

Information Notice

Extension of Current Rate for Fees Paid Under Section 31 of the Exchange Act

Executive Summary

The SEC has been operating under a continuing resolution for fiscal year (FY) 2009 since October 1, 2008. As such, the Section 31 rate applicable to the sales of specified securities transactions on the exchanges and in the over-the-counter markets will remain at the current rate of \$5.60 per million until further notice.

Questions concerning this *Notice* should be directed to Rob Renner, FINRA Senior Director of Accounting Operations, at (240) 386-5303; or Kathleen O'Mara, Associate General Counsel, Finance, at (240) 386-5309.

Discussion

The Securities and Exchange Commission (SEC) has been operating under a continuing resolution since the start of FY 2009 on October 1, 2008 (*See Fee Rate Advisory #2 for FY 2009 on the SEC's Web site at www.sec.gov/news/press/2008/2008-232.htm*). The SEC specified, among other things, that the fee paid under Section 31 of the Securities Exchange Act of 1934 (Exchange Act) will remain at the current rate of \$5.60 per million while the agency operates under a continuing resolution. The SEC expects to be operating under a continuing resolution through March 6, 2009.

November 3, 2008

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

Further, as the SEC has previously announced, the Section 31 fee rate will increase from \$5.60 per million to \$9.30 per million 30 days after the date of enactment of its regular FY 2009 appropriation. FINRA will notify member firms through an *Information Notice* when the SEC's regular appropriation is enacted and the final date has been announced for implementing the rate change to \$9.30 per million.

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 firms are assessed will be determined periodically in accordance with Section 31 of the Exchange Act.