

Office of the Comptroller of the Currency
Supporting Statement
Community Reinvestment Act Regulation – 12 CFR 25
OMB Control No. 1557-0357

A. Justification

1. Circumstances that make the collection necessary:

The Community Reinvestment Act of 1977 (CRA) requires the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation (FDIC), and the Board of Governors of the Federal Reserve System (Board) (collectively, the agencies) to assess the record of banks¹ in helping to meet the credit needs of their entire communities, including low- and moderate-income neighborhoods, consistent with safe and sound operations; to take this record into account in evaluating applications for mergers, branches, and certain other corporate activities; and to make certain sections of its written evaluation of a bank’s CRA performance public.² Further, the CRA requires the agencies to issue regulations to carry out the purposes of the Act.³ The OCC’s CRA regulation is set forth in 12 CFR part 25.⁴

The data collection requirements in the CRA regulations are necessary for the agencies to examine, assess, and assign a rating to an institution’s CRA performance and to prepare the public section of the CRA performance evaluation.

The agencies are proposing to rescind their final rule implementing the CRA issued on October 24, 2023, and published in the *Federal Register* on February 1, 2024,⁵ as subsequently amended⁶ (2023 CRA Final Rule). The agencies also are proposing to replace the 2023 CRA Final Rule with regulations adopted by the agencies and the former Office of Thrift Supervision (OTS) on May 4, 1995,⁷ as amended,⁸ and as published in the Electronic Code of Federal Regulations as of March 29, 2024 (1995 CRA regulations), with minor technical amendments to

¹ As used in this Supporting Statement, the term banks refers to “regulated financial institutions” as that term is defined in 12 USC 2902(2). With respect to the institutions the OCC supervises, the term “banks” refers collectively to national banks, Federal savings associations, and Federal branches and agencies of foreign banking organizations. The scope of the OCC’s CRA regulation is described further in proposed 12 CFR __.11(c).

² 12 U.S.C. 2903 and 2906.

³ 12 U.S.C. 2905.

⁴ Pursuant to Title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, 124 Stat. 1376, 1522 (2010), the OTS’s CRA rulemaking authority for all savings associations transferred to the OCC and the OTS’s CRA supervisory authority for State savings associations transferred to the FDIC. As a result, the OCC’s CRA regulation applies to both State and Federal savings associations, in addition to national banks, and the FDIC enforces the OCC’s CRA regulation with respect to State savings associations.

⁵ 89 FR 6574 (Feb. 1, 2024).

⁶ 89 FR 22060 (Mar. 29, 2024).

⁷ 60 FR 22156 (May 4, 1995). The OCC reissued its 1995 CRA regulation, as amended, with nonsubstantive changes on December 15, 2021. See 86 FR 71328. For purposes of this **SUPPLEMENTARY INFORMATION**, reference to the 1995 CRA regulations includes the OCC’s 2021 CRA final rule.

⁸ See e.g., 60 FR 66048 (Dec. 20, 1995); 69 FR 41181 (July 8, 2004); 70 FR 44256 (Aug. 2, 2005); 71 FR 78335 (Dec. 29, 2006); 72 FR 72571 (Dec. 21, 2007); 75 FR 61035 (Oct. 4, 2010); 80 FR 81162 (Dec. 29, 2015); 82 FR 5354 (Jan. 18, 2017); 82 FR 55734 (Nov. 24, 2017).

the definition of “small bank” and the OCC’s transition provisions. If adopted, the proposal would restore certainty in the CRA framework for stakeholders and limit regulatory burden on banks, while ensuring that banks continue to focus on the purpose of the CRA.

2. Use of the information:

The agencies use the data collected under the CRA regulations to fulfill their statutory obligations, including the assessment of each bank’s record of helping to meet the credit needs of local communities. The agencies use the data to support their conclusions regarding an institution’s record of performance, in assigning a CRA rating, and in preparing the public evaluations that the statute requires. Additionally, the agencies use these CRA assessments in evaluating an institution’s applications for mergers, branches, and other corporate activities. The public uses the data to assess the institution’s CRA performance and to participate meaningfully in the application process.

Section-by-Section Analysis:

Reporting Requirements

§ __.25(b)– Request for designation as a wholesale or a limited purpose bank. The appropriate Federal banking agency would assess a wholesale or a limited purpose bank’s record of helping to meet the credit needs of its assessment area(s) under the community development test for wholesale or limited purpose banks through its community development lending, qualified investments, or community development services.⁹ To receive a designation as a wholesale or limited purpose bank, a bank would be required to file a request, in writing, with the appropriate Federal banking agency at least three months prior to the proposed effective date of the designation.¹⁰

§ __.27– Strategic plan. A bank could elect to be assessed under a strategic plan if the bank has submitted the plan to the appropriate Federal banking agency as provided for in proposed § 25.27, the appropriate Federal banking agency has approved the plan, the plan is in effect, and the bank has been operating under an approved plan for at least one year.¹¹ The appropriate Federal banking agency’s approval of a plan would not affect the bank’s obligation, if any, to comply with the data reporting requirements under proposed § 25.42.¹² The plan could have a term of no more than five years and any multiyear plan would be required to include annual interim measurable goals; a bank with more than one assessment area could prepare a single plan for all of its assessment areas or one or more plans for one or more of its assessment areas; and affiliated institutions could prepare a joint plan if the plan provides measurable goals for each institution.¹³ Before submitting a plan to the appropriate Federal banking agency or amending a plan during its term, a bank would be required to seek suggestions from members of the public in its assessment area(s), formally solicit public comment for at least 30 days, and during the period of formal

⁹ Proposed 12 CFR __.25(a).

¹⁰ Proposed 12 CFR __.25(b).

¹¹ Proposed 12 CFR __.27(a)(1) and (e).

¹² Proposed 12 CFR __.27(b).

¹³ Proposed 12 CFR __.27(c).

public comment make copies of the plan available for public review at its offices in assessment areas covered by the plan at no cost and by mail for a reasonable cost.¹⁴ The bank would be required to submit its plan to the appropriate Federal banking agency at least three months prior to the proposed effective date of the plan and also submit with its plan a description of its informal efforts to seek suggestions from members of the public, any written public comment received, and, if the plan was revised in light of the comment received, the initial plan as released for public comment.¹⁵ A strategic plan would be required to include measurable goals for helping meet the credit needs of each assessment area covered by the plan, addressing lending, investment, and service activities, as appropriate.¹⁶ A bank could submit additional information to the appropriate Federal banking agency on a confidential basis, but the goals stated in the plan would be required to be sufficiently specific to enable the public and the appropriate Federal banking agency to judge the merits of the plan.¹⁷ A plan would be required to specify goals that constitute “Satisfactory” performance and could specify goals that constitute “Outstanding” performance.¹⁸ If a bank fails to meet substantially its own goals for “Satisfactory” performance, the bank could elect in its plan to be evaluated under the applicable performance test(s) specified in the regulation.¹⁹ The appropriate Federal banking agency would act upon a plan within 60 calendar days after the agency receives the complete plan and other material that would be required under proposed § 25.27(e).²⁰ During the term of a plan, a bank could request the appropriate Federal banking agency to approve an amendment to the plan on grounds that there has been a material change in circumstances and the bank would be required to develop an amendment to a previously approved plan in accordance with the public participation requirements of proposed § 25.27(d).²¹ The appropriate Federal banking agency would approve the goals and assesses performance under a plan as provided for in appendix A (Ratings).²²

§ __.42(b)(1)-(3) - Loan information required to be reported. A bank, except a small bank or a bank that was a small bank during the prior calendar year, would be required to report annually by March 1 to the appropriate Federal banking agency in machine-readable form (as prescribed by the agency) the following data for the preceding calendar year.²³

Small business and small farm loan data. For each geography in which the bank originated or purchased a small business or a small farm loan, it would be required to report the aggregate number and amount of loans:

- with an amount at origination of \$100,000 or less;
- with an amount at origination of more than \$100,000 but less than or equal to \$250,000;
- with an amount at origination of more than \$250,000; and
- to businesses and farms with gross annual revenues of \$1 million or less (using the

¹⁴ Proposed 12 CFR __.27(d) and (h).

¹⁵ Proposed 12 CFR __.27(e).

¹⁶ Proposed 12 CFR __.27(f)(1).

¹⁷ Proposed 12 CFR __.27(f)(2).

¹⁸ Proposed 12 CFR __.27(f)(3).

¹⁹ Proposed 12 CFR __.27(f)(4).

²⁰ Proposed 12 CFR __.27(g).

²¹ Proposed 12 CFR __.27(h).

²² Proposed 12 CFR __.27(i).

²³ Proposed 12 CFR __.42(b).

revenues that the bank considered in making its credit decision).²⁴

Community development loan data. The aggregate number and aggregate amount of community development loans originated or purchased in the preceding calendar year.²⁵

Home mortgage loans. If the bank is subject to reporting of home mortgage loan data under Regulation C, it would be required to report annually by March 1 to the appropriate Federal banking agency in machine-readable form (as prescribed by the agency) certain home mortgage loan data.²⁶ The paperwork burden for providing this data is associated with other clearances.²⁷

§ __.42(d) - Data on affiliate lending. A bank that elected to have the appropriate Federal banking agency consider loans by an affiliate, for purposes of the lending test or the community development test or an approved strategic plan, would be required to collect, maintain, and report for those loans the data that the bank would have collected, maintained, and reported pursuant to proposed § 25.42(a)–(c) had the loans been originated or purchased by the bank. For home mortgage loans, the bank would also be required to be prepared to identify the home mortgage loans reported under Regulation C by the affiliate.²⁸

§ __.42(e) - Data on lending by a consortium or a third party. A bank that elects to have the appropriate Federal banking agency consider community development loans made by a consortium or a third party, for purposes of the lending test or the community development test or an approved strategic plan, must report for those loans the data that the bank would have reported under proposed § 25.42(b)(2) had the loans been originated or purchased by the bank.²⁹

§ __.42(f) - Small banks electing evaluation under the lending, investment, and service tests. A bank that qualifies for evaluation under the small bank performance standards but elects evaluation under the lending, investment, and service test would be required to collect, maintain, and report the data required for other banks pursuant to proposed § 25.42(a)–(b).

§§ __.41 and __.42(g) - Assessment area delineation. Each bank would be required to delineate one or more assessment areas within which the appropriate Federal banking agency would evaluate its record of helping to meet the credit needs of its community.³⁰ A bank, except a small bank or bank that was a small bank during the prior calendar year, would also be required to collect and report to the appropriate Federal banking agency by March 1 of each year a list for each assessment area showing the geographies within the area.³¹ Assessment areas for wholesale or limited purpose banks would be required to consist generally of one or more MSAs or metropolitan divisions (using the MSA or metropolitan division boundaries that were in effect as

²⁴ Proposed 12 CFR __.42(b)(1).

²⁵ Proposed 12 CFR __.42(b)(2).

²⁶ Proposed 12 CFR __.42(b)(3).

²⁷ See HMDA Loan/Application Register (FR HMDA LAR; OMB No. 7100-0247 (Board) and OMB No. 3170-0008 (Consumer Financial Protection Bureau (CFPB))).

²⁸ Proposed 12 CFR __.42(d).

²⁹ Proposed 12 CFR __.42(e).

³⁰ Proposed 12 CFR __.41(a).

³¹ Proposed 12 CFR __.42(g).

of January 1 of the calendar year in which the delineation is made) or one or more contiguous political subdivisions, such as counties, cities, or towns.³² Assessment areas for a bank other than a wholesale or limited purpose bank would be required to consist generally of one or more MSAs or metropolitan divisions (using the MSA or metropolitan division boundaries that were in effect as of January 1 of the calendar year in which the delineation is made) or one or more contiguous political subdivisions, such as counties, cities, or towns.³³ Assessment areas for a bank other than a wholesale or limited purpose bank would also be required to include the geographies in which a bank has its main office, branches, and deposit-taking automated teller machines, as well as the surrounding geographies in which the bank has originated or purchased a substantial portion of its loans.³⁴ Each bank's assessment area would be required to consist only of whole geographies, not reflect illegal discrimination, not arbitrarily exclude low- or moderate-income geographies, taking into account the bank's size and financial condition, and not extend substantially beyond an MSA boundary or beyond a state boundary unless the assessment area is located in a multistate MSA.³⁵

Recordkeeping Requirements

§ __.42(a) - Loan information required to be collected and maintained. A bank, except a small bank, would be required to collect and maintain, in machine-readable form (as prescribed by the appropriate Federal banking agency), until the completion of its next CRA examination, the following data for each small business or small farm loan originated or purchased by the bank:

- a unique number or alphanumeric symbol used to identify the relevant loan file;
- the loan amount at origination;
- the loan location; and
- an indicator whether the loan was to a business or a farm with gross annual revenues of \$1 million or less.³⁶

§ __.42(c)(1) - Optional data collection and maintenance- Consumer loans. A bank could collect and maintain in machine-readable form (as prescribed by the appropriate Federal banking agency) data for consumer loans originated or purchased by the bank for consideration under the lending test.³⁷ A bank could maintain data for one or more of the following categories of consumer loans: motor vehicle; credit card; other secured; and other unsecured.³⁸ If the bank maintains data for loans in a certain category, it would be required to maintain data for all loans originated or purchased within that category.³⁹ The bank would be required to maintain data separately for each category and must include for each loan:

- a unique number or alphanumeric symbol used to identify the relevant loan file;
- the loan amount at origination or purchase;
- the loan location; and

³² Proposed 12 CFR __.41(b).

³³ Proposed 12 CFR __.41(c)(1).

³⁴ Proposed 12 CFR __.41(c)(2).

³⁵ Proposed 12 CFR __.41(e).

³⁶ Proposed 12 CFR __.42(a).

³⁷ Proposed 12 CFR __.42(c)(1).

³⁸ *Id.*

³⁹ *Id.*

- the gross annual income of the borrower that the bank considered in making its credit decision.⁴⁰

§ __.42(c)(2) - **Optional data collection and maintenance- Other loan data.** At its option, a bank could also provide other information concerning its lending performance, including additional loan distribution data.⁴¹

Disclosure Requirements

§ __.43 - **Content and availability of public file.** Banks would be required to maintain and make available to the public a file containing comments received from the public for the current year and each of the prior two calendar years that specifically relate to the bank's performance in helping to meet community credit needs, and any response to the comments by the bank, if neither the comments nor the responses contain statements that reflect adversely on the good name or reputation of any persons other than the bank or publication of which would violate specific provisions of law.⁴² The public file would also be required to contain a copy of the public section of the bank's most recent CRA performance evaluation prepared by the appropriate Federal banking agency, which the bank would be required to place in the public file within 30 days after its receipt from the agency.⁴³ The public file would also be required to include: a list of the bank's branches, street addresses, and geographies; a list of bank branches opened or closed by the bank during the current year and each of the prior two calendar years, their street addresses, and geographies; a list of the services generally offered at the bank's branches, descriptions of material differences in the availability or cost of services at particular branches, and at the bank's option, information regarding the availability of alternative systems for delivering retail banking services; and a map of each assessment area showing the boundaries of the area and identifying the geographies contained within the area, either on the map or in a separate list.⁴⁴ The bank could include in the file any other information that it chooses.⁴⁵

A bank, except a small bank or bank that was a small bank during the prior calendar year, would also be required to include in the public file the following information pertaining to the bank and its affiliates, if applicable for each of the prior two calendar years.⁴⁶ If the bank elects to have one or more categories of its consumer loans considered under the lending test, for each of these categories, the number and amount of loans: to low-, moderate-, middle-, and upper-income individuals; located in low-, moderate-, middle-, and upper-income census tracts; and located inside the bank's assessment area(s) and outside the bank's assessment area(s).⁴⁷ The bank would also be required to place its CRA Disclosure Statement in the public file within three business days of its receipt from the appropriate Federal banking agency.⁴⁸ Banks required to report data pursuant to Regulation C would be required to include in the public file a written notice that

⁴⁰ *Id.*

⁴¹ Proposed 12 CFR __.42(c)(2).

⁴² Proposed 12 CFR __.43(a)(1).

⁴³ Proposed 12 CFR __.43(a)(2).

⁴⁴ Proposed 12 CFR __.43(a)(3)–(6).

⁴⁵ Proposed 12 CFR __.43(a)(7).

⁴⁶ Proposed 12 CFR __.43(b)(1).

⁴⁷ Proposed 12 CFR __.43(b)(1)(i).

⁴⁸ Proposed 12 CFR __.43(b)(1)(ii).

the institution's HMDA Disclosure Statement may be obtained on the CFPB's website at www.consumerfinance.gov/hmda.⁴⁹ In addition, a bank that elects to have the appropriate Federal banking agency consider home mortgage lending of an affiliate would be required to include in the public file the name of the affiliate and a written notice that the affiliate's HMDA Disclosure Statement may be obtained at the CFPB's website.⁵⁰ The bank would also be required to place the written notice(s) in the public file within three business days after receiving notification from the Federal Financial Institutions Examination Council of the disclosure statement(s) availability.⁵¹

A small bank or a bank that was a small bank during the prior calendar year would be required to include in its public file the bank's loan-to-deposit ratio for each quarter of the prior calendar year and, at its option, additional data on its loan-to-deposit ratio.⁵² The bank would also be required to include in its public file the information required for other banks by proposed § 25.43(b)(1), if the bank has elected to be evaluated under the lending, investment, and service tests.⁵³ A bank that has been approved to be assessed under a strategic plan would be required to include in its public file a copy of that plan but would not be required to include information submitted to the appropriate Federal banking agency on a confidential basis in conjunction with the plan.⁵⁴ A bank that received a less than satisfactory rating during its most recent examination would be required to include in its public file a description of its current efforts to improve its performance in helping to meet the credit needs of its entire community and would be required to update the description quarterly.⁵⁵

A bank would be required to make available to the public for inspection upon request and at no cost the information required in proposed § 25.43 as follows.⁵⁶ At the main office and, if an interstate bank, at one branch office in each state, all information in the public file.⁵⁷ At each branch, a copy of the public section of the bank's most recent CRA Performance Evaluation and a list of services provided by the branch as well as, within five calendar days of the request, all the information in the public file relating to the assessment area in which the branch is located.⁵⁸ Upon request, a bank would be required to provide copies, either on paper or in another form acceptable to the person making the request, of the information in its public file and the bank may charge a reasonable fee not to exceed the cost of copying and mailing (if applicable).⁵⁹ Except as otherwise provided in proposed § 25.43, a bank would be required to ensure that the information required by this section is current as of April 1 of each year.⁶⁰

⁴⁹ Proposed 12 CFR __.43(b)(2).

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Proposed 12 CFR __.43(b)(3)(i).

⁵³ Proposed 12 CFR __.43(b)(3)(ii).

⁵⁴ Proposed 12 CFR __.43(b)(4).

⁵⁵ Proposed 12 CFR __.43(b)(5).

⁵⁶ Proposed 12 CFR __.43(c).

⁵⁷ Proposed 12 CFR __.43(c)(1).

⁵⁸ Proposed 12 CFR __.43(c)(2).

⁵⁹ Proposed 12 CFR __.43(d).

⁶⁰ Proposed 12 CFR __.43(e).

§ ____.44 - **Public notice by banks.** A bank must provide in the public lobby of its main office and in each of its branches the appropriate notice set forth in appendix B (CRA Notice) of 12 CFR part 25.⁶¹

3. Consideration of the use of improved information technology:

The OCC uses information technology to reduce compliance burden on banks and decrease costs to both the banks and the OCC.

To help alleviate the burden and expense of geocoding loans (the linking of geographic information and loan data), the Federal Financial Institutions Examination Council (FFIEC) provides a geocoding utility free-of-charge on its website (<http://www.ffiec.gov>). This program enables a bank to enter the address of a given property and readily obtain the information needed to geocode the property. This website also provides demographic data about each property and has been used extensively by banks and the public.

4. Efforts to identify duplication:

The information collected under the OCC's CRA regulation pertains to bank-specific activities and lines of business in particular geographic areas. The information supports performance evaluations and bank-specific requests for approval of strategic plans and certain applications. For these reasons, almost all of this information is not otherwise available. Where the OCC already collects information useful for CRA purposes, it has relied on existing information collections, rather than requiring banks to provide the information in a different format.

5. Methods used to minimize burden if the collection has an impact on small entities:

Small banks are subject to a separate CRA evaluation framework that has modest associated burden.

6. Consequences to the Federal program if the collection was conducted less frequently:

The OCC's CRA regulations require an annual report of the prior calendar year's data from large banks by March 1st. Reporting less frequently would decrease the utility of the data for both the public and the agencies. The agencies believe that a comparison, at least annually, of an institution's performance with that of their peer institutions is a critical component in the CRA evaluation process. The agencies expect, however, that institutions will add data to their in-house files at regular intervals throughout the year, making entries as usual and customary.

7. Special circumstances necessitating the collection to be conducted in a manner inconsistent with 5 CFR part 1320:

The information collection requirements in the agencies' CRA regulations are consistent with 5 CFR part 1320.

⁶¹ Proposed 12 CFR ____.44.

8. Efforts to consult with persons outside the agency:

The OCC issued the collection of information for public comment as part of the proposed rule published in the *Federal Register* on July 18, 2025, 90 FR 34086

9. Payment to respondents:

Not applicable. There is no payment to respondents.

10. Assurance of confidentiality:

A primary purpose for collection of CRA data is disclosure to the public. Therefore, no assurance of confidentiality is made.

11. Justification for questions of a sensitive nature:

Not applicable. No personally identifiable information is collected.

12. Burden estimate:

Source and Type of Burden	Description	Estimated Number of Respondents	Frequency of Response	Average Estimated Time per Response	Total Estimated Annual Burden
Reporting					
§§ __.41 and __.42(g)	<i>Assessment area delineation.</i>	173	1	2	346
§ __.42(b)(1)	<i>Loan data: Small business and small farm.</i>	173	1	8	1,384
§ __.42(b)(2)	<i>Loan data: Community development.</i>	173	1	13	2,249
§ __.42(b)(3)	<i>Loan data: Home mortgage loans.</i>	173	1	253	43,769
Optional Reporting					
§ __.25(b)	<i>Request for designation as a wholesale bank or a limited purpose bank.</i>	19	1	4	76

Source and Type of Burden	Description	Estimated Number of Respondents	Frequency of Response	Average Estimated Time per Response	Total Estimated Annual Burden
§ __.27	<i>Strategic plan.</i>				
		14	1	275	3,850
§ __.42(d)	<i>Data on affiliate lending.</i>				
		25	1	38	950
§ __.42(e)	<i>Data on lending by a consortium or a third party.</i>				
		16	1	17	272
§ __.42(f)	<i>Small banks electing evaluation under the lending, investment, and service tests</i>	Covered by	Burden in	§§ 25.42(a) & (b)	
		-	-	-	-
Recordkeeping					
§ __.42(a)	<i>Loan information required to be collected and maintained- Small business and small farm loan register.</i>				
		173	1	219	37,887
Optional Recordkeeping					
§ __.42(c)(1)	<i>Optional data collection and maintenance- Consumer loans data.</i>				
		22	1	326	7,172
§ __.42(c)(2)	<i>Optional data collection and maintenance- Other loan data.</i>				
		25	1	25	625
Disclosure					
§§ __.43 and __.44	<i>Content and availability of public file and public notice.</i>				
		889	1	10	8,890
Total Estimated Annual Burden					107,470

Cost of Hour Burden:

107,470 x \$131.10 = \$ 14,089,317

To estimate wages the OCC reviewed May 2024 data for wages (by industry and occupation) from the U.S. Bureau of Labor Statistics (BLS) for credit intermediation and related activities (NAICS 5220A1). To estimate compensation costs associated with the rule, the OCC uses \$131.10 per hour, which is based on the average of the 90th percentile for six occupations adjusted for inflation (3.6 percent as of Q1 2025), plus an additional 35.6 percent for benefits (based on the percent of total compensation allocated to benefits as of Q4 2024 for NAICS 522: credit intermediation and related activities).

13. Estimate of the total annualized cost to respondents:

Not applicable.

14. Estimate of annualized cost to the federal government:

Not applicable.

15. Changes in burden:

Prior Burden: 148,298 hours
Current Burden: 107,470 hours
Difference: - 40,828 hours

The decrease in burden is predominantly due to changes in the number of banks subject to the CRA regulations and the increase in the small bank asset size threshold.

16. Information regarding collections whose results are planned to be published for statistical purposes:

Not applicable.

17. Display of expiration date:

Not applicable. The information collections are contained in regulations.

18. Exceptions to certification statement:

Not applicable.

B. Collections of information employing statistical methods

Not applicable.