

Information Notice

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

Executive Summary

Beginning October 1, 2009, the Securities and Exchange Commission (SEC) will be operating under a continuing resolution for fiscal year (FY) 2010. 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 \$25.70 per million dollars until further notice.

Questions concerning this *Notice* may be directed to:

- ▶ Kathleen O'Mara, Office of Oversight, Liaison and Counsel, at (240) 386-5309; or
- ▶ Robert Wood, Senior Vice President, Finance, at (240) 386-5298.

Discussion

Beginning October 1, 2009, the SEC will be operating under a continuing resolution for fiscal year (FY) 2010. The SEC has 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 \$25.70 per million dollars while it operates under a continuing resolution.

Further, as the SEC has previously announced, the rate for the Section 31 fee will decrease from \$25.70 per million dollars to \$12.70 per million dollars 30 days after the date of enactment of its regular FY 2010 appropriation. FINRA will notify firms through an *Information Notice* when the SEC's regular appropriation is enacted and a final date has been determined for implementing the rate change to \$12.70 per million dollars.

October 2, 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 firms are assessed will be determined periodically in accordance with Section 31 of the Exchange Act.

A copy of the SEC's April 30, 2009, order regarding fee rates for FY 2010 is available at: www.sec.gov/rules/other/2009/33-9030.pdf.