



**Federal Deposit Insurance Corporation**  
550 17th Street NW, Washington, D.C. 20429-9990

**Financial Institution Letter**  
**FIL-139-2008**  
**December 8, 2008**

## **TEMPORARY LIQUIDITY GUARANTEE PROGRAM**

### **Debt Guarantee Program – Debt Instrument Reporting**

**Summary:** On November 21, 2008, the FDIC Board of Directors adopted the final rule implementing the Temporary Liquidity Guarantee Program (TLG Program) (see FIL-132-2008), which was announced on October 14, 2008. The TLG Program includes a guarantee of newly issued senior unsecured debt of banks, thrifts, and certain holding companies (the Debt Guarantee Program). Entities that participate in the Debt Guarantee Program are required to notify the FDIC of any guaranteed debt issuance(s) and to pay the associated assessment premiums.

**Distribution:**  
All FDIC-Insured Institutions

**Suggested Routing:**  
Chief Executive Officer  
Chief Financial Officer  
Compliance Officer

**Attachments:**

- . Guidance on Debt Instrument Reporting Requirements
- . Guaranteed Debt Reporting Instructions

**Contact:**

- . Reporting and invoicing questions: Assessments, Division of Finance, at [assessments@fdic.gov](mailto:assessments@fdic.gov) or (800) 759-6596
- . FDICconnect technical issues: FDICconnect Helpdesk at [fdicconnect@fdic.gov](mailto:fdicconnect@fdic.gov) or (877) 275-3342 and select Option 5 on the Banker's menu

**Note:**  
FDIC financial institution letters (FILs) may be accessed from the FDIC's Web site at [www.fdic.gov/news/news/financial/2008/index.html](http://www.fdic.gov/news/news/financial/2008/index.html).

To receive FILs electronically, please visit <http://www.fdic.gov/about/subscriptions/fil.html>.

Paper copies of FDIC financial institution letters may be obtained through the FDIC's Public Information Center, 3501 Fairfax Drive, E-1002, Arlington, VA 22226 (1-877-275-3342 or 703-562-2200).

#### **Highlights:**

- Any participating entity that has issued any FDIC-guaranteed debt during the period from October 14, 2008, through December 5, 2008, which is still outstanding on December 5, 2008, must register that issuance via the FDIC's e-business Web site – *FDICconnect* – on or before December 19, 2008.
- Any participating entity that issues any FDIC-guaranteed debt after December 5, 2008, must register that issuance via *FDICconnect* within five calendar days of the date of issuance.
- On Wednesday, December 17, 2008, the FDIC will automatically generate the first TLG Program assessment invoices for any registered debt and will make those invoices available weekly to those entities via *FDICconnect*.
- The first collection of TLG Program assessments will settle on Friday, December 19, 2008. Therefore, entities must ensure that funds in an amount at least equal to the amount of the assessment are available in the designated deposit account on that date for ACH direct debit by the FDIC (the same account used for collection of the quarterly deposit insurance premiums).
- Failure to take all necessary action or to provide funding to allow the FDIC to debit assessments shall be deemed to constitute nonpayment of the assessment and such failure will be subject to civil money penalties.
- Participating entities that have elected to issue long-term nonguaranteed debt must pay the FDIC a nonrefundable fee. That fee will be collected in six equal monthly installments with the first collection on Friday, December 19, 2008. These entities will receive the first TLG Program assessment invoice via *FDICconnect* on Wednesday, December 17, 2008.

# FDIC Temporary Liquidity Guarantee Program Guaranteed Debt Instrument Reporting Requirements

## Overview

On November 21, 2008, the FDIC adopted the Final Rule implementing the Temporary Liquidity Guarantee Program (TLG Program) to strengthen confidence and encourage liquidity in the banking system. The TLG Program consists of two components: a temporary guarantee of newly issued senior unsecured debt (the Debt Guarantee Program) and a temporary unlimited guarantee of funds in noninterest-bearing transaction accounts at FDIC-insured institutions (the Transaction Account Guarantee Program). Additional information about the program is available at [www.fdic.gov/tlgp](http://www.fdic.gov/tlgp). All eligible entities had until December 5, 2008, to opt out of either or both of the TLG Program components.

For those entities that have chosen to continue in the Debt Guarantee Program, each guaranteed debt issuance must be reported to the FDIC via the FDIC's e-business Web site *FDICconnect*. On a weekly basis, the FDIC will automatically generate TLG Program assessment invoices which will be made available via *FDICconnect* and the associated assessment premiums will be collected via ACH direct debit from the participating entity's designated deposit account (the same account used for collection of the regular quarterly deposit insurance premiums from insured depository institutions).

No entity will be charged for the first 30 days of the TLG Program. Any eligible entity that did not opt out on or before December 5, 2008, is required to pay assessments. For the Debt Guarantee Program, participating entities are required to pay for coverage on all senior unsecured debt issued as follows:

- Beginning on November 13, 2008, on all senior unsecured debt, as defined in § 370.2(e)(1)(i) (other than overnight debt instruments), issued by the entity on or after October 14, 2008, and on or before December 5, 2008, that is still outstanding on December 5, 2008; and
- Beginning on December 6, 2008, on all senior unsecured debt, as defined in § 370.2(e)(1)(ii), issued by the entity on or after December 6, 2008.

The assessments associated with the TLG Program, as outlined in the Final Rule, are as follows:

- **All newly issued senior unsecured debt will be charged an annualized assessment of generally 50, 75, or 100 basis points (depending on debt term) multiplied by the amount of debt issued, and calculated through the maturity date of that debt or June 30, 2012, whichever is earlier.**

Please note that all participating entities will also be required to separately provide the FDIC monthly reports of aggregated outstanding debt issuances in accordance with Article IV of the Master Agreement. Further information on these ongoing reporting requirements will be issued shortly.

## Reporting Debt Issued On or Before December 5, 2008

All senior unsecured debt issued on or before December 5, 2008, that is still outstanding as of December 5, 2008, must be reported to the FDIC via *FDICconnect* **on or before December 19, 2008**. Participating entities must use the Temporary Liquidity Guarantee Program transaction within *FDICconnect* (which is the same transaction used to submit the Election Form) to access the Debt Reporting screens. On Wednesday, December 17, 2008, the FDIC will automatically generate TLG Program assessment invoices itemizing the associated assessment premiums due on the reported guaranteed debt issuances. The assessment amount due as reflected on that invoice will be collected via ACH direct debit on Friday, December 19, 2008. Please note that civil money penalties for the failure to timely pay assessments will apply.

## Reporting Newly Issued Debt After December 5, 2008

All senior unsecured debt issued on or after December 6, 2008, must be reported to the FDIC via *FDICconnect* **within five (5) calendar days of the date of issuance**. Again, participating entities must use the Temporary Liquidity Guarantee Program transaction within *FDICconnect* to access the Debt Reporting screens. For all debt issuances reported, the FDIC will on a weekly basis automatically generate TLG Program assessment invoices itemizing the associated assessment premiums due, with the first invoice to be made available on Wednesday, December 17, 2008. Thereafter, the invoices will be generated each Wednesday for the previous week's reported debt issuances. The assessment amounts due on those invoices will then be collected via ACH direct debit on Friday of that week, with the first collection to settle on Friday, December 19, 2008. Again, civil money penalties for the failure to timely pay assessments will apply.

## Exercising the Nonrefundable Fee Option to Issue Certain Non-Guaranteed Debt

If a participating entity has elected to have the option of issuing long term non-guaranteed senior unsecured debt before issuing the maximum amount of guaranteed debt, the entity will be billed the nonrefundable 37.5 basis point fee in six equal monthly installments. The first installment will be invoiced on Wednesday, December 17, 2008, and will be collected via ACH direct debit on Friday, December 19, 2008.

## Contact Us

For more information, please refer to the dedicated page for the TLG Program on the FDIC website at [www.fdic.gov/tlqp](http://www.fdic.gov/tlqp). For questions pertaining to the reporting or invoicing process, please email [assessments@fdic.gov](mailto:assessments@fdic.gov) or call (800) 759-6596. For questions pertaining to *FDICconnect* technical issues, please email [fdicconnect@fdic.gov](mailto:fdicconnect@fdic.gov) or call (877) 275-3342 and select Option 5 on the Banker's menu.

# FDIC TEMPORARY LIQUIDITY GUARANTEE PROGRAM

## GUARANTEED DEBT REPORTING INSTRUCTIONS

### I. Introduction

On November 21, 2008, the FDIC adopted the Final Rule implementing the Temporary Liquidity Guarantee Program (TLG Program) which was announced on October 14, 2008. The TLG Program includes a guarantee of newly issued senior unsecured debt of banks, thrifts, and certain holding companies (the Debt Guarantee Program). Entities that participate in the Debt Guarantee Program are required to notify the FDIC of any guaranteed debt issuance and to pay the associated assessment premiums. These instructions provide guidance on how to report guaranteed debt to the FDIC. Additional information about the TLG Program is available at [www.fdic.gov/tlgp](http://www.fdic.gov/tlgp).

### II. Participating Entities

A participating entity is an entity that meets the criteria below, has not opted out of the Debt Guarantee Program, and has issued FDIC-guaranteed debt:

- any FDIC-insured depository institution,
- any U.S. bank holding company or financial holding company,
- any U.S. savings and loan holding company that either engages only in activities that are permissible for financial holding companies to conduct under section (4)(k) of the Bank Holding Company Act of 1956 (BHCA) or has at least one insured depository institution subsidiary that is the subject of an application that was pending on October 13, 2008, pursuant to section 4(c)(8) of the BHCA, and
- any affiliate of these entities approved by the FDIC after a written request made by, and the positive recommendation of, the appropriate Federal banking agency.

To be an eligible entity and issue guaranteed debt pursuant to the Debt Guarantee Program, a bank or savings and loan holding company must have at least one chartered, insured, and operating bank or savings association within its holding company structure.

### III. Who Must Report & When

All participating entities must report the issuance of FDIC-guaranteed debt subject to the requirements below:

**Reporting Debt Issued On or Before December 5, 2008** - All FDIC-guaranteed senior unsecured debt issued on or before December 5, 2008, that is still outstanding as of December 5, 2008, must be reported to the FDIC via *FDICconnect* on or before December 19, 2008.

**Reporting Newly Issued Debt After December 5, 2008** - All FDIC-guaranteed senior unsecured debt issued on or after December 6, 2008, must be reported to the FDIC via *FDICconnect* within five (5) calendar days of the date of issuance.

### IV. How to File

Participating entities must use *FDICconnect* to submit their required information to the FDIC. The Debt Reporting function is available within the Temporary Liquidity Guarantee Program transaction in *FDICconnect* (which is the same transaction used to submit the TLG Program Election Form).

Issuance of guaranteed debt by participating entities must be reported to the FDIC through *FDICconnect* only; this information is not to be submitted to the FDIC in any other manner.

## V. Reporting of Guaranteed Debt Instruments Using FDICconnect

Participating FDIC-insured depository institutions should access *FDICconnect* using their assigned credentials. Other participating entities should access *FDICconnect* through the affiliated insured depository institution used to submit their Election Form.

Prior to reporting debt instruments for the first time, a participating entity is required to report the entity's debt guarantee limit certified by the Chief Financial Officer (or equivalent). Participating entities (other than insured depository institutions) are also required to indicate if the combined assets of all insured depository institutions affiliated with the entity constitute less than 50% of consolidated holding company assets as of September 30, 2008, or as of the date the entity became eligible, whichever is later. This certification is for assessment purposes pursuant to 12 CFR Part 370.6.

After accessing *FDICconnect* and selecting the Temporary Liquidity Guarantee Program transaction (located under the Deposit Insurance Assessment heading), the submitter should click on the "Update Debt Guarantee Limit, CFO (or Equivalent) Information and Certify Asset Holdings" button. Select the entity for which the report is being submitted and click "Continue". Provide a response under "Certify Asset Holdings" (if applicable) and enter the entity's debt guarantee limit and the effective date of that limit (the initial effective date for most entities is 10/14/2008). This feature is also used on an ongoing basis to adjust the debt guarantee limit when an entity has been notified of a change to their limit.

After entering the entity's debt guarantee limit (and to report any subsequent transactions), the submitter should click on the "Report Newly Issued Debt" button to access the reporting screens. A report may be submitted for an insured depository institution or an affiliated entity.

## VI. Line Item Instructions for the Reporting of Guaranteed Debt Instruments

**CUSIP** - Report the CUSIP number (if available) for the debt instrument being reported.

**Description of Senior Unsecured Debt** – Enter a description of the debt instrument being reported. This field may be used to report any characteristics of the debt instrument not otherwise reported in the other standard fields.

**Type of Senior Unsecured Debt** – Select the type of debt instrument from the drop-down selections provided:

Commercial Paper – Include short-term negotiable promissory notes with a maturity of 270 days or less.

Medium-Term Notes (MTNs) – Include senior unsecured debt instruments with floating or fixed rates that are issued through shelf registration,

Other Term Notes – Include short-term or long-term debt instruments (other than MTNs) with floating or fixed rates that specify a fixed sum as repayment of principal on a specified date.

Interbank Eurodollar Deposits – Include U.S. dollar denominated deposits on the books and records of a foreign branch of a U.S. insured depository institution or an international banking facility (IBF) of a U.S. insured depository institution.

Other Interbank Deposits – Include the *uninsured portion* of U.S. dollar denominated certificates of deposit (other than interbank Eurodollar deposits) owed to insured depository institutions, insured credit unions as defined in the Federal Credit Union Act, and foreign banks.

Other Senior Unsecured Debt – Include all other senior unsecured debt that meets the definition per 12 CFR Part 370.2(e).

**Number of Instruments** – If multiple instruments with identical characteristics are being reported, the instruments may be grouped into one submission. Indicate the number of separate instruments being combined. If a single instrument is being reported, enter “1”.

**Total Amount of Senior Unsecured Debt for this Submission** – Enter the total amount of senior unsecured debt being reported. If multiple instruments with identical characteristics are being reported, the aggregate amount should be entered. Report amounts **rounded to the nearest dollar**. Debt issued in a foreign currency should be converted into US dollars using the exchange rate in effect on the date that the debt is funded (settlement date).

**NOTE:** *Interbank CD's may be afforded special treatment due to possible dual status as both guaranteed debt and insured deposits. Please refer to VII. Special Treatment for Interbank CD's, for additional information.*

**Issue Date** – Enter the issue date (settlement date) of the debt instrument being reported in mm/dd/yyyy format.

**Maturity Date** – Enter the maturity date of the debt instrument being reported in mm/dd/yyyy format.

**Coupon/Interest Rate** – Enter the stated coupon or interest rate of the debt instrument at the time of issuance. Interest rates should be entered in decimal format with up to six digits after the decimal (*e.g. 4.50% should be entered as 0.045000*).

**Rate Type** – Select the rate type of the instrument being reported (*Fixed, Floating, or Zero/Discount/Other*).

**Reference Rate** – If Rate Type is indicated as “Floating”, select the Reference Rate from the drop-down selections provided. If the reference rate of the instrument being reported is not listed, select “Other”. If Rate Type is indicated as “Fixed” or “Zero/Discount/Other”, select “Not Applicable”.

**Addition to Reference Rate (Spread)** - If Rate Type is indicated as “Floating”, enter the spread over the indicated Reference Rate in basis points.

**Payment Frequency** - Select the interest payment frequency of the debt instrument from the drop-down selections provided.

**First Payment Date** – Select the Month and Day of the first interest payment date of the debt instrument being reported. If not applicable, leave blank.

**Currency Denomination** – Report the denomination of the debt instrument being reported.

**Trustee/Payment Agent** – If applicable, select the appropriate identifier for the Trustee, Payment Agent or other point of contact for the debt instrument being reported and provide a contact name and phone number.

## VII. Special Treatment for Newly Issued Interbank CD's

Institutions will not be assessed under the Debt Guarantee Program on amounts in interbank CD's that are otherwise insured on the date the CD is issued. Whether a CD is otherwise insured will be determined by first applying deposit insurance rules to all existing deposits owed to the holder of the CD in the same right and capacity.

For example, if Bank A issues a \$500,000 CD to Bank B, Bank A will be assessed on only \$250,000 under the Debt Guarantee Program, assuming Bank B has no other deposits at Bank A. However, if Bank B already has an existing \$250,000 interest bearing transaction account when Bank A issues the \$500,000 CD to Bank B, Bank A will be assessed on the full \$500,000 CD under the Debt Guarantee Program.

For reporting purposes, Bank A should only report the incremental *uninsured* portion of the interbank CD in the **Total Amount of Senior Unsecured Debt for this Submission** field above.

### **VIII. Certification and Submission of the Report of Guaranteed Debt**

After completing all required and applicable line items above, click the “Continue” button to review the completed submission. The submitter must certify that the participating entity has not exceeded its debt guarantee limit as per 12 CFR Part 370.3 before clicking the “Confirm and Update” button.

### **IX. Reporting Additional Guaranteed Debt Instruments**

Each guaranteed debt instrument (or grouping of instruments if applicable) will be reported and invoiced separately. Additional debt instruments may be reported within the *FDICconnect* session by clicking the “Return to Enter Additional New Debt or Correct Previous Submission” button.

### **X. Correcting a Previous Submission**

To correct a previous submission, access the Report Newly Issued Guaranteed Debt screen within *FDICconnect*. From within the **Type of Senior Unsecured Debt** dropdown selections, choose “Corrected Submission”. Enter the **FDIC Identification Number** of the previous submission and click the “Search” button. The **FDIC Identification Number** is an automatically assigned value for each debt instrument reported and is shown on the summary screen displayed after each submission. The value also appears on FDIC assessment invoices.

Once the previous submission is retrieved, any of the previously reported information can be changed and the corrections can be submitted.

### **XI. Assistance**

For more information, please check the dedicated page for the TLG Program on the FDIC website at [www.fdic.gov/tlgp](http://www.fdic.gov/tlgp). Responses to frequently asked questions will be posted throughout the program.

For questions pertaining to accessing and using the TLG Program transaction in *FDICconnect*, please email [fdicconnect@fdic.gov](mailto:fdicconnect@fdic.gov) or call (877) 275-3342 and select Option 5 on the Banker’s menu.

For questions pertaining to invoicing, entering newly issued debt or updating TLG Program information in *FDICconnect*, please email [assessments@fdic.gov](mailto:assessments@fdic.gov) or call (800) 759-6596.

General policy questions or inquiries regarding entity or debt instrument eligibility may be addressed to the TLG Program mailbox at [tlgp@fdic.gov](mailto:tlgp@fdic.gov).