

**DEPARTMENT OF TREASURY**

**Office of the Comptroller of the Currency**

**OCC Policy Statement on Minority Depository Institutions**

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

**ACTION:** Policy statement.

**SUMMARY:** The OCC is updating its policy statement on minority and depository institutions (MDI). This update is consistent with the criteria set out in the Executive Order titled, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative.” The updated statement aligns the policy statement more closely with the related statute, and it removes information that is vulnerable to obsolescence. The intended effect is for the agency to have a policy statement that remains accurate and supported by statute for years to come. At the same time, the update maintains the MDI designations of current MDI.

**DATES:** The issuance date of this policy statement is June 16, 2026.

**FOR FURTHER INFORMATION CONTACT:** Collin Berger, Attorney, or Emily Boyes, Counsel, (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:**

The OCC is updating its policy statement on MDI.<sup>1</sup> This update relates to the agency’s rescission or amending of certain regulations that are unnecessary, based on anything other than the best reading of the underlying statutory authority, or lacking clear statutory authority, consistent with Executive Order 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative” (EO 14219).<sup>2</sup> The updated statement revises the definition of an MDI to more closely align with the definition in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), 12 U.S.C. 1463 note. For national banks and Federal stock savings associations, that definition is based on ownership by socially and economically disadvantaged individuals, and the statute does not specify any group of individuals that is presumed to be socially and economically disadvantaged. The update also removed information about the agency that has proven vulnerable to obsolescence. This removal improves the policy statement’s expected longevity and avoids future confusion. The document includes other conforming edits. For example, under the previous version of this policy statement, the OCC could at its discretion continue to designate a bank as an MDI under certain circumstances when the bank no longer met the statutory definition of an MDI. To improve the policy statement’s consistency with FIRREA while minimizing disruption to current MDIs, the updated policy statement describes how the OCC will maintain the designations of current MDIs.

The text of the policy statement is as follows:

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<sup>1</sup> The policy statement was last updated at 87 FR 16345 (Aug. 1, 2022). *See* 87 FR 16345 n.5 (overview of the related OCC policy history).

<sup>2</sup> 90 FR 10583 (Feb. 25, 2025). Section 6(e) of the executive order defines “regulation” as including “any ‘guidance document’ as defined in Executive Order 13422.”

## OCC Policy Statement on Minority Depository Institutions

### 1. Introduction

Minority depository institutions (MDIs) are national banks and Federal savings associations (collectively, banks). In section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Congress imposed MDI-related requirements on the OCC and provided an MDI definition for those requirements.<sup>1</sup> The Office of the Comptroller of the Currency (OCC or agency) uses an MDI definition consistent with section 308 of FIRREA and maintains a process for designating banks that meet the definition as MDIs.

### 2. Meaning of MDI<sup>2</sup>

*A. National banks or Federal stock savings associations.*<sup>3</sup> The OCC defines an MDI to include a national bank or Federal stock savings association that is at least 51 percent owned by one or more socially and economically disadvantaged individuals.<sup>4</sup>

*B. Federal mutual savings associations.* The OCC defines an MDI to include a Federal mutual savings association where the majority of the board of directors, account holders, and the community which it services is predominantly minority.<sup>5</sup>

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<sup>1</sup> 12 USC 1463 (note). Section 308 of FIRREA specifies the following MDI-related goals: preserving the number of MDIs; preserving MDIs' minority character in cases of merger or acquisition; providing technical assistance to help MDIs remain healthy; promoting and encouraging the creation of new MDIs; and providing training, technical assistance, and educational programs. The requirements of section 308 of FIRREA are discussed in section 5 of this policy.

<sup>2</sup> In addition to the other requirements discussed in this policy statement, an MDI may not be a U.S. subsidiary of a foreign-owned bank.

<sup>3</sup> A Federal stock savings association may be publicly or privately owned.

<sup>4</sup> For purposes of this policy statement, "individual" means a natural person, corporation, partnership, or entity. A bank that is owned by a corporation that is itself owned by socially and economically disadvantaged individuals is owned by a socially and economically disadvantaged individual.

<sup>5</sup> The term "minority" as defined by Section 306 of FIRREA means any black American, Native American, Hispanic American, or Asian American.

### **3. Formation, Designation, and Ongoing Review**

*A. De novo bank formation and designation.* The process of forming a de novo bank that is designated as an MDI involves two steps. First, an applicant must file an application and receive approval to form a bank from the OCC Chartering, Organization & Structure team responsible for chartering new banks. Second, the applicant must request that the bank be designated as an MDI. If the applicant demonstrates to OCC examiners that the bank would meet the MDI definition, the OCC will provide a separate MDI designation letter. Requests for assistance with either bank formation or MDI designation should be directed to the closest OCC regional office, which can identify further OCC contacts and resources. Refer to the OCC website at [www.occ.gov](http://www.occ.gov) to find the closest OCC regional office.

*B. Designation of existing banks.* A bank that believes it satisfies the meaning of MDI as set forth in section 2 of this policy statement may request the OCC designate it as an MDI. If the OCC determines the bank satisfies the meaning of MDI, the agency will provide the bank with an MDI designation letter. For banks interested in this process, requests for assistance should be directed to the bank's OCC examiners or the closest OCC regional office, which can identify further OCC contacts and resources.

*C. Maintained designation.* Banks with an MDI designation the day before the issuance of this policy statement may maintain their MDI designations. A bank's OCC examiners may reassess such a designation if the facts underlying the designation the day before the issuance of this policy statement undergo a material change.

*D. Ongoing review.* In support of the annual report described in section 5 of this policy statement, the OCC reviews on an annual basis whether (1) a bank designated as

an MDI continues to satisfy the meaning of MDI as set forth in section 2 of this policy statement or (2) maintained designation as set forth in section 3.C of this policy statement remains appropriate.

#### **4. Attribution of Investments for Purposes of the Ownership Threshold**

An investment in an MDI by an individual who is a natural person may be attributed to the MDI ownership threshold only if the natural person is a socially and economically disadvantaged individual. An investment in an MDI by an individual that is a corporation, partnership, or entity may be attributed to the MDI ownership threshold only if the corporation, partnership, or entity is (1) also an MDI or (2) at least 51 percent owned by one or more socially and economically disadvantaged individuals.<sup>6</sup>

#### **5. Consultation and Annual Report**

The Secretary of the U.S. Department of the Treasury consults with the OCC, under section 308 of FIRREA, on the methods for best achieving the goals of section 308 of FIRREA. The law also directs the OCC to submit an annual report to Congress on the agency's actions taken to carry out the requirements of the statute.

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

Date: June 16, 2026

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*Comptroller of the Currency.*

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<sup>6</sup> See *supra* note 4 (meaning of “individual”). For example, an investment in an MDI by a private equity fund would count toward the 51 percent ownership threshold only if the fund itself is at least 51 percent owned by one or more socially and economically disadvantaged individuals.