No. 24-10367

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

TEXAS BANKERS ASSOCIATION ET AL.,

Plaintiffs-Appellees,

v.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM ET AL.,

Defendants-Appellants.

DEFENDANTS-APPELLANTS' STATUS REPORT

Pursuant to the Court's Order dated April 1, 2026, Defendants-Appellants—the Board of Governors of the Federal Reserve System (the "Federal Reserve"), the Office of the Comptroller of the Currency ("OCC"), and the Federal Deposit Insurance Corporation ("FDIC") (collectively, the "federal banking agencies" or "FBAs")—respectfully submit this status report.

The OCC and the FDIC have moved to dismiss their participation in this appeal as set forth in their motion filed this same date.

The Federal Reserve reports as follows: As the FBAs indicated in their previous status reports of October 1 and 31, 2025 and April 1, 2026, they published a joint notice of proposed rulemaking ("NPR") on July 18, 2025, that proposed to

rescind the October 2023 Final Rule implementing the Community Reinvestment Act ("CRA") and reinstate the framework that existed prior to the October 2023 Final Rule. 90 Fed. Reg. 34086. The FBAs received approximately 50 unique comment letters in response to the NPR. Many of these comment letters had multiple signatories or otherwise represented the views of multiple parties. While the OCC and FDIC have now indicated their intention to pursue a different path and dismiss this appeal as to themselves, the Federal Reserve continues to work on this rulemaking. Notably, the CRA requires the FBAs to issue regulations to carry out the CRA's purposes, but it does not require that the regulations be issued jointly. *See* 12 U.S.C. § 2905.

The Federal Reserve is close to completion of the rulemaking process. Should the 2023 Final Rule be rescinded and replaced, this litigation would be moot. *See Freedom from Religion Found., Inc. v. Abbott*, 58 F.4th 824, 832 (5th Cir. 2023) ("mootness is the default" when a "regulation is amended or repealed after plaintiffs bring a lawsuit challenging the legality of that . . . regulation"). The Federal Reserve proposes to file an appropriate motion with this Court within 15 days of any final rule being issued, or a status report by August 14, 2026, whichever is earlier.

Dated: July 1, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on July 1, 2026, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. I further certify that the participants in the case are CM/ECF users and that service will be accomplished by using the appellate CM/ECF system.

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