



August 5, 2022

To: Bank Regulatory Agencies: Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, Board of Governors of the Federal Reserve System

Re: Community Reinvestment Act

OCC Docket ID OCC-2022-0002

FDIC RIN 3064-AF81

Federal Reserve Docket No. R-1769 and RIN 7100-AG29

To whom it may concern,

Since the last significant interagency update to the Community Reinvestment Act (CRA) in 1995, profound changes have occurred in the economy and labor market as the commercial internet (at its inception in 1995) has grown to play an increasingly major role in our society. However, while digital tools have become central to modern life, certain populations disproportionately lag behind in access and adoption, and are deprived of the benefits of digital technology. These include low- and moderate-income (LMI) neighborhoods, rural areas, and Black, Indigenous, and people of color (BIPOC). Digital inclusion is now synonymous with economic inclusion and, as the Covid-19 public health emergency underlined, access to digital tools is essential for community resilience. People need reliable, affordable high-speed internet access at home for participation in basic social and economic activities such as working remotely, accessing government services, telehealth, online banking, and access to education and workforce opportunities. LMI and rural communities also need broadband for disaster/public health emergency response and resilience.

The modernization of CRA must recognize and address the critical importance of digital equity for creating opportunities for upward mobility for LMI, BIPOC, and rural communities. As a group of broadband and digital equity-focused organizations and professionals, we make the following recommendations to the agencies:

1. **Include a clear statement that broadband and digital inclusion meet the “primary purpose” definition of CRA.** (NPR Questions 1, 2)
2. **Include digital inclusion programs when providing examples of community development social services under CRA.** Current language consistently leaves out “digital inclusion”, while including “serving at a soup kitchen” and “volunteering for a food or clothing drive” neither of which address systemic barriers and root causes, which the CRA is intended to address.
3. **Include, at the very least, the OCC digital inclusion examples — or their equivalents — in an illustrative list.** Four digital inclusion examples were added to the OCC's CRA Illustrative List of Qualifying Activities in that agency's June 2020 Final Rule; they were preserved when OCC rescinded that rule *"to the extent that they also are consistent with the retail or CD definitions in the final rule"* and remain in effect. They should be included in the modernization.
4. **Create a virtual library of case studies, in addition to lists of examples.** As digital inclusion is the most recent addition to the CRA in the 2016 Q&A and this modernization, detailed examples and training is required to help agency staff and bankers understand how it intersects and can be woven into all the areas of CRA, including: access to financial services and financial literacy; affordable housing, education and workforce development; access to healthcare and health equity; and more. These case studies should include sample capital stacks with bank participation in broadband infrastructure financing.
5. **Work with community-based organizations who focus on digital inclusion to include their case studies on CRA agency websites, resource hubs, and joint trainings.** Since the 2016 Q&A update that included digital inclusion and the tandem Federal Reserve 2016 publication, “[Closing the Digital Divide: A Framework for Meeting CRA Obligations](#),” many banks have invested in digital inclusion projects, resulting in case studies that demonstrate how banks can support digital inclusion and finance broadband network infrastructure.

6. **Harness the expertise of broadband and digital inclusion organizations to develop training for bankers and agency community development staff and bank examiners.**
7. **Create a standing inter-agency committee on broadband and digital inclusion to help create the CRA Modernization final rule and to provide recommendations on policy and practice.** This standing committee will help the agencies access the advice of experts in the field in real-time to help ensure the CRA remains current in a rapidly evolving environment.
8. **Grant CRA credit for a bank's lending, service, or investment in *any persistent poverty county* (regardless of "assessment area") in the four U.S. clusters of persistent poverty:** Native American Communities, Mississippi Delta, Central Appalachia, Texas-Mexico Border (including Colonias). See [2020 Housing Assistance Council map](#). (NPR Question 34)
9. **The CRA Modernization final rule should state that all banks can show responsiveness and innovation by supporting the three legs of the digital inclusion stool in their service areas, facility based or virtual: 1) infrastructure expansion; 2) affordability of computers/devices and subscriptions; and 3) digital skills training.** (NPR Question 1, 2)
10. **Bank lending, service, and investment in any area of digital inclusion, including financing broadband infrastructure should be given full consideration in underserved urban and rural communities. Financing broadband networks should include projects involving local, smaller ISPs, co-ops, municipalities, counties or councils of government, non-profits, and anchor institutions.** (NPR Questions 1, 2)
11. **Under "Impact Review," the agencies should communicate that support for broadband and digital inclusion projects are well-documented and proven to have significant positive impact on the well-being and economic mobility of underserved communities.**

12. **Banks should be encouraged to partner with healthcare providers to close the digital divide which will in turn improve access to telehealth in LMI, BIPOC, and rural communities.** Digital inclusion is now considered an important factor in achieving health equity and a super social determinant of health. Increasing the productivity and effectiveness of the healthcare industry is critically important in our economy as it will help create jobs, better health outcomes, and a healthy workforce.
13. **CRA Bank Examiners should have experience in asset-based community development or work closely with colleagues who do.** Agencies should find ways to facilitate better communication between internal community development staff who train banks in CRA and bank examiners who evaluate banks under CRA.
14. **Make a direct link between support for digital inclusion and improving the delivery of banking services.** The proposed rule continues to link the delivery of banking services with branch availability but does not define a responsibility to reach LMI and rural communities with online and mobile banking. Programs that expand broadband infrastructure, promote internet affordability, and provide digital skills training would directly improve “bank delivery systems” and make a direct contribution to the CRA's core purpose of *"meeting the credit needs of [a regulated bank's] entire community, including low- and moderate-income neighborhoods."*

This is also good business for banks and should not be “optional.” We support CDFI, Local Initiatives Support Corporation’s (LISC), recommendations and examples regarding NPR Question 103. They demonstrate how banks can support innovative non-profit digital inclusion programs in reaching LMI and rural areas with mobile and online banking.

The Infrastructure Investment and Jobs Act (IIJA), American Rescue Plan Act (ARPA), and other federal funds present an unprecedented opportunity and responsibility for federal agencies and the community development field.

15. **There should be recognition of how the CRA can work alongside this federal**

funding to achieve greater equity in the distribution of funds and bring broadband infrastructure and digital skills training to low-income and rural communities.

16. **Bankers should be encouraged to serve on the planning and implementation initiatives of digital inclusion efforts in their communities, under the CRA service test.** The IIJA, administered by NTIA, requires states to have a broadband office, a state broadband plan, and to support local communities to create digital inclusion plans and proposals to compete for funds. Historically, CRA has encouraged banks to support their local governments' economic development plans with lending, service, and investment. They should do the same with digital inclusion plans.
17. **Community development professionals and bankers, utilizing CRA, and practicing asset-based community development, can help support partnerships with local small business internet service providers, co-ops, local governments, and anchor institutions, to help them to compete for the significant grant funds for broadband infrastructure expansion, telehealth, and digital inclusion.**
18. **Banks should receive CRA consideration for contributing to the new funds community-based organizations are creating to meet the gaps in IIJA federal funding. Types of funds being developed include, matching fund requirements, planning grants, affordability for micro- and small businesses, and construction financing gaps.** There is a great opportunity to develop innovative capital stacks that include new and existing community development finance tools that limit risk and maximize quality infrastructure and programs for low-income and rural areas.
19. **Allow small ISPs to obtain a letter of credit from a Community Development Financial Institution (CDFI) that supports small businesses and start-ups.** To qualify for the federal funds, Internet Service Providers (ISPs) are required to

obtain a Letter of Credit (LOC) from a bank. The agencies should recommend that CDFIs help remove that barrier for local ISPs.

The undersigned,

Jordana Barton-Garcia, Senior Policy Fellow
Connect Humanity

Amira Dhalla, Director
Consumer Reports

Amy Sample Ward, CEO
NTEN

Angela Siefer, Executive Director
NDIA

Brian Donoghue, Deputy Director
Next Century Cities

Brian Snider, CEO
Lit Communities Broadband, Inc.

Catherine Crago, Head of Strategic Initiatives
Housing Authority of the City of Austin

Celina Moreno, J.D., President & CEO
Intercultural Development Research Association (IDRA)

Chantal E. Forster, Executive Director
Technology Association of Grantmakers

Christopher Mitchell, Director of Community Broadband Networks
Institute for Local Self-Reliance

Colby Hall, Executive Director
Shaping Our Appalachian Region

Danielle Chin, CEO
Seaded Consulting Firm

Debra Socia, President and CEO
The Enterprise Center, Chattanooga, TN

Dianne Connery, Director
Pottsville Library

Edwin Mitchell, Executive Director
The Arch Group, Inc., Vicksburg, Mississippi

Gabriel Garcia, J.D., Vice-President
Texas Association of Telecommunications Officers & Advisors (TATOA)

Gabriella Rowe, CEO
Grow Associates, LLC

Gene Logan, Jr., CEO
R.A. Government Services, LLC

India P. Still, JD, LLM, Deputy Executive Director, AC Initiatives Project Office
New Jersey Department of Community Affairs

Jason Dixon, CEO
Strategic Alliance Community Development Corporation

Jason Foster, President & COO
Destination Crenshaw

Dr. Jeanine Abrams McLean, President
Fair Count

Jennifer Regnier, CEO
Jewish Family Service San Antonio

Jerry Mixon, CEO
South East Sector Community Development Corporation

Jesse R. Bradley IV, Program Director
Right Here, Right Now Project

Joseph J. Ceasar, Founder and Executive Director
Legacy Institute For Financial Education

Joshua Williams, Executive Fellow/Digital Inclusion Lead
FUSE Corps

Judy Quisenberry, Executive Director
Valley Baptist Legacy Foundation

Kelty Garbee, Executive Director
Texas Rural Funders

Kevin W. Alexander, MPA, President & CEO
Rockaway Development & Revitalization Corporation

Kevin Stein, Chief of Legal and Strategy
California Reinvestment Coalition

Kim Alexander, CEO
Collegiate Edu-Nation

Lazone Grays, President/CEO
IBSA, Inc.

Mark Walker
*Director, The Jessie & Senior Program Officer at The Jessie Ball duPont Fund & Board
President, Technology Association of Grantmakers*

Michael Potter, Co-founder
N50, Geeks Without Frontiers

Michele Connelly, Executive Director,
United Way of West Central MS

Monica Sanders, J.D., LL.M, Founder
The Undivide Project

Nishal Mohan, PhD, Founder & CEO
mohuman.

Robert McLaughlin, Executive Director
National Collaborative for Digital Equity

Samantha Schartman, President and CEO
The Marconi Society

Scot Henley, Executive Director
Digitunity

Teresa Burnett, Executive Director
Monahans Chamber of Commerce

Tiffany Patterson, President & CEO
United Ways of Texas

William E. Harrison, CEO
Omni Sourcing