

[NOT YET SCHEDULED FOR ORAL ARGUMENT]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN BANKERS ASSOCIATION,

Plaintiff-Appellee,

v.

NATIONAL CREDIT UNION ADMINISTRATION,

Defendant-Appellant.

No. 18-5154

STATEMENT OF ISSUES

This case concerns a challenge to a rule promulgated by defendant-appellant the National Credit Union Administration (NCUA). The rule defines the terms “local community” and “rural district,” which are used in 12 U.S.C. § 1759(b)(3) to describe geographic areas that federal credit unions may serve. 81 Fed. Reg. 88,412, 88,440-41 (Dec. 7, 2016). The NCUA intends to raise the following issues:

1. Whether the rule is manifestly contrary to statute because it defines “local community” to include “a Combined Statistical Area or a portion thereof” with a population of no more than 2.5 million.

2. Whether the rule is manifestly contrary to statute because it defines “rural district” as a geographic area with (a) well-defined, contiguous boundaries; (b) a population of no more than 1 million; (c) a majority of the population living in rural

areas or a total population density of under 100 people per square mile; (d) boundaries that do not extend beyond states that are immediately contiguous to the state where the federal credit union is headquartered.

Respectfully submitted.

/s/ Daniel Aguilar

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CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2018, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system, and all parties will be served by the CM/ECF system.

/s/ Daniel Aguilar

Daniel Aguilar