News Release 2025-98 | October 7, 2025

Agencies Issue Proposal to Prohibit Use of Reputation Risk by Regulators

Joint Release

Federal Deposit Insurance Corporation
Office of the Comptroller of the Currency

Washington, D.C.— The Office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation (the agencies) today issued a joint notice of proposed rulemaking that would codify the elimination of reputation risk from their supervisory programs.

The proposed rule would define "reputation risk" and prohibit the agencies from criticizing or taking adverse action against an institution on the basis of reputation risk. The proposed rule would also prohibit the agencies from requiring, instructing, or encouraging an institution to close customer accounts or take other actions on the basis of a person or entity's political, social, cultural, or religious views or beliefs, constitutionally protected speech, or solely on the basis of politically disfavored but lawful business activities perceived to present reputation risk.

This proposed rulemaking would also respond to concerns expressed in Executive Order 14331, *Guaranteeing Fair Banking for All Americans*, that the use of reputation risk can be a pretext for restricting law-abiding individuals' and businesses' access to financial services on the basis of political or religious beliefs or lawful business activities.

Comments on the attached proposal are due 60 days after the date of publication in the *Federal Register*.

Related Link

- Notice of Proposed Rulemaking on Prohibition on Use of Reputation Risk by Regulators (PDF)

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Topic(s):

- EXAMINATION PROCESS
- LAWS & REGULATIONS
- OCC REGULATIONS
- RISK-BASED SUPERVISION