



NCUA
National Credit Union Administration

Annual Freedom of Information Act Report

Fiscal Year 2021

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Annual FOIA Report • 2021

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Executive Summary

National Credit Union Administration

The National Credit Union Administration is the independent federal agency created by the U.S. Congress to regulate, charter and supervise federal credit unions. With the backing of the full faith and credit of the United States, NCUA administers the National Credit Union Share Insurance Fund (similar to the FDIC's Deposit Insurance Fund), insuring the deposits of millions of credit union account holders in all federal credit unions and the overwhelming majority of state-chartered credit unions. Not one penny of insured savings has ever been lost by a member of a federally insured credit union.

The agency's mission is to facilitate the availability of credit union services to all eligible consumers, especially those of modest means, through a safe and sound credit union system.

Mission

"Provide, through regulation and supervision, a safe and sound credit union system, which promotes confidence in the national system of cooperative credit."

Vision

"Protecting credit unions and the consumers who own them through effective supervision, regulation and insurance."

Values

- **Integrity** – Adhere to the highest ethical and professional standards.
 - **Accountability** – Accept responsibilities and meet commitments.
 - **Transparency** – Be open, direct and frequent in communications.
 - **Inclusion** – Foster a workplace culture that values diverse backgrounds, experiences and perspectives.
 - **Proficiency** – Deploy a workforce with a high degree of skill, competence and expertise to maximize performance.
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I. Basic Information Regarding Report

The following Annual Freedom of Information Act (FOIA) report covers the period 10/01/2020 through 9/30/2021, except as indicated below for Part XII of the report, as required by 5 U.S.C. 552. The URL for this report is:

<https://www.ncua.gov/foia/annual-reports>.

1. If you have any questions regarding this report, you may contact:

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National Credit Union Administration

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Alexandria, VA 22314

FOIA@ncua.gov

703-518-6540

2. The report is available online at <https://www.ncua.gov/foia/annual-reports>. You can click on hyperlinked terms to link directly to the corresponding documents on the NCUA website.
3. The report is available for public inspection and copying, provided at its duplication cost, and in an electronic format. You may obtain copies of this report by making a request to the NCUA, Office of General Counsel, 1775 Duke Street, Alexandria, VA 22314–2387, Attn: FOIA Officer; by e-mailing FOIA@ncua.gov; or by printing the report from the above link on the NCUA website at www.ncua.gov.

II. Making a FOIA Request

You can consult the NCUA website for information on how to submit a FOIA request and FOIA frequently asked questions. This information is available on the website at “How to Submit a FOIA Request” (<https://www.ncua.gov/foia/how-submit-foia-request>) and “FOIA Frequently Asked Questions” (<https://www.ncua.gov/foia/frequently-asked-questions>), or you can request copies from the Office of General Counsel by calling 703-518-6540.



1. FOIA requests may be submitted to one of two NCUA offices, both of which are located at 1775 Duke Street, Alexandria, Virginia 22314-3428. For records maintained by the Office of Inspector General (OIG), direct your request to the OIG at the above address. You may also send a request to the OIG by facsimile at 703-518-6349, or by e-mail to OIGmail@ncua.gov. For all other requests, submit your request to the FOIA Officer, Office of General Counsel (OGC), at the above address. You may also send these FOIA requests by facsimile to 703-518-6569 or by e-mail to FOIA@ncua.gov.
2. Brief Description of why some requests are not granted:

Generally, exempt information includes credit union examination reports; records, which if released, would cause an unwarranted invasion of personal privacy; confidential proprietary business information; internal communications regarding proposed NCUA policies; and law enforcement investigative records.

III. Definitions of Terms and Acronyms Used in the Report

1. No agency-specific acronyms or terms are used in this Report.
2. The following are definitions of terms used in this Report:
 - a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
 - b. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
 - c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.



- d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report. Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)
- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or



more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
 - i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
 - iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfect Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.



- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
 - q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
3. The following are concise descriptions of the nine FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information.
 - b. **Exemption 2:** personnel matters or internal agency rules and practices.
 - c. **Exemption 3:** information that is prohibited from disclosure by another federal law.
 - d. **Exemption 4:** trade secrets and other confidential business information.
 - e. **Exemption 5:** interagency or intra-agency communications that are protected by legal privileges.
 - f. **Exemption 6:** information involving matters of personal privacy.
 - g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions; or (F) could reasonably be expected to endanger the life or physical safety of any individual.
 - h. **Exemption 8:** information relating to the supervision of financial institutions.
 - i. **Exemption 9:** geological information on wells.



IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
N/A	N/A	N/A	NCUA	0	0

V. FOIA Requests

V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
NCUA	17	136	144	9
AGENCY OVERALL	17	136	144	9



V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	
NCUA	32	75	9	20	0	5	2	0	1	0	0	0	144
AGENCY OVERALL	32	75	9	20	0	5	2	0	1	0	0	0	144

V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS"

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
NCUA	N/A	0	0
AGENCY OVERALL			0



V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
NCUA	0	6	0	42	24	66	1	0	12	0	1	0	43	0
AGENCY OVERALL	0	6	0	42	24	66	1	0	12	0	1	0	43	0

VI. Administrative Appeals of Initial Determination of FOIA Requests

VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
NCUA	0	4	2	2
AGENCY OVERALL	0	4	2	2



VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS

Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
NCUA	2	0	0	0	2
AGENCY OVERALL	2	0	0	0	2

VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
NCUA	0	0	0	2	1	1	0	0	0	0	0	0	2	0
AGENCY OVERALL	0	0	0	2	1	1	0	0	0	0	0	0	2	0



VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
NCUA	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0

VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
NCUA	N/A	0	0
AGENCY OVERALL			0



VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
NCUA	18	18	16	20
AGENCY OVERALL	18	18	16	20

VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
NCUA	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2021-09-30	2021-09-28
	Number of Days Pending	0	0	0	0	0	0	0	0	0	2
AGENCY OVERALL	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2021-09-30	2021-09-28
	Number of Days Pending	0	0	0	0	0	0	0	0	0	2



VII. FOIA Requests: Response Time For Processed and Pending Requests

VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
NCUA	5	5.26	<1	14	27	25.59	<1	144	16.5	16.5	13	20
AGENCY OVERALL	5	5.26	<1	14	27	25.59	<1	144	16.5	16.5	13	20



VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
NCUA	5	4.78	<1	11	28	26.82	2	144	20	20	20	20
AGENCY OVERALL	5	4.78	<1	11	28	26.82	2	144	20	20	20	20

VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
NCUA	19	0	0	0	0	0	0	0	0	0	0	0	0	19
AGENCY OVERALL	19	0	0	0	0	0	0	0	0	0	0	0	0	19



VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
NCUA	34	84	2	0	0	1	0	1	0	0	0	0	0	122
AGENCY OVERALL	34	84	2	0	0	1	0	1	0	0	0	0	0	122

VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
NCUA	2	0	0	0	0	0	0	0	0	0	0	0	0	2
AGENCY OVERALL	2	0	0	0	0	0	0	0	0	0	0	0	0	2



VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

Agency / Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
NCUA	0	N/A	N/A	9	8	13	0	N/A	N/A
AGENCY OVERALL	0	N/A	N/A	9	8	13	0	N/A	N/A

VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
NCUA	Date of Receipt	N/A	2021-09-29	2021-09-24	2021-09-20	2021-09-20	2021-09-20	2021-09-01	2021-09-01	2021-08-30	2021-08-24
	Number of Days Pending	0	1	4	8	8	8	20	20	22	26
AGENCY OVERALL	Date of Receipt	N/A	2021-09-29	2021-09-24	2021-09-20	2021-09-20	2021-09-20	2021-09-01	2021-09-01	2021-08-30	2021-08-24
	Number of Days Pending	0	1	4	8	8	8	20	20	22	26



VIII. Requests For Expedited Processing and Requests For Fee Waiver

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
NCUA	2	0	6	6	2
AGENCY OVERALL	2	0	6	6	2

VIII.B. REQUESTS FOR FEE WAIVER

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
NCUA	1	0	2	2
AGENCY OVERALL	1	0	2	2

IX. FOIA Personnel and Costs

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
NCUA	0	2.15	2.15	\$414,050.00	\$0	\$414,050.00
AGENCY OVERALL	0	2.15	2.15	\$414,050.00	\$0	\$414,050.00



X. Fees Collected for Processing Requests

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
NCUA	\$877.50	0.2100
AGENCY OVERALL	\$877.50	0.2100

XI. Number of Subsection (c) and (A)(2) Postings

XI.A. NUMBER OF TIMES SUBSECTION (C) USED

Agency / Component	Number of Times Subsection Used
NCUA	0
AGENCY OVERALL	0

XI.B. NUMBER OF SUBSECTION (A)(2) POSTINGS

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
NCUA	5	476
AGENCY OVERALL	5	476



XII. Backlogs, Consultations and Comparisons

XII.A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
NCUA	0	0
AGENCY OVERALL	0	0

XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the <u>End</u> of the Fiscal Year
NCUA	1	3	4	0
AGENCY OVERALL	1	3	4	0



XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
NCUA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0



XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
NCUA	132	136	134	144
AGENCY OVERALL	132	136	134	144

XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
NCUA	1	0
AGENCY OVERALL	1	0



XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
NCUA	4	4	4	2
AGENCY OVERALL	4	4	4	2

XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
NCUA	0	0
AGENCY OVERALL	0	0