inspection Services	1115-0174

Dated: September 27, 1996.

Doris Meissner,

Commissioner, Immigration and
Naturalization Service.

[FR Doc. 96-26580 Filed 10-11-96; 11:48
am]

BILLING CODE 4410-10-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 327

RIN 3064-AB93

Assessments

AGENCY: Federal Deposit Insurance
Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The Deposit Insurance Funds Act of 1996 (Funds Act) requires the FDIC to impose a special assessment on institutions holding deposits subject to assessment by the Savings Association Insurance Fund (SAIF). The Funds Act mandates that the special assessment increase the SAIF's net worth as of October 1, 1996 to 1.25 percent of SAIF-insured deposits.

The Funds Act requires the FDIC to determine the amount of the special assessment based on the most recently calculated SAIF balance (August 31, 1996) and insured deposit data reported in the most recent quarterly reports of condition filed not later than 70 days before enactment (reports as of March 31, 1996, filed April 30, 1996). The special assessment will be collected on November 27, 1996. This assessment, which the FDIC estimates to be 65.7 basis points, is required to be applied against SAIF-assessable deposits which generally were held by institutions as of March 31, 1995.

The final rule provides for certain discounts and exemptions related to the special assessment. In addition, the FDIC is establishing guidelines for identifying institutions classified as "weak", and therefore exempt from the special assessment. The final rule also adjusts the base for computing the regular semiannual assessments paid by certain institutions, in accordance with the Funds Act.

EFFECTIVE DATE: October 8, 1996.

FOR FURTHER INFORMATION CONTACT: Stephen Ledbetter, Chief, Assessments Evaluation Section, Division of Insurance (202) 898-8658; Allan Long, Assistant Director, Division of Finance, (202) 416-6991; Cary Hiner, Associate Director, Division of Supervision, (202) 898-6814; James McFadyen, Senior Financial Analyst, (202) 898-7027,

Division of Research and Statistics; Richard Osterman, Senior Counsel, (202) 898-3523, or Jules Bernard, Counsel, Legal Division, (202) 898-3731; Federal Deposit Insurance Corporation, 550-17th St., N.W., Washington, D. C. 20429.

SUPPLEMENTARY INFORMATION:

I. The Final Rule

The final rule imposes a special assessment on all institutions that pay assessments to the SAIF, but allows discounts for certain institutions, and exempts others. The final rule also reduces the adjusted attributable deposit amounts (AADAs) of certain Oakar banks: banks that belong to the Bank Insurance Fund (BIF), but hold deposits that are treated as insured by the SAIF pursuant to the Oakar Amendment, 12 U.S.C. 1815(d)(3).

A. The Special Assessment

The Funds Act, Pub. L. 104-208, 110 Stat. 3009 et seq., requires the FDIC's Board of Directors (Board) to impose a special assessment on all institutions that hold SAIF-assessable deposits—that is, on SAIF-member institutions, and on Oakar banks—in an amount sufficient to increase the Savings Association Insurance Fund reserve ratio (SAIF reserve ratio)¹ to the designated reserve ratio (DRR) of 1.25 percent² as of October 1, 1996. Funds Act section 2702(a); see 12 U.S.C. 1817(b)(2)(a)(4).

The Funds Act requires the special assessment to be applied against the SAIF-assessable deposits held by institutions as of March 31, 1995. If an institution that held deposits on that date has transferred the deposits to another institution after March 31, 1995, and is no longer an insured institution on November 27, 1996 (the collection date for the special assessment), the transferee institution is deemed to have held the transferred deposits as of March 31, 1995, and must pay the assessment due on them. See Funds Act section 2710(8)(B).

The Board is also required to take the following exemptions and adjustments into account in determining the amount of the special assessment: (1) The Funds Act decreases by 20 percent the amount of SAIF-assessable deposits against

¹ The Savings Association Insurance Fund reserve ratio is the ratio of SAIF's net worth to aggregate SAIF-insured deposits. 12 U.S.C. 1817(l)(7).

² The DRR is a target ratio that has a fixed value for each year. The value is either (i) 1.25 percent, or (ii) such higher percentage as the Board determines to be justified for that year by circumstances raising a significant risk of substantial future losses to the fund. *Id.* 1817(b)(2)(A)(iv). The Board has not increased the DRR for the SAIF.

which the special assessment will be applied for certain institutions; (2) the Funds Act grants exemptions to certain specifically defined institutions; and (3) the Funds Act also provides the Board with the authority to exempt weak institutions from paying the special assessment if the Board determines that such an exemption would reduce risk to the SAIF.

1. 20 Percent Discounts

When calculating the amount of special assessment for certain institutions, those institutions' SAIF-assessable deposits, determined as of March 31, 1995, are decreased by 20 percent.

Section 2702(h) of the Funds Act provides the discount to the following Oakar banks:

- Any Oakar bank that, as of June 30, 1995, had an AADA that was less than half of its total domestic (and therefore assessable) deposits. *Id.* section 2702(h)(1)(A).
- Any Oakar bank that met all the following conditions as of June 30, 1995: it had more than \$5 billion in total assessable deposits; it had an AADA that was less than 75 percent of that amount; and it belonged to a bank holding company system that, in the aggregate, had more BIF-insured deposits than SAIF-insured deposits. *Id.* section 2702(h)(1)(B).

Section 2702(j) of the Funds Act provides the same discount to the following "converted" institutions:

- A SAIF-member federal savings association that had no more than \$4 billion of SAIF-assessable deposits as of March 31, 1995, and that had been, or is a successor to, an institution that used to be a state savings bank insured by the FDIC prior to August 9, 1989, and that converted to a federal savings association pursuant to section 5(i) of the Home Owners' Loan Act before January 1, 1985. *Id.* section 2702(j)(2)(A).
- A state-chartered SAIF member that had been a state savings bank prior to October 15, 1982, and that was a federal savings association on August 9, 1989. *Id.* section 2702(j)(2)(B).
- An insured bank that was established *de novo* in order to acquire the deposits of a savings association in default or in danger of default, that did not open for business before acquiring the deposits of such savings association, and that was a SAIF member as of the date of enactment of the Funds Act. *Id.* section 2702(j)(2)(C).
- A "Sasser bank"—that is, a bank that converted its charter from a savings association to a bank, yet remained a SAIF member in accordance with the Sasser Amendment, 12 U.S.C. 1815(d)(2)(G)—that underwent the conversion before December 19, 1991, and that increased its capital by more than 75 percent in conjunction with the conversion. Funds Act section 2702(j)(2)(D).