

May 9, 2005

To Whom It May Concern:

On behalf of the Smith River Rancheria Housing Department, I am pleased to provide these comments on proposed changes to the Community Reinvestment Act.

CRA has been instrumental in increasing homeownership, boosting economic development, and expanding small businesses in the nation's minority, immigrant, and low- and moderate-income communities, including **Indian country**. We are concerned about how the proposed changes affect **Native Americans living on reservations, the most unbanked population of any group**. For these reasons, I urge you to enhance your proposed changes to CRA regulations so that banks do not reduce their levels of branches, and community development loans and investments to low- and moderate-income communities. Your proposal is an improvement from the one you issued in the fall, but serious issues remain.

I am pleased that you have dropped your proposal to allow mid-size banks with assets between \$250 million to \$1 billion to offer either community development loans, investments or services. Banks must be expected to engage in all three of these essential community development activities in order to pass their CRA exams as your current proposal requires. I still believe that the current exam structure of separate lending, investment, and service tests is the most effective structure for maximizing the level of community development financing. If you move to a new exam format, you must ensure that significant declines of community development financing do not occur. You could compare past levels of community development financing to future levels after any changes to the CRA exam structure so that banks are penalized if they significantly decrease their level of community development activities. **This is especially important in Indian country, where community development loans can mean the difference between poverty and unemployment as high as 78 percent on some reservations to jobs and tribal success on other reservations.**

The role of investments in communities cannot be underestimated. Investments in affordable housing and economic development build wealth for families and communities and thus open up new markets for bank lending and services. The importance of investments is one reason why you must carefully develop any final proposal regarding the CRA exam structure.

I am also concerned that deleting a separate test for services will result in CRA exams no longer holding mid-size banks accountable for the provision of bank branches and low-cost accounts in low- and moderate-income communities. Payday lending and other high cost credit has increased in my tribal area over the last several years. The last thing we need are CRA exams that no longer look at the number of bank branches in traditionally underserved communities. Please add the provision of bank branches as a clear factor on your proposed CRA exams for mid-size banks.

I urge you to drop your proposed elimination of public data disclosure requirements regarding community development, and small business and small farm lending. Mid-size banks are vital in many communities, particularly in medium-sized cities and rural communities. The only way to hold them accountable for providing credit to small firms and for affordable housing and community

development is if the CRA data remains publicly available. The public as well as regulatory agencies will have no way to systematically measure the responsiveness of these banks to critical credit needs if you eliminate this data collection.

Finally, you must not change the requirement that community development in rural areas must benefit low- and moderate-income areas and distressed communities. **Indian country would disproportionately be affected by this change, while high cost beach and lake resorts could end up getting CRA credit, something unintended by this law.** I also urge you to apply your revised test to only banks with assets between \$250 million to \$1 billion. If you use an inflation factor each year to increase the number of banks subject to the new and abbreviated CRA exam, you will reduce the range of bank financing and services flowing to communities that need them the most. Thank you for your consideration of my comments.

Sincerely,

Earl Brown
Smith River Rancheria Housing Department

cc. National American Indian Housing Council
cc: National Community Reinvestment Coalition

You can mail, email or fax your comments to the relevant agencies using the contact information below. You must include the docket or RIN numbers in any mailed letters and in the subject lines of e-mails. These numbers are shown below.

Federal Reserve Board

E-mail: regs.comments@federalreserve.gov

Fax: 202-452-3819 or 202-452-3102

Jennifer J. Johnson, Secretary

Board of Governors of the Federal Reserve System

20th Street and Constitution Avenue, NW

Washington DC 20551

RE: **Docket No. R-1225**

Federal Deposit Insurance Corporation

E-mail: Comments@FDIC.gov

No faxes

Robert E. Feldman, Executive Secretary

Attention: Comments

Federal Deposit Insurance Corporation

550 17th St. NW

Washington DC 20429

RE: **RIN 3064-AC89**

Office of the Comptroller of the Currency

E-mail: regs.comments@occ.treas.gov

Fax: 202-874-4448

Office of the Comptroller of the Currency

250 E St. SW, Mail Stop 1-5

Washington DC 20219

RE: **Docket Number 05-04**