

RESCINDED

OCC Bulletin 2015-38 | October 13, 2015

Outdated

Regulatory Capital: Rescission of OCC and OTS Issuances

To

Chief Executive Officers of All National Banks, Federal Branches and Agencies, and Federal Savings Associations; Department and Division Heads; All Examining Personnel; and Other Interested Parties

Summary

In 2013, the Office of the Comptroller of the Currency (OCC) published a final rule that established a new regulatory capital rule.^{[1](#)} The rule strengthens the definition of regulatory capital, increases risk-based capital requirements, and amends the methodologies for determining risk-weighted assets. The rule became effective in January 2015 for all national banks and federal savings associations (collectively, banks). Now that the regulatory capital rule is final, the OCC is rescinding certain OCC bulletins and three Office of Thrift Supervision (OTS) issuances that have become outdated or superseded.

Highlights

With the issuance of this bulletin, the OCC is rescinding documents listed in appendix A.

Note for Community Banks

This bulletin applies to all banks.

Not all of the rescinded bulletins applied to community banks. A few rescinded bulletins applied only to advanced approaches banks, as indicated in appendix A.

Background

The OCC has reviewed all regulatory capital-related issuances (e.g., proposed, interim, and final rules and guidance or other documents) and determined that some of these issuances are outdated or superseded by the final regulatory capital rule. Appendix A lists OCC bulletins and OTS issuances that are rescinded.

Each issuance is rescinded for one of the following reasons:

- **Outdated:** The document is no longer needed. Any attachments to the document are rescinded only as they relate to national banks and federal savings associations.
- **Transmittal:** The document is a cover letter that conveyed another document, such as a proposed rule or final rule, an interpretive letter, or a document from another regulatory entity. The rescission does not apply to the conveyed document.

Visit the OCC's Website for a comprehensive inventory of rules and guidance applicable to banks. All banks should refer to 12 CFR 3 for applicable regulatory capital treatment.

Further Information

Please contact Capital Policy at (202) 649-6370.

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¹ See 12 CFR 3 (OCC); 12 CFR 217 (Board of Governors of the Federal Reserve System); 12 CFR 324 (Federal Deposit Insurance Corporation).

Appendix A: Rescinded OCC and OTS Issuances

For documents listed with a reason rescinded of "transmittal," the prevailing document is [OCC Bulletin 2013-23](#), "[Regulatory Capital Rule: Final Rulemaking](#)," (October 11, 2013).

Document	Title	Rescission reason	Comments
OCC Issuances			
1994-21	"Risk-Based Capital Multifamily Housing: Final Rule"	Transmittal	
1995-10	"Regulatory Capital Treatment for Deferred Tax Assets: Final Rule"	Transmittal	
1995-50	"Risk-Based Capital; Derivatives	Transmittal	

Transactions: Transmits
Final Rule"

1996-49	"Risk-Based Capital; Market Risk: Final Rule"	Transmittal	
1997-43	"Risk-Based Capital— Section 208 of CDRIA: Final Rule"	Transmittal	
1998-36	"Risk-Based Capital Servicing Assets: Final Rule"	Transmittal	
1998-41	"Risk-Based Capital— Unrealized Gains on Equity Securities: Final Rule"	Transmittal	
1999-12	"Risk-Based Capital— Section 303 of CDRIA: Final Rule"	Transmittal	
1999-19	"Risk-Based Capital, Specific Risk: Final Rule"	Transmittal	
1999-43	"Risk-Based Capital Interpretations Credit Derivatives: Joint Agency Statement"	Outdated	Applicable only to advanced approaches banks
2000-29	"Risk-Based Capital— Simplified Framework for Non-Complex Institutions: Advance Notice of Proposed Rulemaking"	Transmittal	

2000-32	"Risk-Based Capital—Securities Borrowing Transactions: Interim Rule and Request for Comment"	Transmittal
2001-4	"Risk-Based Capital: Basel Committee's Consultative Papers"	Outdated
2001-49	"Risk-Based Capital—Recourse, Direct Credit Substitutes, and Residual Interests: Final Rule"	Transmittal
2002-5	"Risk-Based Capital—Nonfinancial Equity Investments: Final Rule"	Transmittal
2002-13	"Risk-Based Capital: Final Rule"	Transmittal
2002-17	"Accrued Interest Receivable: Regulatory Capital and Accrued Interest Receivable Assets"	Outdated
2002-22	"Capital Treatment of Recourse, Direct Credit Substitutes, and Residual Interests in Asset Securitizations: Interpretations of Final Rule"	Transmittal

2004-36	"Regulatory Capital: Asset-Backed Commercial Paper: Final Rule"	Transmittal	
2005-12	"Interagency Guidance for Determination of Risk-Based Capital for Unrated Direct Credit Substitutes Extended to Asset-Backed Commercial Paper Programs: Asset-Backed Commercial Paper"	Outdated	
2005-26	"Regulatory Capital: Asset-Backed Commercial Paper Liquidity Facilities: Interagency Guidance"	Outdated	
2006-9	"Risk-Based Capital—Securities Borrowing Transactions: Final Rule"	Transmittal	
2007-27	"FAS 159 and Risk-Based Capital—Market Risk: Compliance With the Market Risk Capital Rule"	Outdated	
2007-47	"Implementation of the Advanced Approaches of the Basel II Capital Accord: Final Rulemaking"	Transmittal	Applicable only to advanced approaches banks

2008-19	"Risk Based Capital— Basel II Standardized Approach: Notice of Proposed Rulemaking— Request for Comments"	Transmittal
2008-31	"Regulatory Capital Impact of Losses on Fannie Mae and Freddie Mac Preferred Stock: Interagency Statement"	Outdated
2008-32	"Change in Capital: Treatment of Certain Claims on, or Guaranteed by, the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation: Notice of Proposed Rulemaking— Request for Comments"	Transmittal
2009-1	"Deduction of Goodwill Net of Associated Deferred Tax Liability: Final Rule"	Transmittal
2009-10	"Risk-Based Capital— Money Market Mutual Funds: Final Rule"	Transmittal
2009-35	"Risk Based Capital— Mortgage Modifications: Final Rule"	Transmittal

2010-5	"Capital Treatment for FAS 166 and FAS 167: Final Rule"	Transmittal	
2010-10	"Risk Weight for FDIC Claims and Guarantees: Joint Interagency Statement"	Outdated	
2011-32	"Permanent Floor for the Advanced Approaches Risk-Based Capital Rule: Final Rule"	Transmittal	Applicable only to advanced approaches banks
2012-24	"Regulatory Capital—Basel III and the Standardized and Advanced Approaches: Notices of Proposed Rulemaking"	Transmittal	
OTS Issuances			
CEO Memo 307	"Risk Weighting Downgraded Securities"	Outdated	
CEO Memo 344	"Risk Weighting of Early Default Provisions"	Outdated	
New Directions Bulletin 10-14	"Capital Raising Using a Subordinated Organization and Creating a Noncontrolling Interest"	Outdated	Internal OCC document

Topic(s): ■ CAPITAL

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