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Authority: 12 U.S.C. 1441a(t) and 1833e.

Subpart A—General Provisions**§ 1617.1 Purpose.**

(a) Section 1216 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), 12 U.S.C. 1833e, requires that the Resolution Trust Corporation (RTC or the Corporation) prescribe regulations to establish and oversee a minority outreach program to ensure inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, including financial institutions, investment banking firms, underwriters, accountants, and providers of legal services, in all contracts entered into by the agency with such persons or entities, public and private, in order to manage the institutions and their assets for which the agency is responsible or to perform such other functions authorized under any law applicable to the agency.

(b) This part details the procedures that the RTC will follow to ensure the inclusion of businesses and law firms owned by minorities or women in RTC's contracts for goods and services in connection with its management of savings and loan institutions placed under RTC control and the disposition of their assets.

§ 1617.2 Policy.

(a) It is the policy of the RTC that Minority and Women Owned Businesses (MWOBs) and Minority and Women Owned Law Firms (MWOLFs) are included to the maximum extent possible in all contracting activities of the Corporation. The RTC's objectives in contracting will be achieved through the establishment of goals using RTC contracting procedures. This applies to contracting for the procurement of goods and services, and the contracting activities of Conservatorships and Receiverships. Every employee of the RTC has the affirmative duty and responsibility to identify and seek to remove any barriers to the maximum possible participation by MWOBs, MWOLFs and minority and women partners in non-MWOLFs in the RTC's contracting activities.

(b) It is the policy of the RTC to ensure that MWOBs are included, to the maximum extent possible, in all non-legal services contracted for by the RTC, including non-legal services contracted for by private sector contractors. It is

expected that all program and sales offices will increase the level of participation and fees paid annually by the RTC to at least 30 percent for minority and women owned businesses.

(c) It is the policy of the RTC to ensure that MWOLFs, and minority and women partners in non-MWOLFs are included to the maximum extent possible, in all legal services contracted for by the RTC, including legal services contracted for by private sector contractors. It is expected that the RTC will increase the level of legal fees paid annually on new referrals to MWOLFs to at least 20 percent. In addition, at least 10 percent of the total legal fees paid annually will be paid to minority or women partners and other minority and women attorneys in non-MWOLFs.

§ 1617.3 Scope.

(a) This part applies to all contracting activities engaged in by the RTC in its Corporate, Conservatorship and Receivership capacities (including contracting by private sector contractors for the RTC, services provided directly to the Corporation and services provided to Conservatorships and Receiverships) with private persons and entities for all functions authorized by law.

(b) Sections 1617.10 through 1617.60 and § 1617.300 apply to all non-legal contracting activities engaged in by the RTC, in any of its capacities. It applies to non-legal services including, but not limited to, asset management, accounting services, appraisals, property management, information systems, property maintenance, surveying, general contracting and subcontracting, architectural/engineering consulting, title work, financial investigation services, marketing, signage and printing services and related services.

(c) Sections 1617.70 through 1617.202 and § 1617.301 apply to all contracts for legal services engaged in by the RTC, in any of its capacities (including contracting by private sector contractors for the RTC, services provided directly to the Corporation and services provided to Conservatorships and Receiverships). It applies to legal services including, but not limited to, litigation, transactions, bankruptcy, bond claims, director and officer liability, and other areas of law specific to the RTC.

§ 1617.4 RTC organizational responsibilities and staffing.

(a) **Organization.** The RTC has established a Division of Minority and Women's Programs (DMWP) in Washington with a Vice President to