

From: [Jeb H. Clarkson](#)
To: [Regulatory Comments](#)
Subject: [Jeb H. Clarksonn omments on Notice of Proposed Rulemaking Regarding Associational Common Bond
Date: Thursday, January 14, 2016 4:15:20 PM

Gerard Poliquin
National Credit Union Administration
Alexandria DC 22314

[Jeb H. Clarksonn omments on Notice of Proposed Rulemaking Regarding Associational
Common Bond

Dear Gerard Poliquin:

I'm a third generation community banker. My grandfather started the bank in 1913 - long before credit unions were foisted upon the American public and long before government grew uncontrollably, as the credit union industry has done.

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. I believe finalizing this proposal will place the credit union industry's tax exempt status in jeopardy.

- My bank serves customers and the surrounding community, and competition from the credit union industry impacts my business. Far from being the lender of last resort, credit unions now cherry pick the best and brightest from our customer base and do so at a 34% advantage or in our case in South Dakota, a 40% advantage when the state bank franchise tax is added in. 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. In our state, Black Hills Federal Credit Union, already the largest financial institution in our second largest city, has been granted authority to expand state-wide in effect taking business away from tax paying entities.

- 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. It doesn't take a "rocket surgeon" to determine that anyone can join a credit union anywhere - simply pay a \$15 fee and you're in.

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.

Not only is the continual unbridled growth of the credit union industry very detrimental to a nation some \$19 trillion in debt, it is or should be a patriotic affront to each and every American citizen. From my vantage point as a member of a family that has been in community banking for nearly 103 years, it appears NCUA is more of a cheerleader for the credit union industry than a supervisor.

Sincerely,
Jeb H. Clarkson
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