



January 14, 2011

Ms. Mary Rupp  
Secretary of the Board  
National Credit Union Administration  
1775 Duke Street  
Alexandria, Virginia 22314-3428

**Re: Notice of Proposed Rulemaking for Part 704 – Corporate Credit Unions**

Dear Ms. Rupp:

I understand the NCUA Board has drafted amendments to the newly adopted Part 704, which is directed at the nation's corporate credit unions. But ultimately, this proposed regulation will affect a large number of natural person credit unions.

I believe there are some major limitations in the proposed amendments that cause a number of concerns.

Here are my primary concerns:

**701.5 Membership limited to one corporate credit union**

There are several inequities in this proposed amendment. For those credit unions having multiple corporate credit union relationships, they will be allowed to maintain those memberships. However, if a credit union only has a relationship with one credit union today, they **WILL NOT** be allowed to open an additional account at another corporate credit union. This amendment may have been beneficial prior to the losses experienced in the corporate credit unions, prior to the increased competition amongst corporates for credit union deposits and prior to corporate credit unions taking additional risks to pay these rates. With the newly adopted corporate regulation, corporate credit unions are limited in what risks they may take, I understand that many corporate credit unions' business plans will limit credit union deposits to maintain a lower asset balance to meet the capital requirements of the new regulation. Also, credit union deposits in corporate credit unions are already limited to 15% of the corporate's assets. Should the current deposits of any credit union exceed this 15% of assets limitation, they would be forced to remove the deposit and place it outside of that corporate credit union. Would it not make more sense to allow the credit union to find a home for those deposits inside the credit union movement? The rule allows for a credit union which currently has multiple corporate relationships to retain them. But if a credit union does not have a relationship with another corporate they would be unable to pursue one. This proposal should be removed.

**704.21 Equitable distribution of corporate credit union stabilization expenses**

The purpose of this amendment is to provide a means for the equitable sharing of the TCCUSF expenses among all members of corporate credit unions. Currently, only Federally Insured Credit Unions (FICU) are being assessed premiums for these expenses. The Non-FICU members of the corporate credit union being targeted include privately insured credit unions, credit union owned CUSOs, credit union owned associations (Leagues and League Service Corporations). I understand the inclusion of the privately insured credit unions but take exception to the inclusion of credit union CUSOs and associations. In the case of credit unions Leagues, the membership consists of credit unions, who are already paying for this expense via premiums. To also charge a premium to various Leagues, belonging to a corporate credit union, would force these Leagues to raise dues to the same credit unions already paying for expenses via premiums – thus a double charge to the credit unions which can least afford it. The same analogy can be made regarding credit union CUSOs. These CUSOs benefit the same credit unions paying these premiums. A premium charge to these CUSOs could possibly result in increased fees to the credit union owners to recover the expenses charged to the CUSO. To ensure credit unions do not pay for these TCCUSF



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expenses twice or even three times in the case of a credit union belonging to both a League and a CUSO belonging to a corporate, the proposal should exclude credit union owned CUSOs and other credit union associations (i.e. Leagues).

In addition, we take exception to the amount of the responsibilities required of our corporate credit union to ensure this amendment is performed. To require a special meeting to be scheduled by the corporate credit union, and thus requiring credit unions to attend this meeting, creates hardships and increased expenses to corporates and credit unions at a time when we can least afford it. We ask that the NCUA research other means to enforce this amendment.

**704.22 Enterprise risk management**

This amendment adds the new enterprise risk management committee, of which at least one member is required to be an independent risk management expert. While it is unclear of the costs of hiring this independent "expert," it is safe to assume the fees of this individual will be expensive. My corporate did not build the infrastructure and develop the products offered credit unions in house. By contrast, their business model has always utilized relationships and partnerships in lieu of building the infrastructure and with it the risks involved. We feel this requirement should be limited to those larger corporate credit unions, similar to those with \$1 billion in assets, as already referred to in this amendment.

The above areas comprise my major concerns with your proposed amendments, and I hope that my comment on this is sufficient to prompt you to reconsider these proposals in the ways I have indicated.

I hope that my comments, along with those of my fellow credit union leaders, will assist you in making that happen.

Sincerely,

Karen C. Harbin, CPA  
Executive Vice President