

**From:** [Andrew O Litsch](#)  
**To:** [Regulatory Comments](#)  
**Subject:** Prime Bank Comments on Notice of Proposed Rulemaking Regarding Associational Common Bond  
**Date:** Friday, February 05, 2016 4:42:32 PM

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Gerard Poliquin  
National Credit Union Administration  
Alexandria DC 22314

Prime Bank 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. We are almost daily met with the challenge to meet or exceed credit union rate quotes, for both deposits and loans. 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. Just one example includes a local credit union that originated 1969 when one single company pooled their resources to form a cooperative. Today, that same credit union's membership guidelines have expanded to anyone who lives, works, worships, or attends school within 8 of Oklahoma's largest counties AND any of their family members. They also offer a full-range of financial services, including commercial lending, to anyone in our area, proving that "common bond" hallmark has been stretched beyond recognition, and in actuality, ceased to exist. The NCUA has steadily adopted policies that have expanded credit union membership beyond limits prescribed by Congress. Though this credit union and others look and act like a bank, since they are not required to pay taxes, they have a superior competitive advantage to banks. Thus, putting

banks at a severe competitive disadvantage.

- 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. Tinker Federal CU originated when a few Tinker employees created a financial coop. That single office is now a \$3.3 billion institution with 28 locations serving most of Oklahoma. It's membership guidelines have expanded from Tinker AFB employees to "over 600 ways to qualify for membership" as shown on their website.

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.

In closing, and in my opinion, there would seem to be two possible fixes to this problem: 1) end the federal tax subsidy and render credit unions as taxable (possibly preferable, given the Nation's continuing fiscal deficits), or 2) deny this proposal and constrain the membership criteria of credit unions.

Respectfully,

Drew Litsch  
President/CEO  
Prime Bank  
Edmond, OK

Sincerely,  
Andrew O Litsch  
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