



OCC 2003-45

**Subject: Notice of Comptroller of the Currency  
Fees for Year 2004  
Date: December 1, 2003**

**To: Chief Executive Officers of All National  
Banks, Federal Branches and Agencies, District  
of Columbia Banks, Department and Division  
Heads, and All Examining Personnel**

**Description: Year 2004 Fee Structure**

Any attachments to this document are rescinded only as they relate to national banks and federal savings associations.

**SEMIANNUAL ASSESSMENT**

Reference: 12 CFR 8.2 and 8.6

Assessments are due January 31, and July 31, 2004, based on call report information as of December 31, 2003, and June 30, 2004, respectively. Assessments are paid in advance. For example, the assessment due January 31, 2004, covers the period January 1 through June 30, 2004.

**2004 Assessment Schedule**

Effective January 1, 2004:

- The marginal rates of the OCC's general assessment schedule continue to be indexed to reflect inflation, as measured by the Gross Domestic Product Implicit Price Deflator (GDPIDP) for the previous June-to-June period. The GDPIDP adjustment is 1.5 percent for 2004. As was the case in 2002 and 2003, the indexation adjustment will apply only to the first \$20 billion in a national bank's assets.
- Fees assessed independent trust banks and independent credit card banks have been adjusted for inflation as well. The schedules shown below reflect these changes.
- As was the case in 2003, the OCC will charge interest on all payments received after the due date. The interest rate charged will be the United States Treasury Department's current value of funds rate that is published quarterly in the *Federal Register*.

The OCC's assessment schedule also continues to include a surcharge for banks that require increased supervisory resources. The surcharge ensures that fees reflect the increased cost of supervision that applies to those national banks, federal branches and agencies of foreign banks, and District of Columbia banks, rated 3, 4, or 5 under the uniform financial institution rating system (UFIRS) or the risk management, operational controls, compliance and asset quality (ROCA) rating system as of the relevant call date (*i.e.*, December 31, 2003, or June 30, 2004). The surcharge is to be applied to all components of an institution's assessment, including book assets, assets under management (for independent trust banks), and receivables attributable (for independent credit card banks). National banks, federal branches and agencies of foreign banks, and District of Columbia banks that are subject to the surcharge determine their surcharge by multiplying the sum of the assessment based on the institution's book assets up to \$20 billion, the independent trust bank assessment (if applicable), and the independent credit card assessment (if applicable) by 50 percent for 3-rated institutions and 100 percent for 4- and 5-rated institutions.

The OCC will continue to reduce the assessment of nonlead national banks by 12 percent. A nonlead bank for this purpose is a national bank, federal branch or agency, or District of Columbia bank that is not the largest national bank, based on total assets, controlled by a company owning two or more national banks. Nonlead national banks within any company should multiply their calculated general assessment by 0.88 to recognize the 12 percent discount. The 12 percent discount does not apply to the independent trust bank assessment or the independent credit card bank assessment, given that independent trust banks and independent credit card banks are not affiliated with full-service national banks.

Each national bank, federal branch or agency, or District of Columbia bank pays the general assessment fee. Independent trust banks pay the general assessment fee and the independent trust bank assessment. Independent credit card banks pay the general assessment fee and the independent credit card bank assessment. Assessments should be calculated using the schedules below and then adjusted for the nonlead discount and/or qualification surcharge.

#### General Assessment Fee Schedule

| If the amount of total balance sheet assets (consolidated domestic and foreign subsidiaries) is: (millions) |              | The Semiannual Assessment will be: |             |                           |
|---|--------------|------------------------------------|-------------|---------------------------|
| Over  | But Not Over | This Amount                        | Plus        | Of Excess Over (millions) |
| \$  | \$           | \$                                 |             | \$                        |
| 0   | 2            | 5,075                              | 0.00000000  | 0                         |
| 2   | 20           | 5,075                              | 0.00021073  | 2                         |
| 20  | 100          | 8,866                              | 0.00068481  | 20                        |
| 100   | 200          | 22,344                             | 0.00109512  | 100                       |
| 200   | 1,000        | 33,295                             | 0.000092663 | 200                       |
| 1,000   | 2,000        | 107,425                            | 0.000075816 | 1,000                     |
| 2,000   | 6,000        | 183,241                            | 0.000067393 | 2,000                     |
| 6,000   | 20,000       | 452,813                            | 0.000057343 | 6,000                     |
| 20,000  | 40,000       | 1,255,615                          | 0.000050403 | 20,000                    |
| 40,000  |              | 2,263,675                          | 0.000033005 | 40,000                    |

#### Independent Trust Bank Semiannual Assessment Schedule

| If the total amount of Fiduciary and Related Assets is: (millions) |              | The Independent Trust Bank Semiannual Assessment will be: |             |                           |
|--|--------------|---|-------------|---------------------------|
| Over   | But Not Over | This Amount   | Plus        | Of Excess Over (millions) |
| \$   | \$           | \$  |             | \$                        |
| 0  | 1,000        | 19,275  | 0.00000000  | 0                         |
| 1,000  | 10,000       | 19,275  | 0.000003842 | 1,000                     |
| 10,000   | 100,000      | 53,853  | 0.000000644 | 10,000                    |
| 100,000  |              | 111,813   | 0.000000410 | 100,000                   |

**Independent Credit Card Bank Semiannual Assessment Schedule**

| If the bank's total off-balance sheet receivables attributable are: (millions) |              | The Independent Credit Card Bank Semiannual Assessment will be: |
|--|--------------|---|
| Over   | But Not Over |   |
| \$   | \$           | \$  |
| 0  | 100          | 41,100  |
| 100  | 1,000        | 61,400  |
| 1,000  | 5,000        | 82,200  |
| 5,000  |              | 102,500   |

**HOURLY RATE FOR EXAMINATION AND INVESTIGATIONS**

Reference: 12 CFR 8.6

Effective date: Examinations and investigations subject to the fee beginning after January 1, 2003.

Rate: \$110 per hour to recover the cost of conducting special examinations and investigations described in 12 CFR 8.6.

**LICENSING FEES <sup>1</sup>**

Reference: 12 CFR 5.5

**The Licensing Fee Schedule is as follows:**

| Application Type   | Fee      |
|--|----------|
| <b>New National Bank Charter</b>                               |          |
| Individuals and Nonbank Holding Company Sponsored <sup>2</sup> |          |
| -Full Service  | \$25,000 |
| -Credit Card   | 35,000   |
| -Trust   | 25,000   |
| -Internet – Primary <sup>3</sup>                               | 50,000   |
| <b>Bank Holding Company Sponsored</b>                          |          |
| -Full Service  | 10,000   |
| -Credit Card   | 10,000   |
| -Trust   | 10,000   |
| -Internet – Primary <sup>3</sup>                               | 50,000   |
| -Bankers' Bank   | 25,000   |
| <b>Low- and Moderate-Income Area <sup>4</sup></b>              |          |
|  | 0        |
| <b>Conversion to a National Bank</b>                           |          |

|  |   |
|--|---|
| Standard   | 5,000                                     |
| Expedited  | 2,500                                     |
| <b>Business Combination Between Banks <sup>5</sup></b>                   |   |
| Standard   | 6,000                                     |
| Expedited - Business Reorganization <sup>5</sup>                         | 2,000                                     |
| Expedited - Streamlined Application <sup>5</sup>                         | 4,000                                     |
| <b>Combination with Nonbank Subsidiary or Affiliate <sup>6</sup></b>     |   |
| Expedited Reorganization <sup>7</sup>                                    | 250                                       |
| <b>Failure Resolution</b>  |   |
| Acquisition by De Novo Group   | 7,500                                     |
| Acquisition by Existing Bank, Bank Holding Company, or Experienced Group | 2,000                                     |
| <b>Branches <sup>8</sup></b>   |   |
| Standard   | 350                                       |
| Expedited  | 0   |
| Low- and Moderate-Income Area 4 / or Indian Reservations <sup>8</sup>    | 0   |
| <b>Branch Relocation</b>   |   |
| Standard   | 350                                       |
| Expedited  | 0   |
| Short-Distance   | 0   |
| <b>Main Office Relocation</b>  |   |
| To Existing Branch Within City Limits                                    | 0   |
| Other – Standard   | 700                                       |
| Other – Expedited  | 350                                       |
| <b>Subsidiary <sup>9</sup></b>   |   |
| Standard   | 2,700                                     |
| Multi-Bank Op Sub  | as above<br>+100 for each additional bank |
| After-the-fact   | 500                                       |
| <b>Change in Bank Control <sup>10</sup></b>                              |   |
| New Entrant to System  | 10,000                                    |
| After-the-fact   | 5,000                                     |
| Existing Officer/Director/National Bank                                  | 2,000                                     |
| <b>Increase in Permanent Capital <sup>11</sup></b>                       |   |
| Standard Request For Approval  | 500                                       |
| Expedited Request For Approval   | 250                                       |

|   |        |
|---|--------|
| <b>Reduction in Permanent Capital <sup>12</sup></b> |        |
| Standard  | 500    |
| Expedited   | 250    |
| <b>Subordinated Debt Capital <sup>13</sup></b>      |        |
| Standard Application For Approval                   | 1,000  |
| Expedited Approval                                  | 500    |
| Request to Prepay                                   | 250    |
| <b>Fiduciary Powers</b>                             |        |
| Standard  | 1,600  |
| Expedited   | 800    |
| <b>Bank Service Corporation</b>                     |        |
| Standard  | 2,000  |
| After-the-Fact                                      | 500    |
| <b>Dividend</b>                                     |        |
| Cash Dividend                                       | 0      |
| Dividend-in-Kind                                    | 250    |
| <b>Stock Appraisal <sup>14</sup></b>                | 8,200  |
| <b>Section 914 Notice</b>                           |        |
| (Changes in directors or senior executive officers) | 35     |
| <b>Federal Branches and Agencies <sup>15</sup></b>  |        |
| Initial Federal Branch or Agency                    | 10,000 |
| Additional Federal Branch or Agency                 |        |
| -Standard   | 1,000  |
| -Expedited  | 500    |
| Relocation  |        |
| -Standard <sup>16</sup>                             | 350    |
| -Expedited  | 0      |
| -Short-Distance                                     | 0      |
| Change of Status – State to Federal                 |        |
| -Standard   | 3,600  |
| -Expedited  | 1,800  |
| Change of Status – Other <sup>17</sup>              |        |
| -Standard   | 700    |
| -Expedited  | 350    |
| Fiduciary Powers                                    |        |

|                       |       |
|-----------------------|-------|
| -Standard             | 1,600 |
| -Expedited            | 800   |
| Voluntary Liquidation | 0     |

#### LICENSING FEE - Endnotes

<sup>1</sup> Expedited processing is available to eligible banks as defined in 12 CFR 5 and 28. Applicants may request a reduced fee for transactions requiring multiple filings, steps, or banks. Applicants requesting reduced fees should consult with the licensing manager in the appropriate district office in advance of filing. Generally, fee concessions are not granted unless savings in the OCC's processing costs are demonstrated.

<sup>2</sup> These fees are appropriate for charter applications submitted by a group of individuals or a sponsor that is not a bank holding company for purposes of the Bank Holding Company Act; or a sponsor that has received Federal Reserve Board approval as a bank holding company but has been in operation for less than three years prior to filing the application to organize a new national bank.

<sup>3</sup> Includes banks that will operate predominantly on the Internet but also have limited branch or non-branch physical facilities, such as kiosks or ATMs (limited facility bank) as well as banks that will operate solely via the Internet (Internet-only bank).

<sup>4</sup> The OCC does not require a licensing filing fee for applications for new national bank charters or branches to be located in a low- or moderate-income area as defined in 12 CFR 202.2(a)(n)(1), and (n)(2), and where no other depository institution operates a branch or main office.

<sup>5</sup> The stated fees are for a transaction involving two banks. If more than two *affiliated* banks are involved, and, if the following criteria are met, the OCC may charge a fee of \$100 for each additional intrastate charter and \$200 for each additional interstate charter involved in the transaction. Criteria: a) the acquiring bank is eligible, b) current national bank assets exceed non-national bank assets, and c) the combination presents no expected complications. Otherwise, additional fees will be required (equal to no more than one-half the stated fee times the number of banks), based on the marginal increases in the OCC's processing costs attributable to the additional banks.

An application that does not qualify for expedited review because it involves either an interim bank, a trust bank, or a credit card bank, is nonetheless charged the expedited-business reorganization fee if (1) the interim bank is merging with an eligible bank or (2) the trust bank or credit card bank is a subsidiary of a bank holding company of which its lead bank is an eligible national bank or is a subsidiary of an eligible national bank. However, the application is not eligible for expedited review.

The "Expedited – Business Reorganization" fee is charged for branch purchase and assumption transactions between affiliated institutions. Purchase and assumption transactions between unaffiliated banks are charged either the "Standard" or the "Expedited-Streamlined Application" fee, as appropriate.

The definition of business reorganization is found at 12 CFR 5.33(d)(2). The definition of a streamlined application is found at 12 CFR 5.33(j)(1).

<sup>6</sup> Transactions conducted pursuant to 12 USC 215a-3.

<sup>7</sup> Transactions conducted pursuant to 12 USC 215a-2.

<sup>8</sup> The fee listed is for one branch. Multiple branches filed together and published on the same date may be charged \$100 per additional bank branch. The OCC does not require a licensing filing fee for applications for branches to be located on an Indian reservation.

<sup>9</sup> These fees apply only to operating subsidiary filings by national banks, federal branches, or federal agencies and after-the-fact filings for noncontrolling investments under 12 CFR 5.33(e).

<sup>10</sup> The fee for a share-in-bank-control filing should be borne by the party(ies) acquiring the shares. The fee for increase by an existing officer or director is available for persons who have been associated with the bank for more than three years.

<sup>11</sup> A national bank generally need only submit a notice to increase its permanent capital. However, prior OCC approval is required to increase permanent capital if a bank is required by the OCC to obtain prior approval; it plans to sell common preferred stock for consideration other than cash; or it will receive a material noncash contribution to capital surplus.

<sup>12</sup> Includes distributions from surplus or surplus accounts (unless to pay dividends from surplus that was transferred from prior period earnings); acquisitions of treasury stock; or retirement of outstanding shares. The expedited fee applies to an application to conduct a reverse stock split. No fee is required for applications to pay a dividend pursuant to 12 USC 560(b) unless it is a dividend-in-kind.

<sup>13</sup> Prior approval is required if the OCC has notified the bank that it must receive prior approval or the bank will become inadequately capitalized after the transaction. Otherwise, a bank may issue subordinated debt without prior OCC approval. However, if the bank would like the subordinated debt to count as Tier 2 capital, it must provide the OCC with notification after the debt has been issued. No fee is charged for this request. No approval is required for eligible banks to repurchase subordinated debt.

<sup>14</sup> The fee for a stock appraisal must be borne by the bank which, in the case of a business combination, is the surviving bank.

<sup>15</sup> After the fact merger applications could be subject to a fee. If a fee is required, it will be determined based on the specific circumstances surrounding the transaction.

<sup>16</sup> Interstate relocations are processed under standard procedures.

<sup>17</sup> There is no fee for a downgrade in the status of the federal branch or agency.

## PUBLICATIONS

The OCC has an extensive list of paper-based publications available for a fee, as well as publications available free of charge. For a list of publications and current prices, consult the attached price list. Please note that publication prices are subject to change before the next schedule of fees is published.

Copies of an array of items, including news releases, job announcements, issuances (such as bulletins, advisories, and alerts) and other materials may be downloaded free of charge from the agency's Web site at: [<http://www.occ.gov>]. For your convenience, the site contains a search engine to locate materials by subject.

## MISCELLANEOUS FEES

Prepayment is *required* for bank histories and certifications.

Bank History – for single bank:

| Bank History – for single bank: |    |        |
|---------------------------------|----|--------|
| -Less than 50 years             | \$ | 50.00  |
| -Fifty years or more            | \$ | 125.00 |

Bank histories are provided to determine the successor to an inactive national bank. They include corporate transactions such as name changes, mergers, closings, and the current address of the successor institution, if available.

|  |    |        |
|--|----|--------|
| <b>Certificates relating to licensing bank activities:</b> | \$ | 100.00 |
| -Title Change  |    |        |
| -Mergers   |    |        |
| -Articles of Association                                   |    |        |
| -Declaration of Insolvency                                 |    |        |
| -Charter   |    |        |
| -Corporate Existence                                       |    |        |
| -Fiduciary Powers  |    |        |

|   |    |        |
|---|----|--------|
| <b>Certificate of Authenticity (12 CFR 4)</b> | \$ | 100.00 |
| <b>Copies of certificates</b>                 | \$ | 10.00  |

Freedom of Information Act and Privacy Act Requests:

|                           |    |               |
|---------------------------|----|---------------|
| <b>-Search and Review</b> | \$ | 35.00 an hour |
| <b>-Photocopying</b>      | \$ | 0.20 a page   |

Examination Reports:

|                                  |    |       |
|----------------------------------|----|-------|
| <b>-Initial Copy</b>             | \$ | Free  |
| <b>-Additional Copies – Each</b> | \$ | 10.00 |
| <b>-Special Requests – Each</b>  | \$ | 50.00 |

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