

From: [David Estes](#)
To: [Regulatory Comments](#)
Subject: Comments on Notice of Proposed Rulemaking Regarding Associational Common Bond
Date: Thursday, January 28, 2016 7:14:02 PM

David Estes
101 North Main
Cross Plains, TX 76443

January 28, 2016

Dear Gerard Poliquin,

Dear Mr. Poliquin:

As a banker, I am very concerned about the impact of further expanding the credit union industry's potential field of membership through the proposed rule on Chartering and Field of Membership. The provisions of this proposal, when implemented all together, would provide federal credit unions with the opportunity to increase membership drastically, resulting in a broad expansion of the credit union industry's tax subsidy.

- My bank office serves customers in Cross Plains and several surrounding communities, and unfair competition from the credit union industry impacts my business. Banks are not tax exempt, but are for-profit businesses. We do not enjoy the advantage of a 35% +/- discount on the cost of the goods we sell. The products that banks offer are not subsidized by the federal government. We are attempting to balance offering products and services to best serve our customers, while growing the business in order to offer more lines of credit and other economic capital to communities.
- Congress has kept in place advantages for the credit union industry, but those advantages come with limitations, including the size of the institutions and scope of activities. Congress understood that if community credit unions were to fulfill their public mission, there needed to be a legitimate shared bond among members, even amending the FCU Act in 1998, to include the term "local." Combined with the terms "well-defined," it is clear Congress intended to impose finite and narrow limits on the area that a community credit union may serve. This proposal goes beyond any reasonable definition of local and well-defined. The proposed rule intends to treat a Combined Statistical Area and a Congressional District as a well-defined local community. In addition, the proposal expands the rural district population limit by four times the current threshold to one million. How is this "local" or "common?" One area teachers credit union seeks to increase their share base because "after all, we are all teachers." I believe that is an incredible abuse of the rules.
- Congress deliberately instructed NCUA through the FCU Act to keep credit unions small and focused on providing services to specific groups that lack other access to financial services. The proposal would disregard this Congressional directive by modifying NCUA's process for assessing stand-alone feasibility of groups that seek to be added to the field of membership of an existing multiple common bond credit union by allowing a streamlined determination for groups with between 3,000 and 4,999 potential new members. There are several credit union's in my area that started as employer-based CU's and now include all who "live, work, or worship" in a certain county. With this logic, we all share a common bond because we see the same sky, sun, or moon!

This letter demonstrates that such a broad expansion of authorities as proposed greatly undercuts Congressional-mandated limits on field of membership and will lead to a broad expansion of the credit union industry's tax subsidy—already valued at \$26.75 billion over the next 10 years. This abuse of regulatory authority has vast implications for both marketplace dynamics and the potential increase of tax subsidies at a time when governments are working with large budget deficits. It is clear that the NCUA Board has blatantly disregarded Congressional intent and is overstepping its regulatory reach.

I am not opposed to competition. It makes me better and more efficient. I am, however, opposed to government

subsidized competition. If credit unions want to act like a bank and compete with banks, then tax them like a bank.
I welcome it!

Sincerely,
David Estes