

From: [Nathan Killpack](#)
To: [Regulatory Comments](#)
Subject: Nathan Killpack Comments on Notice of Proposed Rulemaking Regarding Associational Common Bond
Date: Friday, February 05, 2016 5:42:45 PM

Gerard Poliquin
National Credit Union Administration
Alexandria DC 22314

Nathan Killpack Comments on Notice of Proposed Rulemaking Regarding Associational
Common Bond

Dear Gerard Poliquin:

Dear Mr. Poliquin:

As a banker, I am 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 serves customers and the surrounding community, and unfair competition from the credit union industry impacts my business. For example Laramie Plains Federal Credit Union in Laramie, Wyoming is currently offering car loans at 1.99% and one of the interest bearing checking account offers a 2.75% return as long as you have \$0-\$15,000 in the account. We as a bank can not compete with these rates. Banks are not tax exempt, but are for-profit businesses attempting to balance offering products and services to best serve customers while growing the business 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. For example Warren Federal Credit Union states on their website that to become a member of their Credit Union all someone has to do is "By depositing \$5 in your new Warren savings account, you are donating \$5 to the Warren FCU Foundation. This automatically makes you a member of Warren and you can take advantage of all of our great services like Extreme Checking and the best loan rates around!" With this being one of the ways to become a member they no long are creating a well-defined local community because as long as you donate to their foundation you can be a member of the credit union even if you do not reside locally.

- 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. For example UniWyo Federal Credit Union in Laramie, Wyoming was originally established to service the students and faculty of the University of Wyoming. Now they have a "field of membership" that includes over 175 business and government agencies.

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.

Sincerely,
Nathan Killpack
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