

March 9, 1993

Michael Seider
Consultant
Wisconsin Credit Union League
10025 W. Greenfield Ave.
West Allis, WI 53214

Re: Proposed Annual Assessment of League Dues on Federal Credit Union ("FCU") Members (Your Letter of February 8, 1993)

Dear Mr. Seider:

You requested an opinion concerning whether an FCU may pass along its League dues to its membership in the form of an annual assessment. This practice is impermissible.

ANALYSIS

Section 109 of the FCU Act permits FCUs to charge "a uniform entrance fee if required by the board of directors" when becoming a member of the FCU. 12 U.S.C. ~1759. No other membership fees are permitted by the FCU Act. Under the ancient legal maxim "expressio unius est exclusio alterius," where something is designated in a statute, all omissions should be interpreted as exclusions. See Sutherland Stat. Const. ~47.23 (5th ed., 1992). Therefore, no annual membership fees of FCU members may be assessed except for the initial entrance fee. This is a long-standing policy of the NCUA. See Letter from John L. Ostby, NCUA General Counsel, to Michael Marion, Assistant Counsel, Michigan Credit Union League, dated June 8, 1981.

Sincerely,

Hattie M. Ulan
Associate General Counsel

Enclosure

GC/MEC:sg
SSIC 4630
93-0226