

## § 369.4

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### § 369.4 Credit needs determination.

(a) *In general.* The FDIC will review the loan portfolio of the bank and determine whether the bank is reasonably helping to meet the credit needs of the communities in the host state that are served by the bank.

(b) *Guidelines.* The FDIC will use the following considerations as guidelines when making the determination pursuant to paragraph (a) of this section:

(1) Whether covered interstate branches were formerly part of a failed or failing depository institution;

(2) Whether covered interstate branches were acquired under circumstances where there was a low loan-to-deposit ratio because of the nature of the acquired institution's business or loan portfolio;

(3) Whether covered interstate branches have a high concentration of commercial or credit card lending, trust services, or other specialized activities, including the extent to which the covered interstate branches accept deposits in the host state;

(4) The Community Reinvestment Act (CRA) ratings received by the bank, if any, under 12 U.S.C. 2901 *et seq.*;

(5) Economic conditions, including the level of loan demand, within the communities served by the covered interstate branches;

(6) The safe and sound operation and condition of the bank; and

(7) The FDIC's Community Reinvestment regulations (12 CFR Part 345) and interpretations of those regulations.

### § 369.5 Sanctions.

(a) *In general.* If the FDIC determines that a bank is not reasonably helping to meet the credit needs of the communities served by the bank in the host state, and that the bank's statewide loan-to-deposit ratio is less than 50 percent of the host state loan-to-deposit ratio, the FDIC:

(1) May order that a bank's covered interstate branch or branches be closed unless the bank provides reasonable assurances to the satisfaction of the FDIC, after an opportunity for public comment, that the bank has an acceptable plan under which the bank will reasonably help to meet the credit

needs of the communities served by the bank in the host state; and

(2) Will not permit the bank to open a new branch in the host state that would be considered to be a covered interstate branch unless the bank provides reasonable assurances to the satisfaction of the FDIC, after an opportunity for public comment, that the bank will reasonably help to meet the credit needs of the community that the new branch will serve.

(b) *Notice prior to closure of a covered interstate branch.* Before exercising the FDIC's authority to order the bank to close a covered interstate branch, the FDIC will issue to the bank a notice of the FDIC's intent to order the closure and will schedule a hearing within 60 days of issuing the notice.

(c) *Hearing.* The FDIC will conduct a hearing scheduled under paragraph (b) of this section in accordance with the provisions of 12 U.S.C. 1818(h) and 12 CFR part 308.

## PART 370—RECORDKEEPING FOR TIMELY DEPOSIT INSURANCE DE- TERMINATION

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AUTHORITY: 12 U.S.C. 1817(a)(9), 1819 (Tenth), 1821(f)(1), 1822(c), 1823(c)(4).

SOURCE: 84 FR 37042, July 30, 2019, unless otherwise noted.

### § 370.1 Purpose and scope.

Unless otherwise provided in this part, each "covered institution" (defined in § 370.2(c)) is required to implement the information technology system and recordkeeping capabilities

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needed to calculate the amount of deposit insurance coverage available for each deposit account in the event of its failure. Doing so will improve the FDIC's ability to fulfill its statutory mandates to pay deposit insurance as soon as possible after a covered institution's failure and to resolve a covered institution at the least cost to the Deposit Insurance Fund.

### § 370.2 Definitions.

For purposes of this part:

(a) *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.

(b) [Reserved]

(c) *Covered institution* means:

(1) An insured depository institution which, based on its Reports of Condition and Income filed with the appropriate federal banking agency, has 2 million or more deposit accounts during the two consecutive quarters preceding the effective date of this part or thereafter; or

(2) Any other insured depository institution that delivers written notice to the FDIC that it will voluntarily comply with the requirements set forth in this part.

(d) *Compliance date* means, except as otherwise provided in § 370.6(b):

(1) April 1, 2020, for any insured depository institution that was a covered institution as of April 1, 2017;

(2) The date that is three years after the date on which an insured depository institution becomes a covered institution; or

(3) The date on which an insured depository institution that elects to be a covered institution under § 370.2(c)(2) files its first certification of compliance and deposit insurance coverage summary report pursuant to § 370.10(a).

(e) *Deposit* has the same meaning as provided under section 3(l) of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)).

(f) *Deposit account records* has the same meaning as provided in 12 CFR 330.1(e).

(g) *Ownership rights and capacities* are set forth in 12 CFR part 330.

(h) *Payment instrument* means a check, draft, warrant, money order, traveler's check, electronic instrument, or other instrument, payment of funds, or monetary value (other than currency).

(i) *Standard maximum deposit insurance amount* (or SMDIA) has the same meaning as provided pursuant to section 11(a)(1)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(E)) and 12 CFR 330.1(o).

(j) *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 covered institution itself, by 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 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.

(k) *Unique identifier* means an alphanumeric code associated with an individual or entity that is used consistently and continuously by a covered institution to monitor the covered institution's relationship with that individual or entity.

### § 370.3 Information technology system requirements.

(a) A covered institution must configure its information technology system to be capable of performing the functions set forth in paragraph (b) of this section within 24 hours after the appointment of the FDIC as receiver. To the extent that a covered institution does not maintain its deposit account records in the manner prescribed under § 370.4(a) but instead in the manner prescribed under § 370.4(b), (c) or (d), the covered institution's information technology system must be able to perform the functions set forth in paragraph (b) of this section upon input by

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the FDIC of additional information collected after failure of the covered institution.

(b) Each covered institution's information technology system must be capable of:

(1) Accurately calculating the deposit insurance coverage for each deposit account in accordance with 12 CFR part 330;

(2) Generating and retaining output records in the data format and layout specified in appendix B to this part;

(3) Restricting access to some or all of the deposits in a deposit account until the FDIC has made its deposit insurance determination for that deposit account using the covered institution's information technology system; and

(4) Debiting from each deposit account the amount that is uninsured as calculated pursuant to paragraph (b)(1) of this section.

### § 370.4 Recordkeeping requirements.

(a) *General recordkeeping requirements.* Except as otherwise provided in paragraphs (b), (c), and (d) of this section, a covered institution must maintain in its deposit account records for each account the information necessary for its information technology system to meet the requirements set forth in § 370.3. The information must include:

(1) The unique identifier of each:

(i) Account holder;

(ii) Beneficial owner of a deposit, if the account holder is not the beneficial owner; and

(iii) Grantor and each beneficiary, if the deposit account is held in connection with an informal revocable trust that is insured pursuant to 12 CFR 330.10 (*e.g.*, payable-on-death accounts, in-trust-for accounts, and *Totten* Trust accounts).

(2) The applicable ownership right and capacity code listed and described in appendix A to this part.

(b) *Alternative recordkeeping requirements.* As permitted under this paragraph, a covered institution may maintain in its deposit account records less information than is required under paragraph (a) of this section.

(1) For each deposit account for which a 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 covered institution does not maintain information that would be needed for its information technology system to meet the requirements set forth in § 370.3, the covered institution must maintain, at a minimum, the following in its deposit account records:

(i) The unique identifier of the account holder; and

(ii) The corresponding "pending reason" code listed in data field 2 of the pending file format set forth in appendix B to this part (and need not maintain a "right and capacity" code).

(2) For each formal revocable trust account that is insured as described in 12 CFR 330.10 and for each irrevocable trust account that is insured as described in either 12 CFR 330.12 or 12 CFR 330.13, and for which the covered institution does not maintain the information that would be needed for its information technology system to meet the requirements set forth in § 370.3, the covered institution must, at a minimum, maintain in its deposit account records:

(i) The unique identifier of the account holder;

(ii) The unique identifier of a grantor if the deposit account has transactional features (unless the account is insured as described in 12 CFR 330.12, in which case the unique identifier of a grantor need not be maintained for purposes of this part); and

(iii) The corresponding "right and capacity" code listed in data field 4 of the pending file format set forth in appendix B to this part if it can be identified, otherwise the corresponding "pending reason" code from data field 2 of the pending file format set forth in appendix B.

(c) *Recordkeeping requirements for official items.* A covered institution must maintain in its deposit account records the information needed for its information technology system to meet the requirements set forth in § 370.3 with respect to accounts held in the name of the covered institution from which withdrawals are made to honor a payment instrument issued by the covered institution, such as a certified check, loan disbursement check, interest

check, traveler's check, expense check, official check, cashier's check, money order, or similar payment instrument. To the extent that the covered institution does not have such information, it need only maintain in its deposit account records for those accounts the corresponding "pending reason" code listed in data field 2 of the pending file format set forth in appendix B to this part (and need not maintain a "right and capacity" code).

(d) *Recordkeeping requirements for deposits resulting from credit balances on an account for debt owed to the covered institution.* A covered institution is not required to meet the recordkeeping requirements of paragraph (a) or (b) of this section with respect to deposit liabilities reflected as credit balances on an account for debt owed to the covered institution if its information technology system is capable of:

(1) Immediately upon failure, restricting access to all of the deposits in every borrower's deposit account(s) at the covered institution in accordance with § 370.3(b)(3); and

(2) Producing a file in the format provided in appendix C to this part for:

(i) Credit balances on open-end credit accounts (revolving credit lines) such as credit card accounts and home equity lines of credit within a time frame that will allow the covered institution's information technology system to meet the requirements set forth in § 370.3(b)(1), (2), and (4) within 24 hours after failure; and

(ii) Credit balances on closed-end loan accounts that can be used by the covered institution's information technology system to meet the requirements set forth in § 370.3(b)(1), (2) and (4).

**§ 370.5 Actions required for certain deposit accounts with transactional features.**

(a) For each deposit account with transactional features for which the covered institution maintains its deposit account records in accordance with § 370.4(b)(1), a covered institution must take steps reasonably calculated to ensure that the account holder will provide to the FDIC the information needed for the covered institution's information technology system to per-

form the functions set forth in § 370.3(b). At a minimum, "steps reasonably calculated" shall include:

(1) 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 compatible with the covered institution's information technology system within a timeframe sufficient to allow the covered institution's information technology system to perform the functions set forth in § 370.3(b) 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; and

(2) Regardless of whether the covered institution and the account holder enter into contractual arrangements as set forth in paragraph (a)(1) of this section, the covered institution providing the account holder with:

(i) A written disclosure specifying the information and format requirements of its information technology system and stating that the account holder may not have access to deposits in its deposit account before delivery of information in a format that is compatible with the covered institution's information technology system; and

(ii) An opportunity to validate the capability to deliver the required information in the appropriate format so that a timely calculation of deposit insurance coverage can be made.

(b) A covered institution need not take the steps required pursuant to paragraph (a) of this section with respect to:

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

(2) 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;

(3) Accounts established by an attorney or law firm on behalf of clients, commonly known as an *Interest on Lawyers Trust Accounts*, or functionally equivalent accounts;

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

(5) 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:

(i) A formal revocable trust that would be insured as described in 12 CFR 330.10;

(ii) An irrevocable trust that would be insured as described in 12 CFR 330.12; or

(iii) An irrevocable trust that would be insured as described in 12 CFR 330.13.

### § 370.6 Implementation.

(a) *Initial compliance.* A covered institution must satisfy the information technology system and recordkeeping requirements set forth in this part before the compliance date.

(b) *Extension.* (1) A covered institution may submit a request to the FDIC for an extension of its compliance date. The request shall state the amount of additional time needed to meet the requirements of this part, the reason(s) for which such additional time is needed, and the total number and dollar value of accounts for which deposit insurance coverage could not be calculated using the covered institution's information technology system were the covered institution to fail as of the date of the request. The FDIC's grant of a covered institution's request for extension may be conditional or time-limited.

(2) An insured depository institution that became a covered institution on April 1, 2017, may extend its compliance date for up to one year upon written notice to the FDIC prior to April 1, 2020. Such notice shall state the total number of, and dollar amount of deposits in, deposit accounts for which the covered institution's information technology system cannot calculate deposit insurance coverage as of April 1, 2020.

### § 370.7 Accelerated implementation.

(a) On a case-by-case basis, the FDIC may accelerate, upon notice, the implementation time frame for all or part of the requirements of this part for a covered institution that:

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(1) Has a composite rating of 3, 4, or 5 under the Uniform Financial Institution's Rating System (*CAMELS* rating), or in the case of an insured branch of a foreign bank, an equivalent rating;

(2) Is undercapitalized, as defined under the prompt corrective action provisions of 12 CFR part 324; or

(3) Is determined by the appropriate federal banking agency or the FDIC in consultation with the appropriate federal banking agency to be experiencing a significant deterioration of capital or significant funding difficulties or liquidity stress, notwithstanding the composite rating of the covered institution by its appropriate federal banking agency in its most recent report of examination.

(b) In implementing this section, the FDIC must consult with the covered institution's appropriate federal banking agency and consider the complexity of the covered institution's deposit system and operations, extent of the covered institution's asset quality difficulties, volatility of the institution's funding sources, expected near-term changes in the covered institution's capital levels, and other relevant factors appropriate for the FDIC to consider in its role as insurer of the covered institution.

### § 370.8 Relief.

(a) *Exemption.* A covered institution may submit a request in the form of a letter to the FDIC for an exemption from this part if it demonstrates that it does not take deposits from any account holder which, when aggregated, would exceed the SMDIA for any owner of the funds on deposit and will not in the future.

(b) *Exception.* (1) One or more covered institutions may submit a request in the form of a letter to the FDIC for exception from one or more of the requirements set forth in this part if circumstances exist that would make it impracticable or overly burdensome to meet those requirements. The request letter must:

(i) Identify the covered institution(s) requesting the exception;

(ii) Specify the requirement(s) of this part from which exception is sought;

(iii) Describe the deposit accounts the request concerns and state the

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number of, and dollar amount of deposits in, such deposit accounts for each covered institution requesting the exception;

(iv) Demonstrate the need for exception for each covered institution requesting the exception; and

(v) Explain the impact of the exception on the ability of each covered institution's information technology system to quickly and accurately calculate deposit insurance for the related deposit accounts.

(2) The FDIC shall publish a notice of its response to each exception request in the FEDERAL REGISTER.

(3) By following the procedure set forth in this paragraph, a covered institution may rely upon another covered institution's exception request which the FDIC has previously granted. The covered institution must notify the FDIC that it will invoke relief from certain part 370 requirements by submitting a notification letter to the FDIC demonstrating that the covered institution has substantially similar facts and circumstances as those of the covered institution that has already received the FDIC's approval. The covered institution's notification letter must also include the information required under paragraph (b)(1) of this section and cite the applicable notice published pursuant to paragraph (b)(2) of this section. The covered institution's notification for exception shall be deemed granted subject to the same conditions set forth in the FDIC's published notice unless the FDIC informs the covered institution to the contrary within 120 days after receipt of a complete notification for exception.

(c) *Release from this part.* A covered institution may submit a request in the form of a letter to the FDIC for release from this part if, based on its Reports of Condition and Income filed with the appropriate federal banking agency, it has less than two million deposit accounts during any three consecutive quarters after becoming a covered institution.

(d) *Release from 12 CFR 360.9 requirements.* A covered institution is released from the provisional hold and standard data format requirements of 12 CFR 360.9 upon submitting to the FDIC the compliance certification required

under § 370.10(a). A covered institution released from 12 CFR 360.9 under this paragraph (d) shall remain released for so long as it is a covered institution.

(e) *FDIC approval of a request.* The FDIC will consider all requests submitted in writing by a covered institution on a case-by-case basis in light of the objectives of this part, and the FDIC's grant of any request made by a covered institution pursuant to this section may be conditional or time-limited.

### § 370.9 Communication with the FDIC.

(a) *Point of contact.* Not later than ten business days after either the effective date of this part or becoming a covered institution, a covered institution must notify the FDIC of the person(s) responsible for implementing the recordkeeping and information technology system capabilities required by this part.

(b) *Address.* Point-of-contact information, reports and requests made under this part shall be submitted in writing to: Office of the Director, Division of Resolutions and Receiverships, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429-0002.

### § 370.10 Compliance.

(a) *Certification and report.* A covered institution shall submit to the FDIC a certification of compliance and a deposit insurance coverage summary report on or before its compliance date and annually thereafter.

(1) The certification must:

(i) Confirm that the covered institution has implemented all required capabilities and tested its information technology system during the preceding twelve months;

(ii) Confirm that such testing indicates that the covered institution is in compliance with this part; and

(iii) Be signed by the covered institution's chief executive officer or chief operating officer and made to the best of his or her knowledge and belief after due inquiry.

(2) The deposit insurance coverage summary report must include:

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(i) A description of any material change to the covered institution’s information technology system or deposit taking operations since the prior annual certification;

(ii) The number of deposit accounts, number of different account holders, and dollar amount of deposits by ownership right and capacity code (as listed and described in Appendix A);

(iii) The total number of fully-insured deposit accounts and the total dollar amount of deposits in all such accounts;

(iv) The total number of deposit accounts with uninsured deposits and the total dollar amount of uninsured amounts in all of those accounts; and

(v) By deposit account type, the total number of, and dollar amount of deposits in, deposit accounts for which the covered institution’s information technology system cannot calculate deposit insurance coverage using information currently maintained in the covered institution’s deposit account records.

(3) If a covered institution experiences a significant change in its deposit taking operations, the FDIC may require that it submit a certification of compliance and a deposit insurance coverage summary report more frequently than annually.

(b) *FDIC Testing.* (1) The FDIC will conduct periodic tests of a covered institution’s compliance with this part. These tests will begin no sooner than the last day of the first calendar quar-

ter following the compliance date and would occur no more frequently than on a three-year cycle thereafter, unless there is a material change to the covered institution’s information technology system, deposit-taking operations, or financial condition following the compliance date, in which case the FDIC may conduct such tests at any time thereafter.

(2) A covered institution shall provide the appropriate assistance to the FDIC as the FDIC tests the covered institution’s ability to satisfy the requirements set forth in this part.

(c) *Effect of pending requests.* A covered institution that has submitted a request pursuant to § 370.6(b) or § 370.8(a) through (c) will not be considered to be in violation of this part as to the requirements that are the subject of the request while awaiting the FDIC’s response to such request.

(d) *Effect of changes to law.* A covered institution will not be considered to be in violation of this part as a result of a change in law that alters the availability or calculation of deposit insurance for such period as specified by the FDIC following the effective date of such change.

(e) *Effect of merger.* An instance of non-compliance occurring as the direct result of a merger transaction shall be deemed not to constitute a violation of this part for a period of 24 months following the effective date of the merger transaction.

**APPENDIX A TO PART 370—OWNERSHIP RIGHT AND CAPACITY CODES**

A covered institution must use the codes defined below when assigning ownership right and capacity codes.

Code	Illustrative description
SGL .....	Single Account (12 CFR 330.6): An account owned by one person with no testamentary or “payable-on-death” beneficiaries. It includes individual accounts, sole proprietorship accounts, single-name accounts containing community property funds, and accounts of a decedent and accounts held by executors or administrators of a decedent’s estate.
JNT .....	Joint Account (12 CFR 330.9): An account owned by two or more persons with no testamentary or “payable-on-death” beneficiaries (other than surviving co-owners). An account does not qualify as a joint account unless: (1) All co-owners are living persons; (2) each co-owner has personally signed a deposit account signature card (except that the signature requirement does not apply to certificates of deposit, to any deposit obligation evidenced by a negotiable instrument, or to any account maintained on behalf of the co-owners by an agent or custodian); and (3) each co-owner possesses withdrawal rights on the same basis.

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Code	Illustrative description
REV .....	<p>Revocable Trust Account (12 CFR 330.10): An account owned by one or more persons that evidences an intention that, upon the death of the owner(s), the funds shall belong to one or more beneficiaries. There are two types of revocable trust accounts:</p> <p>(1) Payable-on-Death Account (Informal Revocable Trust Account): An account owned by one or more persons with one or more testamentary or "payable-on-death" beneficiaries.</p> <p>(2) Revocable Living Trust Account (Formal Revocable Trust Account): An account in the name of a formal revocable "living trust" with one or more grantors and one or more testamentary beneficiaries.</p>
IRR .....	<p>Irrevocable Trust Account (12 CFR 330.13): An account in the name of an irrevocable trust (unless the trustee is an insured depository institution, in which case the applicable code is DIT).</p>
CRA .....	<p>Certain Other Retirement Accounts (12 CFR 330.14 (b)-(c)) to the extent that 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 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)).</p>
EBP .....	<p>Employee Benefit Plan Account (12 CFR 330.14): An account of an employee benefit plan as defined in section 3(3) of the Employee Retirement Income Security Act (29 U.S.C. 1002), including any plan described in section 401(d) of the Internal Revenue Code (26 U.S.C. 401(d)), but not including any account classified as a Certain Retirement Account.</p>
BUS .....	<p>Business/Organization Account (12 CFR 330.11): An account of an organization engaged in an 'independent activity' (as defined in §330.1(g)), but not an account of a sole proprietorship.</p> <p>This category includes:</p> <p>a. Corporation Account: An account owned by a corporation.</p> <p>b. Partnership Account: An account owned by a partnership.</p> <p>c. Unincorporated Association Account: An account owned by an unincorporated association (<i>i.e.</i>, an account owned by an association of two or more persons formed for some religious, educational, charitable, social, or other noncommercial purpose).</p>
GOV1-GOV2-GOV3 .....	<p>Government Account (12 CFR 330.15): An account of a governmental entity.</p>
GOV1 .....	<p>All time and savings deposit accounts of the United States and all time and savings deposit accounts of a state, county, municipality, or political subdivision depositing funds in an insured depository institution in the state comprising the public unit or wherein the public unit is located (including any insured depository institution having a branch in said state)</p>
GOV2 .....	<p>All demand deposit accounts of the United States and all demand deposit accounts of a state, county, municipality, or political subdivision depositing funds in an insured depository institution in the state comprising the public unit or wherein the public unit is located (including any insured depository institution having a branch in said state)</p>
GOV3 .....	<p>All deposits, regardless of whether they are time, savings or demand deposit accounts of a state, county, municipality or political subdivision depositing funds in an insured depository institution outside of the state comprising the public unit or wherein the public unit is located.</p>
MSA .....	<p>Mortgage Servicing Account (12 CFR 330.7(d)): An account held by a mortgage servicer, funded by payments by mortgagors of principal and interest.</p>
PBA .....	<p>Public Bond Accounts (12 CFR 330.15(c)): 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.</p>
DIT .....	<p>IDI as trustee of irrevocable trust accounts (12 CFR 330.12): "Trust funds" (as defined in §330.1(q)) account held by an insured depository institution as trustee of an irrevocable trust.</p>
ANC .....	<p>Annuity Contract Accounts (12 CFR 330.8): 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.</p>
BIA .....	<p>Custodian accounts for American Indians (12 CFR 330.7(e)): 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.</p>
DOE .....	<p>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.</p>

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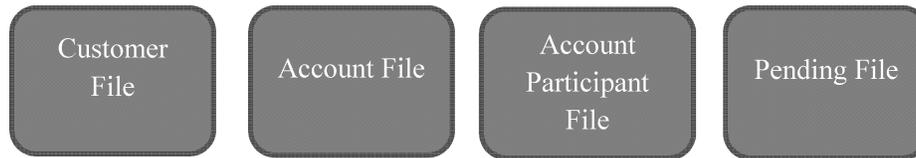
APPENDIX B TO PART 370—OUTPUT FILES STRUCTURE

These output files will include the data necessary for the FDIC to determine deposit insurance coverage in a resolution. A covered institution's information technology system must have the capability to prepare and maintain the files detailed below. These files must be prepared in successive iterations as the FDIC receives additional data from external sources necessary to complete the deposit insurance determinations, and, as it updates pending determinations. The files will be comprised of the following four tables. The unique identifier and government identification are required in all four tables so those tables can be linked where necessary.

A null value, as indicated in the table below, is allowed for fields that are not immediately needed to calculate deposit insur-

ance. To ensure timely calculations for depositor liquidity purposes, the information with null-value designations can be obtained after the initial deposit insurance calculation. As due diligence for recordkeeping progresses throughout the years of ongoing compliance, the FDIC expects that the banks will continue efforts to capture the null-value designations and populate the output file to alleviate the burden at failure. If a null value is allowed in a field, the record should not be placed in the pending file.

These files must be prepared in successive iterations as the covered institution receives additional data from external sources necessary to complete any pending deposit insurance calculations. The unique identifier is required in all four files to link the customer information. All files are pipe delimited. Do not pad leading and trailing spacing or zeros for the data fields.



*Customer File.* Customer File will be used by the FDIC to identify the customers. One record represents one unique customer.

The data elements will include:

Field name	Description	Format	Null value allowed?
1. CS_Unique_ID .....	This field is the unique identifier that is the primary key for the depositor data record. It will be generated by the covered institution and there shall not be duplicates.	Variable Character.	No.
2. CS_Govt_ID .....	This field shall contain the ID number that identifies the entity based on a government issued ID or corporate filing. Populate as follows: —For a United States individual—SSN or TIN —For a foreign national individual—where a SSN or TIN does not exist, a foreign passport or other legal identification number (e.g., Alien Card) —For a Non-Individual—the Tax identification Number (TIN), or other register entity number	Variable Character.	No.
3. CS_Govt_ID_Type .....	The valid customer identification types are: —SSN—Social Security Number —TIN—Tax Identification Number	Character (3) ...	No.

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Field name	Description	Format	Null value allowed?
4. CS_Type .....	<p>—DL—Driver’s License, issued by a State or Territory of the United States</p> <p>—ML—Military ID</p> <p>—PPT—Valid Passport</p> <p>—AID—Alien Identification Card</p> <p>—OTH—Other</p> <p>The customer type field indicates the type of entity the customer is at the covered institution. The valid values are:.</p> <p>—IND—Individual</p> <p>—BUS—Business</p> <p>—TRT—Trust</p> <p>—NFP—Non-Profit</p> <p>—GOV—Government</p> <p>—OTH—Other</p>	Character (3) ...	Yes.
5. CS_First_Name .....	Customer first name. Use only for the name of individuals and the primary contact for entity.	Variable Character.	No.
6. CS_Middle_Name .....	Customer middle name. Use only for the name of individuals and the primary contact for entity.	Variable Character.	Yes.
7. CS_Last_Name .....	Customer last name. Use only for the name of individuals and the primary contact for entity.	Variable Character.	No.
8. CS_Name_Suffix .....	Customer suffix .....	Variable Character.	Yes.
9. CS_Entity_Name .....	The registered name of the entity. Do not use this field if the customer is an individual.	Variable Character.	Yes.
10. CS_Street_Add_Ln1 .....	Street address line 1. The current account statement mailing address of record.	Variable Character.	Yes.
11. CS_Street_Add_Ln2 .....	Street address line 2. If available, the second address line.	Variable Character.	Yes.
12. CS_Street_Add_Ln3 .....	Street address line 3. If available, the third address line.	Variable Character.	Yes.
13. CS_City .....	The city associated with the mailing address.	Variable Character.	Yes.
14. CS_State .....	<p>The state for United States addresses or state/province/county for international addresses.</p> <p>—For United States addresses use a two-character state code (official United States Postal Service abbreviations) associated with the mailing address.</p> <p>—For international address follow that country state code.</p>	Variable Character.	Yes.
15. CS_ZIP .....	<p>The Zip/Postal Code associated with the customer’s mailing address.</p> <p>—For United States zip codes, use the United States Postal Service ZIP+4 standard</p> <p>—For international zip codes follow that standard format of that country.</p>	Variable Character.	Yes.

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Field name	Description	Format	Null value allowed?
16. CS_Country .....	The country associated with the mailing address. Provide the country name or the standard International Organization for Standardization (ISO) country code.	Variable Character.	Yes.
17. CS_Telephone .....	Customer telephone number. The telephone number on record for the customer, including the country code if not within the United States.	Variable Character.	Yes.
18. CS_Email .....	The email address on record for the customer.	Variable Character.	Yes.
19. 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.	Character (1) ...	Yes.
20. 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.	Character (1) ...	No.

*Account File.* The Account File contains the deposit ownership rights and capacities information, allocated balances, insured amounts, and uninsured amounts. The balances are in U.S. dollars. The Account file is linked to the Customer File by the CS\_Unique\_ID. The data elements will include:

Field name	Description	Format	Null value allowed?
1. CS_Unique_ID .....	This field is the unique identifier that is the primary key for the depositor data record. It will be generated by the covered institution and there cannot be duplicates.	Variable Character.	No.
2. DP_Acct_Identifier .....	Deposit account identifier. The primary field used to identify a deposit account. The account identifier may be composed of more than one physical data element to uniquely identify a deposit account.	Variable Character.	No.
3. DP_Right_Capacity .....	Account ownership categories ..... —SGL—Single accounts. —JNT—Joint accounts. —REV—Revocable trust accounts. —IRR—Irrevocable trust accounts.	Character (4) ...	No.

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Field name	Description	Format	Null value allowed?
	<ul style="list-style-type: none"> <li>—CRA—Certain retirement accounts.</li> <li>—EBP—Employee benefit plan accounts.</li> <li>—BUS—Business/Organization accounts.</li> <li>—GOV1, GOV2, GOV3—Government accounts (public unit accounts).</li> <li>—MSA—Mortgage servicing accounts for principal and interest payments.</li> <li>—DIT—Accounts held by a depository institution as the trustee of an irrevocable trust.</li> <li>—ANC—Annuity contract accounts.</li> <li>—PBA—Public bond accounts.</li> <li>—BIA—Custodian accounts for American Indians.</li> <li>—DOE—Accounts of an IDI pursuant to the Bank Deposit Financial Assistance Program of the Department of Energy.</li> </ul>		
4. DP_Prod_Cat .....	<p>Product category or classification ..</p> <ul style="list-style-type: none"> <li>—DDA—Demand Deposit Accounts.</li> <li>—NOW—Negotiable Order of Withdrawal.</li> <li>—MMA—Money Market Deposit Accounts.</li> <li>—SAV—Other savings accounts.</li> <li>—CDS—Time Deposit accounts and Certificate of Deposit accounts, including any accounts with specified maturity dates that may or may not be renewable.</li> </ul>	Character (3) ...	Yes. For credit card accounts with a credit balance that create a deposit liability, use a NULL value for this field.
5. DP_Allocated_Amt .....	<p>The current balance in the account at the end of business on the effective date of the file, allocated to a specific owner in that insurance category.</p> <p>For JNT accounts, this is a calculated field that represents the allocated amount to each owner in JNT category.</p> <p>For REV accounts, this is a calculated field that represents the allocated amount to each owner-beneficiary in REV category.</p> <p>For other accounts with only one owner, this is the account current balance.</p>	Decimal (14,2)	No.

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Field name	Description	Format	Null value allowed?
6. DP_Acc_Int .....	This balance shall not be reduced by float or holds. For CDs and time deposits, the balance shall reflect the principal balance plus any interest paid and available for withdrawal not already included in the principal (do not include accrued interest). Accrued interest allocated similarly as data field #5 DP_Allocated_Amt. The amount of interest that has been earned but not yet paid to the account as of the date of the file.	Decimal (14,2)	No.
7. DP_Total_PI .....	Total amount adding #5 DP_Allocated_Amt and #6 DP_Acc_Int.	Decimal (14,2)	No.
8. DP_Hold_Amount .....	Hold amount on the account ..... The available balance of the account is reduced by the hold amount. It has no effect on current balance (ledger balance).	Decimal (14,2)	No.
9. DP_Insured_Amount .....	The insured amount of the account	Decimal (14,2)	No.
10. DP_Uninsured_Amount .....	The uninsured amount of the account.	Decimal (14,2)	No.
11. DP_Prepaid_Account_Flag ...	This field indicates a prepaid account with covered institution. Enter "Y" if account is a prepaid account with covered institutions, enter "N" otherwise.	Character (1) ...	No.
12. DP_PT_Account_Flag .....	This field indicates a pass-through account with covered institution. Enter "Y" if account is a pass-through with covered institutions, enter "N" otherwise.	Character (1) ...	No.
13. DP_PT_Trans_Flag .....	This field indicates whether the fiduciary account has sub-accounts that have transactional features. Enter "Y" if account has transactional features, enter "N" otherwise.	Character (1) ...	No.

*Account Participant File.* The Account Participant File will be used by the FDIC to identify account participants, to include the official custodian, beneficiary, bond holder, mortgagor, or employee benefit plan participant, for each account and account holder.

One record represents one unique account participant. The Account Participant File is linked to the Account File by CS\_Unique\_ID and DP\_Acct\_Identifier.  
The data elements will include:

Field name	Description	Format	Null value allowed?
1. CS_Unique_ID .....	This field is the unique identifier that is the primary key for the depositor data record. It will be generated by the covered institution and there shall not be duplicates.	Variable Character.	No.

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Field name	Description	Format	Null value allowed?
2. DP_Acct_Identifier .....	Deposit account identifier. The primary field used to identify a deposit account. The account identifier may be composed of more than one physical data element to uniquely identify a deposit account.	Variable Character.	No.
3. DP_Right_Capacity .....	Account ownership categories ..... —SGL—Single accounts. —JNT—Joint accounts. —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.	Character (4) ...	No.
4. DP_Prod_Category .....	Product category or classification .. —DDA—Demand Deposit Accounts. —NOW—Negotiable Order of Withdrawal. —MMA—Money Market Deposit Accounts. —SAV—Other savings accounts. —CDS—Time Deposit accounts and Certificate of Deposit accounts, including any accounts with specified maturity dates that may or may not be renewable.	Character (3) ...	Yes.
5. AP_Allocated_Amount .....	Amount of funds attributable to the account participant as an account holder (e.g., Public account holder of a public bond account) or the amount of funds entitled to the beneficiary for the purpose of insurance determination (e.g., Revocable Trust).	Decimal (14,2)	No.

Field name	Description	Format	Null value allowed?
6. AP_Participant_ID .....	This field is the unique identifier for the Account Participant. It will be generated by the covered institution and there shall not be duplicates. If the account participant is an existing bank customer, this field is the same as CS_Unique_ID field.	Variable Character.	No.
7. AP_Govt_ID .....	This field shall contain the ID number that identifies the entity based on a government issued ID or corporate filing. Populate as follows: —For a United States individual—Legal identification number (e.g., SSN, TIN, Driver’s License, or Passport Number). —For a foreign national individual—where a SSN or TIN does not exist, a foreign passport or other legal identification number (e.g., Alien Card). —For a Non-Individual—the Tax identification Number (TIN), or other register entity number.	Variable Character.	No.
8. AP_Govt_ID_Type .....	The valid customer identification types are: —SSN—Social Security Number. —TIN—Tax Identification Number. —DL—Driver’s License, issued by a State or Territory of the United States. —ML—Military ID. —PPT—Valid Passport. —AID—Alien Identification Card. —OTH—Other.	Character (3) ...	No.
9. AP_First_Name .....	Customer first name. Use only for the name of individuals and the primary contact for entity.	Variable Character.	No.
10. AP_Middle_Name .....	Customer middle name. Use only for the name of individuals and the primary contact for entity.	Variable Character.	Yes.
11. AP_Last_Name .....	Customer last name. Use only for the name of individuals and the primary contact for entity.	Variable Character.	No.
12. AP_Entity_Name .....	The registered name of the entity. Do not use this field if the participant is an individual.	Variable Character.	Yes.
13. AP_Participant_Type .....	This field is used as the participant type identifier. The field will list the “beneficial owner” type: —OC—Official Custodian. —BEN—Beneficiary. —BHR—Bond Holder. —MOR—Mortgagor. —EPP—Employee Benefit Plan Participant.	Character (3) ...	Yes.

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*Pending File.* The Pending File contains the information needed for the FDIC to contact the owner or agent requesting additional information to complete the deposit insurance

calculation. Each record represents a deposit account.

The data elements will include:

Field name	Description	Format	Null value allowed?
1. CS_Unique_ID .....	This field is the unique identifier that is the primary key for the depositor data record. It will be generated by the covered institution and there cannot be duplicates.	Variable Character.	No.
2. Pending_Reason .....	Reason code for the account to be included in Pending file. For deposit account records maintained by the bank, use the following codes. —A—agency or custodian. —B—beneficiary. —OI—official item. —RAC—right and capacity code.  For alternative recordkeeping requirements, use the following codes. —ARB—depository organization for brokered deposits (Brokered deposit has the same meaning as provided in 12 CFR 337.6(a)(2)). —ARBN—non-depository organization for brokered deposits (Brokered deposit has the same meaning as provided in 12 CFR 337.6(a)(2)). —ARCRA—certain retirement accounts. —AREBP—employee benefit plan accounts. —ARM—mortgage servicing for principal and interest payments. —ARO—other deposits. —ARTR—trust accounts.  The FDIC needs these codes to initiate the collection of needed information.	Character (5) ...	No.
3. DP_Acct_Identifier .....	Deposit account identifier. The primary field used to identify a deposit account  The account identifier may be composed of more than one physical data element to uniquely identify a deposit account.	Variable Character.	No.
4. DP_Right_Capacity .....	Account ownership categories ..... —SGL—Single accounts. —JNT—Joint accounts. —REV—Revocable trust accounts. —IRR—Irrevocable trust accounts. —CRA—Certain retirement accounts.	Character (4) ...	Yes.

Field name	Description	Format	Null value allowed?
	<ul style="list-style-type: none"> <li>—EBP—Employee benefit plan accounts.</li> <li>—BUS—Business/Organization accounts.</li> <li>—GOV1, GOV2, GOV3—Government accounts (public unit accounts).</li> <li>—MSA—Mortgage servicing accounts for principal and interest payments.</li> <li>—DIT—Accounts held by a depository institution as the trustee of an irrevocable trust.</li> <li>—ANC—Annuity contract accounts.</li> <li>—PBA—Public bond accounts.</li> <li>—BIA—Custodian accounts for American Indians.</li> <li>—DOE—Accounts of an IDI pursuant to the Bank Deposit Financial Assistance Program of the Department of Energy.</li> </ul>		
5. DP_Prod_Category .....	Product category or classification .. <ul style="list-style-type: none"> <li>—DDA—Demand Deposit Accounts.</li> <li>—NOW—Negotiable Order of Withdrawal.</li> <li>—MMA—Money Market Deposit Accounts.</li> <li>—SAV—Other savings accounts.</li> <li>—CDS—Time Deposit accounts and Certificate of Deposit accounts, including any accounts with specified maturity dates that may or may not be renewable.</li> </ul>	Character (3) ...	Yes.
6. DP_Cur_Bal .....	Current balance—The current balance in the account at the end of business on the effective date of the file.  This balance shall not be reduced by float or holds. For CDs and time deposits, the balance shall reflect the principal balance plus any interest paid and available for withdrawal not already included in the principal (do not include accrued interest).	Decimal (14,2)	No.
7. 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.	Decimal (14,2)	No.
8. DP_Total_Pl .....	Total of principal and accrued interest.	Decimal (14,2)	No.
9. DP_Hold_Amount .....	Hold amount on the account ..... The available balance of the account is reduced by the hold amount. It has no impact on current balance (ledger balance).	Decimal (14,2)	No.

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Field name	Description	Format	Null value allowed?
10. DP_Prepaid_Account_Flag ...	This field indicates a prepaid account with covered institution. Enter "Y" if account is a prepaid account, enter "N" otherwise.	Character (1) ...	No.
11. CS_Govt_ID .....	This field shall contain the ID number that identifies the entity based on a government issued ID or corporate filing. Populate as follows: —For a United States individual SSN or TIN. —For a foreign national individual—where a SSN or TIN does not exist, a foreign passport or other legal identification number (e.g., Alien Card). —For a Non-Individual—the Tax identification Number (TIN), or other register entity number.	Variable Character.	No.
12. CS_Govt_ID_Type .....	The valid customer identification types: —SSN—Social Security Number. —TIN—Tax Identification Number. —DL—Driver's License, issued by a State or Territory of the United States. —ML—Military ID. —PPT—Valid Passport. —AID—Alien Identification Card. —OTH—Other.	Character (3) ...	No.
13. CS_First_Name .....	Customer first name. Use only for the name of individuals and the primary contact for entity.	Variable Character.	No.
14. CS_Middle_Name .....	Customer middle name. Use only for the name of individuals and the primary contact for entity.	Variable Character.	Yes.
15. CS_Last_Name .....	Customer last name. Use only for the name of individuals and the primary contact for entity.	Variable Character.	No.
16. CS_Name_Suffix .....	Customer suffix .....	Variable Character.	Yes.
17. CS_Entity_Name .....	The registered name of the entity. Do not use this field if the customer is an individual.	Variable Character.	Yes.
18. CS_Street_Add_Ln1 .....	Street address line 1. The current account statement mailing address of record.	Variable Character.	No.
19. CS_Street_Add_Ln2 .....	Street address line 2. If available, the second address line.	Variable Character.	Yes.
20. CS_Street_Add_Ln3 .....	Street address line 3. If available, the third address line.	Variable Character.	Yes.
21. CS_City .....	The city associated with the mailing address.	Variable Character.	Yes.
22. CS_State .....	The state for United States addresses or state/province/county for international addresses.	Variable Character.	Yes.

Field name	Description	Format	Null value allowed?
23. CS_ZIP .....	<p>—For United States addresses use a two-character state code (official United States Postal Service abbreviations) associated with the mailing address.</p> <p>—For international addresses follow that country state code.</p> <p>The Zip/Postal Code associated with the customer's mailing address.</p>	Variable Character.	Yes.
24. CS_Country .....	<p>—For United States zip codes, use the United States Postal Service ZIP+4 standard.</p> <p>—For international zip codes follow the standard format of that country.</p> <p>The country associated with the mailing address. Provide the country name or the standard International Organization for Standardization (ISO) country code.</p>	Variable Character.	Yes.
25. CS_Telephone .....	Customer telephone number. The telephone number on record for the customer, including the country code if not within the United States.	Variable Character.	Yes.
26. CS_Email .....	The email address on record for the customer.	Variable Character.	Yes.
27. CS_Outstanding_Debt_Flag	This field indicates whether the customer has outstanding debt with covered institution. This field may be used to determine offsets. Enter "Y" if customer has outstanding debt with covered institutions, enter "N" otherwise.	Character (1) ...	Yes.
28. CS_Security_Pledge_Flag ....	This field indicates whether the CI 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. This field shall only be used for Government customers.	Character (1) ...	No.
29. DP_PT_Account_Flag .....	This field indicates a pass-through account with covered institution. Enter "Y" if account is a pass-through with covered institutions, enter "N" otherwise.	Character (1) ...	No.
30. PT_Parent_Customer_ID .....	This field contains the unique identifier of the parent customer ID who has the fiduciary responsibility at the covered institution.	Variable Character.	No.

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Field name	Description	Format	Null value allowed?
31. DP_PT_Trans_Flag .....	This field indicates whether the fiduciary account has sub-accounts that have transactional features. Enter "Y" if account has transactional features, enter "N" otherwise.	Character (1) ...	No.

APPENDIX C TO PART 370—CREDIT BALANCE PROCESSING FILE STRUCTURE

A covered institution's IT system should be able to produce a file in the format below that can be used to calculate deposit insurance coverage for deposits resulting from credit balances on accounts for debt owed to the covered institution ("credit balances"). This file format is derived from the "Broker Submission File Format" found in the FDIC's "Deposit Broker's Processing Guide,"

supplemented by the "Addendum to the Deposit Broker's Processing Guide" used for Part 370 alternative recordkeeping entity processing. The file format below identifies fields that are not applicable for processing credit balances. These fields should be null while also maintaining the pipe delimiters. Additional information regarding the FDIC's Deposit Broker's Processing Guide for part 370 covered institutions may be found at <https://www.fdic.gov/deposit/deposits/brokers/part-370-appendix.html>

Field name	Description	Null value allowed? (Y/N)
01 Broker Number .....	Not applicable .....	Y.
02 Account Number .....	Account number of account holding pending payments or other items for refunds of credit balances.	N.
03 Customer Account Number.	Assigned customer account number .....	N.
04 CUSIP .....	Not applicable .....	Y.
05 Tax ID .....	Taxpayer identification number of the account holder .....	N.
06 Tax ID Code .....	Code indicates corporate (TIN) or personal tax identification number (SSN).	N.
07 Name .....	Full name of credit balance owner .....	N.
08 Name 2 .....	Name 2 .....	Y.
09 Address 1 .....	Address line 1 as it appears on the credit balance owner's statement .....	N.
10 Address 2 .....	Address line 2 as it appears on the credit balance owner's statement .....	Y.
11 Address 3 .....	Address line 3 as it appears on the credit balance owner's statement .....	Y.
12 City .....	Address city as it appears on the credit balance owner's statement .....	N.
13 State .....	State postal abbreviation as it appears on the credit balance owner's statement.	Y.
14 Zip/Postal .....	The zip/postal code associated with the credit balance owner's address at it appears on the credit balance owner's statement. For United States zip codes, use the United States Postal Service ZIP+4 standard. For international zip codes follow that standard format of that country.	N.
15 Country .....	Country code as it appears on the credit balance owner's statement .....	N.
16 Province .....	Province as it appears on the credit balance owner's statement .....	Y.
17 IRA Code .....	Not applicable .....	Y.
18 Credit Balance .....	Credit balance of the account as of the institution failure date .....	N.
19 Sub-broker Indicator	Not applicable .....	Y.
20 Deposit Account Ownership Category.	Account ownership right and capacity .....	N.
21 Transactional Flag ...	Not applicable .....	Y.
22 Retained Interest .....	Not applicable .....	Y.
23 Amount of Overfunding.	Not applicable .....	Y.
24 Account Participant Full Name.	Not applicable .....	Y.
25 Account Participant Type.	Not applicable .....	Y.
26 Amount of Account Participant's Non-contingent Interests.	Not applicable .....	Y.
27 Amount of Account Participant's Contingent Interests.	Not applicable .....	Y.
28 Account Participant's Government-Issued ID.	Not applicable .....	Y.

Field name	Description	Null value allowed? (Y/N)
29 Account Participant's Government-Issued ID Type.	Not applicable .....	Y.

## PART 371—RECORDKEEPING REQUIREMENTS FOR QUALIFIED FINANCIAL CONTRACTS

Sec.

- 371.1 Scope, purpose, and compliance dates.
- 371.2 Definitions.
- 371.3 Maintenance of records.
- 371.4 Content of records.
- 371.5 Exemptions.
- 371.6 Transition for existing records entities.
- 371.7 Enforcement actions.

APPENDIX A TO PART 371—FILE STRUCTURE FOR QUALIFIED FINANCIAL CONTRACT (QFC) RECORDS FOR LIMITED SCOPE ENTITIES

APPENDIX B TO PART 371—FILE STRUCTURE FOR QUALIFIED FINANCIAL CONTRACT RECORDS FOR FULL SCOPE ENTITIES

AUTHORITY: 12 U.S.C. 1819(a)(Tenth); 1820(g); 1821(e)(8)(D) and (H); 1831g; 1831i; and 1831s.

SOURCE: 82 FR 35599, July 31, 2017, unless otherwise noted.

### § 371.1 Scope, purpose, and compliance dates.

(a) *Scope.* This part applies to each insured depository institution that qualifies as a “records entity” under the definition set forth in § 371.2(r).

(b) *Purpose.* This part establishes recordkeeping requirements with respect to qualified financial contracts for insured depository institutions that are in a troubled condition.

(c) *Compliance dates.* (1) Within 3 business days of becoming a records entity, the records entity shall provide to the FDIC, in writing, the name and contact information for the person at the records entity who is responsible for recordkeeping under this part and, unless not required to maintain files in electronic form pursuant to § 371.4(d), a directory of the electronic files that will be used to maintain the information required to be kept by this part.

(2) Except as provided in § 371.6:

(i) A records entity, other than an accelerated records entity, shall comply

with all applicable recordkeeping requirements of this part within 270 days after it becomes a records entity.

(ii) An accelerated records entity shall comply with all applicable recordkeeping requirements of this part within 60 days after it becomes a records entity.

(iii) Notwithstanding paragraphs (c)(2)(i) and (ii) of this section, a records entity that becomes an accelerated records entity after it became a records entity shall comply with all applicable recordkeeping requirements of this part within 60 days after it becomes an accelerated records entity or its original 270 day compliance period, whichever time period is shorter.

(d) *Extensions of time to comply.* The FDIC may, in its discretion, grant one or more extensions of time for compliance with the recordkeeping requirements of this part.

(1) Except as provided in paragraph (d)(2) of this section, no single extension for a records entity shall be for a period of more than 120 days.

(2) For a records entity that is an accelerated records entity at the time of a request for an extension, no single extension shall be for a period of more than 30 days.

(3) A records entity may request an extension of time by submitting a written request to the FDIC at least 15 days prior to the deadline for its compliance with the recordkeeping requirements of this part. The written request for an extension must contain a statement of the reasons why the records entity cannot comply by the deadline for compliance, a project plan (including timeline) for achieving compliance, and a progress report describing the steps taken to achieve compliance.

### § 371.2 Definitions.

For purposes of this part:

(a) *Accelerated records entity* means a records entity that: