

MEMO

TO: The Board of Directors

FROM: Andrew Felton
Director, Division of Insurance and Research

DATE: December 16, 2025

RE: Interim Final Rule on Special Assessment Collection

SUMMARY

Staff present to the Federal Deposit Insurance Corporation (FDIC) Board of Directors (Board) the attached interim final rule for approval and request authorization of its publication in the *Federal Register* with a comment period that closes 30 days from the date of publication in the *Federal Register*.

The FDIC has been collecting a special assessment to recover losses arising from the protection of uninsured depositors under the systemic risk exception, as required by statute.¹ To ensure that the FDIC recovers the correct amount of losses while minimizing the risk of overcollecting or undercollecting in aggregate, staff recommend adopting the interim final rule to reduce the rate at which the special assessment will be collected in the eighth collection quarter from 3.36 basis points to 2.97 basis points, and provide an offset to regular quarterly deposit insurance assessments for banks subject to the special assessment if the amount collected exceeds losses following the resolution of litigation between the FDIC and SVB Financial Trust (SVBFT) and again following the termination of the receiverships.

BACKGROUND

I. The Final Rule Implementing the Special Assessment

Under section 13(c)(4)(G) of the Federal Deposit Insurance (FDI Act), the loss to the Deposit Insurance Fund (DIF) arising from the use of a systemic risk exception must be recovered from one or more special assessments on insured depository institutions (IDIs), depository institution holding companies (with the concurrence of the Secretary of the Treasury with respect to holding companies), or both, as the FDIC determines to be appropriate.² On November 29, 2023, the FDIC published in the *Federal Register* a final rule (the special assessment rule) to implement a special assessment, as required by the FDI Act, to recover the losses to

¹ 12 U.S.C. 1823(c)(4)(G)(ii)(I). See 88 FR 83329 (Nov. 29, 2023). See also 12 CFR 327.13.

² 12 U.S.C. 1823(c)(4)(G)(ii)(I). As used in this memo, the term “bank” is synonymous with the term “insured depository institution” as it is used in section 3(c)(2) of the FDI Act, 12 U.S.C. 1813(c)(2).

Concur:

Matthew P. Reed
General Counsel

the DIF arising from the protection of uninsured depositors following the closures of Silicon Valley Bank and Signature Bank.³

Under the special assessment rule, the special assessment collection was allocated over eight quarterly assessment periods. The FDIC began collecting the special assessment with the invoice for the first quarterly assessment period of 2024 (*i.e.*, January 1, 2024 through March 31, 2024), with a payment date of June 28, 2024. Throughout the initial eight-quarter collection period, the special assessment has been collected at a quarterly rate of 3.36 basis points, multiplied by an IDI's special assessment base of estimated uninsured deposits as reported for the quarter that ended December 31, 2022, adjusted to exclude the first \$5 billion in estimated uninsured deposits from the IDI, or for IDIs that are part of a holding company with one or more subsidiary IDIs, at the banking organization level.⁴

The special assessment rule included provisions to extend the collection period or cease collection early in response to changes to the estimated losses to the DIF or if assessments collected change due to corrective amendments to the amount of uninsured deposits reported for the December 31, 2022 reporting period. Pursuant to the special assessment rule, the FDIC is required to collect at a quarterly rate of 3.36 basis points until the FDIC has collected enough to recover actual or estimated losses, which means that it may collect more than the amount of estimated losses. Additionally, even if the FDIC ceased collection early, a future decrease in losses would result in the FDIC overcollecting. In the event that the final loss amounts at the termination of the receiverships exceed the amount collected, the special assessment rule provides for a one-time final shortfall special assessment.

II. The Interim Final Rule

The objectives of the interim final rule are to ensure that the FDIC recovers the correct amount of losses, while minimizing the risk of overcollecting or undercollecting. Through the interim final rule, during the eighth collection quarter, the FDIC would recover approximately the full amount of estimated losses as of September 30, 2025, while minimizing any amounts collected in excess of the estimated losses, by reducing the rate at which the special assessment will be collected in the eighth collection quarter from 3.36 basis points to 2.97 basis points. The interim final rule would also require the FDIC to provide an offset to regular quarterly deposit insurance assessments for IDIs subject to the special assessment if the aggregate amount collected exceeds losses following the resolution of litigation between the FDIC and SVBFT, and again following the termination of the receiverships. As provided for in the special assessment rule, if losses at the termination of the receiverships exceed the amount collected, the FDIC will implement a one-time final shortfall special assessment to ensure the full amount of actual losses is recovered, as required by law.

A. Reduction in Rate for Eighth Special Assessment Collection

As of September 30, 2025, estimated losses attributable to the protection of uninsured depositors pursuant to the systemic risk determination were \$16.7 billion, and collections under the special assessment rule through the end of the initial eight-quarter collection period were projected to total \$16.9 billion. Reducing the special assessment rate will ensure that the cumulative amount collected through the eighth collection quarter is approximately equal to the loss estimate as of September 30, 2025, and will enable the FDIC to avoid

³ See 88 FR 83329 (Nov. 29, 2023). See also 12 CFR 327.13. On March 12, 2023, the Secretary of the Treasury, acting on the recommendation of the Board and Federal Reserve Board of Governors, and after consultation with the President, invoked the statutory systemic risk exception to allow the FDIC to complete its resolution of both Silicon Valley Bank and Signature Bank in a manner that fully protects depositors, as permitted by section 13(c)(4)(G) of the Federal Deposit Insurance Act.

⁴ Under the special assessment rule, the term “banking organization” includes IDIs that are not subsidiaries of a holding company as well as holding companies with one or more subsidiary IDIs.

collecting amounts in excess of the current loss estimate. Because the cumulative amount collected through the initial special assessment period is projected to equal the loss estimate as of September 30, 2025, the extended assessment period will not be necessary, and therefore, as a conforming change, the interim final rule removes the extended assessment period provisions of the special assessment rule.

B. Potential Offset to Regular Quarterly Deposit Insurance Assessments

To ensure that the FDIC collects the correct amount, without overcollecting or undercollecting, the FDIC would provide offsets to regular quarterly deposit insurance assessments for IDIs subject to the special assessment. Any offsets provided would be an amount proportional to the amount that each bank paid towards the special assessment.⁵

The largest known variable that could result in banks overpaying is the outcome of pending litigation between the FDIC and SVBFT. SVBFT has asserted a \$1.71 billion deposit claim, and the special assessment calculation assumes the estimated \$1.71 billion claim will result in a \$1.71 billion loss to the DIF. However, the FDIC, as receiver, has asserted defenses to this deposit claim, and any amounts awarded based on its defenses would offset all or part of the \$1.71 billion loss and reduce the total amount of losses the FDIC needs to recover through the special assessment. Thus, the outcome of the litigation could result in a significant overpayment of the special assessment.

As a result, through the interim final rule, the FDIC would provide an offset to IDIs subject to the special assessment at the subsequent quarterly assessment if, following the final resolution of the SVBFT litigation, the total amount collected through the special assessment exceeds the loss estimates at that time. The FDIC would provide an offset at that time if the collection amount exceeds loss estimates, regardless of the outcome of the SVBFT litigation.

C. Final Offset to Regular Quarterly Deposit Insurance Assessments or One-Time Final Shortfall Special Assessment

In addition, under the interim final rule, upon termination of the receiverships, the FDIC would either: (1) provide an offset to regular quarterly deposit insurance assessments for IDIs subject to the special assessment if the amount collected exceeds losses, or (2) collect from IDIs subject to the special assessment a one-time final shortfall special assessment, as provided in the special assessment rule. In the latter scenario, the FDIC will implement a one-time final shortfall special assessment with advanced notice of 45 days.⁶ In aggregate, this will ensure that the FDIC ultimately collects the correct amount, equal to losses attributable to the systemic risk exception.

III. Conclusion

FDIC staff present to the Board for approval the attached interim final rule and request authorization of its publication in the *Federal Register* with an immediate effective date and a 30-day comment period.

⁵ To the extent that an IDI's offset amount exceeds its quarterly assessment obligation, the offset amount would be applied over multiple assessment periods, as necessary.

⁶ In the event that the FDIC provides an offset to regular quarterly deposit insurance assessments prior to the termination of the receiverships, and loss estimates later increase relative to amounts collected, the FDIC will collect the remaining amount needed to fully recover losses through the one-time final shortfall special assessment.

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