



Policy Statement on Minority National Banks and Federal Savings Associations

The Office of the Comptroller of the Currency (OCC) recognizes the vital role that minority national banks and federal savings associations (herein referred to as minority depository institutions or MDIs), play in promoting the economic viability of the communities they serve. The OCC reaffirms its commitment to further the regulatory and legislative mandates designed to support the creation and preservation of these institutions.

Statutory Framework

Consistent with its mission of ensuring a safe and sound federal banking system, the OCC promotes the preservation of robust and healthy MDIs and seeks to advance the goals of section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), where applicable. In meeting these goals, the OCC will seek to:

- preserve the number of MDIs.
- preserve their minority character in cases of merger or acquisition.
- provide technical assistance to help MDIs remain healthy.
- promote and encourage the creation of new MDIs.
- provide training, technical assistance, and educational programs.

Definition of MDIs

The OCC defines MDI as any national bank or federal savings association that (1) is not a U.S. subsidiary of a foreign-owned bank; and (2) is at least 51 percent owned by minorities (African Americans, Asian Americans, Hispanic Americans, and Native Americans), women, or socially and economically disadvantaged individuals.

The OCC may consider additional factors when evaluating mutual institutions. First, the OCC may consider a mutual federal savings association an MDI if the majority of the Board of Directors is minority and the communities that it serves are predominantly minority. Second, the OCC may consider a mutual institution an MDI if women comprise a majority of the Board of Directors and hold a significant percentage of senior management positions.

The OCC, at its discretion, may continue to treat a national bank or federal savings association previously designated as an MDI as covered by this policy statement, even if that institution no longer meets the ownership criteria outlined above, provided that the institution primarily serves the credit and other economic needs of the community in which it is chartered, and that community is predominantly minority.

Identification of MDIs

The OCC maintains a list of MDIs on its Web site at www.occ.gov.

Formation of MDIs

The OCC provides advice and technical assistance to MDI applicants interested in obtaining a national bank or federal savings association charter. The agency makes available materials useful to organizing groups that help facilitate MDI applications. The OCC assists organizing groups through pre-filing meetings and by commenting on draft applications. Requests for such assistance should be directed to the licensing director in the OCC district office that serves the area where the MDI will be headquartered.

An MDI may be eligible for designation as a community development bank if its activities primarily support: (1) low- and moderate-income individuals or areas; (2) government-targeted revitalization areas; or (3) activities that would be considered “qualified investments” under the Community Reinvestment Act (CRA) regulations. An MDI’s designation as a community development bank may facilitate investments in that community development bank by other depository institutions.

Examination Support for MDIs

The OCC develops a supervisory strategy annually for each MDI. The supervisory strategy is based on the risks facing each MDI and addresses specific supervisory issues identified by the OCC as requiring attention. As part of the supervisory strategy, OCC examiners also consider the MDI’s need for technical assistance, training, and education in such areas as compliance, risk management, and operational issues.

The OCC assigns assistant deputy comptrollers (ADCs) and portfolio managers to MDIs who are familiar with the issues define and needs of MDIs. Assignment of examiners to MDIs takes into account the expertise and background needed to properly evaluate the products and services offered by those MDIs and the markets and environments in which they operate.

Each OCC district has expert advisers who provide institutions with guidance on credit, asset management, consumer compliance, capital markets, licensing, bank information systems, legal issues, economic conditions, and other concerns.

The OCC periodically convenes meetings and discussions among ADCs with responsibility for supervising MDIs. The purpose of the meetings is to exchange information and best practices for supervising MDIs. ADCs also meet with minority bank trade associations to keep abreast of important topics and emerging concerns.

Capital for MDIs

The OCC supports investments by national banks and federal savings associations in MDIs pursuant to their respective public welfare investment authority (12 CFR 24 and 560.36). National banks and federal savings associations that invest in MDIs may receive positive consideration under CRA.

Resolution of Supervisory Cases

In the course of its ongoing supervision, the OCC provides advice and technical assistance to help prevent the failure of MDIs. In resolving supervisory cases involving MDIs, the OCC encourages remedies—including mergers and acquisitions—that are consistent with the MDIs' safety and soundness and the goal of maintaining their minority ownership.

Supporting MDIs Through the Community Reinvestment Act

The OCC recognizes that majority-owned institutions are often key partners with MDIs. As such, in assessing the record of a majority-owned, non-women-owned institution under CRA, the OCC considers capital investment, loan participation, and other ventures undertaken in cooperation with MDIs if such activities help meet the credit needs of local communities in which the MDIs are chartered.

MDI Advisory Committee and Working Group Roles and Responsibilities

The OCC seeks advice from a Minority Depository Institution Advisory Committee (MDIAC) and the MDI Working Group to meet the goals outlined in section 308 of FIRREA and in this policy statement. The Senior Advisor for Midsize and Community Bank Supervision is the OCC official responsible for the MDIAC and the primary point of contact regarding MDI Advisory Committee matters.

The Senior Advisor for External Outreach and Minority Affairs serves as chairperson of the MDI Working Group and as the agency's focal point for MDI matters. The OCC's efforts in support of MDIs are coordinated through the MDI Working Group, which is comprised of representatives from several OCC departments, including Public Affairs (which includes External Outreach and Minority Affairs), Midsize and Community Bank Supervision, Office of Minority and Women Inclusion, and Community Affairs.

Information, Education, and Outreach for MDIs

The OCC provides relevant information to MDIs through news blasts and on the Minority Bankers page on the agency's Web site at www.occ.gov.

A series of workshops are available to directors of national banks and federal savings associations. The workshops cover a variety of topics relevant to all community banks, including those with minority ownership. The OCC actively promotes these workshops to MDIs, encourages their directors to participate, and waives their registration fees.

The OCC, in collaboration with other financial regulatory agencies, periodically co-sponsors an interagency national conference for MDIs. The conference highlights current regulatory developments and provides the OCC's executive leadership and managers opportunities to understand and identify strategies to address issues facing MDIs. The OCC provides staff resources to serve as speakers, moderators, and instructors.

OCC District Community Affairs Officers provide advice and technical assistance to MDIs interested in structuring community development investments. District Community Affairs Officers also advise MDIs on designing community development initiatives.

Annual Report

Pursuant to section 367 of the Dodd-Frank Wall Street Reform and Consumer Protection Act and section 308 of FIRREA, the Comptroller of the Currency (1) consults with the Secretary of the Treasury on methods for best achieving the aforementioned policy goals and (2) submits an annual report to the Congress on actions taken to carry out the goals of section 308 of FIRREA.

Conclusion

The OCC recognizes the important role of MDIs in their communities and the federal banking system. The agency is committed to employing measures and providing resources that preserve minority ownership of national banks and federal savings associations and to helping MDIs remain safe, sound, and capable of meeting the financial needs of their communities.

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Thomas J. Curry
Comptroller of the Currency

 June 7, 2013
Date