

Information Notice

New Rate for Fees Paid Under Section 31 of the Exchange Act

Effective Date: April 10, 2009

Executive Summary

The SEC is making a mid-year adjustment to the fee rates applicable under Section 31 (b) and (c) of the Securities Exchange Act of 1934. Effective April 10, 2009, the Section 31 rate applicable to the sales of specified securities transactions on the exchanges and in the over-the-counter markets will be at the new rate of \$25.70 per million of the aggregate dollar amount of sales of securities. This fee rate will remain in place until further notice.

Questions concerning this *Notice* should be directed to:

- ▶ Rob Renner, FINRA Vice President and Assistant Controller, at (240) 386-5303; or
- ▶ Kathleen O'Mara, Associate General Counsel, Finance, at (240) 386-5309.

Discussion

The Securities and Exchange Commission (SEC) announced on March 11, 2009 (*see* Fee Rate Advisory #5 for Fiscal Year 2009 on the SEC's Web site at www.sec.gov/news/press/2009/2009-56.htm) that the Section 31 rate applicable to the sales of specified securities transactions on the exchanges and in the over-the-counter markets will change. Specifically, the current Section 31 fee rate will increase from \$5.60 per million to the new rate of \$25.70 per million of the aggregate dollar amount of sales of specified securities. This new rate will be implemented on April 10, 2009. Until that date, the current rate of \$5.60 per million will remain in effect. The new fee rate of \$25.70 per million will remain in place until the fee rate for fiscal 2010 takes effect. The SEC stated that they will announce the new fee rates for fiscal year 2010 no later than April 30, 2009.

March 16, 2009

Suggested Routing

- ▶ Compliance
- ▶ Legal
- ▶ Trading

Key Topics

- ▶ Section 31 Fee

Referenced Rules & Notices

- ▶ Section 3 of Schedule A to the FINRA By-Laws
- ▶ Section 31 of the Securities Exchange Act of 1934

FINRA obtains its Section 31 fees from its membership, in accordance with Section 3 of Schedule A to the FINRA By-Laws. Section 3 specifies that the amount assessed on member firms will be determined periodically in accordance with Section 31 of the Exchange Act.