



BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
WASHINGTON, DC 20551

August 24, 2018

Tahmineh Maloney, Esq.
General Counsel, E*Trade Bank
E*Trade Financial Corporation
671 N. Glebe Road
Arlington, VA 22203

Dear Ms. Maloney:

This letter is in response to the request by E*Trade Financial Corporation (“E*Trade”), New York, New York, for an extension of time to comply with Part III.a.6 of Appendix B of the Board’s Regulation VV (the “CEO attestation”).¹ Pursuant to section 248.20(c) of Regulation VV, E*Trade would be required to submit a CEO attestation in 2019 with respect to calendar year 2018 because it reported total consolidated assets in excess of \$50 billion as of December 31, 2017.² E*Trade has not previously been required to submit a CEO attestation under the Board’s Regulation VV.

The Board, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission,

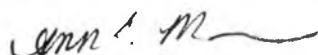
¹ 12 CFR Part 248, Appendix B, Part III.a.6 (requiring a banking entity that meets certain eligibility requirements to submit annually a written attestation from its CEO that it has in place processes to establish, maintain, enforce, review, test, and modify its compliance program in a manner reasonably designed to achieve compliance with section 13 of the Bank Holding Company Act and its implementing regulations). By e-mail dated July 19, 2018, E*Trade requested an extension of time to comply with this regulatory requirement.

² [Id.](#) [See](#) Volcker Rule, Frequently Asked Questions, Response to Question 7 (describing the timing expectations for a banking entity required to submit a CEO attestation), available at <https://www.federalreserve.gov/bankinforeg/volcker-rule/faq.htm#7>.

and the Commodity Futures Trading Commission (the “Agencies”)³ recently proposed amendments to Regulation VV that would amend the CEO attestation requirement such that, if finalized, E*Trade would no longer be required to submit a CEO attestation.⁴ Acting pursuant to delegated authority, I have granted E*Trade’s request for an extension of time to comply with the CEO attestation requirement.⁵ This action was taken in light of the proposed amendments to Regulation VV and is based on all the facts of record, including the information provided in the request by E*Trade. E*Trade must submit a CEO attestation as required by Appendix B no later than March 31, 2021. This action should not be construed as granting relief from any other conditions or commitments to which E*Trade may be subject.

Please contact Kevin Tran, of the Board’s Division of Supervision and Regulation, at (202) 452-2309, or Flora Ahn of the Board’s Legal Division, at (202) 452-2317, if you have any questions.

Sincerely yours,



Ann E. Misback
Secretary of the Board

cc: Jacqueline Larkin, Senior Manager
Federal Reserve Bank of Richmond

³ Board staff has consulted with staffs of the other Agencies, and they do not object to the extension approved herein.

⁴ See Proposed Revisions to Prohibitions and Restrictions on Proprietary Trading and Certain Interests in, and Relationships with, Hedge Funds and Private Equity Funds, 83 Fed. Reg. 33432, 33488-89, 33570 (July 17, 2018). If finalized as proposed, the CEO attestation requirement would only apply to banking entities with \$10 billion or more in trading assets and liabilities. E*Trade presently reports \$0 in trading assets and liabilities.

⁵ 12 CFR 265.5(a)(2)(i).