

## BOARD ACTION MEMORANDUM

**TO:** NCUA Board

**DATE:** February 23, 2009

**FROM:** Office of General Counsel

**SUBJ:** Proposed Rule, Part 701

**ACTION REQUESTED:** Board issuance of the attached proposed rule with a 60-day comment period.

**DATE ACTION REQUESTED:** February 26, 2009

**OTHER OFFICES CONSULTED:** Office of Corporate Credit Unions, Office of the Chief Financial Officer, and Office of Examination and Insurance.

**VIEWS OF OTHER OFFICES CONSULTED:**

**BUDGET IMPACT, IF ANY:** Minimal.

**SUBMITTED TO INSPECTOR GENERAL FOR REVIEW:** Yes.

**RESPONSIBLE STAFF MEMBER:** Justin M. Anderson, Staff Attorney, Office of General Counsel.

**SUMMARY:** The attached rule revises Part 701 by excluding investments natural person federal credit unions make in corporate credit unions, under the Credit Union System Investment Program and the Credit Union Homeowners Affordability Relief Program, from a credit union's total assets for purposes of calculating the operating fee. This amendment will address the concerns that an increase in the operating fee might deter credit unions from participating in the Credit Union System Investment Program and the Credit Union Homeowners Affordability Relief Program.

**RECOMMENDED ACTION:** Recommend the Board issue the proposed rule with a 60-day comment period.

**ATTACHMENT:** Draft Proposed Rule.