

**DEPARTMENT OF THE TREASURY**

**Office of the Comptroller of the Currency**

**12 CFR Part 30**

**[Docket ID OCC–2025-0339]**

**RIN 1557-AF40**

**Rescission of OCC Guidelines Establishing Standards for Recovery Planning by  
Certain Large Insured National Banks, Insured Federal Savings Associations, and  
Insured Federal Branches**

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION:** Final rule.

**SUMMARY:** The OCC is amending its regulations by rescinding “OCC Guidelines Establishing Standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches.”

**DATES:** This rule is effective **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].**

**FOR FURTHER INFORMATION CONTACT:** Sean Young, Chief Counsel’s Office, (202) 649-5490; Office of the Comptroller of the Currency, 400 7th Street, SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

As a part of the OCC’s ongoing assessment of its supervisory framework to identify and eliminate unnecessary regulatory burden, the agency is amending 12 CFR part 30 by rescinding the OCC Guidelines Establishing Standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches contained in appendix E.

## II. Background

In September 2016, the OCC issued the OCC Guidelines Establishing Standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches (Guidelines).<sup>1</sup> Under the Guidelines, an insured national bank, insured Federal savings association, or insured Federal branch subject to the standards (covered banks) should have a recovery plan that includes (1) quantitative or qualitative indicators of the risk or existence of severe stress that reflect its particular vulnerabilities; (2) a wide range of credible options that it could undertake in response to the stress to restore its financial strength and viability; and (3) an assessment and description of how these options would affect it. The Guidelines provide that a recovery plan should also address (1) the covered bank's overall organizational and legal entity structure and its interconnections and interdependencies; (2) procedures for escalating decision making to senior management or the board of directors or an appropriate committee thereof (board); (3) management reports; (4) communication procedures; and (5) any other information the OCC communicates in writing. The Guidelines also set forth the responsibilities of management and the board with respect to the covered bank's recovery plan.

The 2016 Guidelines applied to banks with total consolidated assets of \$50 billion or more. In 2018, the OCC amended the Guidelines to raise the threshold to \$250 billion based on its view, at that time, that these larger, more complex, and potentially more interconnected banks presented greater systemic risk to the financial system and would benefit most from recovery planning.<sup>2</sup>

In October 2024, the OCC amended the Guidelines to apply to banks with average total consolidated assets of \$100 billion or more; incorporate a testing standard; and

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<sup>1</sup> 81 FR 66791 (Sept. 29, 2016). The Guidelines are codified at 12 CFR part 30, appendix E. They were issued pursuant to section 39 of the Federal Deposit Insurance Act, 12 U.S.C. 1831p-1, which authorizes the OCC to prescribe enforceable safety and soundness standards.

<sup>2</sup> See 83 FR 66604 (Dec. 27, 2018).

clarify the role of non-financial (including operational and strategic) risk in recovery planning.<sup>3</sup>

In November 2025, the OCC, as a part of the agency's ongoing assessment of its supervisory framework to identify and eliminate unnecessary regulatory burden, proposed to amend 12 CFR part 30 by rescinding the Guidelines contained in appendix E.<sup>4</sup>

### **III. Summary of Comments on the Notice of Proposed Rulemaking**

The OCC received eight comments on the proposal, representing a range of viewpoints, including two trade associations, a state government official, a consumer advocacy group, and several individuals. Some commenters expressed support for the proposed rescission of the Guidelines while other commenters expressed opposition to the proposal. Two commenters expressed support for rescinding the Guidelines. One commenter claimed that rescinding the Guidelines would reduce regulatory burden and inefficiencies without compromising the safety and soundness of the covered banks. Another commenter supported rescinding the Guidelines on the grounds that they are unnecessary, lack cost-benefit justification, and rescinding them would eliminate duplicative requirements because they overlap with other contingency planning and risk management practices.

*Risk Management Function.* Several commenters stated that the Guidelines should be maintained because they serve an important risk management function. Two commenters claimed that institutions should be planning for as many scenarios as possible and that planning and preparation are appropriate steps to address stress events. Another commenter stated that removing the Guidelines would eliminate an important risk assessment process, and the resulting written recovery plans serve as valuable

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<sup>3</sup> See 89 FR 84255 (Oct. 22, 2024).

<sup>4</sup> See 90 FR 51587 (Nov. 18, 2025).

references and resources for banks during periods of financial and non-financial stress.

The same commenter further stated that without recovery plans, an institution may panic during periods of stress resulting in poor decision making that could destroy value rapidly and undermine confidence in banks and the banking system. Another commenter stated that recovery planning is a preparedness exercise that improves an institution's reaction to unexpected situations, that an institution will be better prepared to react having gone through the recovery planning process, and that recovery planning ensures that each group within an organization understands its role and the available options during stress events.

The OCC agrees with commenters that institutions should proactively engage in risk management to develop the skills and strategies necessary to navigate periods of operational and market stress. However, as discussed in the proposal, the OCC has determined that the Guidelines do not materially improve risk management at covered banks because much of the recovery planning documentation is, by its nature, scenario-dependent or otherwise conjectural and, therefore, is likely to be irrelevant or of limited utility when a covered bank faces stress.<sup>5</sup> The OCC further believes that proper risk management should be a dynamic process that involves real-time responses to the facts and circumstances of a stress event or periods of stress.<sup>6</sup> When periods of stress arise, the OCC believes that bank management is best positioned to assess the risks unique to their institution and should have the freedom to pursue the risk management strategy that best suits their bank's business model, complexities, and risks under the facts and circumstances. The rescission of the Guidelines restores bank management's ability to determine the optimal risk management strategy, without limiting appropriate supervisory oversight.

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<sup>5</sup> *Id.* at 51588.

<sup>6</sup> *Id.*

*Lack of Data in Support of Proposal.* Two commenters asserted that the data analysis in support of the proposal was insufficient. One commenter stated that the proposal lacks evidence of the proposal’s effect on supervisory outcomes or how reversion of the Guidelines interacts with and does not degrade other frameworks (*e.g.*, resolution planning, long-term debt and total loss-absorbing capacity, and liquidity and contingency funding planning). Another commenter stated that the agency offered no evidence for certain statements in the proposal. Specifically, the commenter stated that the agency did not provide any evidence for the statement that recovery planning documentation is “scenario dependent or otherwise conjectural and, therefore, is likely to be irrelevant or of limited utility when a covered bank faces stress” and “that covered banks are well attuned to indicia of stress without regard to the presence of the recovery planning triggers and escalation procedure expectation of the Guidelines.”

Consistent with the earlier iterations of the Guidelines and other rulemakings, the OCC relies on its supervisory observations and expert judgments to establish and revise supervisory policy. Since the Guidelines were last amended in 2024, the OCC has undertaken a new initiative to review and refresh its supervisory approach to restore balance, reset the agency’s tolerance for risk, focus supervision on material financial risks, and free banks to lend, invest, innovate, and grow responsibly. As stated in the proposal, the OCC has observed through this process that the significant expenditure of resources incurred by covered banks to establish and maintain recovery planning documentation is not justified because the documentation the agency has reviewed as part of its supervisory activities is, by its nature, scenario-dependent or otherwise conjectural and, therefore, is likely to be irrelevant or of limited utility when a covered bank faces stress.<sup>7</sup> The OCC, consistent with other agency proposed supervisory reforms,<sup>8</sup> has also

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<sup>7</sup> 90 FR 51588.

<sup>8</sup> *See, e.g.*, 90 FR 48835 (Oct. 30, 2025) (Unsafe or Unsound Practices, Matters Requiring Attention).

observed that this expenditure of resources on the development of recovery planning documentation forces covered banks to prioritize policies, process, documentation, and other non-financial risks over material financial risks that pose a threat to an institution's financial condition. The agency believes that relief from the Guidelines will allow bank management at the covered banks to dedicate more resources to addressing those material financial risks that pose a threat to their institution's financial condition. Further, the OCC has also determined that banks do not need a prescriptive framework for coordinating their risk management functions. As the agency observed over a decade ago, banks already engage in the type of risk management activities necessary to respond to operational and market stress events.<sup>9</sup> The OCC continues to expect covered banks to engage in prudent risk management, including preparing for operational and market stresses. The rescission of the Guidelines merely restores bank management's ability to determine what risk management strategies are most appropriate for their bank's respective business models, management structures, complexities, and risks.

*Prior Stress Events Support Maintaining the Guidelines.* Several commenters claimed that the market stress and bank failures of 2023 demonstrate that the agency should not rescind the Guidelines and either maintain or strengthen them.<sup>10</sup>

In the OCC's experience, recovery plans required under the Guidelines have not been useful risk management tools for banks. Likewise, for the reasons described in the proposal, the OCC does not expect the Guidelines to yield useful recovery plans in the future because much of the recovery planning documentation is, by its nature, scenario-dependent or otherwise conjectural and, therefore, is likely to be irrelevant or of limited utility when a covered bank faces stress.<sup>11</sup> Moreover, following the bank failures of 2023,

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<sup>9</sup> See 81 FR 66797.

<sup>10</sup> The commenters did not specify which bank failures they were referring to, but for purposes of discussion, the agency assumes the commenters were referring to the failures of Silicon Valley Bank on March 10, 2023, Signature Bank on March 10, 2023, and First Republic Bank on May 1, 2023.

<sup>11</sup> 90 FR 51588.

the agency did not rely upon any observations that recovery planning documentation was utilized at covered banks during this period of market stress, nor did the OCC determine that prescriptive recovery planning guidelines would have been effective at addressing stress at the covered banks as justification for reducing the Guidelines' threshold.<sup>12</sup>

After carefully reviewing and considering all of the comments received, the OCC is adopting the final rule as proposed. Although some commenters disagreed with the proposal, the OCC believes rescission of the Guidelines is necessary to achieve the agency's goal of identifying and eliminating unnecessary regulatory burden that has been imposed on banks. Further, the agency believes that the Guidelines can be eliminated without creating additional risk to the safety and soundness of the covered banks or the banking system.

#### **IV. Contingency Funding Planning**

As a part of the proposal, the OCC also invited public comment on whether the contingency funding plan expectations set forth in the Interagency Policy Statement on Funding and Liquidity Risk Management and the Addendum to the Interagency Policy Statement on Funding and Liquidity Risk Management: Importance of Contingency Funding Plans (collectively, the Contingency Funding Guidelines) should be codified.<sup>13</sup>

One commenter expressed support for codification of the Contingency Funding Guidelines on the grounds that contingency funding plans consider a range of stress scenarios, ensure that an institution can continue to operate during periods of stress, help maintain public trust, protect an institution's reputation, and ensure the stability of the financial system. Two commenters opposed codification of the Contingency Funding Guidelines for various reasons. One commenter stated that codification of a contingency

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<sup>12</sup> Rather, the agency relied upon the observation that institutions with more than \$100 billion in assets "generally have a level of risk, complexity, and interconnectedness at which recovery planning is most beneficial." *See* 89 FR 84256.

<sup>13</sup> *See* 90 FR 51589.

funding requirement would be inconsistent with the agency's goal of reducing regulatory burden. Another commenter acknowledged that having reliable contingency funding sources was important to bank safety and soundness but still expressed opposition to codification. The commenter observed that the OCC has ample supervisory tools at its disposal to address concerns related to funding and liquidity risk management. The commenter further stated that there would not be any benefit to codifying a contingency funding requirement and codification of such a requirement could impose incremental cost burdens on institutions.

Upon consideration of the comments received concerning codification of the Contingency Funding Guidelines, the OCC has declined to pursue codification at this time. The OCC will continue to review the Contingency Funding Guidelines for opportunities to refine and improve the agency's supervision of contingency funding planning activities. As discussed in the proposal, the OCC expects that all banks have a formal contingency funding plan that considers a range of possible stress scenarios, assesses the stability of funding during periods of stress, and provides for a broad range of funding sources under adverse conditions.<sup>14</sup>

## **V. Final Rule**

The final rule adopts as final the proposed rescission of the OCC Guidelines Establishing Standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches contained at 12 CFR part 30, appendix E. The OCC believes the rescission of the Guidelines achieves the OCC's goal of identifying and eliminating unnecessary regulatory burden without

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<sup>14</sup> *Id.*; see also Addendum to the Interagency Policy Statement on Funding and Liquidity Risk Management: Importance of Contingency Funding Plans, OCC Bulletin 2023-25, which can be accessed here: <https://www.occ.gov/news-issuances/news-releases/2023/nr-ia-2023-82a.pdf>; Interagency Policy Statement on Funding and Liquidity Risk Management, Federal Reserve SR 10-6 (Mar. 17, 2010), FDIC FIL-13-2010 (Apr. 10, 2010), and OCC Bulletin 2010-13 (Mar. 22, 2010). These individual agency issuances released the 2010 Interagency Policy Statement on Funding and Liquidity Risk Management, which can be accessed here: <https://www.govinfo.gov/content/pkg/FR-2010-03-22/pdf/2010-6137.pdf>.

compromising the safety and soundness of the covered banks or the banking system. Covered banks will no longer be required to develop and maintain formal recovery planning documentation and the OCC will no longer examine for recovery planning documentation. Recission of the Guidelines does not restrict banks from continuing to engage in recovery planning activities but rather provides bank management with increased freedom to allocate resources more efficiently and pursue those risk management activities best suited to a bank's business model, management structure, complexities, and risks. While the Guidelines may no longer impose unnecessary regulatory burden on the covered banks, these institutions remain responsible for managing the risks to their business models.

## **VI. Regulatory Analysis**

### *Paperwork Reduction Act*

Under the Paperwork Reduction Act of 1995 (PRA),<sup>15</sup> the OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC has reviewed the final rule and determined that it would not create any new, or revise any existing, collections of information under the PRA and therefore, requires no PRA filings, other than a discontinuance request to the OMB for the currently approved "Guidelines Establishing Standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches (1557-0333)" information collection.

*Title of Information Collection:* Guidelines Establishing Standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches.

*OMB Control Number:* 1557-0333.

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<sup>15</sup> 44 U.S.C. 3501 *et. seq.*

*Affected Public:* Businesses or other for-profit organizations.

*Description:* Twelve CFR part 30, appendix E, current Guidelines apply to national banks, insured Federal savings associations, and insured Federal branches of foreign banks with total consolidated assets of \$100 billion or more. The OMB previously approved the collection of information in the current Guidelines, which are found at paragraphs II.B., II.C., and III. Specifically, paragraph II.B. lists the elements of the recovery plan, which are an overview of the covered bank; triggers; options for recovery; impact assessments; escalation procedures; management reports; communication procedures; and other information. Paragraph II.C. addresses the relationship of the plan to other covered bank processes and coordination with other plans, including the processes and plans of its bank holding company. Paragraph III. outlines management and the board's responsibilities. The current Guidelines also include a testing standard, which provides that a covered bank should test its recovery plan. Additionally, the current Guidelines clarify the role of non-financial risk (including operational and strategic risk) in recovery planning.

***Current Burden***

*Frequency of Response:* On occasion.

*Total Number of Respondents:* 21.

*Total Burden per Respondent:* 32,017 hours.

*Total Burden for Collection:* 672,360 hours.

***Regulatory Flexibility Act***

The Regulatory Flexibility Act (RFA)<sup>16</sup> requires an agency, in connection with a final rule, to prepare a Regulatory Flexibility Analysis describing the impact of the final rule on small entities (defined by the Small Business Administration for purposes of the

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<sup>16</sup> 5 U.S.C. 601 *et seq.*

RFA to include commercial banks and savings institutions with total assets of \$850 million or less and trust companies with total assets of \$47 million or less). Under section 605(b) of the RFA, this analysis is not required if an agency certifies that the rulemaking would not have a significant economic impact on a substantial number of small entities and publishes its certification and a short explanatory statement in the *Federal Register* along with its rule.

The OCC certifies that the rescission of Guidelines contained in appendix E of 12 CFR part 30, will not have a significant impact on a substantial number of small entities. The Guidelines only apply to those insured national banks, insured Federal savings associations, or insured Federal branches with average total consolidated assets of \$100 billion or more. Therefore, the rescission of the Guidelines would impact no small entities supervised by the OCC. Accordingly, a Regulatory Flexibility Analysis is not required.

*Unfunded Mandates Reform Act of 1995*

The OCC analyzed the final rule under the factors set forth in the Unfunded Mandates Reform Act of 1995.<sup>17</sup> Under this analysis, the OCC considered whether the final rule includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more (currently \$187 million, as adjusted annually for inflation) in any one year. The OCC has determined that the cost savings associated with the rescission of the Guidelines' mandates will be approximately \$20 million annually. Therefore, the OCC concludes that the rescission of the Guidelines contained in 12 CFR part 30, appendix E, will not result in an expenditure of \$187 million or more annually by State, local, and Tribal governments, in the aggregate, or by the private sector in any one year.

*Riegle Community Development and Regulatory Improvement Act of 1994*

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<sup>17</sup> 2 U.S.C. 1531 *et seq.*

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994,<sup>18</sup> in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, the OCC must consider, consistent with the principles of safety and soundness and the public interest: (1) any administrative burdens that the rule would place on depository institutions, including small depository institutions, and customers of depository institutions; and (2) the benefits of the rulemaking. This rulemaking would not impose any additional reporting, disclosure, or other requirements on insured depository institutions. Therefore, section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 does not apply to this rulemaking.

*Executive Orders 12866 and 14192*

Executive Order 12866, titled “Regulatory Planning and Review,” as amended, provides that the Office of Information and Regulatory Affairs (OIRA), will review all “significant regulatory actions” as defined therein. OIRA has determined that this final rule is not a “significant regulatory action” for purposes of Executive Order 12866. Executive Order 14192, titled “Unleashing Prosperity Through Deregulation,” separately requires that an agency, unless prohibited by law, identify at least ten existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation with total costs greater than zero. Executive Order 14192 further requires that new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations. The final rule will result in approximately \$20 million of annual cost savings to covered banks and is a deregulatory action under Executive Order 14192.

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<sup>18</sup> 12 U.S.C. 4802(a).

## *Congressional Review Act*

Before a rule can take effect, the Congressional Review Act (CRA)<sup>19</sup> provides that the OCC must submit to Congress and to the Comptroller General the rule along with a report indicating whether it is a “major rule.” In general, if a rule is a “major rule,” the CRA provides that unless Congress enacts a joint resolution of disapproval the rule takes effect the later of: (1) 60 days after Congress receives the required report or publication of the rule in the *Federal Register*, whichever is later; or (2) the date the rule would otherwise take effect.<sup>20</sup>

The CRA defines a “major rule” as any rule that the Administrator of OIRA of the OMB finds has resulted in or is likely to result in (1) an annual effect on the economy of \$100,000,000 or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.<sup>21</sup>

OIRA has determined that this final rule is not a major rule. As required by the CRA, the OCC will submit the final rule and other appropriate reports to Congress and the Government Accountability Office for review.

### **List of Subjects in 12 CFR Part 30**

Administrative practice and procedure, National banks, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, and under the authority of 12 U.S.C. 93a and 12 U.S.C. 1831p-1, the Office of the Comptroller of the Currency amends 12 CFR part 30 as follows:

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<sup>19</sup> 5 U.S.C. 801 *et seq.*

<sup>20</sup> 5 U.S.C. 801(a)(3).

<sup>21</sup> 5 U.S.C. 804(2).

**PART 30—SAFETY AND SOUNDNESS STANDARDS**

1. The authority citation for part 30 continues to read as follows:

**Authority:**12 U.S.C. 1, 93a, 371, 1462a, 1463, 1464, 1467a, 1818, 1828, 1831p-1, 1881-1884, 3102(b) and 5412(b)(2)(B); 15 U.S.C. 1681s, 1681w, 6801, and 6805(b)(1).

**APPENDIX E TO PART 30 [REMOVED]**

2. Removes appendix E to part 30.

**Jonathan V. Gould,**  
*Comptroller of the Currency.*