

## Federal Deposit Insurance Corporation

## § 327.37

by the re-transferee institution as when held by the original transferor.

[61 FR 64983, Dec. 10, 1996]

### § 327.34 Application of AADAs.

This section interprets the meaning of the phrase “an insured depository institution’s ‘adjusted attributable deposit amount’ for any semiannual period” as used in the introductory text of § 327.32(a)(3).

(a) *In general.* The phrase “for any semiannual period” refers to the current semiannual period: that is, the period for which the assessment is due, and for which an institution’s adjusted attributable deposit amount (AADA) is computed.

(b) *Quarterly components of AADAs.* An AADA for a current semiannual period consists of 2 quarterly AADA components. The first quarterly AADA component for the current period is determined with respect to the first quarter of the prior semiannual period, and the second quarterly AADA component for the current period is determined with respect to the second quarter of the prior period.

(c) *Application of AADAs.* The value of an AADA that is to be applied to a quarterly assessment base in accordance with § 327.32(a)(2) is the value of the quarterly AADA component for the corresponding quarter.

(d) *Initial AADAs.* If an AADA for a current semiannual period has been generated in a transaction that has occurred in the second calendar quarter of the prior semiannual period, the first quarterly AADA component for the current period is deemed to have a value of zero.

(e) *Transition rule.* Paragraphs (b), (c) and (d) of this section shall apply to any AADA for any semiannual period beginning on or after July 1, 1997.

[61 FR 64984, Dec. 10, 1996]

### § 327.35 Grandfathered AADA elements.

This section explains the meaning of the phrase “total of the amounts determined under paragraph (a)(3)(iii)” in § 327.32(a)(3)(ii). The phrase “total of the amounts determined under paragraph (a)(3)(iii)” refers to the aggregate of the increments of growth deter-

mined in accordance with § 327.32(a)(3)(iii). Each such increment is deemed to be computed in accordance with the contemporaneous provisions and interpretations of such section. Accordingly, any increment of growth that is computed with respect to a semiannual period has the value appropriate to the proper calculation of the institution’s assessment for the semiannual period immediately following such semiannual period.

[61 FR 64984, Dec. 10, 1996]

### § 327.36 Growth computation.

This section interprets various phrases used in the computation of growth as prescribed in § 327.32(a)(3)(iii).

(a) *Annual rate.* The annual rate of growth of deposits refers to the rate, which may be expressed as an annual percentage rate, of growth of an institution’s deposits over any relevant interval. A relevant interval may be less than a year.

(b) *Growth; increase; increases.* Except as provided in paragraph (c) of this section, references to “growth”, “increase”, and “increases” may generally include negative values as well as positive ones.

(c) *Growth of deposits.* “Growth of deposits” does not include any decrease in an institution’s deposits representing deposits transferred to another insured depository institution, if the transfer occurs on or after July 1, 1996.

(d) *Quarterly determination of growth.* For the purpose of computing assessments for semiannual periods beginning on July 1, 1997, and thereafter, the rate of growth of deposits for a semiannual period, and the amount by which the sum of the amounts specified in § 327.32(a)(3)(i) and (ii) would have grown during a semiannual period, is to be determined by computing such rate of growth and such sum of amounts for each calendar quarter within the semiannual period.

[61 FR 64984, Dec. 10, 1996]

### § 327.37 Attribution of transferred deposits.

This section explains the attribution of deposits to the BIF and the SAIF

when one insured depository institution (acquiring institution) acquires deposits from another insured depository institution (transferring institution). For the purpose of determining whether the assumption of deposits (assumption transaction) constitutes a transaction undertaken pursuant to section 5(d)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)(3)), and for the purpose of computing the adjusted attributable deposit amounts, if any, of the acquiring and the transferring institutions after the transaction:

(a) *Transferring institution*—(1) *Transfer of primary-fund deposits*. To the extent that the aggregate volume of deposits that is transferred by a transferring institution in a transaction, or in a related series of transactions, does not exceed the volume of deposits that is insured by its primary fund (primary-fund deposits) immediately prior to the transaction (or, in the case of a related series of transactions, immediately prior to the initial transaction in the series), the transferred deposits shall be deemed to be insured by the institution's primary fund. The primary institution's volume of primary-fund deposits shall be reduced by the aggregate amount so transferred.

(2) *Transfer of secondary-fund deposits*. To the extent that the aggregate volume of deposits that is transferred by the transferring institution in a transaction, or in a related series of transactions, exceeds the volume of deposits that is insured by its primary fund immediately prior to the transaction (or, in the case of a related series of transactions, immediately prior to the initial transaction in the series), the following volume of the deposits so transferred shall be deemed to be insured by the institution's secondary fund (secondary-fund deposits): the aggregate amount of the transferred deposits minus that portion thereof that is equal to the institution's primary-fund deposits. The transferring institution's volume of secondary-fund deposits

shall be reduced by the volume of the secondary-fund deposits so transferred.

(b) *Acquiring institution*. The deposits shall be deemed, upon assumption by the acquiring institution, to be insured by the same fund or funds in the same amount or amounts as the deposits were so insured immediately prior to the transaction.

[61 FR 64984, Dec. 10, 1996]

## PART 328—ADVERTISEMENT OF MEMBERSHIP

Sec.

328.0 Scope.

328.1 Official signs.

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328.3 Mandatory requirements with regard to the official advertising statement and manner of use by banks.

328.4 Mandatory requirements with regard to the display of the official savings association sign by insured savings associations.

AUTHORITY: 12 U.S.C. 1819; 12 U.S.C. 1828(a), as amended by sec. 221, Pub. L. 101-73, 103 Stat. 183.

### § 328.0 Scope.

The regulation contained in this part describes the official signs of the FDIC and prescribes their use by insured depository institutions. It also prescribes the official advertising statement insured banks must include in their advertisements. Insured banks which maintain offices that are not insured in foreign countries are not required to include the advertising statement in advertisements published in foreign countries. For purposes of this part 328, the term *insured bank* includes a foreign bank having an insured branch.

[54 FR 33670, Aug. 16, 1989]

### § 328.1 Official signs.

(a) *Official bank sign*. The official sign referred to in this paragraph (*bank sign*) shall be 7" by 3" in size and of the following design: