

December 7, 2023

EMERGENCY CAPITAL INVESTMENT PROGRAM

U.S. Department of the Treasury

Guidance on Submission of Common Reports

Institutions participating (Participants) in the Emergency Capital Investment Program (ECIP) are required to submit certain information, documents, or reports to the U.S. Department of the Treasury (Treasury) in accordance with the ECIP Interim Final Rule (IFR), the Participant's Securities Purchase Agreement (SPA) with Treasury, and the Certificate of Designations of ECIP Preferred Shares (CoD) or Subordinated Note, as applicable.

Please refer to the chart below regarding how to label various documents for submission to Treasury. Please note that the items listed cover the most commonly required reporting, do not cover submission of the Quarterly Supplemental Report, and do not address all reporting requirements.

This guidance, including the description of the requirement in the table below, is provided for the convenience of Participants but does not constitute an interpretation of the applicable requirement. Terms that are not defined in this document are defined in the Interim Final Rule, Securities Purchase Agreement, Certificate of Designations, or Subordinated Note, as applicable.

Treasury encourages Participants to contact the ECIP at ecip@treasury.gov with any questions.

Requirement Reporting Items				
Item #	Description of Requirement	Frequency and Deadline	Submission Method	Reference
1	Deliver consolidated fiscal year financials (balance sheet, income statement, retained earnings, cash flow)	Annually, within 120 days of the end of the fiscal year of the Participant	Real-Time Reporting portal (item #1) and label the document(s) using the following title: 'Financials (relevant document) – (relevant year)' Example Title: Financials (Income Statement) – 2023	SPA – 4.1(c)(ii)(A)
2	Deliver a copy of any quarterly reports provided to other stockholders, equity holders, or interest holders of the Participant	Quarterly, as soon as available after the end of the first, second, and third quarters in each fiscal year of the Participant	Real-Time Reporting portal (item #2) and label the document(s) using the following title: 'Quarterly Report – (relevant year), (relevant quarter)' Example Title: Quarterly Report – 2023, Q3	SPA – 4.1(c)(ii)(B)
3	Deliver copies of any information or documents sent by the Participant to its stockholders, members or equity holders	At the same time as such information is sent to the stockholders, members, or equity holders	Real-Time Reporting portal (item #3) and label the document(s) using the following title: 'SMEH Info – (relevant year)' Example Title: SMEH Info – 2023	SPA – 4.1(c)(ii)(E)
4	Deliver a copy of any assessment of the internal controls of the Participant (except those specified in the SPA)	As soon as available after the Participant receives any assessment	Real-Time Reporting portal (item #4) and label the document using the following title: 'IC Assessment – (relevant year)' Example Title: IC Assessment – 2023	SPA – 4.1(c)(ii)(C)
5	Deliver any amendments to the Charter, bylaws, or other organizational documents of the Participant	As soon as such amendments become effective	Real-Time Reporting portal (item #5) and label the document(s) using the following title: 'Org Documents (relevant document above) – (relevant year)'	SPA – 4.1(c)(ii)(D)

Requirement Reporting Items				
Item #	Description of Requirement	Frequency and Deadline	Submission Method	Reference
			Example Title: Org Documents (Bylaws) – 2023	
6	Certify that the Participant is in compliance with all the excessive compensation, severance pay, and excessive or luxury expenditures requirements and limitations on capital distributions in the ECIP IFR	Annually, by December 31 of each calendar year	Real-Time Reporting portal (item #6)	SPA – 4.1(d)(iii); 31 CFR § 35.24
7	After making any material amendments to the luxury expenditures policy, the Participant must provide it to Treasury and the appropriate Federal banking agency and post it on the website of the Participant (if applicable)	Within 90 days of adopting any material amendments to a Participant’s luxury expenditures policy	Real-Time Reporting portal (item #7) and label the document using the following title: ‘Lux Policy Update – (relevant year)’ Example Title: Lux Policy Update – 2023	31 CFR § 35.22(c)(2)
8	Certify that the processes and controls the Participant used to generate the submitted Supplemental Report(s) are satisfactory	Annually, within 120 days of the end of the fiscal year of the Participant	Real-Time Reporting portal (item #8)	SPA – 4.1(d)(ii)
10	Notify the Investor about the occurrence of any breach of any of the covenants set forth in Section 4.1(d)	Immediately upon the occurrence of a breach	Real-Time Reporting portal (item #10) and label any associated document(s) using the following title: ‘4.1 Breach – (relevant year), (relevant quarter)’ Example Title: 4.1 Breach – 2023, Q4	SPA – 4.1(d)

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Requirement Reporting Items				
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11	Provide the Investor with a written description of any inaccuracy found in any Initial Supplemental Report or Quarterly Supplemental Report	Variable, within 3 business days after the discovery of any inaccuracy	Real-Time Reporting portal (item #11) and label any associated document(s) using the following title: 'ISR/QSR Inaccuracy – (relevant year), (relevant quarter)' Example Title: ISR/QSR Inaccuracy – 2023, Q4	Credit Union SPA – 4.1(h)(ii) Mutual / S Corp SPA – 4.1(h)(iii) C Corp SPA – 4.1(g)(iii)
12	Submit any other documents, requests or certifications as required under the IFR, SPA, Certificate of Designations, or Subordinated Note	As required	Real-Time Reporting portal (item #12) and label any associated document(s) using the following title: 'Other – (relevant year), (relevant quarter)' Example Title: Other – 2023, Q4	Other