during the prior calendar year, shall include in its public file the following information pertaining to the bank and its affiliates, if applicable, for each of the prior two calendar years:

- (i) If the bank has elected 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:
- (A) To low-, moderate-, middle-, and upper-income individuals:
- (B) Located in low-, moderate-, middle-, and upper-income census tracts: and
- (C) Located inside the bank's assessment area(s) and outside the bank's assessment area(s); and
- (ii) The bank's CRA Disclosure Statement. The bank shall place the statement in the public file within three business days of its receipt from the OCC.
- (2) Banks required to report Home Mortgage Disclosure Act (HMDA) data. A bank required to report home mortgage loan data pursuant part 203 of this title shall include in its public file a copy of the HMDA Disclosure Statement provided by the Federal Financial Institutions Examination Council pertaining to the bank for each of the prior two calendar years. In addition, a bank that elected to have the OCC consider the mortgage lending of an affiliate for any of these years shall include in its public file the affiliate's HMDA Disclosure Statement for those years. The bank shall place the statement(s) in the public file within three business days after its receipt.
- (3) Small banks. A small bank or a bank that was a small bank during the prior calendar year shall include in its public file:
- (i) 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; and
- (ii) The information required for other banks by paragraph (b)(1) of this section, if the bank has elected to be evaluated under the lending, investment, and service tests.
- (4) Banks with strategic plans. A bank that has been approved to be assessed under a strategic plan shall include in its public file a copy of that plan. A bank need not include information submitted to the OCC on a confidential basis in conjunction with the plan.
- (5) Banks with less than satisfactory ratings. A bank that received a less than satisfactory rating during its most recent examination shall 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. The bank shall update the description quarterly.

(c) Location of public information. A bank shall make available to the public for inspection upon request and at no cost the information required in this section as follows:

(1) At the main office and, if an interstate bank, at one branch office in each state, all information in the public file: and

(2) At each branch:

(i) A copy of the public section of the bank's most recent CRA Performance Evaluation and a list of services provided by the branch; and

(ii) 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.

(d) *Copies.* Upon request, a bank shall provide copies, either on paper or in another form acceptable to the person making the request, of the information in its public file. The bank may charge a reasonable fee not to exceed the cost of copying and mailing (if applicable).

(e) *Updating*. Except as otherwise provided in this section, a bank shall ensure that the information required by this section is current as of April 1 of each year.

§ 25.44 Public notice by banks.

A bank shall provide in the public lobby of its main office and each of its branches the appropriate public notice set forth in Appendix B of this part. Only a branch of a bank having more than one assessment area shall include the bracketed material in the notice for branch offices. Only a bank that is an affiliate of a holding company shall include the next to the last sentence of the notices. A bank shall include the last sentence of the notices only if it is an affiliate of a holding company that is not prevented by statute from acquiring additional banks.

§ 25.45 Publication of planned examination schedule.

The OCC publishes at least 30 days in advance of the beginning of each calendar quarter a list of banks scheduled for CRA examinations in that quarter.

Subpart D—Transition Rules

§ 25.51 Transition rules.

(a) *Effective date.* Sections of this part become applicable over a period of time in accordance with the schedule set forth in paragraph (c) of this section.

(b) Data collection and reporting; strategic plan; performance tests and standards. (1) Data collection and reporting. (i) On January 1, 1996, the data collection requirements set forth in § 25.42 (except § 25.42 (b) and (g)) become applicable.

(ii) On January 1, 1997, the data reporting requirements set forth in § 25.42 (b) and (g) become applicable.

(2) Small banks. Beginning January 1, 1996, the OCC evaluates banks that qualify for the small bank performance standards described in § 25.26 under that section.

(3) *Strategic plan*. Beginning January 1, 1996, a bank that elects to be evaluated under an approved strategic plan pursuant to § 25.27 may submit its strategic plan to the OCC for approval.

(4) Other performance tests. (i) Beginning January 1, 1996, a bank may elect to be evaluated under the pertinent revised performance tests described in \$\ \\$ 25.22, 25.23, 25.24, and 25.25, if the bank provides the necessary data to permit evaluation.

(ii) Beginning July 1, 1997, the OCC evaluates all banks under the pertinent

revised performance tests.

(c) *Schedule.* (1) On July 1, 1995, §§ 25.11, 25.12, 25.29, and 25.51 become applicable, and §§ 25.1, 25.2, 25.8 and 25.101 expire.

(2) On January 1, 1996, § 25.41 and the pertinent provisions of Subpart B of this part will apply to banks that elect to be evaluated under §§ 25.22 through 25.25, banks that submit for approval strategic plans under § 25.27, and banks that qualify for the small bank performance standards described in § 25.26.

(3) On January 1, 1996, §§ 25.42 (except § 25.42 (b) and (g)) and 25.45 become applicable.

(4) On January 1, 1997, §§ 25.41 and 25.42 (b) and (g) become applicable.

(5) On July 1, 1997, §§ 25.21 through 25.28, 25.43, and 25.44 become applicable, and §§ 25.3 through 25.7, and 25.51 expire.

Appendix A to Part 25—Ratings

- (a) Ratings in general. (1) In assigning a rating, the OCC evaluates a bank's performance under the applicable performance criteria in this part, in accordance with § 25.21, and § 25.28, which provides for adjustments on the basis of evidence of discriminatory or other illegal credit practices.
- (2) Å bank's performance need not fit each aspect of a particular rating profile in order to receive that rating, and exceptionally strong performance with respect to some aspects may compensate for weak performance in others. The bank's overall performance, however, must be consistent with safe and sound banking practices and generally with the appropriate rating profile as follows.
- (b) Banks evaluated under the lending, investment, and service tests. (1) Lending performance rating. The OCC assigns each bank's lending performance one of the five following ratings.