

**Statement by Acting Comptroller Julie L. Williams  
In Response to Comments By Eliot Spitzer**

I was surprised and disappointed to see what I had understood to be a personal conversation recounted as part of a speech delivered by Attorney General Spitzer. I did indeed call Attorney General Spitzer. The purpose of my reaching out to him was to determine how each of us could fulfill our respective roles in overseeing laws that protect against lending discrimination in an efficient and complementary fashion. We had agreed to talk further.

Last year, many months before the Attorney General became involved in this issue, I made absolutely clear that if the OCC receives evidence – from Home Mortgage Disclosure Act (HMDA) reports or any other credible source – suggesting that violations of the fair lending laws might be taking place at an institution under our jurisdiction, we will increase the level of our supervisory oversight accordingly, and that if we discover that discriminatory practices have in fact taken place, we will respond appropriately and forcefully.

Also, last year, we began a process of reviewing preliminary HMDA data. That process has continued this year as additional data have become available and data integrity checks are being completed, and we are undertaking the extensive statistical analysis necessary to evaluate that data. Based on that analysis, if additional work is needed, including case-by-case reviews of credit decisions on individual borrowers, we will do it. If our work shows that supervisory action is needed, we will take it.

*If* Attorney General Spitzer is suggesting by his public comments that he would undertake duplicative work in connection with institutions currently under review by the OCC, that activity would potentially disrupt and certainly impede our ability to conduct our exam work promptly and efficiently – a result neither of us should want.

Such activity by the Attorney General also would be inconsistent with the Attorney General's own position about his jurisdiction. In litigation filed in Federal courts, the Attorney General has acknowledged that *several* federal laws at least preclude state officials from examining or taking administrative enforcement measures against national banks.

According to published reports, the Attorney General believes that federal agencies have been “beaten down,” and “neutered,” so that they are incapable of fulfilling their fundamental mandate, and have been “sapped of the desire” to do so. Let me be very clear, on behalf of the OCC, that I completely reject that characterization. And let me also be very clear that the OCC is absolutely committed to assuring that the national banking system is free of lending discrimination of any sort.

Citizens of all states in the nation are best served when the resources of government are deployed most efficiently and effectively. This should be our mutual goal. For our part, we at the OCC will continue to seek a constructive dialogue with Attorney General Spitzer to assure that as we pursue our respective work, lending standards by banks and non-banks alike are free of the stain of discrimination. The OCC will take whatever steps are needed to assure that the lending practices in the national banking system are reviewed thoroughly, carefully and fairly.