§ 370.7 Assessment for the Transaction Account Guarantee Program.

(a) Waiver of assessment for certain initial periods. No eligible entity shall pay any assessment associated with the transaction account guarantee program for the period from October 14, 2008, through November 12, 2008. An eligible entity that opts out of the program on or before December 5, 2008 will not pay any assessment under the program.

(b) Initiation of assessments. Beginning on November 13, 2008 each eligible entity that does not opt out of the transaction account guarantee program on or before December 5, 2008 will be required to pay the FDIC assessments on all deposit amounts in noninterest-bearing transaction accounts calculated in accordance with paragraph (c) of this section.

(c) Amount of assessment.

(1) Except as provided in paragraphs (c)(2) and (c)(3) of this section any eligible entity that does not opt out of the transaction account guarantee program shall pay quarterly an annualized 10 basis point assessment on any deposit amounts exceeding the existing deposit insurance limit of $250,000, as reported on its quarterly Consolidated Reports of Condition and Income, Thrift Financial Report, or Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (each, a "Call Report") in any noninterest-bearing transaction accounts (as defined in §370.2(h)), including any such amounts swept from a noninterest-bearing transaction account into an noninterest-bearing savings deposit account as provided in §370.4(c).

(2) For the period after December 31, 2009 through and including June 30, 2010, each participating entity that does not opt out of the transaction account guarantee program in accordance with §370.5(c)(2) shall pay quarterly a fee based upon its Risk Category rating. The amount of the fee for each such entity is equal to the greater rate as the FDIC may determine in its decision approving such issuance.
annualized, TAG assessment rate for
the entity multiplied by the amount of
the deposits held in noninterest-bear-
ing transaction accounts (as defined in
§370.2(h) and including any amounts
swept from a noninterest-bear-
ing transaction account into an non-
interest-bearing savings deposit ac-
count as provided in §370.4(c)) that ex-
ceed the existing deposit insurance
limit of $250,000, as reported on the en-
tity’s most recent quarterly Call Re-
port.
(3) Beginning on July 1, 2010, each
participating entity that does not opt
out of the transaction account guar-
antee program shall pay quarterly a fee
based upon its Risk Category rating.
The amount of the fee for each such en-
tity is equal to the annualized, TAG as-
sessment rate for the entity multiplied
by the aggregate amount of the depos-
its held in noninterest-bearing trans-
action accounts (as defined in §370.2(h)
and including any amounts swept from
a noninterest-bearing transaction ac-
count into an noninterest-bearing sav-
ings deposit account as provided in
§370.4(c)) that exceed the existing de-
posit insurance limit of $250,000, cal-
culated based upon the average daily
balances in such accounts as reported
on the entity’s most recent quarterly
Call Report.

(4) The annualized TAG assessment
rates are as follows:
(i) 15 basis points, for the portion of
each quarter in which the entity is as-
signed to Risk Category I;
(ii) 20 basis points, for the portion of
each quarter in which the entity is as-
signed to Risk Category II; and
(iii) 25 basis points, for the portion of
each quarter in which the entity is as-
signed to either Risk Category III or
Risk Category IV.

(5) The amount to be reported for
each noninterest-bearing transaction
account as the average daily balance is
the total dollar amount held in such
account that exceeds $250,000 for each
calendar day during the quarter di-
vided by the number of calendar days
in the quarter. For those days that an
office of the reporting institution is
closed (e.g., Saturdays, Sundays, or
holidays), the amounts outstanding
from the previous business day should
be used. The total number of accounts
to be reported should be calculated on
the same basis. Documentation sup-
porting the amounts used in the cal-
culation of the average daily balance
amounts must be retained and be read-
ily available upon request by the FDIC
or the institution’s primary Federal
regulator. In addition, all institutions
that do not opt of the transaction ac-
count guarantee program must estab-
lish procedures to gather the necessary
daily data beginning July 1, 2010.

(6) An entity’s Risk Category is de-
termined in accordance with the
FDIC’s risk-based premium system de-
scribed in 12 CFR part 327. The assess-
ments provided in this paragraph (c)
shall be in addition to an institution’s
risk-based assessment imposed under
Part 327.

(d) Collection of assessment. Assess-
ments for the transaction account
guarantee program shall be collected
along with a participating entity’s
quarterly deposit insurance payment
as provided in §327.3, and subject to
penalties for failure to timely pay as-
sessments as referenced in
§306.132(c)(3)(v).

§370.8 Systemic risk emergency spe-
cial assessment to recover loss.

To the extent that the assessments
provided under §370.6 or §370.7, oth-
er than the surcharges provided in
§370.6(h), are insufficient to cover any
loss or expenses arising from the tem-
porary liquidity guarantee program,
the Corporation shall impose an emer-
gency special assessment on insured
depository institutions as provided
under 12 U.S.C. 1823(c)(4)(G)(ii) of the
FDI Act.

§370.9 Recordkeeping requirements.
The FDIC will establish procedures,
require reports, and require partici-
pating entities to provide and preserve
any information needed for the oper-
ation and supervision of this program.