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VIA ELECTRONIC SUBMISSION:

Federal Deposit Insurance Corporation (FDIC): comments@FDIC.gov (RIN 3064-AG31)
Office of the Comptroller of the Currency (OCC): https://www.regulations.gov/document/OCC-2026-0694-0001 (Docket ID: OCC-2026-0694)

October 13, 2026

Travis Hill, Chair
Federal Deposit Insurance Corporation (FDIC)
550 17th Street NW
Washington, DC 20429

Jonathan V. Gould, Comptroller
Office of the Comptroller of the Currency (OCC)
400 7th St. SW
Washington, DC 20219

RE: Community Reinvestment Act Regulations – A Proposed Rule by the Comptroller of the Currency and the Federal Deposit Insurance Corporation (Docket ID: OCC-2026-0694 / RIN 3064-AG31)

Dear Chair Hill and Comptroller Gould:

The Native CDFI Network (NCN), the only national membership organization solely dedicated to supporting the nearly 100 Native community development financial institutions (CDFIs) serving Tribal Nations and Native communities across the country, welcomes this opportunity to provide comments to the FDIC and OCC regarding their Proposed Rule governing the Community Reinvestment Act (CRA). Our comments are formally supported by the 26 co-signatory Native CDFIs, Tribal Nations, other Native organizations, and Indian Country partners listed at the end of this document.

The Vital Role Native CDFIs Play in Catalyzing Economic Growth in Indian Country

As the CDFI Fund explains on its website, Native CDFIs' origins can be traced to the Congressional legislation authorizing the Fund's creation more than 30 years ago, which contained among its provisions the mandating of a study examining lending and investment practices in Native communities. Titled the *Native American Lending Study*, it identified 17 major barriers to investment in Indian Country[1], and "affirmed the importance of developing Native CDFIs to play a key role in the broader effort to lead Native Communities into the nation's economic mainstream."[2] A recent federal study found that 46 percent of Native communities are located in banking deserts, "over 12 times the national average of 3.8 percent."[3] Established in large part to address these deserts, Native CDFIs are often the *only* financial institutions serving these communities, providing access to capital, credit, and financial education where no alternatives exist. Over the past two-plus decades, Native CDFIs have proven themselves to be vital engines for fueling the growth of healthy, vibrant Native economies and communities, particularly those located in

rural America. In the CDFI Fund's own words, Native CDFIs are making a "considerable impact" by "helping to transform their communities. They are creating businesses and jobs in places that desperately need them…They are helping to change the lives of the people they serve." Below are some more details about how they do so:

- ***Native CDFIs provide a range of critical supports:*** According to a recent federal study, to directly address the acute capital access gaps Native communities have long faced, as of 2025, 65 percent of Native CDFIs provide business loans and 73 percent provide micro loans for businesses, and many (69 percent) also provide consumer loans to foster economic activity in local communities. In addition, 29 percent of Native CDFIs provide mortgage loans – including U.S. Department of Housing and Urban Development Section 184 loans designed to facilitate homeownership in Native American communities – and 39 percent provide home improvement loans.[4] Meanwhile, a 2021 federal study revealed that Native CDFIs help to substantially increase the credit scores of Native people "in credit distress."[5]

- ***Uniquely positioned and equipped to cultivate Native homeownership:*** In 2018, the USDA Section 502 Direct Home Loan Program's demonstration project affirmed the unique ability of Native CDFIs to help Native people become homeowners on Tribal lands by making two Native CDFIs eligible borrowers and enabling them to relend to qualified families for the construction, acquisition, and rehabilitation of affordable housing on tribal trust land. In just one year, those CDFIs doubled the number of low-interest home loans that USDA had provided on two Indian reservations in South Dakota *during the previous decade* – an outcome that has prompted bipartisan efforts to make this program permanent and expand it nationwide. This is particularly critical given that data shows Native people living on reservations who want to buy homes are significantly more likely to have high-priced mortgages, and those mortgage rates average nearly two percentage points higher than for non-Native people outside reservations.[6]

- ***An extraordinary and reliable return on investment:*** According to the Treasury Department, investments made in Native and non-Native CDFIs generate significant additional capital for affordable housing and homeownership, small business, and consumer lending by leveraging limited federal resources to attract private sector investments. CDFIs also are safe investments, with a loan default rate of 0.36% in 2023, roughly half the rate of traditional banks.[7]

Simply put, Native CDFIs are among the most efficient and impactful financial institutions in the nation, stretching limited resources to drive economic and job growth in some of the country's most economically distressed communities, especially across rural America (the vast majority of Native CDFIs are based in and serve rural communities).

The CRA: A Five-Decade Record of Failing Tribal Nations and Native Communities

Congress passed the CRA in 1977 to encourage banking institutions to serve the credit needs of the communities in which they operate, specifically low- and moderate-income areas and populations. The Act also aimed to curb discriminatory credit and lending practices against those populations, a practice commonly known as "redlining." With many Native communities located in the poorest parts of the country, and with a substantial percentage of the Native population deemed to be low or moderate income, the CRA on paper should have significantly enhanced the ability of Tribal Nations, their enterprises, Native-owned small businesses, Native homebuyers, and Native consumers to access capital and credit through CRA-qualifying banking institutions.

Unfortunately, however, to date the CRA has failed to compel or effectively incentivize banking institutions' investment in Tribal Nations and Native communities. Since its founding in 2009, NCN has collected extensive anecdotal evidence confirming that banking institutions' redlining of Native nations and communities continues largely unabated, a dynamic exacerbated in recent years by the widely documented consolidation of the banking industry and the ensuing retraction of bank branches away from Tribal Nations and Native communities. As the CDFI

Fund's landmark "Access to Capital and Credit in Native Communities" report points out, while the CRA "was not intended to exclude Native Communities living on tribal lands…in practice it often does," and banks under the Act's current regulations can easily satisfy CRA requirements without having to do business in or with Native nations and communities if they so choose (as most do), and they are not required to affirmatively disclose that they have failed to make CRA-qualified investments in Tribal Nations and Native communities.[8]

This has contributed to some predictable, persistent, and sobering outcomes. With the CRA largely excluding Tribal Nations and Native communities, large swaths of Indian Country continue to exist as credit desert epicenters where no banking services are available. This has left many Native people to instead turn to nearby high-cost predatory lenders that trap them in endless debt cycles and rob them of their ability to grow their personal and familial assets and wealth and, collectively, community prosperity. As the Native American Finance Officers Association explains, "An alignment of a banking and credit deserts map with a map of tribal communities reveals a crisis for tribal citizens and governments attempting to access cost-effective capital and banking services."[9] A recent study of this state of affairs in Arizona and New Mexico, meanwhile, found that (among other things) traditional mortgage lending is failing Native families "egregiously," Tribal lands received less than one cent for each dollar loaned to small businesses in those two states, and Tribal areas have far higher quantified financial need than other rural areas.[10]

The CRA Proposed Rule: What It Will Mean for Indian Country

NCN has been actively involved in the federal government's various attempts in recent years to modernize the CRA, particularly as it pertains to Tribal Nations and Native communities and the ability of Native CDFIs to serve them. Based on our collective analysis of the Proposed Rule and how its provisions are bound to specifically impact Tribal Nations and Native communities, NCN and our co-signatories to these comments are opposed to the Proposed Rule on three primary grounds:

(1) it will **structurally and dramatically de-incentivize bank lending and investment in Tribal Nations and Native communities generally and Native CDFIs specifically**, all but eliminating the modest benefits the CRA currently generates for these recipients;

(2) it will **render impossible to track the nature and degree of CRA-qualifying bank activity involving Tribal Nations, Native communities, and Native CDFIs at a national, local, or individual bank level**, further reducing banks' public accountability to Indian Country under the CRA; and

(3) it will **make it exceedingly difficult to amend the CRA regulations in the future to strengthen CRA to increase bank lending and investment in Indian Country** (the Proposed Rule, coupled with the agencies' current effort to secure court decisions that would prevent future administrations from amending CRA regulations to examine lending beyond banks' footprints or evaluate deposit products, threatens to permanently restrict the CRA's reach).

Our Joint Positions on the Overarching Provisions of the Proposed Rule

We oppose finalization of the Proposed Rule in its current form based on our collective analysis of how the Rule's key provisions will specifically manifest themselves across Indian Country. Below is a detailed explanation of several ways the CRA Proposed Rule will reduce CRA-qualified lending and investment in Tribal Nations, Native communities, and Native CDFIs:

1. Substantially reducing the number of banks required to satisfy the CRA's most rigorous requirements by increasing bank asset thresholds: Under the Proposed Rule, banks with less than $1 billion in assets would now be considered "small banks" (up from the current threshold of $412 million), while banks with between $1 billion and $10 billion (up from $1.649 billion) in assets would now be considered intermediate small (hereafter, intermediate) banks. Combined, these two new thresholds will serve to dramatically reduce the number of large

banks under CRA, meaning far fewer would remain subject to the full large bank CRA examination with its separate lending, investment, and service tests. Removal of these accountability measures will de-incentivize hundreds of regional and community banks from channeling vitally needed CRA-qualified capital into Indian Country and other rural areas. For Native CDFIs, fewer banks subject to the most rigorous CRA requirements will mean fewer banks inclined to actively pursue loans, investments, deposits, grants, and other partnerships with Native CDFIs.

Of grave concern to Native CDFIs and the Tribal Nations and Native communities we serve is the significant reduction in bank accountability to invest in *community development* that these proposed asset threshold changes will cause. First, raising the ceiling threshold for small banks from $412 million to $1 billion will eliminate community development evaluations under CRA for roughly 814 banks, or about 40% of the banks currently subject to that requirement, which is projected to prompt the loss of at least $500 million dollars annually in CRA-qualifying community development loans and investments from those banks.[11] Meanwhile, the more than 400 banks moving from large bank to intermediate bank status would eliminate the separate investment and service tests they must now satisfy and combine community development loans, investments and services into one evaluation, reducing their distinct scrutiny purposes. As a result, only the largest 6% of banks would face separate reviews of their community development loans/investments and branch services or of their CRA small-business loan reporting requirements.

In addition, under proposed Option 1 in the Proposed Rule, a large bank would generally qualify for broader geographic consideration of community development loans after meeting a benchmark equal to 0.625% of Tier 1 capital allocated to its assessment areas. The same 0.625% benchmark would apply separately to CD investments and grants. A recent analysis of this measure concluded that this could endanger as much as 85% of the current CRA-based community development activity.[12]

Together, these provisions also will put financing for affordable housing at risk, especially in smaller markets that include much of Indian Country, worsening the nation's housing crisis. Notably, the Proposed Rule will reduce demand for Low-Income Housing Tax Credits (LIHTCs) at a time when Congress just increased the supply of LIHTCs through the 21st Century ROAD to Housing Act (which won't matter much if more than 800 banks no longer have community development requirements, with another 400 no longer being separately evaluated for investments).

The cumulative harm to community developing financing will be particularly severe across Indian Country. As shown in Figure 1 below, states like Alaska, Minnesota, Oklahoma, and Wisconsin where Native CDFIs and federally recognized Tribal Nations are plentiful would experience significant decreases in the number and percentage of banks obligated to invest in community development under CRA.

FIGURE 1: The CRA Proposed Rule: Disincentivizing Bank Accountability to Indian Country

Key: # NCDFIs = Number of certified and emerging Native CDFIs / # FR Tribes = Number of Federal Recognized Tribal Nations / Comm Dev = Community Development / LMI = Low- and Moderate-Income

State	# NCDFIs	# FR Tribes	Banks losing Large Bank status (%)	Banks losing Comm Dev obligations (%)	LMI bank branches jeopardized (%)	% of small business data lost
AK	5	229	2 out of 4 (50%)	3 out of 7 (43%)	10 out of 13 (77%)	14%
AZ	8	22	16 out of 41 (39%)	4 out of 49 (8%)	22 out of 218 (10%)	9%
HI	10	NA	4 out of 11 (36%)	2 out of 13 (15%)	15 out of 55 (27%)	15%
MN	5	11	19 out of 36 (53%)	50 out of 107 (47%)	170 out of 343 (50%)	12%
MT	7	8	4 out of 10 (40%)	4 out of 20 (20%)	35 out of 89 (39%)	14%
OK	9	38	10 out of 34 (29%)	26 out of 86 (30%)	115 out of 317 (36%)	11%
SD	10	9	13 out of 25 (52%)	10 out of 44 (23%)	58 out of 110 (53%)	25%
WA	5	29	9 out of 32 (28%)	4 out of 45 (9%)	79 out of 420 (19%)	19%
WI	6	11	22 out of 40 (55%)	46 out of 106 (43%)	130 out of 283 (46%)	13%

2. Reducing bank branches in LMI areas: Raising the classification threshold for large banks six-fold to $10 billion eliminates for a total of 417 banks the service test that currently examines the distribution, opening, and closing of bank branches and whether they are adequately accessible to LMI communities. More than 5,000 branches of these banks are located in LMI census tracts (30% of all LMI branches nationwide) and more than 4,000 of their branches are located in majority-people-of-color census tracts (23% of all such branches) – these branches would no longer be evaluated by this vital accountability measure. CRA's branching requirements are a primary reason that banks have maintained the share of their branches located in LMI communities at relatively steady levels – about 24% nationwide. With this compulsory mechanism removed, the number and share of branches maintained by affected banks in LMI areas are likely to decline precipitously. This is particularly significant in Indian Country, where bank branch access is already extremely limited (see Figure 1 above). Majority-Native American counties average just two bank branches, compared with nine in rural counties generally and 27 across all counties.

3. Decreasing bank investment in Native CDFIs and non-profit organizations: Currently, some Native CDFIs and CDFI intermediaries and a greater number of Native non-profits receive CRA-based investments from banks in the form of grants and donations designed to support qualifying community development initiatives. Often these investments are for general operating support to help these entities sustain and grow their operations and diversify and expand the lending and other services they provide to meet their communities' evolving needs. Under the existing CRA regulations, there is no cap on what the recipients of those investments can spend on indirect or administrative costs, which in the case of Indian County gives Native entities great flexibility to tailor those dollars to most impactfully meet their communities' distinct needs. For Native CDFIs, this notably supports the cost of staff providing deep technical assistance to consumer, small business, and home mortgage loan clients to help them become credit worthy and prepare them to take and make good on the loan.

The Proposed Rule, however, requires grant funds from all banks to be tied to *a specific community development project or program* to receive CRA credit. It also institutes a 15% cap on indirect and administrative costs that is bound to disincentivize large banks' investments in Native CDFIs and non-profits, particularly smaller ones who need these investments most but whose indirect and administrative costs comprise a larger – and under the Proposed Rule, disqualifying – percentage of their annual operational budgets. This cap will compel Native CDFIs and non-profits to spend more time pursuing project-specific grants from banks and less on designing and offering critical CRA-eligible community development services, such as helping families become first-generation homeowners and providing technical assistance to small businesses. It also will make Native CDFIs and non-profits more vulnerable to economic downturns by making it more difficult to cover fixed overhead costs when there are reductions in other sources of revenue.

4. Elevating bank strategic plans that will serve to reduce community development financing: The Proposed Rule expands the ability of – and incentives for – banks to opt to be evaluated under a regulator-approved CRA strategic plan instead of the normal CRA tests. In addition, it allows CRA regulators to coach banks on the adequacy of their proposed strategic plan goals before public input is solicited and gathered, diminishing the importance of the public comment process, and allows banks that fail to achieve their self-selected goals to fall back on the regular CRA test. Meanwhile, recently the OCC issued guidance fixing annual community development loans and investments equal to just 0.12% to 0.24% of assets as "Satisfactory" and 0.20% to 0.40% as "Outstanding," percentages that are significantly less than the historical medians of 0.70% for OCC-supervised banks with assets of $30 billion or less and 0.64% for banks with assets of $1 billion or less.[13] Combined, the Proposed Rule and the OCC guidance will enable banks to commit substantially less to communities while still earning passing, or even outstanding, CRA ratings. For example, if just 10% of banks reduced their annual activity from their historical median level to the OCC's new 0.24% benchmark, nearly $100 million in community development financing will be lost annually.[14]

5. Reducing transparency of banks' CRA performance by decreasing required small business and other lending data: Currently under CRA, large banks generally must collect and report data on small business loans, small farm loans, community development loans, and assessment areas, which is critical for understanding where,

how, and to what degree those banks are investing in LMI communities. Under the Proposed Rule, however, a significant number of once-large banks will no longer be required to collect and share this data with federal regulators. This will lead, for example, to an estimated 11% decrease nationally in CRA small business lending data, with particularly large losses in rural states (see Figure 1 above for the projected data reductions in key states that are of particular importance to Native CDFIs and Tribal Nations). Losing CRA data from regional and community banks will make it harder for Native CDFIs, Tribal Nations, and their advocates to: (1) determine which banks are lending in Indian Country, where, and in what amounts; (2) compare banks' institutional commitments to Indian Country; (3) identify credit gaps; and (4) demonstrate unmet needs during CRA exams, mergers, or community-benefit negotiations. The data loss will be especially significant in rural Western and Plains states where smaller banks make up a larger share of the banking market.

6. Lessening the impact of CRA-qualifying dollars by diluting the definition of "economic development": Under the current CRA regulations governing economic development, an activity must generally satisfy both a size test and a purpose test, including showing that it creates, retains or improves jobs for LMI people, benefits LMI areas, or works through qualifying intermediaries. However, the Proposed Rule weakens this standard for earning CRA credit for economic development activities by eliminating the purpose test – meaning banks will be able to receive CRA credit without proving that the business financing they are providing actually creates, preserves or improves jobs for LMI people or communities. For example, a bank could now receive CRA credit for financing a limited liability company (LLC) established by a wealthy business owner in an upper-income census tract, even if the business creates no jobs for low- and moderate-income people – which is wholly contrary to the CRA's original intent. Specific to Indian Country, this would directly harm the employment prospects of Tribal citizens as Tribal and non-Tribal businesses reliant on CRA-qualified start-up or growth capital that are located in or near Native communities or otherwise dependent on Native labor would no longer be attractive to banks for CRA purposes.

7. Disincentivizing bank investments in critically needed infrastructure projects in LMI people and communities: Currently, bank investments in infrastructure projects in an LMI area typically will only receive CRA credit when they work to retain or attract residents or businesses to that area. The Proposed Rule weakens this LMI accountability measure by enabling banks to get credit for such projects that benefit or serve a targeted area, even when they produce few if any meaningful benefits for LMI residents or the community writ large. This means banks could get CRA credit for infrastructure projects that primarily benefit affluent communities or private companies at the expense of LMOI people and communities. For Indian Country, this would actively suppress place-based infrastructure development, which is the prerogative of Tribal Nations and Native communities, and ensure reduced opportunities for Tribal Nations and Native CDFIs to attract private financing for desperately needed large-scale infrastructure projects that benefit not just Tribal but also surrounding communities.

<u>Our Joint Positions on Specific Questions Posed in the Proposed Rule</u>

Question 55: Are there alternative approaches the agencies should consider to encourage banks to meet the credit needs of Indian country and other Tribal and native lands? For example, should the agencies use the definition of Native Lands in the 2023 CRA rules? Are there any difficulties or unintended consequences that banks might encounter with the definitions as proposed?

Yes, if the FDIC and OCC ultimately decide to advance this Proposed Rule to finalization, it should be substantively overhauled to integrate the key provisions contained in the 2023 CRA Final Rule[15] explicitly designed to increase bank investment in Tribal Nations and Native communities. These include:

1. The 2023 rule's **conferral of automatic, enhanced CRA credit for a bank's entire loan, grant, investment, or service if it involves a Treasury-certified Native CDFI.[16]** It is critical that this automatic credit not be abridged or limited in any way by any other, potentially conflicting provisions contained within the FDIC and OCC's Final Rule.

2. Its **establishment of "Native Land Areas" (NLAs) as a *stand-alone* CRA place-based category investment area and, critically, its additional consideration for branches and further incentivizing community development activity benefiting Native communities.** As referenced above on pages 1-3, "Indian country" and "other Tribal and Native lands" exhibit significant disparities in access to capital and bank services. For example, the National Community Reinvestment Coalition recently found that the average census tract on Tribal land received just five small business loans, compared to 82 such loans made on average in non-Tribal tracts.[17] The OCC and FDIC acknowledge that "communities in Indian country or other Tribal and native lands face significant and unique CD [community development] challenges", but their proposed rule's approach to addressing those challenges falls short in comparison to the 2023 CRA Final Rule.[18] The OCC and FDIC are currently offering to include "Indian country or other Tribal and native lands" as an eligible geography under the revitalization and stabilization category of community development, but the 2023 CRA Final Rule took it a critical step further by awarding additional qualitative consideration for bank branches on Native Lands and creating an impact and responsiveness factor for community development activities that "benefits or serves residents of Native Land Areas" (see below).[19] CRA performance evaluations under the 2023 rule would have included how much of a bank's community development activities fit into each impact and responsiveness factor, creating a meaningful incentive for banks to pursue community development in Native Lands and other high-need areas so as to avoid having nothing to report in specific categories.[20] The 2023 rule also would have made it easier for banks to pursue community development financing outside of their branch networks by not requiring banks to first demonstrate they have adequately served their assessment areas and instead to weight activities inside and outside facility-based assessment areas based on where a bank lends and takes deposits.[21] Given these factors, we request the OCC and FDIC use the 2023 rule's definition of Native land areas as it is more comprehensive.[22] This definition also should be expanded to cover the formal service areas of certified Native CDFIs that fall *outside* of these lands.

3. Its **inclusion of CDFIs and NLAs among the CRA's impact and responsiveness review factors** (in the 2023 Final Rule, two of the 12 factors considered in evaluating the impact and responsiveness of a bank's community development loan, investment, or service was whether it (1) "supports a…CDFI, excluding certificates of deposit with a term of less than one year" and (2) "benefits or serves residents of Native Land Areas").

NCN and our co-signatories also believe the Proposed Rule should be amended to require banks, as part of their CRA evaluations, to collect and report data on their community development financing activities in "Indian country" and "Other Tribal and native lands" and with entities such as Native CDFIs and tribal governments that serve American Indian, Alaska Native, and Native Hawaiian communities. The agencies should publicly share that data with Native CDFIs, tribal governments, and other key Indian Country stakeholders annually, and should also annually provide to these groups an updated longitudinal analysis of CRA-qualified community development financing activity trends within those lands and involving American Indians, Alaska Natives, and Native Hawaiians.

Furthermore, banks should be required to collect and report data as part of their CRA evaluations that documents *where* within "Indian country" and "Other Tribal and native lands" their CRA-qualified activities took place (specific geographic location, whether an activity took place on Tribal trust land or non-trust land, etc.). This disaggregated data will enable Native CDFIs, Tribal governments, and other key Indian Country stakeholders to evaluate the true commitment of a particular bank *in practice* to invest in the most underserved and under-resourced parts of Indian Country and hold those banks who are not living up to the spirit of the CRA accountable.

Question 1: To better align with agency policies that establish an asset size of less than $30 billion as a threshold for certain supervisory approaches, such as being considered a community bank or being subject to the continuous examination process, should the agencies consider adjusting the intermediate bank asset size threshold to include all banks with an asset size of less than $30 billion that do not qualify as small banks? If the agencies establish $30 billion as the appropriate threshold to delineate between intermediate banks and large banks, should the agencies also adopt a larger threshold for small banks, such as the $10 billion currently proposed as the intermediate bank threshold?

No. We categorically oppose the proposal to adjust "the intermediate bank asset size threshold to include all banks with an asset size of less than $30 billion that do not qualify as small banks," as we oppose the Proposed Rule's raising of the asset threshold size for large banks to $10 billion. We also, therefore, categorically oppose the ensuing proposal to "adopt a larger threshold for small banks, such as the $10 billion currently proposed as the intermediate bank threshold." If the $30 billion threshold was adopted, it would jeopardize over $26 billion in community development loans and $267 million in investments per year, while 42 states would have their number of banks with local community development requirements cut in half or more, and 21 states would lose two thirds of the banks currently required to reinvest in local community development under CRA.

Question 9: Are there alternative standards the agencies should consider relying on in the context of limiting indirect costs for CD grants? Do the proposed guardrails do enough to ensure the majority of grant and donation funds go directly towards benefiting the bank's assessment area(s)?

As discussed in detail in point #3 on page 5 of this comment letter, the agencies should remove this problematic provision from the Proposed Rule altogether, as it will significantly harm the ability of Native CDFIs and non-profits to secure bank investments that will help them meet the distinct needs of their service communities.

Question 10: As an alternative, should the agencies eliminate all grants and donations from CRA consideration?

No. Grants and donations currently constitute an important sources of CRA-qualifying support for LMI communities and the organizations that serve them, and they should be retained as pathways for achieving CRA credit.

Question 25: Should the agencies retain the requirement that the activity create, improve, or retain jobs for LMI individuals or in an LMI area in the first category of economic development?

Yes, for the reasons outlined in points #6 and #7 on page 6 of this comment letter.

Question 30: Are there other programs that should be presumed to promote economic development, such as programs that support Indian country residential development? Alternatively, should these activities be presumed to qualify as community development but instead be considered as a revitalization and stabilization activity that helps to attract or retain businesses or residents (see discussion of revitalization and stabilization activities below)?

Programs that support Indian country residential development should be presumed to promote economic development *and* community development under CRA guidelines, as should any other bank lending and investments in Tribal Nations, Native communities, Native CDFIs, and Native non-profit organizations.

Conclusion

On the whole, the Proposed Rule will serve to greatly weaken CRA's accountability to Indian Country when it so desperately needs to be strengthened. The CRA is one of many vehicles through which the federal government can and should fulfill its eternal trust and treaty obligations to Tribal Nations, their citizens, and, by extension, Native entities like CDFIs that serve and support them. Any changes to the regulations governing CRA, therefore, should be formulated in partnership with them through meaningful, ongoing consultation, and should be precisely designed to shift the calculus for banks to *prioritize* lending and investment – directly and through intermediaries like Native CDFIs – in Tribal Nations and Native communities as opposed to the status quo of considering such lending and investment as a luxury or last resort.

NCN is deeply committed to supporting Native CDFIs' collective mission of creating ample and fair access to capital and resources for Native people, primarily those in LMI communities. That mission aligns with the enduring spirit of the CRA, which includes addressing fairness and access to credit for homeownership, small business development, infrastructure development projects, and other wealth-building activities in Native communities.

We look forward to continuing to engage directly with the FDIC and OCC to ensure that any new CRA regulations fully – and finally – incentivize substantially increased investments by banks in Tribal Nations and Native communities across this country.

Sincerely,

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[1] For the purposes of these comments, "Indian Country" refers inclusively to Tribal Nations and communities and Native people as a whole.
[2] CDFI Fund, *CDFI Fund's Native Initiatives Fact Sheet: Fostering Economic Self-Determination for Your Native Community (Updated)*, February 2020 (https://www.cdfifund.gov/sites/cdfi/files/documents/cdfi7205_fs_ni_updatedfeb20.pdf).
[3] Federal Reserve Bank of Philadelphia, *U.S. Bank Branch Closures and Banking Deserts*, February 2024, p. 9 (https://www.philadelphiafed.org/-/media/FRBP/Assets/Community-Development/Reports/Banking-Deserts-Report-Feb-2024.pdf).
[4] Center for Indian Country Development, "Understanding the Native CDFI landscape," Federal Reserve Bank of Minneapolis, September 2025 (https://www.minneapolisfed.org/article/2025/understanding-the-native-cdfi-landscape).
[5] Center for Indian Country Development, "Native CDFIs improve credit outcomes for Indian Country residents," Federal Reserve Bank of Minneapolis, April 28, 2021 (https://www.minneapolisfed.org/article/2021/native-cdfis-improve-credit-outcomes-for-indian-country-residents).
[6] Laura Cattaneo and Donna Feir, *The Higher Price of Mortgage Financing for Native Americans*, Working Paper Series No. 1906, Federal Reserve Bank of Minneapolis, September 17, 2019, p. 1 (https://www.minneapolisfed.org/~/media/assets/papers/cicdwp/2019/cicd-wp-201906.pdf).
[7] America's Credit Unions, "STATEMENT from America's Credit Unions on Secretary Bessent's Clarification on the CDFI Fund," March 18, 2025 (https://www.americascreditunions.org/news-media/press-release/statement-americas-credit-unions-secretary-bessents-clarification-cdfi#:~:text=The%20CDFI%20Fund%20has%20demonstrated,practices%20and%20effective%20risk%20management).
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[19] Federal Register, *Community Reinvestment Act*, Vol. 89, No. 22, February 1, 2024, pp. 6723 and 6931 (https://www.govinfo.gov/content/pkg/FR-2024-02-01/pdf/2023-25797.pdf).
[20] *Ibid.,* p. 6715.
[21] *Ibid.,* pp. 6982 and 6986.
[22] The OCC and FDIC specifically requested feedback on this in Question 55. For reference, this is the definition used in the 2023 CRA rule – "Native Land Area means: (1) All land within the limits of any Indian reservation under the jurisdiction of the United States, as described in 18 U.S.C. 1151(a); (2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, as described in 18 U.S.C. 1151(b); (3) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same, as defined in 18 U.S.C. 1151(c); (4) Any land held in trust by the United States for tribes or Native Americans or tribally-held restricted fee land; (5) Reservations established by a State government for a tribe or tribes recognized by the State; (6) Any Native village, as defined in 43 U.S.C. 1602(c), in Alaska; (7) Lands that have the status of Hawaiian Home Lands as defined in section 204 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), as amended; (8) Areas defined by the U.S. Census Bureau as Alaska Native Village Statistical Areas, Oklahoma Tribal Statistical Areas, Tribal-Designated Statistical Areas, or American Indian Joint-Use Areas; and (9) Land areas of State-recognized Indian tribes and heritage groups that are defined and recognized by individual States and included in the U.S. Census Bureau's annual Boundary and Annexation Survey." In contrast, here is the OCC and FDIC's proposed definition – "Indian country means a geographic area that is: (1) Covered by 18 U.S.C. 1151; or (2) A Tribal Census Tract, an Oklahoma Tribal Statistical Area, a Tribal Designated Statistical Area, an Alaskan Native Village Statistical Area, or an American Indian Joint-Use Area, as those terms are defined by the U.S. Bureau of the Census."