FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 314, 360, 370

RIN 3064-AG35

Large-Bank Deposit Insurance Determination Modernization

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of proposed rulemaking and request for comment.

SUMMARY: The FDIC is seeking comment on a proposal that would: (1) remove from the Code of Federal Regulations 12 CFR part 370, entitled "Recordkeeping for Timely Deposit Insurance Determination;" (2) revise 12 CFR 360.9, entitled "Large-Bank Deposit Insurance Determination Modernization," to modify the requirements that, following rescission of part 370, would generally apply to institutions currently subject to 12 CFR part 370, with certain modifications, and clarify its requirements to better align the burdens of the rule with the benefits; and (3) revise 12 CFR part 314 to index 12 CFR 360.9 thresholds to inflation.

DATES: Comments must be received within 60 days after publication in the *Federal Register*.

ADDRESSES: You may submit comments on the notice of proposed rulemaking, identified by RIN 3064-AG35, by any of the following methods:

- *Agency Website*: *https://www.fdic.gov/resources/regulations/federal-register-publications/. Follow instructions for submitting comments on the FDIC's website.*
- *Email*: *comments@fdic.gov*. Include "[RIN 3064-AG35]" in the subject line of the message.
- *Mail*: Jennifer M. Jones, Deputy Executive Secretary, Attention: Comments/Legal OES (RIN 3064-AG35), Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery/Courier:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street NW) on business days between 7:00

a.m. and 5:00 p.m.

Public Inspection: All comments received, including any personal information provided, will be posted without change to https://www.fdic.gov/resources/regulations/federal-register-publications. Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of this document will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

This proposal, all comments received, and a summary of not more than 100 words of the proposal pursuant to the Providing Accountability Through Transparency Act of 2023 are available at https://www.fdic.gov/federal-register-publications.

FOR FURTHER INFORMATION CONTACT: Shivali Nangia, Deputy Director, Division of Resolutions and Receiverships, snangia@fdic.gov; Eli Engelbourg, Chief, Division of Resolutions and Receiverships, 703-562-6341, eengelbourg@fdic.gov; Ryan P. Tetrick, Deputy Director, Division of Complex Institution Supervision and Resolution, rtetrick@fdic.gov; Luis A. Mayorga, Chief, Division of Complex Institution Supervision and Resolution, lmayorga@fdic.gov; Karen L. Main, Senior Counsel, Legal Division, kamain@fdic.gov; Shane Kiernan, Counsel, Legal Division, skiernan@fdic.gov; F. Angus Tarpley III, Counsel, Legal Division, ftarpley@fdic.gov; Andrew J. Yu, Counsel, Legal Division, anyu@fdic.gov.

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I. Policy Objectives

The policy objective of the proposal is to rebalance the FDIC's framework for making prompt deposit insurance determinations in the event of a failure of a large insured depository institution (IDI). Specifically, the proposal would remove 12 CFR part 370, the FDIC's rule entitled "Recordkeeping for Timely Deposit Insurance Determination" (part 370), and no longer require IDIs subject to that rule to configure their information technology systems (IT systems) to be capable of calculating deposit insurance coverage, while preserving measures intended to enable the FDIC to calculate deposit insurance coverage for such IDIs "as soon as possible" in the event of their failure.[7]

The FDIC also proposes to amend 12 CFR 360.9, the FDIC's rule entitled "Large-Bank Deposit Insurance Determination Modernization" (section 360.9) in order to improve the FDIC's ability to meet its statutory obligations, particularly its obligation to pay deposit insurance as soon as possible either by cash or by making available to each depositor a transferred deposit in a new insured depository institution.[8] This proposed amendment would not add additional burden or affect the requirements applicable to IDIs currently subject to section 360.9, but would, among other things, require an IDI having at least $2 billion in deposits and 2 million or more deposit accounts (generally, IDIs currently subject to part 370) to maintain and provide to the FDIC

[7] *See* 12 U.S.C. 1821(f)(1).
[8] *See id.*

certain depositor and customer data needed for the FDIC to calculate deposit insurance in the event of the IDI's failure.[9]

Since first adopting part 370 in 2016, the FDIC has enhanced its own systems and capabilities related to calculating deposit insurance and making deposit insurance determinations. The FDIC believes that with this improvement to its internal capacity, the FDIC can reduce regulatory burden by rescinding part 370 without materially impeding the FDIC's ability to calculate deposit insurance. Part 370 is generally a more burdensome regulatory framework than section 360.9, especially for new entrants to part 370, who must build and maintain their own IT systems capable of calculating deposit insurance in-house and maintain a broader set of information in deposit account records than is required under section 360.9.

II. Background

A. Section 360.9

When the FDIC began the rulemaking process to develop the current section 360.9, the FDIC recognized that the increased number of deposit accounts, greater geographic dispersion of depositors, more diversity of data systems, and potential data consistency challenges at larger institutions created challenges for the FDIC in conducting a deposit insurance determination in the event of failure. In addition, the FDIC understood that the process of deposit insurance determination was inherently complex and dependent upon the complete and accurate deposit account records of the failed IDI. Consistent with the statutory requirement to provide access to insured deposits "as soon as possible," the FDIC has typically been able to allow most depositors access to their insured deposits on the next business day after a bank's failure. In an effort to maintain this standard, the FDIC began considering new methods to modernize the deposit

[9] Currently, when an IDI becomes subject to part 370 by having two million or more deposit accounts and submits its part 370 compliance certification to the FDIC, the IDI is released from the requirements of section 360.9. 12 CFR 370.8(d).

insurance determination process and stated in a 2005 advance notice of proposed rulemaking (ANPR) that its goals were to "minimize disruption to depositors and communities, and maximize recoveries" for the Deposit Insurance Fund (DIF) in the event of a failure of a large IDI.[10] The FDIC considered the limitations of its then current processes in light of the larger institutions resulting from mergers and internal growth.

The 2005 ANPR requested comment on options for enhancing the speed at which depositors at more complex IDIs would receive access to their funds in the event of failure.[11] In response to public comment, the FDIC published a second ANPR focusing on less costly and less burdensome alternatives.[12] In January 2008, the FDIC then published a notice of proposed rulemaking composed of two parts addressing (1) issues involving the FDIC's practices for determining deposit and other liability account balances at a failed IDI, and (2) a requirement for certain IDIs to adopt mechanisms that would, in the event of the IDI's failure, provide the FDIC with standard depositor and customer information and allow the FDIC to place and release holds on liability accounts, including deposits.[13] In July 2008, the FDIC adopted a final rule in a form similar to the proposal.[14] Currently, section 360.9 applies only to an IDI if, based on its Reports of Condition and Income (Call Report), it has at least $2 billion in deposits and at least either: 250,000 deposit accounts or $20 billion in total assets, regardless of the number of deposit accounts (these IDIs are defined as "covered institutions" in section 360.9).[15] Section 360.9 requires covered institutions to have in place mechanisms that would, in the event of the IDI's failure, provide the FDIC with depositor and customer information in a standard data format and

[10] 70 FR 73652, 73652 (Dec. 13, 2005).
[11] *Id.*
[12] 71 FR 74857 (Dec. 13, 2006).
[13] 73 FR 2364 (Jan. 14, 2008).
[14] 73 FR 41180 (July 17, 2008).
[15] 12 CFR 360.9(b)(1).

allow the automated placement and release of provisional holds on liability accounts, including deposits.[16]

The FDIC's ability to provide depositors prompt access to insured deposits and determine the insurance status of depositors in a failed IDI in a timely manner is a critical element for ensuring a least-costly resolution and maintaining public confidence. The requirements of section 360.9 provide essential support for the FDIC to meet its statutory obligations, including paying deposit insurance "as soon as possible" following the failure of an IDI and resolving the IDI in the manner least costly to the DIF.[17] The FDIC believes that the proposed amendments to section 360.9 will help the FDIC to continue to meet these objectives, especially for larger and more complex IDIs.

B. Part 370

In 2015, the FDIC issued an ANPR seeking comment on whether certain IDIs such as those that have two million or more deposit accounts should be required to take steps to ensure that depositors would have access to their FDIC-insured funds in a timely manner (usually within one business day after failure) if one of these institutions were to fail.[18] Specifically, the FDIC sought comment on whether these IDIs should be required to enhance their recordkeeping to maintain, and be able to provide, substantially more accurate and complete data on each depositor's ownership interest by right and capacity for all, or a large subset, of the institution's deposit accounts. The FDIC also sought comment on whether these IDIs' IT systems should have the capability to calculate the insured and uninsured amounts for each depositor by deposit insurance category for all, or a substantial subset of, deposit accounts at the end of any business day. The FDIC then published in the *Federal Register* a notice of proposed rulemaking,[19]

[16] 12 CFR 360.9(c)-(d).
[17] 12 U.S.C. 1821(f)(1); 12 U.S.C. 1823(c)(4).
[18] 80 FR 23478 (Apr. 28, 2015).
[19] 81 FR 10026 (Feb. 26, 2016).

considered all of the comments received, and adopted a final rule in 2016 to facilitate prompt payment of FDIC-insured deposits when IDIs with two million or more deposit accounts fail.[20] This 2016 final rule required each IDI that has two million or more deposit accounts to configure its IT system to be capable of calculating deposit insurance in the event of the IDI's failure and maintain complete and accurate information needed by the FDIC to determine deposit insurance coverage with respect to each deposit account. These IDIs were released from the requirements of section 360.9 upon complying with the requirements of part 370.

In April 2019, the FDIC issued a notice of proposed rulemaking soliciting public comment on its proposal to make certain substantive revisions to part 370 to clarify the requirements, better align its burdens with its benefits, and make technical changes.[21] The FDIC then promulgated a final rule seeking to address many of the issues identified by commenters regarding components of part 370 that were unclear or unduly burdensome.[22] Part 370 requires each IDI that has two million or more deposit accounts to develop its IT systems to be capable of calculating the insured and uninsured amount in each deposit account by ownership right and capacity, which would be used by the FDIC to make deposit insurance determinations in the event of the IDI's failure.[23] Part 370 also requires these IDIs to maintain complete and accurate information needed by the FDIC to determine deposit insurance coverage with respect to each deposit account.[24] However, alternative recordkeeping standards are permitted for certain types of accounts for which the covered institution does not otherwise maintain complete information needed for a deposit insurance determination.[25] Part 370 also prescribes the file types, data

[20] 81 FR 87734 (Dec. 5, 2016).
[21] 84 FR 14814 (Apr. 11, 2019).
[22] 84 FR 37020 (July 30, 2019).
[23] *See id.*
[24] *See id.*
[25] *See* 12 CFR 370.4 (recordkeeping requirements); 12 CFR 370.5 (certain deposit accounts with transactional features).

fields, and allowable values the IDIs' IT systems must produce.[26] Additionally, part 370 provides for regular certification of compliance and periodic FDIC compliance testing.[27] Once an IDI submits its compliance certification under part 370, it is automatically released from having to comply with section 360.9.[28]

The FDIC adopted part 370 to enhance the FDIC's ability to pay deposit insurance "as soon as possible" as required under section 11(f) of the Federal Deposit Insurance Act (FDI Act) for these larger and more complex IDIs. Though section 11(f) of the FDI Act does not specify a time limit for paying insured deposits, the FDIC strives to pay deposit insurance promptly after an IDI failure and expects to make most insured deposits available by the next business day after IDI failure.[29] The FDIC adopted part 370 to address concerns that, at the time of an IDI's failure, deposit account records and data may be inconsistent, incomplete, or otherwise insufficient to support timely and accurate deposit insurance determinations. The rule also was intended to mitigate limitations in FDIC systems to process the volume of accounts associated with the failure of a large IDI. To address these concerns, part 370 requires covered institutions to develop and maintain the recordkeeping and information technology capabilities necessary to support the FDIC's resolution functions in the event of failure. The dual problems of incomplete depositor records and a much larger and more complex IDI could result in deposit insurance determinations being significantly delayed, particularly if a very large IDI fails with little warning.[30]

As discussed below, the FDIC believes that the significant advancements in the FDIC's capabilities and systems, together with planned expansion of those capabilities, have improved

[26] *See* 12 CFR pt. 370, apps. A-C.
[27] *See* 12 CFR 370.10.
[28] *See* 12 CFR 370.8(d).
[29] *See* 81 FR at 87735.
[30] *See id.*

the FDIC's ability to promptly determine deposit insurance coverage for depositors of large and complex failed IDIs to the point that, when coupled with the requirements in the proposed revised section 360.9, the FDIC would be able to perform the deposit insurance determination promptly without the need for the requirements set forth in part 370.

III. Rescission of Part 370

The FDIC is proposing to remove and reserve part 370 of the FDIC's regulations. The FDIC believes that advancements in the FDIC's own capabilities and systems related to deposit insurance determinations render it unnecessary for the largest IDIs to build and maintain their own IT systems capable of calculating deposit insurance coverage if they comply with the provisions of section 360.9 as outlined in this proposal. When combined with the revision of section 360.9 as outlined in this proposal, part 370 can therefore be removed from the FDIC's regulations without materially impeding the FDIC's ability to calculate deposit insurance. The FDIC believes that removing part 370 would also reduce the net burden on the IDIs currently subject to part 370. For example, these IDIs will no longer have to maintain certain depositor and customer data and operate, maintain, continuously enhance, and remediate deficiencies in their IT systems to be capable of calculating deposit insurance coverage within 24 hours after the appointment of the FDIC as receiver.[31] As described in greater detail below, specified recordkeeping requirements for certain deposit account information under part 370 would be preserved for larger and more complex IDIs under the proposal.[32]

Part 370 provides that an IDI that is subject to part 370 is released from the provisional hold and standard data format requirements of section 360.9 upon submitting to the FDIC its part 370 compliance certification.[33] Such an IDI that is released from section 360.9 under part 370

[31] *See* 12 CFR 370.3.
[32] 12 CFR pt. 360, apps. C-G.
[33] 12 CFR 370.8(d).

remains released for so long as it is subject to part 370. If part 370 were to be removed as the FDIC is now proposing, then an IDI that was a covered institution under part 370 would no longer be subject to part 370 and would need to comply with section 360.9 despite its prior release, including the development or redevelopment of provisional hold capabilities (provided such IDI is a covered institution as defined under section 360.9).

The FDIC invites comments on all aspects of the proposed rescission of part 370. In particular, the FDIC seeks comment on the following aspects of the proposal:

(1) What are the anticipated impacts of transitioning to a section 360.9 format and data structure?

(2) Are there any reasons why the FDIC should consider not rescinding part 370? If so, please explain.

IV. Amendments to Section 360.9

A. Scope and Purpose

The FDIC is undertaking this notice of proposed rulemaking to amend section 360.9. Section 360.9 would apply to all IDIs that have at least $2 billion in deposits and at least either: 250,000 deposit accounts; or $20 billion in total assets, regardless of the number of deposit accounts (covered institutions). The proposal would add a new defined term, larger covered institution, to section 360.9. A larger covered institution would be defined as a covered institution with at least $2 billion in deposits and two million or more deposit accounts. [34] The proposal would, among other things:

- apply the requirements of section 360.9 to larger covered institutions;

[34] Under the proposal, larger covered institutions are a subset of covered institutions.

- require larger covered institutions to collect and maintain complete and accurate depositor and customer data for certain mandatory data fields unless otherwise provided for;
- provide for a larger covered institution to request an exemption from the standard data requirements;
- include a safe harbor provision for covered institutions that have submitted a request for exemption or extension while awaiting the FDIC's response;
- provide for automatic release from the requirements of section 360.9 if it falls below the covered institution threshold for three consecutive quarters;
- clarify the definition of foreign deposits and related terminology to conform with 12 CFR part 330; and
- make corrections and technical and conforming changes.

The proposal would index, but not otherwise change, the thresholds for an IDI to become a covered institution. The proposal would neither include any new requirement nor impose any additional burden on any IDI currently subject to section 360.9.

The FDIC proposes to include IDIs that are currently subject to part 370 within the scope of the revised section 360.9 to facilitate prompt payment of FDIC-insured deposits should one of these institutions fail and to reduce compliance burdens for these IDIs. As noted above, these IDIs would no longer be required to operate and maintain IT systems capable of promptly calculating deposit insurance coverage, as the FDIC would instead rely on its own internal IT system to calculate deposit insurance. These IDIs would also become subject to the recordkeeping and provisional hold requirements of section 360.9 if revised as proposed.

The FDIC invites comments on all aspects of the scope of the proposal. In particular, the FDIC seeks comment on the following aspects of the proposal:

(3) Do commenters agree with the proposed threshold for larger covered institutions? Should the FDIC consider an alternative threshold? If so, why and how should the larger covered institution threshold be changed?

(4) Should the FDIC consider changing the threshold for covered institutions that would not be larger covered institutions? If so, why and how should the threshold be changed?

B. Modified and New Definitions

Section 360.9(b) contains the definition of terms used throughout section 360.9. The proposal would add or revise the following definitions:

Deposit. The term "deposit" would be added as a defined term and would have the same meaning as provided under section 3(*l*) of the FDI Act (12 U.S.C. 1813(*l*)).

Deposit account records. The term "deposit account records" would be added as a defined term and would have the meaning given that term in 12 CFR 330.1(e).

Foreign Deposits and Related Terminology. The FDIC proposes to revise the definition of foreign deposits and add new definitions for "dually payable deposit," "domestic deposit," "domestic deposit account," and "foreign deposit account." Subsequent to the promulgation of the current section 360.9, the FDIC clarified the treatment of liabilities in foreign offices of U.S. IDIs for the purpose of insurance coverage and priority in resolution.[35] That rulemaking clarified the treatment of a "dually payable deposit," which is a liability held in a foreign office of a U.S. IDI that (1) would be a deposit if carried on the books and records of the IDI in the United States and (2) is expressly payable in the United States. Such dually payable deposits receive treatment as deposits for purposes of priority in resolution, but do not receive deposit insurance coverage. Under this proposed rulemaking, "foreign deposits" would include any dually payable deposit together with any liability held in a foreign office of a U.S. IDI that (1) would be a deposit if

[35] *See* Final Rule on Definition of Insured Deposits, 78 FR 56583 (Sept. 13, 2013).

carried on the books and records of the IDI in the United States and (2) is not expressly payable in the United States. Foreign deposits that are not dually payable are not treated as deposits for purposes of priority in resolution and do not receive deposit insurance coverage.

The term "domestic deposit" in this proposal would be defined as any deposit other than a dually payable deposit. New definitions have also been added for "deposit account," "domestic deposit account," and "foreign deposit account." These new and revised terms correspond to reporting requirements throughout the rule, including in paragraph (c), "Posting and removing provisional holds;" Appendix C, "Deposit File Structure;" and Appendix D, "Sweep/ Automated Credit Account File Structure." The distinction between domestic deposits, foreign deposits, domestic deposit accounts, and foreign deposit accounts is intended to correspond to how covered institutions maintain their deposits and deposit accounts within the United States and at foreign offices, and therefore how covered institutions can most easily report on such activities for purposes of Appendices C and D.

Transactional features. The term "transactional features" would be added as a defined term and would have substantively the same meaning as the definition contained in 12 CFR 370.2(j). Transactional features with respect to a deposit account would mean that the account holder or the beneficial owner of deposits can make a transfer from the deposit account to a party other than the account holder, beneficial owner of deposits, or the larger covered institution itself, by a method that may result in such transfer being reflected in the end-of-day ledger balance for such deposit account on a day that is later than the day that such transfer is initiated, even if initiated prior to the larger covered institution's normal cutoff time for such transaction. A deposit account also has transactional features if preauthorized or automatic instructions provide for transfer of deposits in the deposit account to another deposit account at the same institution, if such other deposit account itself has transactional features. Notwithstanding the proposed rescission of part 370, the FDIC continues to recognize the importance of timely deposit

insurance determinations for accounts with transactional features and proposes to require larger covered institutions to take actions for certain deposit accounts with transactional features, as discussed in Section IV.E.

Account holder. The term "account holder" would be added as a defined term and would have the same meaning as in 12 CFR 370.2(a), and would, therefore, mean the person or entity who has opened a deposit account with a covered institution and with whom the covered institution has a direct legal and contractual relationship with respect to the deposit.

The proposal would make technical edits to the definitions, including "covered institution" and "international banking facility deposit" (IBF deposit), but these changes would not substantively affect the definitions or the requirements of section 360.9.

The FDIC invites comments on all aspects of the proposed definitions. In particular, the FDIC seeks comment on the following aspects of the proposal:

(5) Are there any other terms that should be defined or clarified in the proposal? If so, how should the term be defined and how would it provide clarity to the proposal?

C. Posting and Removing Provisional Holds

The proposal would not change any of the provisional hold requirements of section 360.9 for covered institutions. However, the proposal would require IDIs currently subject to part 370 to transition to complying with section 360.9. Therefore, the proposal would require larger covered institutions to be able to place and remove provisional holds in the manner specified under section 360.9.

One of the FDIC's chief objectives in adopting section 360.9 was to require covered institutions to develop a mechanism to facilitate the FDIC's ability to provide liquidity to the failed bank's depositors soon after the IDI's failure while the FDIC completed its deposit insurance determinations. All IDIs currently subject to part 370 that would become larger covered institutions were previously subject to the requirements of section 360.9 and therefore

should be familiar with this requirement. However, since becoming part 370 covered institutions, these larger institutions have not been required to maintain the provisional hold capabilities required under section 360.9.[36]

When the FDIC adopted part 370, the FDIC did not retain the provisional hold requirements for part 370 IDIs in light of the facts that (1) IDIs covered by part 370 would be subject to substantial additional burden to develop and maintain IT systems capable of calculating deposit insurance and (2) the FDIC believed provisional hold capabilities would be less likely to be needed due to an enhanced ability to complete prompt deposit insurance determinations. However, under part 370, IDIs still are not able to calculate deposit insurance for all accounts promptly upon failure, suggesting that provisional hold capabilities may still be relevant. As noted below, the FDIC is seeking comment on applying the provisional hold requirements to larger covered institutions.

The FDIC invites comments on the proposal to apply the requirement to post and remove provisional holds to larger covered institutions. In particular, the FDIC seeks comment on the following aspects of the proposal:

(6) Should the FDIC consider any changes to the provisional hold requirements? If so, how should the provisional hold requirements be amended?

(7) Do commenters agree that larger covered institutions should be subject to the provisional hold requirements of the proposal? Should larger covered institutions be subject to a different hold requirement that is similar to part 370? If so, why?

D. Depositor and Customer Data in a Standard Format

[36] Part 370 requires a part 370 IDI to have an IT system capable of restricting access to some or all of the deposits in a deposit account until the FDIC has made its deposit insurance determination. 12 CFR 370.3(b)(3). This requirement is similar to, but not the same as, the section 360.9 provisional hold requirement.

The proposal would not change the "standard"[37] depositor and customer data required under section 360.9 for covered institutions. However, the proposal would require larger covered institutions to meet the standard data requirements as well as additional data requirements, as more fully described below.

Section 360.9 requires a covered institution to have in place practices and procedures to provide the FDIC with depositor and customer data in a standard format following the close of any day's business. Consistent with the description in the 2008 final rule preamble, the FDIC expects the depositor and customer data to be provided as soon as practicable, but no later than the following calendar day, and to reflect the end-of-day ledger balances customarily shown on the covered institution's books and records as of the day the data are requested.[38] Additionally, all other depositor and customer data provided must be current as of the close of business on that day. As stated in the 2008 final rule preamble, "[c]overed [i]nstitutions are not required to collect or generate new depositor or customer information. The standard data files are created through a mapping of pre-existing data elements and internal institution codes into standard data formats."[39] Under section 360.9, covered institutions must provide the depositor and customer data in the required standard data format prescribed by the FDIC if the covered institution has the information, but it does not need to collect this information if it does not already maintain it. Data is to be provided on all non-closed domestic deposit accounts or foreign deposit accounts as well as sweep account arrangements and automated credit account arrangements. Under the proposal, the data files still must be provided to the FDIC in the most expeditious manner. Additional data that may be helpful to the FDIC's deposit insurance determination process but not required by the regulation may also be provided by a covered institution.

[37] 12 CFR 360.9(d).
[38] 73 FR 41180 at 41191.
[39] *Id.*

Larger covered institutions would be required to comply with additional standard data requirements; specifically, 26 data fields would be mandatory for these IDIs. These data fields are the ones that are most critical for the FDIC to conduct a prompt deposit insurance determination. Of the 26 data fields, 21 fields are currently required to be populated in the part 370 output files. The remaining five mandatory data fields are currently included in section 360.9 but are not explicitly required by part 370. Considering that part 370 generally requires banks to maintain complete and accurate information needed to calculate deposit insurance coverage with respect to each deposit account except as otherwise provided in the rule, the FDIC expects that larger covered institutions already have this information readily available as part of their customary banking operations. These five data fields are (1) deposit type indicator (domestic vs foreign deposit), (2) customer ownership indicator at the account level (which is very similar to a part 370 requirement), (3) account title (as titled on the bank records), (4) relationship code to identify how customers are related to the account, and (5) beneficiary code to identify the type of account used for agent, custodian, or trustee relationships. Overall, the FDIC expects that the aggregate data reporting requirements under revised section 360.9 would be materially less burdensome than under part 370.

These mandatory data fields would be required only for larger covered institutions under the proposal.[40] If a larger covered institution does not have the required depositor and customer data needed to populate these 26 mandatory data fields, then the larger covered institution must collect and maintain such data in its deposit account records for each account, except for certain types of accounts. The FDIC believes that given the size and complexity of the larger covered institutions, obtaining this information will facilitate the FDIC's ability to calculate deposit insurance using its own internal IT systems and make a deposit insurance determination. A larger

[40] The proposal includes a new column in Appendices C-G of part 360 identifying whether the data fields are mandatory for the larger covered institutions.

covered institution should, in the normal course of business, already have in its deposit account records the necessary information to populate these mandatory data fields for, among others, deposit accounts that would be insured as: single ownership accounts; joint ownership accounts; accounts owned by a corporation, partnership, or unincorporated association; or informal revocable trust (i.e., "payable-on-death" or "in-trust-for") accounts.

Although this proposed requirement to populate fields in the additional column would not apply to covered institutions that are not larger covered institutions, historical experience suggests covered institutions will generally have most or all of the information for these 26 mandatory data fields. A covered institution that is not a larger covered institution would not be required to collect additional information that it does not already have in its deposit account records in order to populate any of the section 360.9 data fields. Covered institutions must provide information for all the data fields if the covered institution already maintains the information needed to populate the data fields. Similarly, a larger covered institution would be required to provide the information in the standard data format for the non-mandatory data fields if the larger covered institution already has this information. The larger covered institution does not need to collect any information that it does not already have in order to populate these non-mandatory data fields.

The proposal recognizes that under the FDIC's deposit insurance coverage rule, 12 CFR part 330, if an IDI's deposit account records disclose the existence of a relationship that might provide a basis for additional deposit insurance, then the details of the relationship must be ascertainable from either the IDI's deposit account records or from records maintained by the depositor or by a third party that has undertaken to maintain such records for the depositor.[41]

[41] See 12 CFR 330.5 concerning recognition of deposit ownership and fiduciary relationships; 12 CFR 330.7 concerning accounts held by an agent, nominee, guardian, custodian, or conservator; and 12 CFR 330.10 concerning revocable and irrevocable trust accounts.

Accordingly, under the proposal, to the extent that a larger covered institution does not already maintain the information needed to populate the mandatory data fields in the files required under section 360.9, the larger covered institution would not be required to collect additional depositor and customer data to populate the mandatory data fields for: (1) deposit accounts for which a larger covered institution's deposit account records disclose the existence of a relationship which might provide a basis for additional deposit insurance in accordance with 12 CFR 330.5 or 330.7; and (2) formal revocable trust accounts and irrevocable trust accounts insured as described in 12 CFR 330.10 and irrevocable trust accounts insured as described in 12 CFR 330.12. This proposed provision is similar to the alternative recordkeeping provision of part 370.[42] Larger covered institutions would populate the data fields in Appendices C-G with the information they already maintain for these types of deposit accounts and would not need to collect additional information. If a larger covered institution maintains the information needed to populate the 26 mandatory data fields for these accounts, then 12 CFR 360.9(d)(1)(iii) would not apply and the larger covered institution would be required to report in the appendices the information necessary for deposit insurance determination in accordance with 12 CFR 360.9(d)(1)(ii).

The proposal also adds two new non-mandatory data fields that would apply only to larger covered institutions in Appendix C of part 360. IDIs that would be larger covered institutions under the proposal are currently required to maintain this information in their deposit account records under part 370, so these fields would not be new to the initial larger covered institutions. These fields are indicators showing (1) whether a customer owes debt to the covered institution for FDIC offset purposes and (2) for government customers, whether the institution has pledged securities to cover any deposit-insurance shortfall. If a larger covered institution

[42] See 12 CFR 370.4(b).

does not maintain the information in its deposit account records to populate these non-mandatory data fields, then the institution does not need to collect this information solely for compliance with section 360.9.

The FDIC proposal does not change the existing section 360.9 requirements for covered institutions currently subject to those requirements. The FDIC also has added a standard data exemption provision for larger covered institutions as described below in Section IV.G.

The FDIC invites comments on all aspects of the proposed standard depositor and customer data requirements. In particular, the FDIC seeks comment on the following aspects of the proposal:

(8) Should the FDIC require larger covered institutions to maintain any other data fields in the proposal? If so, what data fields should be included and how would this information be useful? Are there any data fields the FDIC should not require?

(9) Are there any data fields that the FDIC should consider revising or clarifying without adding burden on covered institutions? If so, how should these fields be changed?

(10) Are there any other types of deposit accounts for which the FDIC should change the requirement for larger covered institutions to populate mandatory data fields? What types of deposit accounts would those be? How should they be described or defined to ensure clarity?

E. Actions Required by Larger Covered Institutions for Certain Deposit Accounts with Transactional Features

The proposal would require that larger covered institutions take certain actions reasonably calculated to ensure that account holders who have certain types of deposit accounts with transactional features are aware of the requirement to promptly provide to the FDIC the information needed for the FDIC to calculate deposit insurance with respect to each of those accounts in the event of the larger covered institution's failure. This proposed requirement would be similar to the requirement set forth in 12 CFR 370.5, but it would be less burdensome and

narrower in scope. Its focus would be on providing depositors instruction for claiming deposit insurance. It would not obligate larger covered institutions to validate data format and delivery capabilities. Larger covered institutions could satisfy the proposed requirement by either (1) making a good faith effort to enter into contractual arrangements with the account holder that obligate the account holder to deliver information needed for deposit insurance calculation to the FDIC in a format prescribed in a new Appendix I of part 360 within 24 hours after the appointment of the FDIC as receiver; or (2) providing the account holder with a written disclosure specifying the information and format requirements of new Appendix I to part 360 and stating that, if the larger covered institution fails and the FDIC is appointed receiver, then the account holder might not have access to deposits before the account holder delivers information to the FDIC in the format prescribed in that new appendix. Although part 370 currently requires both actions, the FDIC believes that a less burdensome requirement focused on informing these account holders that they will likely need to provide additional information to the FDIC in a predefined format in order for the FDIC to make prompt payment of deposit insurance, and that access to deposit insurance may be limited before that information is provided, would be sufficient. These actions are intended to inform larger covered institutions' account holders that the process for calculating deposit insurance can be dependent upon receipt of information that is not in the larger covered institutions' deposit account records and production of that information to the FDIC is the account holder's responsibility. New Appendix I would be added to part 360 to demonstrate the deposit information and format for submission to the FDIC. Larger covered institutions would be required to include or reference the elements of Appendix I in their agreements with, or disclosures to, account holders who have accounts with transactional features.

This requirement would be limited to certain types of deposit accounts with "transactional features" because prompt calculation and payment of deposit insurance on those

deposit accounts is vital to orderly payment processing. Delays to deposit insurance calculation and payment on those deposit accounts could delay or disrupt the payment instruction clearing and settlement process for "in flight" transactions. If depositors are aware of this fact and are proactive in facilitating the FDIC's prompt payment of deposit insurance, then this disruption could be minimized. That is the intent of this proposed requirement.

New Appendix I would be completed by account holders who hold deposits on behalf of others (e.g., a deposit broker, a deposit placement service, or some other agent who acts in a representative capacity for the beneficial owner of the deposit) and who expect their deposit accounts to be insured on a pass-through basis. Appendix I would be filled out by the account holder (not by the IDI) and only in the event of failure. The FDIC anticipates that, for these deposit accounts, there will be a full set of subaccounts represented in Appendix I naming the beneficial owners of deposits in the account.

Under the proposal, larger covered institutions would not need to take these actions with respect to certain types of deposit accounts with transactional features. Among these would be: deposit accounts maintained by a mortgage servicer, in a custodial or other fiduciary capacity, which are comprised of payments by mortgagors; accounts maintained by real estate brokers, real estate agents, or title companies in which funds from multiple clients are deposited and held for a short period of time in connection with a real estate transaction; accounts established by an attorney or law firm as Interest on Lawyers Trust Accounts, or functionally equivalent accounts; accounts held in connection with an employee benefit plan (as defined in 12 CFR 330.14); and accounts maintained by account holders for the benefit of others, to the extent that the deposits in the account are held for the benefit of a formal revocable trust or irrevocable trust that would be insured as described in 12 CFR 330.10, or an irrevocable trust that is insured as described in 12 CFR 330.12. The FDIC believes that the account holders who have authority and control over these types of accounts have a responsibility to the principals for whom they serve as agents to

diligently maintain records of deposit ownership in good faith and in the regular course of business, and to understand the conditions for FDIC deposit insurance coverage sufficiently to take the actions needed to claim deposit insurance promptly.

The FDIC invites comments on all aspects of this proposed requirement that larger covered institutions take specified actions for certain types of deposit accounts with transactional features. In particular, the FDIC seeks comment on the following aspects of the proposal:

(11) Should this proposed requirement apply to all deposit accounts for which larger covered institutions may have less information than is needed for a complete deposit insurance determination or should it be limited to only those with transactional features?

(12) Would a disclosure requirement alone be sufficient to accomplish the FDIC's objective to ensure account holder awareness of FDIC's deposit information and format needs? To what extent would larger covered institutions make an effort to enter into contractual arrangements with the account holder that obligate the account holder to deliver information needed for the FDIC to calculate deposit insurance with respect to each of those accounts in the event of a larger covered institution's failure?

(13) What challenges would larger covered institutions face in taking the actions described in this aspect of the proposal?

(14) Are the types of accounts excepted from this requirement sufficiently described? Should other types of accounts be added to this list of exceptions? Should any be removed from this list of exceptions because the account holder would benefit from a larger covered institution taking those actions intended to make account holders aware of the need to promptly provide to the FDIC the information needed for the FDIC to calculate deposit insurance in the event of a larger covered institution's failure?

F. Implementation Requirements

Section 360.9 currently provides that an institution must comply with the requirements of section 360.9 no later than 18 months following the end of the second calendar quarter for which it meets the criteria to be a covered institution. The proposal would generally maintain this 18-month implementation timeframe for institutions that become covered institutions. Any IDI that is a larger covered institution as of the effective date of the revised rule would be required to comply with (1) all requirements of section 360.9 other than the provisional hold requirements no later than 6 months after the effective date of the revised rule and (2) the provisional hold requirements within 18 months after the effective date of the revised rule. An IDI that is not a covered institution as of the effective date of the final rule and that becomes a larger covered institution after the effective date of the final rule would be given an 18-month implementation period following the end of the second calendar quarter for which it meets the criteria for a larger covered institution.

The FDIC is proposing that, for IDIs that (1) became covered institutions before the effective date of the final rule and (2) have a compliance date that occurs after the effective date of the final rule, the 18-month implementation period would not be shortened or extended as a consequence of a revision of section 360.9. Each such covered institution would be required to comply with the requirements of section 360.9 no later than 18 months following the end of the second calendar quarter for which it met the criteria for a covered institution because the proposal would not impose any new requirement on such an IDI. The FDIC also does not expect that any of these covered institutions would become a larger covered institution as of the effective date if section 360.9 is revised as proposed. However, such IDIs would be permitted to submit an extension request, as described below.

The proposal would provide a 12-month implementation period to a covered institution that becomes a larger covered institution after meeting the larger covered institution threshold for two consecutive quarters. The FDIC understands that it may take time for such a covered

institution to obtain the additional information required for the mandatory data fields and to take actions required for certain deposit accounts with transactional features, as described in Section IV.E. The FDIC believes that one year would be sufficient time for a covered institution to comply with these requirements after becoming a larger covered institution. Most covered institutions already provide the information for the mandatory data fields, so the FDIC does not expect the transition to be a significant burden. The FDIC also believes that no implementation time would be needed for a larger covered institution to adjust its compliance efforts after the number of its deposit accounts falls below two million accounts because the larger covered institution would already be complying with the requirements of section 360.9.

The FDIC invites comments on all aspects of the proposed implementation requirements. In particular, the FDIC seeks comment on the following aspects of the proposal:

(15) Do commenters agree with the proposed implementation period for larger covered institutions? Should larger covered institutions be given more or less time to comply? Do commenters agree with bifurcating the implementation period for the provisional hold requirements and other requirements? Are there any specific requirements other than the provisional hold requirements that commenters believe would take longer than 6 months after the effective date for larger covered institutions to comply with? Please explain.

(16) Do commenters agree that 12 months would be a sufficient amount of time for a covered institution to comply with the additional requirements after it becomes a larger covered institution? If not, how much time would be needed and why?

(17) Should a covered institution that merges with either another covered institution or a non-covered institution and becomes a larger covered institution be given 12 months or 18 months to comply with the requirements of section 360.9? Why would the recommended implementation timeframe be required?

G. Extensions, Exemptions, and Release

Section 360.9 permits a covered institution to request relief from certain requirements. Covered institutions may request that the FDIC extend the deadline for complying with the requirements of section 360.9. Covered institutions may also submit a request for an exemption from certain of the automated provisional hold requirements.[43] This request may be to develop a provisional hold process involving memo holds or alternative account mechanisms or to exempt from the provisional hold requirements those account systems servicing accounts where the manual application of provisional holds is feasible. Additionally, section 360.9 allows a covered institution to request an exemption from its requirements if the institution has a high concentration of deposits incidental to credit card operations.[44] The proposal would not change these exemption provisions or previously granted exemptions. Any covered institution can submit such requests, including larger covered institutions.

The FDIC is aware of the challenges IDIs subject to part 370 experienced in obtaining missing depositor information and complying with part 370's recordkeeping requirements. The FDIC intends to publish certain existing applicable part 370 frequently asked questions as section 360.9 guidance that would address some of these challenges for larger covered institutions. The FDIC also proposes to enable larger covered institutions to seek relief where necessary and appropriate in the form of a full or partial exemption from the requirements of 12 CFR 360.9(d)(1) for a relatively small number of accounts if circumstances exist that would make it impracticable or overly burdensome to meet those requirements with respect to certain types of accounts. As with any exemption request, the FDIC would consider such requests on a case-by-case basis in light of the objectives of the rule.

With respect to covered institutions, including larger covered institutions, that submit a request for an exemption or extension, the proposal would provide that such covered institutions

[43] 12 CFR 360.9(c)(9).
[44] 12 CFR 360.9(f).

would not be considered to be noncompliant with section 360.9 with regard to the requirements from which relief is sought while awaiting the FDIC's response to such request. The FDIC intends to respond to such requests promptly and covered institutions would not be penalized while a request for relief is pending.

Section 360.9 currently does not have a codified provision that releases an IDI from the requirements of section 360.9 when it no longer satisfies the criteria to be a covered institution. The FDIC has been notifying IDIs when they fall below the threshold for a covered institution for three consecutive quarters that they are no longer subject to the requirements of section 360.9. The proposal would codify a provision that would automatically release a covered institution from the requirements of section 360.9 if it does not meet the criteria to be a covered institution for three consecutive quarters. Moreover, the proposal would automatically release a larger covered institution from the additional requirements of 12 CFR 360.9(d)(1)(ii)-(iii) and 12 CFR 360.9(d)(5) if it does not meet the criteria to be a larger covered institution for three consecutive quarters. The FDIC would not expect a larger covered institution to be released directly from the requirements of section 360.9 without first becoming a covered institution. The FDIC believes that a covered institution's release after three quarters of not meeting the criteria to be a covered institution would provide greater certainty that the institution will remain below the threshold for coverage. From past experience with both section 360.9 and part 370, the FDIC is aware of circumstances in which an IDI has moved in and out of scope of one of these rules over the course of one or two quarters. The FDIC may still inform a covered institution when it is released but the release would occur automatically regardless.

Like any other IDI, an institution released under 12 CFR 360.9(j)(1) could become a covered institution again if it were to have at least $2 billion in deposits and at least either 250,000 deposit accounts, or $20 billion in total assets (regardless of the number of deposit accounts), for two consecutive quarters. Similarly, a covered institution released under 12 CFR

360.9(j)(2) from the additional requirements applicable to larger covered institutions could become subject to those requirements again if it were to have at least $2 billion in deposits and two million or more deposit accounts for two consecutive quarters.

The FDIC invites comments on all aspects of the proposed exemption and release provision. In particular, the FDIC seeks comment on the following aspects of the proposal:

(18) Do commenters agree with the proposed standard data exemption provision for larger covered institutions? What types of data or information would larger covered institutions have difficulty collecting in order to comply with the requirements of the proposal?

(19) Do commenters agree with the proposed provision regarding effect of pending requests? Are there any other considerations that the FDIC should evaluate in providing this safe harbor?

(20) Do commenters agree with the proposed approach to automatically release a covered institution if the IDI does not meet the criteria of a covered institution for three consecutive quarters? Should covered institutions be required to request release that could be granted or denied by the FDIC? If so, what standards should apply to a decision by the FDIC to grant or deny release?

(21) Do commenters agree with the proposed approach to automatically release a larger covered institution from the additional requirements under the proposal applicable to larger covered institutions if it reports below the larger covered institution threshold for three consecutive quarters?

(22) Which part 370 guidance, including frequently asked questions, should be reframed and published as section 360.9 guidance? Why would this guidance be helpful?

H. Records Retention

Alongside the proposal, the FDIC intends to change its practice with respect to retaining depositor and customer data that it receives from covered institutions, including larger covered

institutions, in connection with FDIC's section 360.9 compliance reviews. Currently, this data is retained by the FDIC for each covered institution until the next section 360.9 compliance review. The FDIC has maintained this data to compare results from previous compliance reviews and to assist the FDIC in having baseline data in the event of a covered institution's failure. For part 370 compliance tests, the FDIC has been retaining deposit account data up to 120 days after providing testing results via the final management letter, with most data being deleted in practice within 60 days of distribution of the letter. Once deleted, the FDIC maintains a summary of the data to support the testing results.

The FDIC recognizes the importance of minimizing the volume of sensitive information it holds and ensuring that it only holds such information when needed. As a result, first, effective immediately, the FDIC will fully delete all depositor and customer data no later than 60 days following a section 360.9 or part 370 compliance review. The FDIC believes that this would reduce the risks and sensitivity associated with maintaining sensitive information while still providing the FDIC with the opportunity to validate results for purposes of achieving the goal of prompt deposit insurance determinations.

Second, the FDIC will no longer require covered institutions to provide the FDIC with customers' social security and tax identification numbers (SSN/TINs) in connection with section 360.9 compliance reviews, given the highly sensitive nature of such information. Instead, the FDIC would assign synthetic SSN/TINs to each individual customer, to replicate the FDIC's deposit insurance determination process. The FDIC would then validate the bank's process of assigning unique customer identification numbers to ensure that individual customers are each assigned one unique identification number.

The FDIC will also, upon request, engage with covered institutions on a bilateral basis to address any additional concerns related to sensitive information.

The FDIC invites comments on all aspects of data retention for section 360.9 compliance reviews. In particular, the FDIC seeks comment on the following:

(23) Should the FDIC consider a different approach to the retention of depositor and customer data in connection with FDIC conducted section 360.9 compliance reviews for covered institutions and larger covered institutions? If so, in what aspects and why?

I. Indexing Thresholds

The FDIC proposes to index the dollar amounts used in the definitions of covered institution and larger covered institution. As noted by the FDIC previously, the use of thresholds allows the FDIC to differentiate and tailor regulatory requirements based on an institution's size, risk profile, and level of complexity. However, static dollar-based thresholds can lead to unintended policy consequences if threshold levels are not periodically updated or indexed to inflation. For this reason, the proposal would provide for indexing of the baseline dollar threshold to be a covered institution and a larger covered institution. This is consistent with the FDIC's agency-wide initiative to index dollar values in the FDIC's Rules and Regulations to ensure the FDIC's regulatory expectations are appropriately tailored.

The thresholds would also be measured from a baseline date. The baseline date would be the effective date on which the proposal becomes a final rule. The first adjustment would be effective on October 1, 2029. Thereafter, biennial adjustments would be effective on October 1 following each consecutive two-year period ending on August 30. Adjustments would be calculated by multiplying the applicable baseline threshold value by one plus the cumulative percentage change in the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). An annual adjustment would occur if the non-seasonally adjusted CPI-W increased by more than 8 percent over the 12-month period ending August 30 of the year following the year in which the most recent adjustment was made. No adjustment would be made if multiplying the applicable baseline threshold by one plus the cumulative percentage change in

non-seasonally adjusted CPI-W from the applicable baseline date, and rounding the result as prescribed, would not increase the then-current threshold.

Under the proposal, the FDIC generally would announce threshold adjustments pursuant to the indexing methodology by publishing a final rule in the *Federal Register*. Such final rules would amend the Code of Federal Regulations to reflect the adjusted thresholds for the definitions of covered institution and larger covered institution and would not be subject to a notice and comment period. Although the FDIC would fully expect to publish a final rule in the *Federal Register*, the adjustment would occur even in the absence of a publication in the *Federal Register*.

The FDIC invites comments on all aspects of indexing in the proposal. In particular, the FDIC seeks comment on the following aspects of the proposal:

(24) Should the proposed rule index the dollar amounts for purposes of the definitions of covered institution and larger covered institution in the proposed rule? Why or why not? Should the FDIC consider alternate approaches for indexing these definitions?

V. Expected Effects

A. Introduction and Baseline Assumptions

As discussed above, the proposal would rescind part 370, subject larger covered institutions to the requirements of section 360.9, and clarify certain section 360.9 requirements to reduce regulatory burden and relieve larger covered institutions of the requirements to build and maintain deposit insurance calculation systems. The FDIC estimates the impact of these proposed changes by comparing economic outcomes under the proposal relative to a baseline in which the proposal is not adopted and the current regulations are in effect. For its estimates under both the proposal and the baseline, the FDIC is utilizing all other relevant laws and regulations in effect, as well as the financial and economic conditions of affected entities, as of March 31, 2026.

Although not all of the effects of the proposal can be quantified, the analysis provides monetary estimates of the most material effects based on current and historical labor burden estimates for part 370 and section 360.9.[45, 46] To convert labor burden (as measured in hours) to 2026 dollars, the FDIC uses an estimated labor compensation rate of $125 per hour.[47] Given that the most material effects of the proposal would fall upon IDIs that are currently subject to part 370 (Part 370 IDIs), much of the discussion will focus on the quantified effects on this group of IDIs. To account for the variation of compliance costs across IDIs, this analysis classifies each Part 370 IDI as either a Lowest Complexity, Middle Complexity, or Highest Complexity IDI.[48] This classification allows the analysis to account for the fact that larger and more complex IDIs are expected to incur more labor hours and other costs than smaller or less complex IDIs.

The FDIC analyzes the monetized effects of the proposal, relative to the baseline, over a 10-year period. The 10-year analysis horizon is sufficiently long to illustrate the net expected effects of the proposal, while avoiding potential uncertainties related to future economic conditions that may arise with longer time horizons.

Given the uncertainties involved in estimating costs and benefits to IDIs across a 10-year horizon, this analysis assumes the financial conditions of affected IDIs are fixed to those reported as of the quarter ending March 31, 2026. In addition, any new IDI qualifying for Part 370 under

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[45] The FDIC published such estimates during notice and comment of rulemakings for both regulations. *See* 73 FR 41180 (July 17, 2008) and 84 FR 37020 (July 30, 2019) for the final rules adopting section 360.9 and amending part 370, respectively.

[46] The FDIC recognizes that many IDIs contract out the compliance activities related to part 370 and/or section 360.9. Although much of the analysis is based on estimated or assumed labor burdens, the per-IDI dollar cost estimates can be interpreted as either the internal labor cost of compliance or the contracted external cost of compliance.

[47] A wage rate of $125 in 2026 dollars is similar to those estimated for recent OMB Paperwork Reduction Act clearances for section 360.9 ($103 per hour in 2023 dollars) and part 370 ($104 per hour in 2025 dollars) after adjusting for inflation. *See* supporting statements for OMB No. 3064-0162 and OMB No. 3064-0202.

[48] This classification system is the same as that used in the 2016 final rule preamble for part 370. *See* 81 FR 87734. The FDIC stated several factors in the 2016 final rule preamble to determine complexity, including number of deposit accounts, geographic reach, number of legal entities, number of deposit platforms, a deposit account sweep option, and the number of lines of business. *See id*. The 2025 PRA analysis used number of deposit accounts. *See* supporting statements for OMB No. 3064-0202.

the baseline is assumed to be a Lowest Complexity IDI under the baseline and the proposal and to maintain those conditions throughout the 10-year period. To the extent that this assumption is violated and deposit accounts grow, the estimates of burden under the baseline would be larger than estimated, and the resulting cost savings would be higher than estimated. As such, this assumption provides a conservative estimate of the monetized cost savings provided by the proposal.

This section also discusses the qualitative effects of the proposal on all affected institutions, as well as on the FDIC, the DIF, and the public at large.

B. Scope of Affected Entities

As of March 31, 2026, the FDIC insures 4,287 IDIs.[49] Of these, the FDIC estimates that 148 IDIs would be affected by the proposal, including 31 part 370 IDIs that would be affected by the proposed rescission of part 370. Of these IDIs, 29 would be "larger covered institutions"[50] and be subject to the proposed revisions to section 360.9. Proposed amendments to section 360.9 would also affect 117 IDIs currently subject to section 360.9.

As noted above, this analysis separately accounts for the effects of the proposal across three classifications of part 370 IDIs. Of the 31 part 370 IDIs, 5 – with approximately $6.8 trillion in domestic deposits – are considered Highest Complexity, 13 – with approximately $3.6 trillion in domestic deposits – are considered Middle Complexity, and 13 – with approximately $1.4 trillion in domestic deposits – are considered Lowest Complexity.[51]

Under the baseline, all 31 IDIs currently subject to part 370 would remain subject to it. The FDIC estimates that, under the baseline, one Lowest Complexity IDI would become newly

[49] FFIEC Consolidated Reports of Condition and Income (Call Reports), March 31, 2026.
[50] *See* proposed 12 CFR 360.9(b)(2).
[51] FDIC Call Report data as of March 31, 2026.

covered each year.[52] Under the baseline, a newly covered part 370 IDI has three years to comply with part 370 requirements and would incur implementation costs during that period. All IDIs that have passed the implementation period would continue to incur ongoing costs.

The proposed coverage criteria of section 360.9 would subject all but two of the part 370 IDIs to section 360.9 requirements as larger covered institutions.

Based on the assumption that the financial conditions of affected IDIs are fixed to those reported as of the quarter ending March 31, 2026, the total number of IDIs subject to part 370 or section 360.9 would remain the same under both the baseline and the proposal.[53]

The estimated populations of part 370 IDIs under the baseline and under the proposal are summarized in Table 1:

Table 1: Estimated Populations of current Part 370 Institutions

	Section 360.9	Part 370, by Complexity			
	Larger Covered Institution	Lowest (new)	Middle	Highest	Total
Baseline	0	13 (1)	13	5	31
Proposal	29	0	0	0	29

Based on Call Report data as of March 31, 2026, and FDIC calculations based on current counts of 31 covered Part 370 IDIs.

Parentheses indicate the number of insured depository institutions (IDIs) that newly meet the criteria for section 360.9 or part 370, respectively, in each year.

Complexity classifications are based on the number of deposit accounts (checking, savings, and retirement) with Lowest Complexity IDIs having fewer than 6 million accounts, Middle Complexity IDIs having between 6 million and 30 million accounts, and Highest Complexity IDIs having more than 30 million accounts. The FDIC estimates that, each year under the baseline, one Lowest Complexity IDI would newly meet the criteria to be subject to part 370.

[52] To inform these estimates, the FDIC examined the historical number of IDIs covered by part 370. Between 2021 and 2025, nine IDIs were added to part 370, with six new IDIs that remained subject to part 370 for at least a year.
[53] The total number of IDIs subject to part 370 between 2021 and 2025 has remained relatively constant at 30±1 IDIs, even while an average of two IDIs each year have newly met the criteria to be part 370 IDIs. *See* Call Reports for 2021-2025. To the extent that this assumption undercounts the number of affected IDIs, the resulting benefits to the industry would be higher than estimated.

C. Effects Specific to Part 370 IDIs

The proposal would directly benefit the 31 part 370 IDIs by eliminating compliance costs associated with part 370. These benefits would be attenuated by the additional requirements of amended section 360.9 for the 29 part 370 IDIs that would be larger covered institutions. These 29 larger covered institutions would also incur one-time costs to implement section 360.9 provisional hold and recordkeeping requirements. This section calculates the benefits or costs of each of these effects and totals them to estimate the total net monetized effect of the proposal on part 370 IDIs.

Benefits

Under the proposal, larger covered institutions would benefit by experiencing a reduction in annual compliance costs. For purposes of this analysis, the FDIC conservatively estimates that these IDIs would experience savings equal to approximately $625 thousand per year for a Lowest Complexity IDI, $875 thousand per year for a Middle Complexity IDI, and $2.125 million per year for a Highest Complexity IDI due to the rescission of part 370 under the proposal, relative to the baseline. The FDIC expects the actual cost savings to be much greater than these estimates.

The proposal would also benefit certain IDIs in future periods by removing the need to newly comply with part 370 and thereby reduce associated compliance costs. As noted above, the FDIC estimates that, under the baseline, one Lowest Complexity IDI each year would meet the criteria to be subject to part 370. The proposed rescission of part 370 would eliminate the implementation burden of one Lowest Complexity IDI each year, at an average estimated implementation cost of approximately $3.5 million per Lowest Complexity IDI per year.[54] As

[54] $3,538,000 = $125 per hour * 28,304 hours. The 28,304 hourly burden estimate is taken from the 2019 final rule preamble's estimated average hours for a Lowest Complexity Institution to implement part 370. *See* 84 FR 37020 at 37039.

above, the FDIC expects these estimates to substantially understate the actual compliance costs associated with part 370.

Costs

As noted in Table 1, 29 of the 31 part 370 IDIs would be subject to section 360.9 under the proposal, if adopted. This analysis conservatively assumes all 29 would incur one-time costs to update their IT and recordkeeping systems to comply with section 360.9.[55] Given the disparities in both size and complexity between the average current section 360.9 IDI and the average current part 370 IDI, the FDIC does not expect transition costs for the 29 larger covered institutions to be similar to implementation costs for other covered institutions. To estimate transition costs, this analysis uses historical hourly burdens for the Data Extraction and Reporting components of the implementation costs of part 370.[56] The scope of some of these part 370 implementation activities is likely similar to section 360.9 implementation activities, while other components (such as Insurance Calculation) would not be part of section 360.9 compliance. Based on these historical burdens, the FDIC estimates transition costs would average approximately $210 thousand for each of the 12 transitioning Lowest Complexity IDIs, $254 thousand for each of the 12 transitioning Middle Complexity IDIs, and $1.7 million for each of the 5 transitioning Highest Complexity IDIs. Aggregate transition costs for the industry would total approximately $14 million.[57] As noted above, the FDIC acknowledges these estimates likely understate actual expected costs. Although the proposal provides 18 months for

[55] To the extent that some of the 29 part 370 IDIs may already have existing section 360.9 compliance systems, their transition costs would be lower.

[56] For the 2016 and 2019 rulemakings, the FDIC estimated per-IDI implementation burden involved with Data Extraction and Reporting to be 1,681, 2,028, and 13,347 hours for lowest, middle, and highest complexity IDIs, respectively. *See* "FDIC Large Bank Deposit Insurance Determination Cost Estimation Methodology" at https://www.fdic.gov/resources/regulations/federal-register-publications/2016/2016-recordkeeping-3064-ae33-report.pdf.

[57] $13,905,500 = $210,125 transition costs for Lowest Complexity IDIs * 12 Lowest Complexity IDIs + $253,531 transition costs for Middle Complexity IDIs * 12 Middle Complexity IDIs + $1,668,325 transition costs for Highest Complexity IDIs * 5 Highest Complexity IDIs.

the transition, this analysis assumes all 29 IDIs would incur all of their transition cost in the first year that the proposal would be effective. The FDIC estimates that annual ongoing costs for larger covered institutions subject to amended Section 360.9 would be approximately $23 thousand per IDI.[58]

These estimates are summarized in Table 2:

Table 2: Estimated Costs per Part 370 IDI (in $ thousands)

	IDI Classification		
	Lowest Complexity $ (#)	Middle Complexity $ (#)	Highest Complexity $ (#)
Savings from part 370 Rescission			
Part 370 Implementation Savings (each year)	$3,538 (1)	-	-
Part 370 Ongoing Savings* (each year)	$625 (12)	$875 (13)	$2,125 (5)
Costs from section 360.9 Adoption			
Section 360.9 Transition Costs - (one-time)	$210 (12)	$254 (12)	$1,668 (5)
Section 360.9 Ongoing Costs - (185 hours per IDI per year)	$23 (29)		

Source: FDIC

Parentheses "(#)" indicate the number of insured depository institutions (IDIs) in each Complexity Category.

Dollar values are based on estimated burden hours for each activity and an estimated hourly labor compensation rate of $125 per hour. Part 370 Implementation and Ongoing Savings are due to the elimination, under the proposal, of implementation and ongoing costs for IDIs subject to part 370 each year. Section 360.9 Transition Costs are one-time transition costs for all Part 370 IDIs covered by section 360.9 as amended. Section 360.9 Ongoing Costs are based on FDIC's estimates of 185 annual burden hours for each IDI.

Net Annualized Benefits

As detailed above, the FDIC estimates that the proposed rescission of part 370 would result in aggregate industry savings of approximately $33 million per year. In the first year that

[58] $23,125 = $125 per hour * 185 hours for annual activities including an annual questionnaire, compliance review, remediation, system maintenance, recordkeeping, annual testing, and annual reporting. The FDIC expects that hourly burden would be similar for Lowest Complexity, Middle Complexity, and Highest Complexity institutions after all larger covered institutions have fully implemented their section 360.9 compliance systems.

the proposed rule would be effective, these savings are offset by $14 million of implementation costs to transition to section 360.9, for a net savings of $19 million.[59] In each subsequent year after the larger covered institutions fully transition, net industry savings from the proposal would total approximately $32 million per year. To estimate the total net benefit resulting from the proposal, the FDIC annualizes these values using a discount rate of 3.7 percent across a 10-year analysis horizon.[60] Based on these calculations, the FDIC estimates that the proposal would result in annualized savings of approximately $31 million. Details are provided in Table 3.

Table 3: Summary of Estimated Industry Cost Savings (in $ millions)

	Year 1	Years 2-10	Total (10 years)	Annualized
Savings from 370 Rescission	$33.0	$33.0	$330	$33.0
Costs from 360.9 Adoption*	$13.9	$0.7	$19.9	$2.2
Net Benefits (Rescission – Adoption)	19.1	$32.4	$310	$30.8

Source: FDIC

These estimates are the benefits accrued from rescinding part 370 for 31 IDIs, net of the costs of adopting section 360.9 for 29 IDIs, for each of 10 years in the analysis horizon.

* The estimated annual ongoing costs of section 360.9 in years 2 to 10 are $670,625.

Annualized Values are the equal annual values that, taken together over the ten-year analysis horizon, have the same present value as the stream of actual costs and benefits, at a 3.7 percent discount rate. Annualizing costs and benefits is necessary to calculate the net effect of rules that have costs in some years and benefits in other years.

D. Effects on Covered Institutions, the Deposit Insurance Fund, and Depositors

In addition to the effects on current part 370 IDIs described above, the proposal would have effects on all covered institutions, the DIF, and depositors.

[59] For calculation of each year's total cost to the industry, the analysis assumes that, under the baseline, each new Part 370 IDI would incur all of its implementation costs in its first year. An alternative calculation would incorporate a rotating cohort of new IDIs each year across overlapping three-year implementation cycles. Given that the two calculations arrive at similar results, the analysis presents the first one for expositional simplicity.

[60] *See* https://www.whitehouse.gov/wp-content/uploads/2026/03/M-26-09-2026-Discount-Rates-for-OMB-Circular-No.-A-94.pdf.

The proposal would revise certain provisions in section 360.9 to clarify definitions and codify existing practices. These revisions are expected to provide modest benefits to covered institutions. Covered institutions may pass along some or all of the cost savings provided by the proposal to their customers through lower fees or higher deposit interest rates.

Direct costs of the proposal on covered institutions include minor updates of systems or practices to align with the proposed revisions. While it is difficult to quantify these effects, the FDIC expects that these effects are much less material than the effects discussed above.

If the proposal were to result in delays in insurance determinations in the event of the failure of a part 370 IDI, this would result in indirect costs. Any such delay may result in either inaccurate deposit insurance payouts, which could lead to a loss in the DIF, or prolongation of the waiting period before the payouts, which could lead to disruptions for account holders and a loss in consumer confidence. However, such an outcome would be highly unlikely under the proposal; since part 370 was adopted in 2016, the FDIC has significantly enhanced its own claims processing and deposit insurance determination capabilities, so the FDIC can now readily process many more insurance determinations than it could in 2016. In addition, the proposed requirements for larger covered institutions in section 360.9 would incorporate those requirements in part 370 most critical to such insurance determinations.

E. Indexing Thresholds

The proposal would index the dollar amounts in section 360.9. The indexing provision would preserve the level of thresholds set forth in the proposed rule in real dollar terms, thereby avoiding the undesirable and unintended outcome where the asset threshold changes due solely to inflation rather than actual changes in an institution's size, risk profile, or level of complexity.

F. Conclusion

Based on the analysis described above, the FDIC has determined that the expected benefits of the proposal justify its expected costs. The FDIC invites comments on all aspects of

the supporting information provided in this analysis, and, in particular, whether the proposal would have any material effects that the FDIC has not identified.

VI. Alternatives Considered

The FDIC considered alternatives to the proposal to meet the objectives of this rulemaking. For the reasons described below, the FDIC views the proposal as the most appropriate and effective means of achieving the policy objectives described in Section I. The FDIC considered not promulgating any regulatory action to amend section 360.9 and rescind part 370. As previously discussed, however, the FDIC has determined that the rescission of part 370 and amendment to section 360.9 would reduce regulatory burden for IDIs subject to part 370 while maintaining measures that facilitate the FDIC's ability to promptly make a deposit insurance determination by relying on its own IT systems to accurately calculate deposit insurance. As discussed above, the proposal would provide cost savings and other benefits relative to this no-action alternative.

The FDIC also considered modifying the threshold for coverage under section 360.9 but concluded that the requirements of section 360.9 promote the FDIC's ability to meet its statutory obligations in resolving institutions covered at the current thresholds. The FDIC considered requiring all the data fields in Appendices C-G of part 360 as mandatory for all covered institutions. The FDIC did not pursue this approach because it believes the benefits would not outweigh the additional burdens on covered institutions. The FDIC has determined that the proposal strikes an appropriate balance by removing the requirement for an IDI subject to part 370 to maintain an IT system to calculate deposit insurance and enhancing the FDIC's ability to meet its statutory obligation to pay deposit insurance "as soon as possible" following failure. The proposal would help enable the FDIC to resolve IDIs subject to section 360.9 in the manner least costly to the DIF by preserving franchise value through prompt deposit insurance determination and maintenance of continuity of a failed covered institution's deposit operations.

The FDIC invites comments on all possible alternatives to the proposal and will reconsider all of its preliminary determinations in the proposal after review of comments.

VII. Regulatory Analysis

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency, in connection with a notice of proposed rulemaking, to prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of the proposal on small entities.[61] However, an initial regulatory flexibility analysis is not required if the agency certifies that the proposal would not, if promulgated, have a significant economic impact on a substantial number of small entities. The Small Business Administration (SBA) has defined "small entities" to include banking organizations with total assets of less than or equal to $850 million.[62] As detailed in the following statement of factual basis, the FDIC certifies that the proposal would not, if promulgated, have a significant economic impact on a substantial number of small entities.

As of the quarter ending March 31, 2026, the FDIC insures 4,287 IDIs, of which 2,954 are small entities for the purposes of RFA.[63] The proposal would apply to all small entities that meet the criteria for being subject to either section 360.9 or part 370, which include minimum thresholds of at least $2 billion in deposits or 2 million deposit accounts.

There is currently a single small entity that meets the criteria for being an IDI subject to part 370.[64] This IDI would benefit from the rescission of part 370. In addition, this IDI would not

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[61] 5 U.S.C. 601 *et seq*.

[62] The SBA defines a small banking organization as having $850 million or less in assets and determines an organization's assets by averaging the assets reported on its four quarterly financial statements for the preceding year. *See* 13 CFR 121.201 (as amended by 87 FR 69118, effective December 19, 2022). Following these regulations, the FDIC uses an FDIC-supervised institution's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the FDIC-supervised institution is "small" for the purposes of the RFA.

[63] Call Reports, March 31, 2026.

[64] There are no small entities that currently meet the criteria for being a covered institution under section 360.9.

meet the criteria for being a covered institution under section 360.9. As such, the proposal would impose no direct costs on this small entity. Even if the impact to this single IDI were significant, this single IDI, constituting less than a tenth of a percent of regulated small entities, would not be a substantial number.

Based on the preceding statement of factual basis, the FDIC certifies that the proposal would not, if promulgated, have a significant economic impact on a substantial number of small entities. Accordingly, an initial regulatory flexibility analysis is not required.[65]

The FDIC invites comments on all aspects of the supporting information provided in this RFA section. The FDIC is particularly interested in comments on any significant effects on small entities that the agency has not identified.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA)[66] states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The FDIC has reviewed this proposal and determined that it revises or removes certain information collection requests previously cleared by OMB under the following OMB Control Nos.:

Title of Information Collection: Recordkeeping for Timely Deposit Insurance Determination

OMB Control Number: 3064-0202

Affected Public: Insured Depository Institutions subject to 12 CFR part 370

Proposed Action: Upon publication of the final rule, the FDIC will submit a request to discontinue this information collection request.

[65] 5 U.S.C. 605(b).
[66] 44 U.S.C. 3501 *et seq.*

Description: The FDIC has reviewed this proposed rule and preliminarily determined that rescinding part 370 would eliminate all recordkeeping and reporting requirements approved under OMB Control Number 3064-0202. Because this rule proposes to remove part 370 in its entirety, the FDIC expects that the information collection associated with part 370 would no longer be necessary. If the rule is finalized as proposed, the FDIC would submit a discontinuance request to OMB to retire OMB Control Number 3064-0202.

The FDIC estimates that rescinding part 370 and discontinuing OMB Control No. 3064-0202 would eliminate an annual paperwork burden of approximately 10,169 hours, as reported in the most recent ICR inventory.

Title of Information Collection: Large-Bank Deposit Insurance Programs

OMB Control Number: 3064-0162

Affected Public: Insured depository institutions having at least $2 billion in deposits and at least either: (a) 250,000 Deposit accounts; or (b) $20 billion in total assets, regardless of the number of deposit accounts.

Proposed Action: The proposal would revise the currently approved information collection as follows:

Description: The proposal would expand section 360.9 to require IDIs having at least $2 billion in deposits and 2 million or more deposit accounts to maintain and provide to the FDIC certain depositor and customer data needed for the FDIC to calculate deposit insurance in the event of the IDI's failure. Accordingly, the FDIC would add additional information collections to account for the new PRA requirements imposed on larger covered institutions, and revise the existing information collections to better align with the proposal as follows:

Summary of Estimated Recordkeeping, Reporting, and Disclosure Annual Burden
OMB Control No. 3064-0162

Information Collection	Type of Burden	Obligation to Respond	Estimated Number of Respondents	Estimated Frequency of Responses	Estimated Time per Response	Frequency of Response	Total Annual Estimated Burden (Hours)
Initial Implementation							
Posting and removing provisional holds - 360.9(c)(1), (2) - Implementation	Recordkeeping	Mandatory	18	1	150	One time	2700
Providing standard data format for deposit account and customer information - 360.9(d)(1)(i) - Covered Institutions (that are not Larger Covered Institutions)	Recordkeeping	Mandatory	8	1	110	One time	880
Providing standard data format for deposit account and customer information - 360.9(d)(1)(i) and (ii) - Larger Covered Institutions	Recordkeeping	Mandatory	10	1	200	One time	2000
Request for extension of compliance deadline - 360.9(e)(7)	Reporting	Required to Obtain Benefit	4	1	20	On occasion	80
Total Implementation Burden							5660
Ongoing							
Notification of identity of person responsible for producing standard data downloads - 360.9(c)(3)	Reporting	Mandatory	146	1	8	On occasion	1168
Requests for exemptions - 360.9(c)(9), 360.9(d)(6). 360.9(f)	Reporting	Required to Obtain Benefit	1	1	20	On occasion	20
Ongoing recordkeeping - 360.9 - Covered Institutions (that are not Larger Covered Institutions)	Recordkeeping	Mandatory	117	1	50	Annual	5850
Ongoing recordkeeping - 360.9 - Larger Covered Institutions	Recordkeeping	Mandatory	29	1	80	Annual	2320
Providing deposit account and customer information in required standard format - 360.9(d)(3)	Reporting	Mandatory	8	1	40	On occasion	320
Disclosures and arrangements with the account holder specifying format requirements, and obligating them to deliver information needed for deposit insurance calculations - 360.9(d)(5)	Third-party disclosure	Mandatory	29	1	8	Annual	232
Test compliance with 360.9 (c)-(d) - 360.9(h)	Reporting	Mandatory	30	1	80	On occasion	2400
Total Ongoing Burden							12,310
Total Estimated Annual Burden							17,970

Based on the expansion of section 360.9 to include institutions currently covered by part 370, and the PRA burden of implementing the appropriate technology systems to comply with section 360.9, FDIC estimates an increased PRA burden of 12,022 hours under the most recent OMB submission for section 360.9. Rescission of part 370 would eliminate the PRA burden of 10,169 hours reported under OMB Control No. 3064-0202. Based on these estimates, the net increase across both collections would be 1,853 annual burden hours. The increased overall burden is caused in part by the implementation costs of institutions adjusting their information technology systems to section 360.9 requirements. However, after larger covered institutions complete a one-time implementation of the requirements of this proposal, the estimated ongoing burden of this information collection request will be reduced on a long-term basis relative to the ongoing burden of the previous information collection requests under section 360.9 and part 370.

The FDIC will submit the proposed revisions to these information collections to the OMB for review under section 3507(d) of the PRA,[67] and 5 CFR 1320.11 of the OMB's implementing regulations.[68]

Comments are invited on:

(a) Whether the revisions to existing collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility;

(b) The accuracy of the estimate of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

[67] 44 U.S.C. 3507(d).
[68] 5 CFR 1320.11

(d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

All comments will become a matter of public record. Comments on aspects of this document that may affect reporting, recordkeeping, or disclosure requirements and burden estimates should be sent to the address listed in the **ADDRESSES** section of this document. Written comments and recommendations for this information collection also should be sent within 60 days of publication of this document to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting "Currently under 60-day Review—Open for Public Comments" or by using the search function.

C. Riegle Community Development and Regulatory Improvement Act

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (RCDRIA),[69] in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on IDIs, each Federal banking agency must consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on affected depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, section 302(b) of the RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form. The FDIC invites comments that further will inform its consideration of the RCDRIA.[70]

[69] 12 U.S.C. 4802(a).
[70] 12 U.S.C. 4802(b).

D. Plain Language

Section 722 of the Gramm-Leach-Bliley Act[71] requires the Federal banking agencies to use plain language in all proposed and final rulemakings published in the *Federal Register* after January 1, 2000. The FDIC invites your comments on how to make this proposal easier to understand, including the following:

- Has the FDIC organized the material to suit your needs? If not, how could the proposal be more clearly stated?
- Are the requirements in the proposed rule clearly stated? If not, how could the proposal be more clearly stated?
- Does the proposal contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the proposal easier to understand? If so, what changes to the format would make the proposal easier to understand?
- What else could the FDIC do to make the proposal easier to understand?

E. Executive Orders 12866 and 14192

Executive Order 12866, titled "Regulatory Planning and Review," as amended, requires the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget to determine whether a proposed rule is a "significant regulatory action" prior to the disclosure of the proposed rule to the public. If OIRA finds the proposed rule to be a "significant regulatory action," Executive Order 12866 requires an agency to conduct a cost-benefit analysis of the proposed rule. Executive Order 12866 defines "significant regulatory action" to mean a regulatory action that is likely to: (1) have an annual effect on the economy of $100 million or

[71] Pub. L. 106-102, section 722, 113 Stat. 1338, 1471 (1999), 12 U.S.C. 4809.

more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. OIRA has determined that this rulemaking is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and therefore is not subject to review under Executive Order 12866.

Executive Order 14192, titled "Unleashing Prosperity Through Deregulation," was issued on January 31, 2025. Section 3(a) of Executive Order 14192 requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation. In furtherance of this standard, section 3(c) of Executive Order 14192 requires that the new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations. This proposal, if finalized as proposed, is expected to be a deregulatory action under Executive Order 14192.

List of Subjects

12 CFR Part 314

Administrative practice and procedure, Bank deposit insurance, Bank merger, Banks, banking, Branching, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 360

Bank deposit insurance, Banks, banking, Holding companies, National banks, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 370

Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Savings associations.

Authority and Issuance

For the reasons set out in the preamble, title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 314—INDEXING OF SPECIFIED REGULATORY THRESHOLDS

1. The authority citation for part 314 is revised to read as follows:

Authority: 12 U.S.C. 378, 1464, 1813, 1815, 1817, 1818, 1819, 1819(a) (Seventh and Tenth), 1820, 1821, 1821(p), 1823, 1828, 1829, 1831a, 1831e, 1831m, 1831o, 1831p-1, 1831w, 1835a, 1843(l), 3103, 3104, 3105, 3108, 3109, 3207, 5385(h), 5389, 5390(s)(3), 5390(b)(1)(C), 5390(a)(7)(D), 5381(b), 5390(r), 5390(a)(16)(D), 5412, 5414, 5415, and 15 U.S.C. 78j-1, 78l(i), 78m, 78n, 78p, 78w, 1601-1607, 7241, 7242, 7243, 7244, 7261, 7262, 7264, and 7265; Pub L. No. 111-203, section 939A, 124 Stat. 1376, 1887 (July 21, 2010) (codified 15 U.S.C. 78o-7 note).

2. In § 314.1, revise paragraphs (a) through (c) to read as follows:

§ 314.1 Threshold indexing

(a) *Methodology*. The dollar thresholds specified in paragraph (c) of this section shall be adjusted by multiplying the baseline threshold values specified in paragraph (c) of this section by one plus the cumulative percent change in the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers, measured from the baseline dates specified in paragraph (c), as applicable, as further described in paragraph (b) of this section, and shall be rounded in accordance with paragraph (d) of this section.

(b) *Frequency*.

(1) *In general – biennial adjustments.* Except as otherwise provided in paragraph (b)(2), (b)(3), or (b)(4) of this section, the adjustments described in paragraph (a) of this section shall be

effective on October 1 following each consecutive two-year period ending August 30, using the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers as of August 30 of that year.

(2) *First adjustments after baseline dates.*

(i) The first adjustment described in paragraph (a) of this section shall, with respect to the thresholds specified in paragraph (c)(1), be effective on October 1, 2027, and shall be made using one plus the cumulative percent change in the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers through August 30, 2027.

(ii) The first adjustment described in paragraph (a) of this section shall, with respect to the thresholds specified in paragraph (c)(2), be effective on October 1, 2029, and shall be made using one plus the cumulative percent change in the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers through August 30, 2029.

(3) *Periods of high inflation – annual adjustments*. If the cumulative percent change of the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers, measured over the 12-month period ending August 30 following the year in which the most recent adjustment was made exceeds 8 percent, then the dollar thresholds shall be adjusted in accordance with paragraph (a) of this section using the cumulative percent change of the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers, measured over the 12-month period ending August 30 with an effective date of October 1 following the year in which the most recent adjustment was made.

(4) *Periods of negative inflation – no adjustments*. Notwithstanding paragraph (b)(1) or (b)(2) of this section, if an adjustment of dollar thresholds using the cumulative percent change of the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers from the applicable baseline date, or the most recent adjustment, as applicable, would

not result in an increase from the current dollar thresholds, no adjustment will be made pursuant to paragraph (a) of this section.

(c) *Specified thresholds*.

(1) The thresholds in the following sections shall be adjusted in accordance with paragraph (a) of this section relative to the baseline threshold values as of a baseline date of January 1, 2026, specified in paragraphs (c)(1)(i) through (xxxi) of this section:

(i) Section 303.227(a)(2) of this chapter, baseline threshold value $3,500;

(ii) Section 303.227(b)(3)(i) of this chapter, baseline threshold value $1,225;

(iii) Section 335.801(d) of this chapter, baseline threshold value $10,000,000;

(iv) Section 340.2(h)(1) of this chapter, baseline threshold value $100,000;

(v) Section 340.2(h)(2) of this chapter, baseline threshold value $100,000;

(vi) Section 340.2(h)(3) of this chapter, baseline threshold value $100,000;

(vii) Section 340.2(h)(4) of this chapter, baseline threshold value $100,000;

(viii) Section 347.111(a)(1) of this chapter, baseline threshold value $120,000,000;

(ix) Section 347.111(b)(1) of this chapter, baseline threshold value $60,000,000;

(x) Section 363.1(a) of this chapter, baseline threshold value $1,000,000,000;

(xi) Section 363.2(b)(3) of this chapter, baseline threshold value $5,000,000,000;

(xii) Section 363.3(b) of this chapter, baseline threshold value $5,000,000,000;

(xiii) Section 363.4(a)(2) of this chapter, baseline threshold value $5,000,000,000;

(xiv) Section 363.4(c)(3) of this chapter, baseline threshold value $5,000,000,000;

(xv) Section 363.5(a)(1) of this chapter, baseline threshold value $5,000,000,000;

(xvi) Both thresholds in § 363.5(a)(2) of this chapter, baseline threshold values of $1,000,000,000 or more but less than $5,000,000,000;

(xvii) Section 363.5(b) of this chapter, baseline threshold value $5,000,000,000;

(xviii) Both thresholds in paragraph (8)(A) of appendix A of part 363 of this chapter, baseline threshold value $5,000,000,000;

(xix) Paragraph (10) of appendix A of part 363 of this chapter, baseline threshold value $5,000,000,000;

(xx) Paragraph (18)A of appendix A of part 363 of this chapter, baseline threshold value $5,000,000,000;

(xxi) All three thresholds in paragraph (27) of appendix A of part 363 of this chapter, with the first baseline threshold value being $5,000,000,000 or more and the second and third baseline threshold values being $1,000,000,000 or more but less than $5,000,000,000;

(xxii) Paragraph (30)(b) of appendix A of part 363 of this chapter, baseline threshold value $5,000,000,000;

(xxiii) Both thresholds in paragraph (30)(c) of appendix A of part 363 of this chapter, baseline threshold value $1,000,000,000 or more but less than $5,000,000,000;

(xxiv) Paragraph (35)(a) of appendix A of part 363 of this chapter, baseline threshold value $1,000,000,000;

(xxv) Paragraph (35)(b) of appendix A of part 363 of this chapter, baseline threshold value $5,000,000,000;

(xxvi) Paragraph (35)(c) of appendix A of part 363 of this chapter, baseline threshold value $5,000,000,000;

(xxvii) Paragraph 2(b) of appendix B of part 363 of this chapter, baseline threshold value $5,000,000,000;

(xxviii) Section 380.13(b)(6)(i) of this chapter, baseline threshold value $100,000;

(xxix) Section 380.13(b)(6)(ii) of this chapter, baseline threshold value $100,000;

(xxx) Section 380.13(b)(6)(iii) of this chapter, baseline threshold value $100,000; and

(xxxi) Section 380.13(b)(6)(iv) of this chapter, baseline threshold value $100,000.

(2) The thresholds in the following sections shall be adjusted in accordance with paragraph (a) of this section relative to the baseline threshold values as of a baseline date of [**INSERT EFFECTIVE DATE OF FINAL RULE**], specified in paragraphs (c)(2)(i) through (iii) of this section:

(i) Section 360.9(b)(1) of this chapter, baseline threshold value $2 billion;

(ii) Section 360.9(b)(1)(ii) of this chapter, baseline threshold value $20 billion; and

(iii) Section 360.9(b)(2) of this chapter, baseline threshold value $2 billion.

* * * * *

PART 360—RESOLUTION AND RECEIVERSHIP RULES

3. The authority citation for part 360 continues to read as follows:

Authority: 12 U.S.C. 1811 *et seq.,* 1817(a)(2)(B), 1817(b), 1818(a)(2), 1818(t), 1819(a) Seventh, Eighth, Ninth, and Tenth, 1820(b)(3) and (4), 1820(g), 1821(d)(1), (4), (10)(C), and (11), 1821(e)(1) and (8)(D)(i), 1821(f)(1), 1823(c)(4), and 1823(e)(2).

4. Amend § 360.9 by revising paragraphs (a), (b), (c)(1), (c)(2), (c)(4) introductory text, (c)(5) through (7), (d)(1) through (4), (e)(1), and (e)(2), and adding paragraphs (d)(5) and (6), (i), and (j) to read as follows:

§ 360.9. Large-bank deposit insurance determination modernization.

(a) *Purpose and scope.* This section is intended to allow the FDIC as receiver to continue to utilize the deposit and other operations of a large insured depository institution (defined as a ‘‘covered institution’’) following failure. It also is intended to permit the FDIC to fulfill its legal mandates regarding the resolution of failed insured depository institutions to provide liquidity to depositors promptly and reduce the FDIC’s costs by preserving the franchise value of a failed institution.

(b) *Definitions.*

(1) A *covered institution* means an insured depository institution which, based on items as defined in Reports of Condition and Income filed with the appropriate Federal banking agency, has at least $2 billion in deposits and at least either:

(i) 250,000 deposit accounts; or

(ii) $20 billion in total assets, regardless of the number of deposit accounts.

(2) A *larger covered institution* is a covered institution which, based on items as defined in its Reports of Condition and Income filed with the appropriate Federal banking agency, has at least $2 billion in deposits and two million or more deposit accounts.

(3) *Number of deposit accounts and total assets* are as defined in the instructions for the filing of Reports of Condition and Income, as applicable to the insured depository institution for determining whether it qualifies as a covered institution or as a larger covered institution. *Deposit* has the same meaning as provided under section 3(*l*) of the Federal Deposit Insurance Act (12 U.S.C. 1813(*l*)). A *dually payable deposit* means any liability held in a foreign office of a U.S. insured depository institution that (1) would be a deposit if carried on the books and records of the insured depository institution in the United States and (2) is expressly payable in the United States. A *domestic deposit* means any deposit other than a dually payable deposit. A *domestic deposit account* means any account that holds a domestic deposit. A *foreign deposit* means any dually payable deposit together with any liability held in a foreign office of a U.S. insured depository institution that (1) would be a deposit if carried on the books and records of the insured depository institution in the United States and (2) is not expressly payable in the United States. A *foreign deposit account* means any account that holds a foreign deposit. A *deposit account* means all domestic deposit accounts and all foreign deposit accounts, collectively. An *international banking facility deposit* has the same meaning as provided under section 3(*l*)(5)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1813(*l*)). A *demand deposit*

account, NOW account, money market deposit account, savings deposit account and time deposit account are as defined in the instructions for the filing of Reports of Condition and Income.

(4) *Sweep account arrangements* consist of a deposit account linked to an interest-bearing investment vehicle whereby funds are swept to and from the deposit account according to prearranged rules, usually on a daily basis, where the sweep investment vehicle is not a deposit and is reflected on the books and records of the covered institution.

(5) *Automated credit account arrangements* consist of a deposit account into which funds are automatically credited from an interest-bearing investment vehicle where the funds in the interest-bearing investment vehicle were not invested by prearranged rules.

(6) *Non-covered institution* means an insured depository institution that does not meet the definition of a covered institution.

(7) *Provisional hold* means an effective restriction on access to some or all of a deposit or other liability account after the failure of an insured depository institution.

(8) *Account holder* means the person or entity who has opened a deposit account with a covered institution and with whom the covered institution has a direct legal and contractual relationship with respect to the deposit.

(9) *Deposit account records* has the same meaning as provided in § 330.1(e) of this chapter.

(10) *Transactional features* with respect to a deposit account means that the account holder or the beneficial owner of deposits can make a transfer from the deposit account to a party other than the account holder, beneficial owner of deposits, or the larger covered institution itself, by a method that may result in such transfer being reflected in the end-of-day ledger balance for such deposit account on a day that is later than the day that such transfer is initiated, even if initiated prior to the larger covered institution's normal cutoff time for such transaction. A deposit account also has transactional features if preauthorized or automatic instructions

provide for transfer of deposits in the deposit account to another deposit account at the same institution, if such other deposit account itself has transactional features.

(c) * * *

(1) A covered institution shall have in place an automated process for implementing a provisional hold on domestic deposit accounts, foreign deposit accounts, sweep account arrangements, and automated credit account arrangements immediately following the determination of the close-of-business account balances, as defined in § 360.8(b)(3), at the failed covered institution.

(2) The system requirements under paragraph (c)(1) of this section must have the capability of placing the provisional holds prescribed under that provision no later than 9 a.m. local time the day following the FDIC cutoff point, as defined in § 360.8(b)(1).

* * * * *

(4) For domestic deposit accounts, the provisional hold algorithm must be designed to exempt accounts below a specific account balance threshold, as determined by the FDIC. * * *

(i) * * *

(ii) * * *

(iii) * * *

(iv) * * *

(5) For foreign deposit accounts, other than those connected to a sweep account arrangement or automated credit account arrangement, the provisional hold algorithm will apply a provisional hold percentage to the entire account balance. For foreign deposit accounts the provisional hold percentage may differ from that applied to domestic deposit accounts. Also, the provisional hold percentage would not vary by account category (i.e., consumer versus non-consumer and transaction versus non-transaction) as is the case with domestic deposit accounts.

(6) For international banking facility deposits, other than those connected to a sweep account arrangement or automated credit account arrangement, the provisional hold algorithm will apply a provisional hold percentage to the entire account balance. For international banking facility deposits the provisional hold percentage may differ from that applied to domestic deposit accounts or foreign deposit accounts. Also, the provisional hold percentage would not vary by account category (i.e., consumer versus non-consumer, and transaction versus non-transaction) as is the case with domestic deposit accounts.

(7) For the interest-bearing investment vehicle of a sweep account arrangement, the provisional hold algorithm must be designed with the capability to place a provisional hold on the interest-bearing investment vehicle with possibly a different account balance threshold and a different hold percentage according to the type of interest-bearing investment vehicle.

* * * * *

(d) * * *

(1)(i) A covered institution must have in place practices and procedures for providing the FDIC in a standard format upon the close of any day's business with required depositor and customer data for all deposit accounts held in domestic and foreign offices and interest-bearing investment accounts connected with sweep and automated credit account arrangements. Such standard data files are to be created through a mapping of pre-existing data elements and internal institution codes into standard data formats. Deposit account and customer data provided must be current as of the close of business for that day. Except as provided in paragraph (d)(1)(ii) of this section, a covered institution is not required to collect or generate depositor or customer data needed for deposit insurance calculation purposes that it does not ordinarily maintain in its records but must provide the data that it does maintain in its deposit account records in the required file format. A covered institution that is not a larger covered institution is not required

to populate the outstanding debt flag or security pledge flag fields in lines 49 or 50 of Appendix C, even if the covered institution ordinarily maintains such records.

(ii) A larger covered institution must populate the mandatory data fields as indicated in the appendices C through G to this part 360. If the larger covered institution does not have the required depositor and customer data needed to populate the mandatory data fields, then the larger covered institution must collect and maintain such data in its deposit account records for each account.

(iii) Notwithstanding the requirement set forth in paragraph (d)(1)(ii) of this section, a larger covered institution need not collect additional depositor and customer data and may, for purposes of this part, maintain in its deposit account records less information than is required under paragraph (d)(1)(ii) of this section for the following types of deposit accounts:

(A) For each deposit account for which a larger covered institution's deposit account records disclose the existence of a relationship which might provide a basis for additional deposit insurance in accordance with 12 CFR 330.5 or 330.7, and for which the larger covered institution does not maintain information that would be needed to meet the requirement set forth in paragraph (d)(1)(ii) of this section; and

(B) For each formal revocable trust account and each irrevocable trust account that is insured as described in 12 CFR 330.10 and for each irrevocable trust account that is insured as described in 12 CFR 330.12, and for which the larger covered institution does not maintain information that would be needed to meet the requirement set forth in paragraph (d)(1)(ii) of this section.

(2) The requirements of paragraphs (d)(1)(i)-(iii) of this section shall be provided in five separate files, as indicated in the Appendices C through G to this Part 360.

(3) Upon request by the FDIC, a covered institution must submit the data required by paragraphs (d)(1)(i)-(iii) of this section to the FDIC, in a manner prescribed by the FDIC.

(4) In providing the data required under paragraphs (d)(1)(i)-(iii) of this section to the FDIC, the covered institution must be able to reconcile the total deposit balances and the number of deposit accounts to the institution's subsidiary system control totals.

(5)(i) For each deposit account with transactional features for which a larger covered institution maintains its deposit account records as provided for under paragraph (d)(1)(iii) of this section, the larger covered institution must take steps reasonably calculated to ensure that the account holder will promptly provide to the FDIC the information needed for the FDIC to calculate deposit insurance with respect to each of those accounts. At a minimum, "steps reasonably calculated" shall include:

(A) A good faith effort to enter into contractual arrangements with the account holder that obligate the account holder to deliver information needed for deposit insurance calculation to the FDIC in a format prescribed in Appendix I to this part within 24 hours after the appointment of the FDIC as receiver in order for the account holder to have access to deposits on the next business day after failure; or

(B) Providing the account holder with a written disclosure stating that, if the larger covered institution fails and the FDIC is appointed as receiver, then the account holder may not have access to deposits before delivery of information in a format prescribed in Appendix I to this part.

(ii) A larger covered institution need not take the steps required pursuant to paragraph (d)(5)(i) of this section with respect to:

(A) Accounts maintained by a mortgage servicer, in a custodial or other fiduciary capacity, which are comprised of payments by mortgagors;

(B) Accounts maintained by real estate brokers, real estate agents, or title companies in which funds from multiple clients are deposited and held for a short period of time in connection with a real estate transaction;

(C) Accounts established by an attorney or law firm as Interest on Lawyers Trust Accounts, or functionally equivalent accounts;

(D) Accounts held in connection with an employee benefit plan (as defined in 12 CFR 330.14); and

(E) An account maintained by an account holder for the benefit of others, to the extent that the deposits in the account are held for the benefit of:

(*1*) A formal revocable trust or irrevocable trust that would be insured as described in 12 CFR 330.10; or

(*2*) An irrevocable trust that is insured as described in 12 CFR 330.12.

(6) A larger covered institution may submit a request to the FDIC, using the address indicated in § 360.9(g), for an exemption from the requirements of paragraph (d)(1) of this section for a relatively small number of accounts if circumstances exist that would make it impracticable or overly burdensome to meet those requirements with respect to certain types of accounts. Such requests may be in the form of a letter and must include a justification for the request and address the relative impact on customers' access to deposits in the event of failure. The FDIC will consider such requests on a case-by-case basis in light of the objectives of this section.

(e) *Implementation requirements.*

(1) An insured depository institution that is a covered institution but not a larger covered institution as of [INSERT EFFECTIVE DATE OF THE FINAL RULE] must be in compliance with the requirements of this section as of [INSERT EFFECTIVE DATE OF THE FINAL RULE]. An insured depository institution that is a covered institution and a larger covered institution as of [INSERT EFFECTIVE DATE OF THE FINAL RULE] must comply with all the requirements of this section except the requirements under paragraph (c) of this section no later than [INSERT DATE THAT IS 6 MONTHS AFTER THE EFFECTIVE DATE OF THE FINAL

RULE] and the requirements of paragraph (c) of this section no later than [INSERT DATE THAT IS 18 MONTHS AFTER THE EFFECTIVE DATE OF THE FINAL RULE]. Notwithstanding the prior two sentences, for any covered institution that became a covered institution before [INSERT EFFECTIVE DATE OF THE FINAL RULE] and has an initial compliance date that is after [INSERT EFFECTIVE DATE OF THE FINAL RULE], such institution must be in compliance with the requirements of this section no later than the relevant initial compliance date.

(2)(i) An insured depository institution not within the definition of a covered institution on [INSERT EFFECTIVE DATE OF THE FINAL RULE] must comply with the requirements of this section no later than eighteen months following the end of the second calendar quarter for which it meets the criteria for a covered institution.

(ii) Except as provided in paragraph (e)(4) or (5) of this section, an insured depository institution that is a covered institution but not a larger covered institution on [INSERT EFFECTIVE DATE OF THE FINAL RULE] must comply with the requirements set forth in paragraphs (d)(1)(ii)-(iii) and (d)(5) of this section no later than twelve months following the end of the second calendar quarter for which it meets the criteria for a larger covered institution.

(iii) Except as provided in paragraph (e)(3) of this section, an insured depository institution that is not within the definition of a covered institution on [INSERT EFFECTIVE DATE OF THE FINAL RULE] must comply with the requirements set forth in paragraphs (d)(1)(ii)-(iii) and (d)(5) of this section no later than twelve months following the end of the second calendar quarter for which it meets the criteria for a larger covered institution, except that if the insured depository institution was not a covered institution immediately prior to becoming a larger covered institution, the insured depository institution must comply with the requirements set forth in paragraphs (d)(1)(ii)-(iii) and (d)(5) of this section no later than eighteen months

following the end of the second calendar quarter for which it meets the criteria for a larger covered institution.

* * * * *

(i) *Effect of pending requests*. A covered institution that has submitted a request for exemption or extension will not be considered to be noncompliant with this section as to the requirements that are the subject of the request while awaiting the FDIC's response to such request.

(j) *Release*.

(1) A covered institution is released from the requirements of this section 360.9 if it does not meet the criteria to be a covered institution for three consecutive quarters.

(2) A larger covered institution is released from the additional requirements set forth in paragraphs (d)(1)(ii)-(iii) and (d)(5) of this section if it does not meet the criteria to be a larger covered institution for three consecutive quarters.

5. Revise the table in appendix A to part 360 to read as follows:

Appendix A to Part 360—Non-Monetary Transaction File Structure

* * * * *

Field #	Field Name	Field Description	Larger CI Requirement	Comments	Validation	File Linkage	Format
1	DP_Acct_Identifier	Account Identifier The primary field used to identify the account. This field may be the Account Number.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier in Deposit (C)	Variable Character (25)
2	DP_Acct_Identifier-2	Account Identifier-2 If necessary, the second element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier-2 in Deposit (C)	Variable Character (25)

3	DP_Acct_Identifier-3	Account Identifier-3 If necessary, the third element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier-3 in Deposit (C)	Variable Character (25)
4	DP_Acct_Identifier-4	Account Identifier-4 If necessary, the fourth element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier-4 in Deposit (C)	Variable Character (25)
5	DP_Acct_Identifier-5	Account Identifier-5 If necessary, the fifth element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier-5 in Deposit (C)	Variable Character (25)
6	DP_Sub_Acct_Identifier	Sub-Account Identifier If available, the sub-account identifier for the account.		The Sub-Account Identifier may identify separate deposits tied to this account where there are different processing parameters such as interest rates or maturity dates, but all owners are the same.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Sub_Acct_Identifier in Deposit (C)	Variable Character (25)
7	PH_Hold_Action	Hold Action The requested hold action to be taken for this account or sub-account. Possible values are: • R = Remove • A = Add	If Applicable			Mandatory (if there is a HOLD file)	Character (1)
8	PH_Hold_Amt	Hold Amount Dollar amount of the FDIC hold to be removed or added.	If Applicable	Hold Reason Code is required if there is a non-zero hold amount.		Mandatory (if there is a HOLD file)	Decimal (14,2)
9	PH_Hold_Desc	Hold Description FDIC hold to be removed or added.	If Applicable			Mandatory (if there is a HOLD file)	Character (225)

6. Revise the table in appendix B to part 360 to read as follows:

Appendix B to Part 360—Debit/Credit File Structure

* * * * *

Field #	Field Name	Field Description	Larger CI Requirement	Comments	Validation	File Linkage	Format
1	DP_Acct_Identifier	Account Identifier The primary field used to identify the account. This field may be the Account Number.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier in Deposit (C)	Variable Character (25)
2	DP_Acct_Identifier-2	Account Identifier-2 If necessary, the second element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier-2 in Deposit (C)	Variable Character (25)
3	DP_Acct_Identifier-3	Account Identifier-3 If necessary, the third element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier-3 in Deposit (C)	Variable Character (25)
4	DP_Acct_Identifier-4	Account Identifier-4 If necessary, the fourth element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier-4 in Deposit (C)	Variable Character (25)
5	DP_Acct_Identifier-5	Account Identifier-5 If necessary, the fifth element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier-5 in Deposit (C)	Variable Character (25)
6	DP_Sub_Acct_Identifier	Sub-Account Identifier If available, the sub-account identifier for the account.		The Sub-Account Identifier may identify separate deposits tied to this account where there are different processing parameters such as interest rates or maturity dates, but all owners are the same.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Sub_Acct_Identifier in Deposit (C)	Variable Character (25)
7	DC_Debit_Amt	Debit Amount Dollar amount of the debit to be applied to the account or sub-account.					Decimal (14,2)

8	DC_Credit_Amt	Credit Amount Dollar amount of the credit to be applied to the account or sub-account.					Decimal (14,2)
9	DC_Transaction_Desc	Debit/Credit Description FDIC message associated with the debit or credit transaction.					Character (225)

7. Revise the table in appendix C to part 360 to read as follows:

Appendix C to Part 360—Deposit File Structure

* * * * *

Field #	Field Name	Field Description	Larger CI Requirement	Comments	Validation	File Linkage	Format
1	DP_Acct_Identifier	Account Identifier The primary field used to identify the account. This field may be the Account Number.	Mandatory	This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	• Must be unique when combined with all other Account Identifier fields • Must have matching Deposit-Customer Join (G) record	DP_Acct_Identifier in Deposit-Customer Join (G)	Variable Character (25)
2	DP_Acct_Identifier-2	Account Identifier-2 If necessary, the second element used to identify the account.	Optional	This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	• Must be unique when combined with all other Account Identifier fields • Must have matching Deposit-Customer Join (G) record	DP_Acct_Identifier-2 in Deposit-Customer Join (G)	Variable Character (25)
3	DP_Acct_Identifier-3	Account Identifier-3 If necessary, the third element used to identify the account.	Optional	This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	• Must be unique when combined with all other Account Identifier fields • Must have matching Deposit-Customer Join (G) record	DP_Acct_Identifier-3 in Deposit-Customer Join (G)	Variable Character (25)
4	DP_Acct_Identifier-4	Account Identifier-4 If necessary, the fourth element used to identify the account.	Optional	This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	• Must be unique when combined with all other Account Identifier fields • Must have matching Deposit-	DP_Acct_Identifier-4 in Deposit-Customer Join (G)	Variable Character (25)

					Customer Join (G) record		
5	DP_Acct_Identifier-5	Account Identifier-5 If necessary, the fifth element used to identify the account.	Optional	This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	• Must be unique when combined with all other Account Identifier fields • Must have matching Deposit-Customer Join (G) record	DP_Acct_Identifier-5 in Deposit-Customer Join (G)	Variable Character (25)
6	DP_Sub_Acct_Identifier	Sub-Account Identifier If available, the sub-account identifier for the account.	Optional	This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	• Must be unique when combined with all other Account Identifier fields • Must have matching Deposit-Customer Join (G) record	DP_Sub_Acct_Identifier in Deposit-Customer Join (G)	Variable Character (25)
7	DP_Bank_No	Bank Number The bank number assigned to the deposit account.					Variable Character (15)
8	DP_Tax_ID	Tax ID The tax identification number maintained on the account.	Mandatory	For consumer accounts, typically, this would be the primary account holder's social security number (''SSN''). For business accounts it would be the federal tax identification number (''TIN''). Hyphens are optional in this field. If no Tax ID, leave blank.	• 9-11 digits • Numeric values (may contain hyphens)		Variable Character (15)
9	DP_Tax_Code	Tax ID Code The type of the tax identification number. Values: • S = Social Security Number • T = Federal Tax Identification Number • O = Other	Mandatory	Generally deposit systems have flags or indicators set to indicate whether the number is an SSN or TIN	• No null/blank values • Unique Tax ID values are assigned only one Tax Code		Variable Character (1)
10	DP_Branch	Branch Number The branch or office associated with the account.		In lieu of a branch number this field may represent a specialty department or division.			Variable Character (15)
11	DP_GL_Code	G/L Code The identifier used to tie the deposit account to the General Ledger.	Mandatory	This field ties to the general ledger accounts.	No null/blank values		Variable Character (20)

12	DP_Dep_Type	Deposit Type Indicator The type of deposit by office location. Values: • D = Domestic deposit • F = Dually payable deposit • N = Non-dually payable foreign deposit	Mandatory	A domestic deposit means any deposit other than a dually payable deposit . A foreign deposit means any dually payable deposit together with any liability held in a foreign office of a U.S. IDI that (1) would be a deposit if carried on the books and records of the IDI in the United States and (2) is not expressly payable in the United States.	No null/blank values		Variable Character (1)
13	DP_Currency_Type	Currency Type The ISO 4217 currency code.					Variable Character (3)
14	DP_Ownership_Ind	Customer Ownership Indicator The type of ownership right and capacity at the account level. Values: • S = Single • J = Joint Account • P = Partnership account • C = Corporation • B = Brokered Deposits • I = IRA Accounts • U = Unincorporated Association • R = Revocable Trust • IR= Irrevocable Trust • G = Government Accounts • E = Employee Benefit Plan Accounts • O = Other • BNK = Bank Owned • CRA = Certain Other Retirement Accounts • GOV1 = Accounts of the United States • GOV2 = Accounts of a state, county, municipality or political subdivision • GOV3 = Accounts of the District of Columbia • MSA = Mortgage Servicing Accounts • PBA = Public Bond Accounts • DIT = IDI as trustee of irrevocable trust accounts • ANC = Annuity Contract Accounts • BIA = Custodian for American Indians • DOE = Department of Energy	Mandatory	Single: Accounts owned by an individual and those accounts held as Minor Accounts, Estate Accounts, Non-Minor Custodian/Guardian Accounts, Attorney in Fact Accounts and Sole Proprietorships. Joint Account: Accounts owned by two or more individuals, but does not include the ownership of a Payable-on-Death Account or Trust Account. Partnership Account: Accounts owned by a Partnership. Corporation: Accounts owned by a Corporation (e.g. Inc., L.L.C., or P.C.). Brokered Deposits: Accounts placed by a deposit broker who acts as an intermediary for the actual owner or sub broker. IRA Accounts: Accounts for which the owner has the right to direct how the funds are invested including Keoghs and other Self-Directed Retirement Accounts. Unincorporated Association: An account owned by an association of two or more persons formed for some religious, educational, charitable, social or other non-commercial purpose. Revocable Trusts: Including Payable-on-Death Accounts (PODs) and formal revocable trusts (e.g. Living Trusts, Intervivos Trusts or Family Trusts). Irrevocable Trusts: Accounts held by a trust established by statute or written trust in which the grantor relinquishes all power to revoke the trust. Government Accounts: Accounts owned by a government entity including Public Unit Deposits (e.g. City, State, County, Municipality or Federal government entities and their sub-divisions). Employee Benefit Plan: Accounts established by the administrator of an Employee Benefit Plan including defined contribution, defined benefit and employee welfare plans. Other Accounts: Accounts owned by an entity not described above. Bank Owned: Accounts owned by the IDI. Certain Other Retirement Accounts: participants under such plan have the right to direct the investment of assets held in individual accounts maintained on their behalf by the plan, including an individual retirement account described	• No null/blank values • Must represent the ownership rights and capacity of the account		Variable Character (4)

				in section 408(a) of the Internal Revenue Code (26 U.S.C. 408(a)), an account of a deferred compensation plan described in section 457 of the Internal Revenue Code (26 U.S.C. 457), an account of an individual account plan as defined in section 3(34) of the Employee Retirement Income Security Act (29 U.S.C. 1002), a plan described in section 401(d) of the Internal Revenue Code (26 U.S.C. 401(d)). GOV1 - GOV3: Government Account (12 CFR 330.15): An account of a governmental entity. Mortgage Servicing Accounts: An account held by a mortgage servicer, funded by payments by mortgagors of principal and interest. Public Bond Accounts: An account consisting of funds held by an officer, agent or employee of a public unit for the purpose of discharging a debt owed to the holders of notes or bonds issued by the public unit. DIT: "Trust funds" (as defined in § 330.1(q)) account held by an insured depository institution as trustee of an irrevocable trust. Annuity Contract Accounts: Funds held by an insurance company or other corporation in a deposit account for the sole purpose of funding life insurance or annuity contracts and any benefits incidental to such contracts. BIA: Funds deposited by the Bureau of Indian Affairs of the United States Department of the Interior (the "BIA") on behalf of American Indians pursuant to 25 U.S.C. 162(a), or by any other disbursing agent of the United States on behalf of American Indians pursuant to similar authority, in an insured depository institution. Department of Energy: IDI Accounts under Department of Energy Program. Funds deposited by an insured depository institution pursuant to the Bank Deposit Financial Assistance Program of the Department of Energy.			
15	DP_Prod_Cat	Product Category The product classification. Values: • DDA = Non-Interest Bearing Checking Accounts • NOW = Interest Bearing Checking Accounts • MMA = Money Market Deposit Accounts • SAV = Other Savings Accounts • CDS = Time Deposit Accounts and Certificate of Deposit accounts, including any accounts with specified maturity	Mandatory	Product Category is sometimes referred to as "application type" or "system type".	No null/blank values		Variable Character (3)

		dates that may or may not be renewable					
16	DP_Stat_Code	Status Code Status or condition of the account. Values: • O = Open • D = Dormant • I = Inactive • E = Escheatment • A = Abandoned • C = Closing • R = Restricted/Frozen/Blocked	Mandatory		No null/blank values		Variable Character (1)
17	DP_Acct_Title_1	Account Title Line 1 Account styling or titling of the account.	Mandatory	Account Title fields 1-4 will be used to identify the owners and beneficiaries of the account. Do not include address information in Account Title fields.	• No null/blank values • Records should not contain blank values in all 4 Account Title fields (17-20) if used to identify owners and beneficiaries • Must be ASCII printable characters data type		Variable Character (100)
18	DP_Acct_Title_2	Account Title Line 2 If available, the second account title line.	Optional	Account Title fields 1-4 will be used to identify the owners and beneficiaries of the account. Do not include address information in Account Title fields.	• Records should not contain blank values in all 4 Account Title fields • Must be ASCII printable characters data type		Variable Character (100)
19	DP_Acct_Title_3	Account Title Line 3 If available, the third account title line.	Optional	Account Title fields 1-4 will be used to identify the owners and beneficiaries of the account. Do not include address information in Account Title fields.	• Records should not contain blank values in all 4 Account Title fields • Must be ASCII printable characters data type		Variable Character (100)
20	DP_Acct_Title_4	Account Title Line 4 If available, the fourth account title line.	Optional	Account Title fields 1-4 will be used to identify the owners and beneficiaries of the account. Do not include address information in Account Title fields.	• Records should not contain blank values in all 4 Account Title fields • Must be ASCII printable characters data type		Variable Character (100)

21	DP_Street_Add_Ln_1	Street Address Line 1 The current account statement mailing address of record.	Mandatory	The current Deposit account statement mailing address of record.	• Records should not contain blank values in all 3 Street Address fields • Must be ASCII printable characters data type		Variable Character (100)
22	DP_Street_Add_Ln_2	Street Address Line 2 If available, the second mailing address line.	Optional	The current Deposit account statement mailing address of record.	• Records should not contain blank values in all 3 Street Address fields • Must be ASCII printable characters data type		Variable Character (100)
23	DP_Street_Add_Ln_3	Street Address Line 3 If available, the third mailing address line.	Optional	The current Deposit account statement mailing address of record.	• Records should not contain blank values in all 3 Street Address fields • Must be ASCII printable characters data type		Variable Character (100)
24	DP_City	City The city associated with the mailing address.	Mandatory	The city associated with the Deposit Account mailing address.	No null/blank values		Variable Character (50)
25	DP_State	State The state associated with the mailing address.	Mandatory	The state for United States addresses or state/province/county for international addresses. For United States addresses use a two-character state code (official United States Postal Service abbreviations) associated with the mailing address. For international address, leave blank.			Variable Character (2)
26	DP_ZIP	ZIP The ZIP + 4 code associated with the mailing address.	Mandatory	If the ‘‘+4’’ code is not available provide only the 5-digit ZIP code. Hyphens are optional in this field.			Variable Character (10)
27	DP_Country	Country The country associated with the mailing address.	Mandatory	Provide the country name or the standard ISO country code.	No null/blank values		Variable Character (10)
28	DP_NA_Line_1	Name/Address Line 1 Alternate name/address format for the current account statement mailing address of record, first line.		Name/Address fields 28–33 are to be used if account title and address data are not parsed to populate Account Title fields 17-20 and Address fields 21–27. Preferably, Name/Address fields 28-30 are used for Account Titles and Name/Address fields 31-33 are used for Address information.	Must be ASCII printable characters data type		Variable Character (100)
29	DP_NA_Line_2	Name/Address Line 2 Alternate name/address format, second line.		Name/Address fields 28–33 are to be used if account title and address data are not parsed to populate Account Title fields 17-20 and Address fields 21–27. Preferably, Name/Address fields 28-30 are used for Account Titles and Name/Address fields 31-33 are used for Address information.	Must be ASCII printable characters data type		Variable Character (100)

30	DP_NA_Line_3	Name/Address Line 3 Alternate name/address format, third line.		Name/Address fields 28–33 are to be used if account title and address data are not parsed to populate Account Title fields 17-20 and Address fields 21–27. Preferably, Name/Address fields 28-30 are used for Account Titles and Name/Address fields 31-33 are used for Address information.	Must be ASCII printable characters data type		Variable Character (100)
31	DP_NA_Line_4	Name/Address Line 4 Alternate name/address format, fourth line.		Name/Address fields 28–33 are to be used if account title and address data are not parsed to populate Account Title fields 17-20 and Address fields 21–27. Preferably, Name/Address fields 28-30 are used for Account Titles and Name/Address fields 31-33 are used for Address information.	Must be ASCII printable characters data type		Variable Character (100)
32	DP_NA_Line_5	Name/Address Line 5 Alternate name/address format, fifth line.		Name/Address fields 28–33 are to be used if account title and address data are not parsed to populate Account Title fields 17-20 and Address fields 21–27. Preferably, Name/Address fields 28-30 are used for Account Titles and Name/Address fields 31-33 are used for Address information.	Must be ASCII printable characters data type		Variable Character (100)
33	DP_NA_Line_6	Name/Address Line 6 Alternate name/address format, sixth line.		Name/Address fields 28–33 are to be used if account title and address data are not parsed to populate Account Title fields 17-20 and Address fields 21–27. Preferably, Name/Address fields 28-30 are used for Account Titles and Name/Address fields 31-33 are used for Address information.	Must be ASCII printable characters data type		Variable Character (100)
34	DP_Cur_Bal	Current Balance The current balance in the account at the end of business on the effective date of this file.	Mandatory	This balance should not be reduced by float or holds. For CDs and time deposits, the balance should reflect the principal balance plus any interest paid and available for withdrawal not already included in the principal (do not include accrued interest). The total of all current balances in this file should reconcile to the total deposit trial balance totals or other summary reconciliation of deposits performed by the institution.	Numeric		Decimal (14,2)
35	DP_Int_Rate	Interest Rate The current interest rate in effect for interest bearing accounts.		Interest rate should be expressed in decimal format, i.e., 2.0% should be represented as 0.020000000. If non-interest bearing, then provide value of 0.00.	Numeric		Decimal (10,9)
36	DP_Acc_Int	Accrued Interest The amount of interest that has been earned but not yet paid to the account as of the date of the file.	Mandatory	The amount of interest that has been earned but not yet paid to the account as of the date of the file. If non-interest bearing, then provide value of 0.00.	Numeric		Decimal (14,2)
37	DP_Lst_Int_Pd	Date Last Interest Paid The date through which interest was last paid to the account.		If no Last Interest Paid Date, leave blank.	Date		Date (YYYYMMDD)
38	DP_Lst_Deposit	Date Last Deposit The date of the last deposit transaction posted to the account.		For example, a deposit that included checks and/or cash. If no Last Deposit Date, leave blank.			Date (YYYYMMDD)
39	DP_Int_Term_No	Interest Term Number The number of					Decimal (3,0)

		months in the current interest term.					
40	DP_Nxt_Mat	Date of Next Maturity For CD and time deposit accounts, the next date the account is to mature.		For non-renewing CDs that have matured and are waiting to be redeemed this date may be in the past. If no Next Maturity Date, leave blank.	Date, mandatory for CDs		Date (YYYYMMDD)
41	DP_Open_DT	Account Open Date The date the account was opened.		If the account had previously been closed and re-opened, this should reflect the most recent re-opened date. If no Account Open Date, leave blank.			Date (YYYYMMDD)
42	DP_Sweep_Code	Sweep Code Indicates if the account is a sweep account. Values: • Y = Yes • N = No					Variable Character (1)
43	DP_Hold_To_Post	Full Hold on the Account Indicator if all postings to this account are restricted. Values: • Y = Yes • N = No					Variable Character (1)
44	DP_Issue_Val_Amt	Issued Value Amount The value of the current CD when issued.		For CDs only			Decimal (14,2)
45	DP_Int_CD_Cde	Type of Interest for CD Values: • C = Rate Change Allowed • N = Rate Change Not Allowed • R = Change Rate to Default at Renewal • T = Rate Change Allowed Only During the Term		For CDs only			Variable Character (1)
46	DP_IRA_Cde	IRA Code The type of IRA. Values: • C = Corporate Retirement • E = Educational IRA • I = IRA Account • K = Keogh Account • R = Roth IRA Account • S = SEP Account • T = Transitional Roth IRA • V = Versa Account • H = Health Savings Account		Code field used to help further identify the types of IRA accounts. If not an IRA, leave blank.	Mandatory for IRAs		Variable Character (1)

47	DP_Deposit_Class_Type	Deposit Class Type The deposit class. Values: Consumer: • RTL = Retail Non-consumer: • FED = Federal Government • STATE = State Government • COMM = Commercial • CORP = Corporate • BANK = Bank Owned • DUE TO = Other Banks		The institution may also use more or fewer class types.			Variable Character (10)
48	DP_Product_Class_Cde	Product Class Codes The deposit class codes. Values: RTL • 1 = Payable on Death • 2 = Individual • 3 = Living Trust-Intervivos or Family • 4 = Irrevocable Trust (includes Educational IRAs) • 5 = Estate • 6 = Attorney in Fact • 7 = Minor-(includes all variations of Uniform Gifts to Minor Accounts) • 8 = Bankruptcy Personal • 9 = Pre-Need Burial • 10 = Escrow • 11 = Representative Payee/Beneficiary • 12 = Sole Proprietorship • 13 = Joint • 14 = Non-Minor Custodian/Guardian • 15 = Other Retail FED • 16 = FHA • 17 = Federal Government STATE • 18 = City • 19 = State • 20 = County, Clerk of Court • 21 = Other State COMMERCIAL • 22 = Business Escrow • 23 = Bankruptcy • 24 = Club		These Product Class codes are used in conjunction with the Deposit Class Types in field 47. This field is to be used in concert with the Ownership Indicator in field 14 and Product Category in field 15 identified above to enable the financial institution to capture more detailed information concerning account types. It is the intent of the FDIC to have the financial institution map its detailed account types to the codes identified in this field. The institution may also use additional codes, but in this event the institution must supply the detailed description and code value for each additional code used. If no additional account product type details are available, then this field should be left blank.			Variable Character (2)

		• 25 = Church • 26 = Unincorporated Association • 27 = Unincorporated Non-Profit • 28 = Other Commercial CORPORATION • 29 = Business Trust • 30 = Business Agent • 31 = Business Guardian • 32 = Incorporated Association • 33 = Incorporated Non-Profit • 34 = Corporation • 35 = Corporate Partnership • 36 = Corporate Partnership Trust • 37 = Corporate Agent • 38 = Corporate Guardian • 39 = Pre-Need Funeral Trust • 40 = Limited Liability Incorporation • 41 = LLC partnership • 42 = Lawyer Trust • 43 = Realtor Trust • 44 = Other Corporation BANK • 45 = Certified & Official Checks, Money Orders, Loan Disbursements Checks, and Expense Checks • 46 = ATM Settlement • 47 = Other Bank Owned Accounts DUE TO (Other Banks) • 48 = Due to U.S. Banks • 49 = Due to U.S. Branches of Foreign Banks • 50 = Due to Other Depository Institutions • 51 = Due to Foreign Banks • 52 = Due to Foreign Branches of U.S. banks • 53 = Due to Foreign Governments					

49	CS_Outstanding_Debt_Flag	This field indicates whether the customer has outstanding debt with covered institution. This field may be used by the FDIC to determine offsets. Enter "Y" if customer has outstanding debt with covered institutions, enter "N" otherwise.	Optional	Applicable only to larger covered institutions	Null value allowed		Variable Character (1)
50	CS_Security_Pledge_Flag	This field shall only be used for Government customers. This field indicates whether the covered institution has pledged securities to the government entity, to cover any shortfall in deposit insurance. Enter "Y" if the government entity has outstanding security pledge with covered institutions, enter "N" otherwise	Optional	Applicable only to larger covered institutions	Null value allowed		Variable Character (1)

8. Revise the table in appendix D to part 360 to read as follows:

Appendix D to Part 360—Sweep/ Automated Credit Account File Structure

* * * * *

Field #	Field Name	Field Description	Larger CI Requirement	Comments	Validation	File Linkage	Format
1	DP_Acct_Identifier	Account Identifier The primary field used to identify the account. This field may be the Account Number.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.		DP_Acct_Identifier in Deposit (C)	Variable Character (25)
2	DP_Acct_Identifier-2	Account Identifier-2 If necessary, the second element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.		DP_Acct_Identifier-2 in Deposit (C)	Variable Character (25)
3	DP_Acct_Identifier-3	Account Identifier-3 If necessary, the third element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in		DP_Acct_Identifier-3 in Deposit (C)	Variable Character (25)

				separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.			
4	DP_Acct_Identifier-4	Account Identifier-4 If necessary, the fourth element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.		DP_Acct_Identifier-4 in Deposit (C)	Variable Character (25)
5	DP_Acct_Identifier-5	Account Identifier-5 If necessary, the fifth element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.		DP_Acct_Identifier-5 in Deposit (C)	Variable Character (25)
6	DP_Sub_Acct_Identifier	Sub-Account Identifier If available, the sub-account identifier for the account.		The Sub-Account Identifier may identify separate deposits tied to this account where there are different processing parameters such as interest rates or maturity dates, but all owners are the same.		DP_Sub_Acct_Identifier in Deposit (C)	Variable Character (25)
7	SW_Acct_Identifier	Sweep/Automated Credit Account Identifier The primary field used to identify the account into which funds are swept or credited. This field may be the Account Number.		Funds may be swept into an investment vehicle not represented as an account. In this case this field should be a null value. The Sweep/Automated Credit Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.			Variable Character (25)
8	SW_Acct_Identifier-2	Sweep/Automated Credit Account Identifier-2 If necessary, the second element of the account identifier used to identify the account into which funds are swept or credited.					Variable Character (25)
9	SW_Acct_Identifier-3	Sweep/Automated Credit Account Identifier-3 If necessary, the third element of the account identifier used to identify the account into which funds are swept or credited.					Variable Character (25)
10	SW_Acct_Identifier-4	Sweep/Automated Credit Account Identifier-4 If necessary, the fourth element of the account identifier					Variable Character (25)

		used to identify the account into which funds are swept or credited.					
11	SW_Acct_Identifier-5	Sweep/Automated Credit Account Identifier-5 If necessary, the fifth element of the account identifier used to identify the account into which funds are swept or credited.					Variable Character (25)
12	SW_Sub_Acct_Identifier	Sweep/Automated Credit Sub-Account Identifier If available, the sub-account identifier for the account.					Variable Character (25)
13	SW_Type	The investment vehicle. Values: • RE = Repurchase Agreement • DD = Domestic Deposit • DF = Foreign Deposit • IBF = Deposit Held in an International Banking Facility • AI = Deposit Held in an affiliated depository institution • FF = Federal Funds • CP = Commercial Paper • OT = Other					Variable Character (3)
14	SW_Inv_Amount	Fund Balance in Sweep/Automated Credit Investment Vehicle Dollar amount residing in the investment vehicle,			Numeric		Decimal (14,2)
15	SW_Currency_Type	Currency Type The ISO 4217 currency code.					Variable Character (3)
16	SW_Hold_Amount	FDIC Hold Amount Amount of FDIC hold on funds residing in the investment vehicle.			Numeric		Decimal (14,2)
17	SW_Sweep_Interval	Sweep/Investment Frequency The frequency with which the sweep or investment occurs. Values: • D = Daily • W = Weekly • BW = Bi-Weekly					Variable Character (2)

		• M = Monthly • BM = Bi-Monthly • Q = Quarterly • O = Other					

9. Revise the table in appendix E to part 360 to read as follows:

Appendix E to Part 360—Hold File Structure

* * * * *

Field #	Field Name	Field Description	Larger CI Requirement	Comments	Validation	File Linkage	Format
1	DP_Acct_Identifier	Account Identifier The primary field used to identify the account. This field may be the Account Number.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier in Deposit (C)	Variable Character (25)
2	DP_Acct_Identifier-2	Account Identifier-2 If necessary, the second element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier-2 in Deposit (C)	Variable Character (25)
3	DP_Acct_Identifier-3	Account Identifier-3 If necessary, the third element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier-3 in Deposit (C)	Variable Character (25)
4	DP_Acct_Identifier-4	Account Identifier-4 If necessary, the fourth element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier-4 in Deposit (C)	Variable Character (25)
5	DP_Acct_Identifier-5	Account Identifier-5 If necessary, the fifth element used to identify the account.		This field (when combined with other Account Identifier fields in this file) is the unique identifier that is the primary key for the depositor data record. The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Acct_Identifier-5 in Deposit (C)	Variable Character (25)

6	DP_Sub_Acct_Identifier	Sub-Account Identifier If available, the sub-account identifier for the account.		The Sub-Account Identifier may identify separate deposits tied to this account where there are different processing parameters such as interest rates or maturity dates, but all owners are the same.	For FDIC Holds only, must be unique when combined with all other Account Identifier fields	DP_Sub_Acct_Identifier in Deposit (C)	Variable Character (25)
7	HD_Hold_Amt	Hold Amount Dollar amount of the hold.	If Applicable	The available balance of the account is reduced by the hold amount. It has no effect on current balance (ledger balance)	Numeric	Mandatory (if there is a HOLD file)	Decimal (14,2)
8	HD_Hold_Reason	Hold Reason Code Reason for the hold. Values: • LN = Loan Collateral Hold • LG = Court Order Hold • FD = FDIC Hold • OT = Other (do not include daily operational type holds)	If Applicable	Hold Reason Code is required if there is a non-zero hold amount.	No null/blank values	Mandatory (if there is a HOLD file)	Variable Character (2)
9	HD_Hold_Desc	Hold Description Reason for the hold.					
10	HD_Hold_Start_Dt	Hold Start Date The date the hold was initiated.			Must not be future dated in relation to date of file extract		Date (YYYYMMDD)
11	HD_Hold_Exp_Dt	Hold Expiration Date The date the hold is to expire.			Must not be past dated in relation to date of file extract		Date (YYYYMMDD)

10. Revise the table in appendix F to part 360 to read as follows:

Appendix F to Part 360—Customer File Structure

* * * * *

Field #	Field Name	Field Description	Larger CI Requirement	Comments	Validation	File Linkage	Format
1	CS_Cust_Identifier	Customer Identifier The unique field used by the institution to identify the customer.	Mandatory	This field is the unique identifier that is the primary key for the customer data record.	Must be unique within the file	CS_Cust_Identifier in Deposit-Customer Join (G)	Variable Character (25)
2	CS_Tax_ID	Customer Tax ID Number The tax identification number on record for the customer.	Mandatory	Hyphens are optional in this field	• 9-11 digits • Numeric values (may contain hyphens)		Variable Character (11)
3	CS_Tax_Code	Customer Tax ID Code The type of the tax identification number of the customer. Possible values:	Mandatory	Generally deposit systems have flags or indicators set to indicate whether the number is an SSN or TIN	• No null/blank values • Unique Tax ID values are assigned only 1 Tax Code		Variable Character (1)

		• S = Social Security Number • T = Federal Tax Identification Number • O = Other					
4	CS_Name_Line_1	Individual Customer Name Line 1 If available, the free-form name narrative of the customer, first line.		Fields 4 and 5 are to be used if an “Individual" type customer's name data is not parsed to populate fields 6-8.			Variable Character (100)
5	CS_Name_Line_2	Individual Customer Name Line 2 If available, the free-form name narrative of the customer, second line.		Fields 4 and 5 are to be used if an “Individual" type customer's name data is not parsed to populate fields 6-8.			Variable Character (100)
6	CS_Last_Name	Individual Customer Last Name For individuals, the customer’s last name.	Mandatory	If the record represents an "Individual" type customer, this field must be populated. This field is required if the data element is in the institution’s records. If necessary, data should be parsed from fields 4 or 5 to obtain this element.	• Mandatory for "Individual" type customer • Must be ASCII printable characters data type		Variable Character (50)
7	CS_First_Name	Individual Customer First Name For individuals, the customer’s first name.	Mandatory	If the record represents an "Individual" type customer, this field must be populated. This field is required if the data element is in the institution’s records. If necessary, data should be parsed from fields 4 or 5 to obtain this element.	• Mandatory for "Individual" type customer • Must be ASCII printable characters data type		Variable Character (50)
8	CS_Middle_Name	Individual Customer Middle Name For individuals, the customer’s middle name.	Mandatory	If the record represents an "Individual" type customer, this field must be populated. This field is required if the data element is in the institution’s records. If necessary, data should be parsed from fields 4 or 5 to obtain this element.	• Mandatory for "Individual" type customer • Must be ASCII printable characters data type		Variable Character (50)
9	CS_Suffix	Individual Professional Suffix For individuals, the suffix designating customer’s academic, professional, or honorary status, such as Esq., Ph.D., M.D., and D.D.S.		This field is required if the data element is in the institution’s records. If necessary, data should be parsed from fields 4 or 5 to obtain this element.			Variable Character (20)
10	CS_Generation	Individual Generational Suffix For individuals, the suffix designating the customer’s generational status, such as Jr., Sr., or III.		This field is required if the data element is in the institution’s records. If necessary, data should be parsed from fields 4 or 5 to obtain this element.			Variable Character (10)
11	CS_Prefix	Individual Customer Prefix For individuals, the prefix of the customer, such as Rev., Dr., Mrs., Mr., or Ms.		This field is required if the data element is in the institution’s records. If necessary, data should be parsed from fields 4 or 5 to obtain this element.			Variable Character (10)

12	CS_Birth_Dt	Individual Customer Birth Date For individuals, the customer's date of birth.					Date (YYYYMMDD)
13	CS_Ent_Name_Line_1	Entity Name Line 1 For entities other than individuals, the free-form name narrative of the customer, first line.	Alternative to Mandatory	If the record represents an "Entity" customer type, this field must be populated.	• Mandatory for "Entity" customer type • Must be ASCII printable characters data type		Variable Character (100)
14	CS_Ent_Name_Line_2	Entity Name Line 2 For entities other than individuals, the free-form name narrative of the customer, second line.	Alternative to Mandatory	If the record represents an "Entity" customer type, this field must be populated.	• Mandatory for "Entity" customer type • Must be ASCII printable characters data type		Variable Character (100)
15	CS_Nar_Addr_Line_1	Customer Address Line 1 If available, the free-form permanent legal address narrative for the customer, line one.		Customer Address fields 15–17 are to be used if Customer Address data is not parsed to populate Address fields 18–23.	Must be ASCII printable characters data type		Variable Character (100)
16	CS_Nar_Addr_Line_2	Customer Address Line 2 If available, the free-form permanent legal address narrative for the customer, line two.		Customer Address fields 15–17 are to be used if Customer Address data is not parsed to populate Address fields 18–23.	Must be ASCII printable characters data type		Variable Character (100)
17	CS_Nar_Addr_Line_3	Customer Address Line 3 If available, the free-form permanent legal address narrative for the customer, line three.		Customer Address fields 15–17 are to be used if Customer Address data is not parsed to populate Address fields 18–23.	Must be ASCII printable characters data type		Variable Character (100)
18	CS_Street_Address_1	Street Address Line 1 The permanent legal address of the customer, line one.	Mandatory	This is the preferred Street Address field. If necessary, data should be parsed from Name/Address fields 15–17 to obtain this element.	• Records should not contain blank values in all Street Address fields • Must be ASCII printable characters data type		Variable Character (100)
19	CS_Street_Address_2	Street Address Line 2 The permanent legal address of the customer, line two	Mandatory	This is the preferred Street Address field. If necessary, data should be parsed from Name/Address fields 15–17 to obtain this element.	• Records should not contain blank values in all Street Address fields • Must be ASCII printable characters data type		Variable Character (100)
20	CS_City	City The city associated with the permanent legal address.	Mandatory	This is the preferred City field. If necessary, data should be parsed from Name/Address fields 15–17 to obtain this element.	No null/blank values		Variable Character (25)

21	CS_State	State The state abbreviation associated with the permanent legal address.	Mandatory	This is the preferred State field. If necessary, data should be parsed from Name/Address fields 15–17 to obtain this element.			Variable Character (2)
22	CS_ZIP	ZIP The ZIP + 4 code associated with the permanent legal address.	Mandatory	This is the preferred Zip field. If necessary, data should be parsed from Name/Address fields 15–17 to obtain this element. If the "+4" code is not available, provide only the 5-digit ZIP code. Hyphens are optional in this field.			Variable Character (10)
23	CS_Country	Country The country associated with the permanent legal address.	Mandatory	This is the preferred Country field. If necessary, data should be parsed from Name/Address fields 15–17 to obtain this element. Provide the name of the country or the standard ISO country code.	No null/blank values		Variable Character (10)
24	CS_Telephone	Customer Telephone Number The telephone number on record for the customer.					Variable Character (20)
25	CS_Email	Customer Email Address The e-mail address on record for the customer.					Variable Character (150)

11. Revise the table in appendix G to part 360 to read as follows:

Appendix G to Part 360—Deposit-Customer Join File Structure

* * * * *

Field #	Field Name	Field Description	Larger CI Requirement	Comments	Validation	File Linkage	Format
1	CS_Cust_Identifier	Customer Identifier The unique field used by the institution to identify the customer.	Mandatory	This field is the unique identifier that is the primary key for the customer data record. It is possible for multiple records with the same Customer Identifier to exist within the file since an Individual or Entity customer may have multiple Deposit accounts.	All Deposit (C) file records must have matching Deposit-Customer Join (G) record AND Customer (F) record	CS_Cust_Identifier in Customer (F)	Variable Character (25)
2	DP_Acct_Identifier	Account Identifier The primary field used to identify the account. This field may be the Account Number.	Mandatory	The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account. It is possible for multiple records with the same Account Identifier to exist within the file since an account may have relationships with multiple customers.	All Deposit (C) file records must have matching Deposit-Customer Join (G) record	DP_Acct_Identifier in Deposit (C)	Variable Character (25)
3	DP_Acct_Identifier-2	Account Identifier-2 If necessary, the second element used to identify the account.	Optional	The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account. There are expected to be multiple records with the	All Deposit (C) file records must have matching Deposit-Customer Join (G) record	DP_Acct_Identifier-2 in Deposit (C)	Variable Character (25)

				same Account Identifier within the file since an account may have multiple customer relationships.			
4	DP_Acct_Identifier-3	Account Identifier-3 If necessary, the third element used to identify the account.	Optional	The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account. There are expected to be multiple records with the same Account Identifier within the file since an account may have multiple customer relationships.	All Deposit (C) file records must have matching Deposit-Customer Join (G) record	DP_Acct_Identifier-3 in Deposit (C)	Variable Character (25)
5	DP_Acct_Identifier-4	Account Identifier-4 If necessary, the fourth element used to identify the account.	Optional	The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account. There are expected to be multiple records with the same Account Identifier within the file since an account may have multiple customer relationships.	All Deposit (C) file records must have matching Deposit-Customer Join (G) record	DP_Acct_Identifier-4 in Deposit (C)	Variable Character (25)
6	DP_Acct_Identifier-5	Account Identifier-5 If necessary, the fifth element used to identify the account.	Optional	The Account Identifier may be composed of more than one physical data element. If multiple fields are required to identify the account, data should be placed in separate fields and the FDIC instructed how these fields are combined to uniquely identify the account. There are expected to be multiple records with the same Account Identifier within the file since an account may have multiple customer relationships.	All Deposit (C) file records must have matching Deposit-Customer Join (G) record	DP_Acct_Identifier-5 in Deposit (C)	Variable Character (25)
7	DP_Sub_Acct_Identifier	Sub-Account Identifier If available, the sub-account identifier for the account.	Optional	The Sub-Account Identifier may identify separate deposits tied to this account where there are different processing parameters such as interest rates or maturity dates, but all owners are the same.	All Deposit (C) file records must have matching Deposit-Customer Join (G) record	DP_Sub_Acct_Identifier in Deposit (C)	Variable Character (25)
8	CS_Rel_Code	Relationship Code The code indicating how the customer is related to the account considering ownership rights and capacity. Owner Values: • MIN = Minor • PRI = Primary Owner • SEC = Secondary Owner(s) Non-Owner Values: • ADM = Administrator • AGT = Agent/Representative • ATF = Attorney For • AUT = Authorized Signer • BNF = Beneficiary • CSV = Conservator • CUS = Custodian • DBA = Doing	Mandatory	Institutions must map their relationship codes to the codes in the list to the left. If the institution maintains more relationships they must supply the additional relationship codes being utilized along with the code definition. Owners and non-owners must be easily identifiable based on any data mapping provided. At least one owner relationship code (PRI, SEC, MIN) must be present for each deposit account record reported in the Deposit file. Owner relationship codes identify the customer or customers with an ownership interest in the account. Non-owner relationship codes may also be present and should be reported for all applicable account relationships including fiduciaries, representatives, signers or other non-ownership capacities. Relationship codes are used to identify all persons or entities associated with the account to support the FDIC's review of account ownership information.	• No null/blank values • Each Deposit account must contain at least one Deposit-Customer Join record within this file containing a Relationship Code of either PRI, SEC, or MIN		Variable Character (5)

		Business As • EXC = Executor • GDN = Guardian • TTE = Trustee • OCT = Official Custodian (for government deposits)					
9	CS_Bene_Code	Beneficiary Type Code If the customer is considered a beneficiary, the type of account associated with this customer. Values: • I = IRA • T = Trust—Irrevocable • R = Trust—Revocable • M = Uniform Gift to Minor • P = Payable on Death • O = Other	Mandatory	This includes beneficiaries on retirement accounts, trust accounts, minor accounts, and payable-on-death accounts. Leave blank if no beneficiary type code applies to the reported relationship.	Mandatory if beneficiary customer		Variable Character (1)

12. Add new appendix I to part 360 to read as follows:

Appendix I to Part 360 – Pass-through and Broker Deposit Data Structure

This is the structure for the data file to provide passthrough deposit insurance data to the FDIC. Third parties would need to provide this data only in the event of a larger covered institution's failure. This data will facilitate the timely payment of funds. If data or information are not maintained or do not apply, a null value in the appropriate field should be indicated. The file will be in a tab- or pipe-delimited ASCII format. Each file name will contain the third party's name or common abbreviation and the date of the extract. The files will be encrypted using an FDIC-supplied algorithm. The FDIC will transmit to the covered institution the encryption algorithm over FDIC*connect*.

This data file will have one or more records for each deposit account at the bank, depending on the number of broker customers assigned to each account. Therefore, multiple records may have the same Bank_Acct_Identifier. Furthermore, if an account held by customers at the broker is owned by more than one person, multiple records could contain the same Bank_Acct_Identifier and Customer_Account_Number; these records would be differentiated by the Customer_Tax_ID

and various Name fields. This file could also contain other records associated with the broker customer accounts to designate, among other things, beneficiaries, custodians, trustees, and agents as identified in field 30. This methodology allows the FDIC to know all the possible relationships for an individual account and whether a single customer is involved in many accounts.

Field #	Field Name	Field Description	Format
1	Bank_Acct_Identifier	The primary field used to identify the account in the bank's records. This field may be the Account Number.	Variable Character (255)
2	Bank_Account_Holder_Name	Full name of person(s) or entity who opened or established the custodial account with the insured depository institution.	Variable Character (255)
3	Broker_Number	Only used for DO broker submissions.	Variable Character (50)
4	CUSIP	Only used for DO broker submissions.	Variable Character (9)
5	Customer_Account_Number	3rd party assigned customer account number used in 3rd party records.	Variable Character (255)
6	Customer_Tax_ID	The tax identification number maintained in the 3rd party records for the customer of the 3rd party. (Tax ID of the insured individual or entity)	Variable Character (11)
7	Customer_Tax_ID_Code	The type of the tax identification number. Values: • S = Social Security Number • T = Federal Tax Identification Number • O = Other	Variable Character (1)
8	Customer_Account_Title_1	Account Title on the Broker's system for the customer's account. The contents of this field will be the same for all records associated with the same Customer Account Number.	Variable Character (255)
9	Customer_Account_Title_2	Continuation of field 8.	Variable Character (255)
10	First_Name	Individual Customer First Name.	Variable Character (50)
11	Middle_Name	Individual Customer Middle Name.	Variable Character (50)
12	Last_Name	Individual Customer Last Name.	Variable Character (50)
13	Name_Suffix	Individual Professional Suffix. For individuals, the suffix designating customer's academic, professional, or honorary status, such as Esq., Ph.D., M.D., and D.D.S.	Variable Character (20)
14	Ent_Name_Line_1	For entities other than individuals, the free-form name narrative of the customer, first line.	Variable Character (100)
15	Ent_Name_Line_2	For entities other than individuals, the free-form name narrative of the customer, second line.	Variable Character (100)
16	Address_1	Address line 1 as it appears on the customer's statement. The address information should be for the investor. The broker's address should not be used for all of the investors.	Variable Character (100)
17	Address_2	Address line 2 as it appears on the customer's statement. The address information should be for the investor. The broker's address should not be used for all of the investors.	Variable Character (100)
18	Address_3	Address line 3 as it appears on the customer's statement. The address information should be for the investor. The broker's address should not be used for all of the investors.	Variable Character (100)

19	City	Address city as it appears on the customer's statement. The address information should be for the investor. The broker's address should not be used for all of the investors.	Variable Character (25)
20	State	State postal abbreviation as it appears on the customer's statement. The address information should be for the investor. The broker's address should not be used for all of the investors.	Variable Character (2)
21	Zip	Address zip as it appears on the customer's statement (no hyphens). The address information should be for the investor. The broker's address should not be used for all of the investors.	Variable Character (10)
22	Country	Country code as it appears on the customer's statement.	Variable Character (10)
23	Province	Province as it appears on the customer's statement.	Variable Character (25)
24	IRA_Code	Code or flag indicating the type of IRA account.	Variable Character (1)
25	Principal	Principal balance of the customer's account as of the institution failure date.	Decimal (14,2)
26	Interest	Accrued interest balance of the customer's account as of the institution failure date. If left blank, the account balance accrued interest will be proportionately applied. Leave column blank if investment account type is CDs at failed bank.	Decimal (14,2)
27	Sub-broker_Indicator	A "Y" (yes) indicates the customer is a broker for others (as opposed to an individual investor). The sub-broker record should only be included if the sub-broker's investors are not included in the file.	Variable Character (1)
28	Ownership_Indicator	Account ownership categories (account participant of the broker/3rd party entity). SGL = Single JNT = Joint REV = Revocable trust accounts IRR = Irrevocable trust accounts CRA = Certain retirement accounts EBP = Employee benefit plan accounts BUS = Business/Organization accounts GOV1, GOV2, GOV3 = Government accounts (public unit accounts) MSA = Mortgage servicing accounts for principal and interest payments DIT = Accounts held by a depository institution as the trustee of an irrevocable trust ANC = Annuity contract accounts PBA = Public bond accounts BIA = Custodian accounts for American Indians DOE = Accounts of an IDI pursuant to the Bank Deposit Financial Assistance Program of the Department of Energy	Variable Character (4)
29	Amount_of_Overfunding	If the account is an EBP or MSA, the total amount of the overfunding of the account that is deposited in the CI. Any portion of deposits which is not attributable to the interests of the account participants is the overfunded portion of the assets. (12 CFR 330.14)	Decimal (14,2)
30	Customer_Relationship_Type	This field is used to indicate the relationship to the account of the person or entity named in fields 10–15: MIN = Minor (Owner) PRI = Primary Owner SEC = Secondary Owner(s) ADM = Administrator AGT = Agent/Representative ATF = Attorney For AUT = Authorized Signer BHR = Bond Holder BNF = Beneficiary CSV = Conservator CUS = Custodian DBA = Doing Business As EPP = Employee Benefit Plan Participant EXC = Executor GDN = Guardian MOR = Mortgagor TTE = Trustee OCT = Official Custodian (for government deposits)	Variable Character (3)

31	Amount_of_Account_Part_Non-contingent_Interests	The amount of each account participant's non-contingent interest. Interests that are capable of determination without evaluation of contingencies. (12 CFR 330.14)	Decimal (14,2)
32	Amount_of_Account_Part_Contingent_Interests	The amount of each account participant's contingent interest. Interests that are capable of determination with evaluation of contingencies. (12 CFR 330.14)	Decimal (14,2)

PART 370 – [REMOVED AND RESERVED]

13. Remove and reserve part 370.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on October 30, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

BILLING CODE 6714-01-P