

EXHIBIT D



Federal Deposit Insurance Corporation

550 17th Street, NW, Washington, DC 20429-9990

Legal Division

February 12, 2020

Ms. Alice Bodley
General Counsel
National Community Reinvestment Coalition
740 – 15th Street, NW, Suite 740
Washington, District of Columbia 20015

FDIC FOIA Log # 20-0127

Dear Ms. Bodley:

This letter is in partial response to your Freedom of Information Act (FOIA) request dated February 9, 2020, and received by our office on February 10, 2020, seeking the following:

Thresholds and Benchmarks – Are they based on meaningful data?

1. Records reflecting the standards used for the selection of the sample of performance evaluations completed between 2011 and 2018 as referred to in footnote 39 on page 1221 and a list of the performance evaluations used in the sample referred to in the footnote.
2. The data and analysis of the sample of performance evaluations referred to in footnote 39 on page 1221.
3. The data and analysis used to inform the empirical benchmarks used for the CRA performance measure in Section 345.12, page 1260.
4. The data and analysis used to inform the proposed “Retail Lending Distribution Tests” described in Section 345.11 at pages 1259 - 1260, including analysis of the thresholds of 65% and 55% for passing the peer and demographic comparators, respectively, on the borrower distribution and geographic distribution tests of the retail distribution tests.
5. The data and analysis used to inform the threshold referred to on pages 1217-18 for when a bank receives a satisfactory or outstanding rating in a “significant portion” of its assessment areas, defined as “more than 50 percent, of its assessment areas, and in those assessment areas where it holds a significant amount of deposits.”

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6. The data and analyses used to inform the threshold for when a bank must delineate a deposit-based assessment area, defined as when a “bank... receives 50 percent or more of its retail domestic deposits from geographic areas outside of its facility-based assessment areas” in proposed Section 345.08(c), page 1258.
7. The data and analysis used to inform the 5% minimum threshold for a deposit-based assessment area in proposed Section 345.08(c), page 1258.

Expansion of What Counts for CRA Credit – Will the new service areas and newly credited activity really help LMI communities?

8. Any estimates or discussion of how many small banks or how many large banks would be required to add new assessment areas based upon the changes addressed on pages 1215 –1216, and in proposed Section 345.08, page 1258 .
9. The data or analysis used to inform the proposed definitions of distressed or underserved census tracts, as discussed on pages 1209-10, and defined in Section 345.03 at page 1254 (“distressed area”) and page 1255 (“underserved area”).
10. The data or analysis used to inform the identification of and/or the quantity of areas that would be considered “high- cost areas” as proposed in Section 345.03 at page 1254.
11. The data or analysis used to inform the proposed definition of “small business,” including the increase in revenue size in Section 345.03 at page 1255, or of a “small farm,” including the increase in revenue size, page 1255.
12. The data or analysis used to inform the proposed increase to the loan size for small loans to businesses, farms, and the increase to the revenue size threshold for small farms, page 1255.
13. Records, including data or analysis, reflecting the proposal to remove from the definition of “community development” the reference to “activities that revitalize or stabilize . . . underserved nonmetropolitan middle-income geographies . . .” and/or the change in the regulatory definition of community development to exclude “economic development” and included “essential infrastructure, page 1213.
14. Records, including data or analysis, reflecting the proposal that affordable housing can be defined as housing for middle income households, included in the list of qualifying activities on page 1231, and proposed in Section 345.04(c)(1)(i)(D) and (E), page 1256.

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15. Records, including data or analysis, reflecting the proposal to define “Community development investment” as “a lawful investment, membership share, deposit, legally-binding commitment to invest that is reported on the [Call Report, Schedule RC-L...](#),” including any information about the impact of this definition on projected levels of investment in LMI communities.

You also asked for expedited processing and a waiver of fees for the processing of your request. Please be advised that your request for expedited processing and a fee waiver have been granted.

If you have any questions concerning this matter, you may contact me by email at mtoland@fdic.gov or by telephone at 703-562-2705.

Sincerely,

/Signed/

Michael J. Toland, Ph.D.
Government Information Specialist
FOIA/Privacy Act Group