

**NOMINATIONS OF TANYA OTSUKA, MARK UYEDA,
SPENCER BACHUS III, JENNIFER FAIN, CLAUDIA
SLACIK, AND WILLIAM BRODSKY**

HEARING
BEFORE THE
COMMITTEE ON
BANKING, HOUSING, AND URBAN AFFAIRS
UNITED STATES SENATE
ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

ON

NOMINATIONS OF:

TANYA OTSUKA, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL CREDIT
UNION ADMINISTRATION

MARK UYEDA, OF CALIFORNIA, TO BE A MEMBER OF THE SECURITIES AND
EXCHANGE COMMISSION

SPENCER BACHUS III, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF
DIRECTORS OF THE EXPORT-IMPORT BANK

JENNIFER FAIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT
INSURANCE CORPORATION

CLAUDIA SLACIK, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES
INVESTOR PROTECTION CORPORATION

WILLIAM BRODSKY, OF ILLINOIS, TO BE A DIRECTOR OF THE SECURITIES
INVESTOR PROTECTION CORPORATION

OCTOBER 19, 2023

Printed for the use of the Committee on Banking, Housing, and Urban Affairs



Available at: <https://www.govinfo.gov/>

U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SHERROD BROWN, Ohio, *Chairman*

JACK REED, Rhode Island	TIM SCOTT, South Carolina
ROBERT MENENDEZ, New Jersey	MIKE CRAPO, Idaho
JON TESTER, Montana	MIKE ROUNDS, South Dakota
MARK R. WARNER, Virginia	THOM TILLIS, North Carolina
ELIZABETH WARREN, Massachusetts	JOHN KENNEDY, Louisiana
CHRIS VAN HOLLEN, Maryland	BILL HAGERTY, Tennessee
CATHERINE CORTEZ MASTO, Nevada	CYNTHIA M. LUMMIS, Wyoming
TINA SMITH, Minnesota	J.D. VANCE, Ohio
RAPHAEL G. WARNOCK, Georgia	KATIE BOYD BRITT, Alabama
JOHN FETTERMAN, Pennsylvania	KEVIN CRAMER, North Dakota
LAPHONZA R. BUTLER, California	STEVE DAINES, Montana

Laura Swanson, *Staff Director*

Lila Nieves-Lee, *Republican Staff Director*

Elisha Tuku, *Chief Counsel*

Amber Beck, *Republican Chief Counsel*

Cameron Ricker, *Chief Clerk*

Shelvin Simmons, *IT Director*

Pat Lally, *Assistant Clerk*

C O N T E N T S

THURSDAY, OCTOBER 19, 2023

	Page
Opening statement of Chair Brown	1
Prepared statement	30
Opening statements, comments, or prepared statements of:	
Senator Scott	
Prepared statement	31
Senator Rounds	4

NOMINEES

Tanya Otsuka, of Virginia, to be a Member of the National Credit Union Administration	6
Prepared statement	33
Biographical sketch of nominee	35
Responses to written questions of:	
Chair Brown	118
Senator Scott	118
Senator Warnock	119
Senator Tillis	120
Senator Hagerty	121
Mark Uyeda, of California, to be a Member of the Securities and Exchange Commission	7
Prepared statement	46
Biographical sketch of nominee	47
Responses to written questions of:	
Senator Scott	121
Spencer Bachus III, of Alabama, to be a Member of the Board of Directors of the Export-Import Bank	8
Prepared statement	63
Biographical sketch of nominee	64
Responses to written questions of:	
Chair Brown	124
Senator Scott	125
Senator Warnock	126
Jennifer Fain, of Virginia, to be Inspector General, Federal Deposit Insurance Corporation	9
Prepared statement	77
Biographical sketch of nominee	78
Responses to written questions of:	
Chair Brown	127
Senator Scott	129
Senator Warnock	131
Claudia Slacik, of New York, to be a Director of the Securities Investor Protection Corporation	11
Prepared statement	92
Biographical sketch of nominee	93
Responses to written questions of:	
Chair Brown	132
Senator Scott	132
Senator Menendez	133
Senator Warnock	134

IV

	Page
William Brodsky, of Illinois, to be a Director of the Securities Investor Protection Corporation	12
Prepared statement	101
Biographical sketch of nominee	103
Responses to written questions of:	
Chair Brown	134
Senator Scott	135
Senator Menendez	136
Senator Warnock	136

ADDITIONAL MATERIAL SUPPLIED FOR THE RECORD

Letters submitted regarding nominees	138
“The NCUA Must Step Up for Overseas Servicemembers”, <i>Credit Union Times</i> , by Mary McDuffie	178

**NOMINATIONS OF TANYA OTSUKA, MARK
UYEDA, SPENCER BACHUS III, JENNIFER
FAIN, CLAUDIA SLACIK, AND WILLIAM
BRODSKY**

THURSDAY, OCTOBER 19, 2023

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC.

The Committee met at 10 a.m., in room SD-538, Dirksen Senate Office Building, Hon. Sherrod Brown, Chair of the Committee, presiding.

OPENING STATEMENT OF CHAIR SHERROD BROWN

Chair BROWN. The Senate Committee in Banking, Housing, and Urban Affairs will come to order. Thank you for joining us. Senator Rounds will be Ranking Member today. Welcome back. He's done that before.

Senator ROUNDS. Thank you, sir.

Chair BROWN. I like the relationship. I'd like to thank Senator Sinema for her years on the Committee in her service. She is moving to the Appropriations Committee. I welcome Senator Butler from California. She, unfortunately, soon after being sworn in, she is sick. Nothing serious, but will be back likely next week. We're excited to work with her.

The Committee meets today to consider six nominations. Four of whom are renominations. Ms. Tanya Otsuka, to be a Member of the National Credit Union Administration Board. Welcome.

The Honorable Mark Uyeda, nominated to be Member of the Securities Exchange Commission. Welcome back.

The Honorable Spencer Bachus, whom I served in the House with renominated to be a Member of the Board of Directors of Ex-Im Bank. Welcome back, Congressman Bachus.

Ms. Jennifer Fain, to be Inspector General of Federal Insurance Deposit Corporation. Welcome, Ms. Fain.

The Honorable Claudia Slacik, renominated to be a Director of the Securities and Investor Protection Corporation. Welcome back, Ms. Slacik.

And the Honorable William Brodsky, renominated to be Director of the Securities Investor Protection Corporation. Welcome back, Mr. Brodsky.

We thank the nominees for appearing today. We especially thank them for their willingness to serve, in the case of pretty much all of you, to continue to serve your country. These nominees will play

an important role in the success and stability of our financial system, if confirmed. We look forward to that. I would like to talk for a moment about each.

I will spend more of the time talking about the one of the six, that I know the best, who has served in this Committee—is actually still serving this Committee, and is not used to sitting there looking in this direction. I met her parents, and her husband, and her young son, Adrian, and her sister today.

The President’s nominated Tanya Otsuka to be a member of the National Credit Union Administration Board. She would be the first Asian-American to serve on that board in the agency’s 53-year history. She’s exceptionally well qualified. She served as a key member of my Banking and Housing Committee staff.

She crafted legislation, she provided strategic advice on banking issues and credit union policy understanding. She’s no longer doing credit union issues for the Committee now that she’s been nominated. She’s a career public servant. She first joined this Committee in 2019 as a legislative fellow detailed from the FDIC. She became a permanent member of my team in 2020 where she currently serves as senior counsel.

Within days of her joining the Committee, coronavirus pandemic endangered our financial system. Ms. Otsuka immediately got to work with then Chair Crapo’s staff, I was Ranking Member at that time, on critical provision of the CARES Act and so that our credit union system would remain strong, and viable, and stable as it has.

When our financial system was tested earlier in the year by the largest bank failures since 2008, Ms. Otsuka worked to keep Committee officers informed about the rapidly involving evolving situation. She was in constant contact with regulators and other stakeholders.

She’s played a pivotal role in legislation advanced by the Committee this year, including surprise to many, the RECOUP Act, to hold failed big bank executives accountable. We voted out of this Committee, again, a surprise to people that we could work together on something so contentious and difficult that many banks didn’t want. We passed it out 21–2. Ms. Otsuka has played a big role in that, and I thank her for that.

River City Federal Credit Union out of San Diego wrote to the Committee—out of San Antonio, excuse me, wrote to the Committee, “We appreciate Tanya’s work to raise a visibility of credit unions, remove barriers to growth, and support credit unions in deepening their impact in the communities they serve.”

Michael Adelman, whom I know, President, CEO of the Ohio’s Bankers League, wrote, “While we may have differed on specific policy decisions, Ms. Otsuka did her homework, gave OBL and other interested parties a fair shake. She welcomes a diversity of views. She’s the type of regulator we ought to have in these critical economic positions.” Congratulations on your appointment, Ms. Otsuka.

The President has renominated Mark Uyeda to a full term in the SEC. He served as a board member of the commission since last year. Prior to his confirmation, Mr. Uyeda was detailed to then Ranking Member Toomey’s staff from the SEC. He first joined the SEC in 2006. He served in several roles, including counsel for Com-

missioners Paul Atkins and Michael Pievar, as well as senior advisor to Chair Jay Clayton. Early in his career, he worked in private law practice as well as for the California Department of Corporations. Welcome back, Mr. Uyeda.

The President has renominated Congressman Bachus to the Ex-Im Bank Board. Spencer Bachus first joined Ex-Im as a board member in 2019, along with Judith Pryor and then Chair, Kimberly Reed. He played an important role in helping reopen Ex-Im Bank after an unfortunate 4-year partial shutdown.

For 12—oh, I'm sorry, for 22 years, Congressman Bachus represented Alabama's 6th District. He joined the House of Representatives the same day I did many years ago. He was Chair and Ranking Member in on that Committee. Good to see you again, Congressman.

The President has nominated Jennifer Fain to be Inspector General of the FDIC, a role that carries great importance given the recent bank failures. She brings years of audit inspections, evaluations, and investigations experience, including in the areas of financial services and consumer protection. She possesses extensive experience in Federal Government oversight, serving in several agencies, Inspector General offices.

More recently, she served in senior leader leadership roles at Ex-Im Bank Office of Inspector General, notably as Deputy Assistant IG for Inspections and Evaluations. Prior to joining Ex-Im Bank, she served in IG offices at HUD, FHFA, and in the U.S. Election Assistance Commission. Glad to see you, Ms. Fain. Thanks for coming.

We'll also consider the nominations of two qualified nominees to the board of directors of the Securities Investor Protection Corporations, Claudia Slacik and William Brodsky. Both nominees have significant financial services experience.

Ms. Slacik possesses some 30 years of financial services experience both in the public and private sector. The Senate confirmed her by voice vote to the SIPC board last year. She currently serves as Chair. Prior to serving on SIPC, Ms. Slacik was the Chief Banking Officer, Export-Import Bank. She served in senior level roles at several large banks before entering public service. Glad to see you again, Ms. Slacik.

Last, Mr. Brodsky possesses five decades of securities and investment business experience. The Senate confirmed him to the SIPC board last year, similar to Ms. Slacik by voice vote. During his career, he has worked in senior level roles at several major exchanges, including the American Stock Exchange, the Chicago Mercantile Exchange, and the Chicago Board Options Exchange, where he was Chair and Chief Executive Officer. Welcome, Mr. Brodsky. Thank you for joining us.

If all of you would please stand for the oath, please.

Senator BRITT. Let him go first.

Chair BROWN. Oh, I'm sorry. You make your statement, then we do the oath. Sorry about that. Sit back down.

[Laughter.]

Sorry about that. Six of you is overwhelming, so. Sorry, go for it. Sorry.

OPENING STATEMENT OF SENATOR MIKE ROUNDS

Senator ROUNDS. Well, and we're keeping you all to ourselves right now as well. First of all, thank you, Mr. Chairman. And I want to say welcome to all of our nominees. I commend each of you for your desire to serve the American people. With six nominees today, I will try to move through each of you rather quickly.

Congressman Bachus, welcome back to Capitol Hill, and congratulations on being renominated for a position on the board of the Export-Import Bank. The Ex-Im Bank is a valuable tool for promoting U.S. exports economic growth and job creation. In the face of an increasingly competitive global market, I believe American companies must be able to effectively compete on the international stage. I look forward to hearing ways you believe the Ex-Im Bank can continue to be effective, especially as countries like China bolster their own companies by guaranteeing export loans.

Mr. Uyeda, in your capacity as a member of the Securities and Exchange Commission for the last year, you have been an independent voice of reason, pushing back against harmful policies that aim to overhaul our capital markets.

Over the last 3 years under Chair Gensler's reign, the SEC has issued dozens of complex rulemakings that will hurt markets and investors. Mr. Uyeda, I am confident that you will continue to act as that rational voice to promote policies that will strengthen our capital markets while protecting investors, not attempt to legislate through rulemaking.

Turning to Ms. Fain, during the Obama administration, the Department of Justice and financial regulators initiated the controversial Operation Choke Point. The program aimed to pressure banks into withholding their services from completely legal industries that the Administration didn't support, such as firearm manufacturers and payday lenders. The FDIC's own Inspector General, the position for which you are nominated, determined that FDIC personnel singled out these businesses in line with a widely held belief that senior FDIC officials disapproved of the businesses.

I fear that there are individuals in the Biden administration who still advocate for the core principle of Operation Choke Point, which involves the abuse of regulatory power to restrict financial access to lawful businesses that happen to be politically disfavored.

Ms. Fain, if confirmed, I'd charge you to use your 22 years of experience in Federal oversight to make sure the FDIC adheres to its mission of promoting stability and public confidence in our financial system, rather than playing politics with American companies.

Ms. Otsuka, we know financial institutions are fully capable of pricing risks into their business decisions, including risks from changing customer preferences over time. I am extremely concerned financial regulators are trying to allocate capital away from carbon emitting industries, including agriculture to those deemed to be sufficiently green.

For example, NCUA has warned that credit unions and I quote, "May need to consider adjustments to their fields of memberships, as well as the types of loan products they offer," because of climate change. In the Upper Midwest, producers rely on access to credit from their local credit unions and other financial institutions for

the financing of their farming and ranching operations. They feed the world.

Ms. Otsuka, as we discussed, and I really appreciated our discussions in my office, I remain concerned about unintended consequences from the misapplication of climate financial risk considerations, especially if credit unions are pressured to unnecessarily avoid and/or reduce serving certain industries like agriculture if an examiner deems it too risky based on climate change.

We don't need bureaucrats telling farmers, ranchers, and the credit unions that support them and tell them how to run their operations, especially bureaucrats that believe chocolate milk may come from brown cows. You're supposed to laugh at that, by the way.

[Laughter.]

I look forward to discussing ways NCUA can engage with the agricultural community to protect access to their capital. I also want to thank you for your service to Chairman Brown's team and the Committee at large.

Finally, we have two nominees before us today who have been re-nominated to the Securities Investor Protection Corporation, or SIPC, which serves as a liquidator for broker-dealers that experience financial troubles or are forced into bankruptcy, and protects against the loss of cash and securities.

Since its creation, SIPC has helped to recover \$141.8 billion in assets. Ms. Slacik and Mr. Brodsky, I look forward to learning more from you during this hearing on your plans to protect American families. I will note that the Banking Committee's last SIPC oversight hearing took place in 2015. I believe we should be more diligent in conducting our oversight role here so that the public has a better understanding of the functionality of SIPC.

I will close by saying that Americans are frustrated, deeply frustrated by the actions of regulators that are hurting their businesses, families, and interfering in their daily lives. It is our role in the Senate to scrutinize and evaluate each nominee who comes before this Committee. The decisions you make in your respective roles, if confirmed, will have a bearing on the quality of life for American families. We are entrusting you with very real and serious responsibilities. Thank you, Mr. Chairman.

Chair BROWN. Thank you, Senator Rounds. As a kid who is a Democrat, who milked Guernsey cows, reddish-brown cows, as a kid, I can assure you that chocolate milk doesn't come from those kinds of cows, so.

[Laughter.]

Senator ROUNDS. Spoken like a real egg.

Chair BROWN. Yeah. Please stand, for real this time, and raise your right hand. Thank you.

[Witnesses sworn.]

Chair BROWN. OK. Thank you all. Please be seated. If any of you, as you speak, as you testify, would like to introduce friends or family members, certainly include that in your testimony, and I won't count that against your 5 minutes. So, Ms. Otsuka, if you would begin. Ms. Otsuka.

Ms. OTSUKA. Thank you, Senator.

**STATEMENT OF TANYA OTSUKA, OF VIRGINIA, TO BE A
MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION**

Ms. OTSUKA. Chairman Brown, Ranking Member Rounds, and distinguished Members of the Committee, it is an honor to appear before you today. Thank you to President Biden for nominating me and to Senator Brown for his support. I also want to thank the Senate Banking, Housing, and Urban Affairs Committee staff, and the member staffs for their well wishes, and most importantly, for the work they do every day to serve the American people.

With me today are my spouse of 10 years, Matt, our son Adrian, and my sister Natalie. Also with me today are my parents, Cary and Sima Otsuka, who worked and sacrificed so that my sister and I would have everything we needed to succeed. They instilled in me a strong work ethic, sense of purpose, and respect for others. I would not be sitting here today without their love and support.

I'm honored and humbled to be nominated to serve on the board of the National Credit Union Administration. The NCUA's mission of ensuring a strong system of cooperative credit is one that resonates with me both personally and professionally.

Growing up, I spent many summers with my paternal grandparents listening to my grandmother tell me stories about her childhood. During World War II, she and her family were sent to an internment camp in Arkansas, forced to leave behind most of their possessions, including their family farm in California.

For the rest of the war, my grandmother and her family were incarcerated in a prison-like compound, surrounded by barbed wire because they were Americans of Japanese descent. At the same time, her brother fought overseas in the 442nd Regiment of the U.S. Army. My grandfather and his family shared a similar fate, forcibly incarcerated in Arizona.

My grandmother recounted how difficult it was after the war to make ends meet when she and her family had lost everything. Like my grandparents, many Japanese Americans face the same struggle and were often met with discrimination when they tried to deposit money or get a loan. Some took matters into their own hands, forming a credit union so that Japanese Americans could access financial services and help each other rebuild their lives.

Today, that credit union is still active and insured by the NCUA. Experiences like this embody the cooperative spirit and exemplify the important role that credit unions play in our communities and economy. It is fitting that today is the 75th anniversary of International Credit Union Day, which celebrates the credit union movement's mission of financial inclusion.

As a career public servant with over a decade of experience in financial services law and policy, I also have a deep appreciation for the role that independent agencies like the NCUA play in maintaining stability and public confidence in our financial system. I began my career as an attorney at the Federal Deposit Insurance Corporation in the wake of the 2008 financial crisis.

During my 10 years at the FDIC, I gained experience in supervision, enforcement, resolution, assessments, and deposit insurance, all of which are also critical functions of the NCUA. I worked on the implementation of a number of FDIC policy actions, including many related to the Dodd-Frank Act and S. 2155.

For the last several years, I've had the honor of serving on the staff of the Senate Banking and Housing Committee, managing a wide range of financial services issues, including credit union policy and oversight. I'm grateful to Senator Brown for this opportunity and to Senator Crapo, who was the Chair of the Committee in 2019, allowed me the opportunity to serve as a legislative fellow on detail from the FDIC.

During my time on the Committee, I have had the privilege of working with his staff, Senator Toomey's staff Ranking Member Scott's staff, and the staffs of the Members of this Committee. Together, we have worked on a number of bipartisan bills, including the CARES Act, which helped maintain the strength of the credit union system and allowed credit unions to support their members and communities through the COVID-19 pandemic. I have seen the positive impact of Government working for the American people to maintain a safe and sound financial system, especially in times of uncertainty.

I hope to continue my public service in support of the NCUA's critical mission and to ensure a fair, competitive, and resilient credit union system. If confirmed, I will remain committed to the millions of Americans who rely on the NCUA to safeguard their hard-earned money. Thank you, and I look forward to your questions.

Chair BROWN. Thank you, Ms. Otsuka.

Mr. Uyeda.

STATEMENT OF MARK UYEDA, OF CALIFORNIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION

Mr. UYEDA. Chairman Brown, Ranking Member Rounds, and Members of the Committee, thank you for the opportunity to appear before you today. Joining me in the hearing room is my wife Masae, and watching remotely from California are other members of my extended family.

In May, 2022, I was privileged to appear before the Committee as the nominee to fill the 12 months of then-remaining former Commissioner Elad Roisman's term. I'm grateful for the Committee's support then. I thank the President for his nomination to serve a full 5-year term as a member of the Securities and Exchange Commission. If confirmed, I would be able to continue to contribute to an agency where I've served since 2006.

As the first Asian Pacific American to serve as an SEC Commissioner, I grew up in a world where many immigrant families ran small businesses. My first job was spending my teenage summers with my grandfather on his delivery route, where he drove a small truck bringing fresh produce from the Los Angeles wholesale market to restaurants and retailers, which were often small businesses themselves.

For these small enterprises, capital was not always easily obtainable. Nevertheless, their owners had the opportunity to create and grow businesses that served customer needs, provided jobs, and generated economic activity. An environment amenable to creating those opportunities is what makes America a special place for hardworking and innovative entrepreneurs.

The past 16 months of as Commissioner have been the most fulfilling and humbling time of my public service. Since taking office, I've provided input and voted on the proposal or adoption over 40 SEC rulemakings that touch upon nearly all aspects of the capital markets and its participants.

When evaluating the SEC's policy initiatives, I draw upon my diverse experiences of nearly 30 years, including as a corporate lawyer in private practice, as a state securities regulator at the California Department of Corporations, as a member of the SEC staff, and as a detailee to the Senate Committee on Banking, Housing, and Urban Affairs.

One lesson that I have learned from these experiences is the need to carefully assess the cost of regulatory activity relative to its benefits. Many of these costs are passed on to the workers and retirement savers who are investing for their future.

Given the SEC's critical role in overseeing our country's capital markets, promulgating regulations that are based on data, cost effective, and aimed at addressing identified issues of utmost importance. Consideration should be given to appropriately scaling our roles and implementation timelines so it's not to have a disparate impact on small businesses, including those owned by women and minorities.

Investors from around the world are willing to place their capital at risk in our markets due, in part, to our regulatory structure being perceived as effective, efficient, and rationally applied. It's important that the SEC'S rules continue to meet these expectations. Keeping our markets robust, liquid, and vibrant means both facilitating capital formation for companies and protecting investors. One cannot exist without the other to close.

To close, I would like to express my gratitude and appreciation for the work of my fellow commissioners and the staff of the SEC. Their efforts to carry out the agency's mission of protecting investors, maintaining fair, orderly, and efficient markets, and facilitating capital formation continues to inspire me every day. Thank you, and I look forward to your questions.

Chair BROWN. Thank you, Mr. Uyeda.

Congressman Bachus is welcome.

STATEMENT OF SPENCER BACHUS III, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK

Mr. BACHUS. Hearing from my fellow nominees about their past and their stories is really gratifying. It makes us really appreciate our country much more that we can improve a lot over generations.

Chairman Brown, Ranking Member Rounds, and other Members of the Committee, I was afforded the opportunity to meet with many of your staffers. I see some of them up there on the dais with you, and we had some very meaningful conversations. They asked many questions, and I think I answered a lot of them.

If I'm approved for another term on the Export-Import Bank, I would consider it a privilege. I've really enjoyed my past term on the board. I think what I've enjoyed the most is visiting small towns, small businesses, women-owned businesses, minority businesses. We just approved—I was not on the board, but we just ap-

proved our first thing under the Make More in America. And it was a minority-owned business.

And I visited Dickinson, North Dakota, and there's a company there that is the only company in the United States that produces a part for our F-35 and our nuclear submarines. Other than that company, we have to rely on foreign sources, and some of those, quite frankly, are belligerent to our interest.

My wife Linda couldn't be here. She and four of my five children were here last time. But I think events in the House and the invasion of the Capitol has scared off my children. And I think that she is having eye surgery and isn't with me, but I'd like to acknowledge her. She's been an important part of my life and of any success and accomplishments that I've had.

When I testified before you in 2017, and it was '17, I wasn't appointed till '19, we had undergone a pretty dramatic event at Export-Import. We were reauthorized, but we did not have a quorum. And that existed for 4 years. During that period of time while we were inactive, our competitors were not.

And unfortunately, they captured market share and resulted in several of our companies losing market share, actually, some of them going out of existence. And I sort of was there to witness that. It was very sad. But we do have a quorum now. We have new assignments from the Senate and from the White House. I want to thank President Biden for nominating me for a second term.

I'd be happy to answer any of your questions about any of our programs. I will say that talking to staff, I think they honed in on the China and Transformational Exports Program. And we have three of those programs that we've approved. I mean, we have more than three. We have several. But there's three that I'd like to just quickly mention.

One is Bridges for Cameroon, and it is the steel industry. Senator Vance yesterday expressed his desire that when we talk about transformational assets, we don't forget about our basic industries. You know, agricultural products and other things. And a small company in Chicago, based in Chicago, we'll supply girder modular bridges for Cameroon. And we had intense negotiation over 3 years to take that from China.

We also had two solar projects. One was in Honduras. Another one was in Angola. Now, we usually do business where there's risk. We don't function if there's no risk. And we have banks that partner with us on all these projects. Having said that my time is up. I look forward to your answers.

Chair BROWN. Thank you very much, Congressman.

Ms. Fain, you're welcome. You're recognized for 5 minutes. Thank you.

STATEMENT OF JENNIFER FAIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION

Ms. FAIN. Good morning, Chairman Brown, Ranking Member Rounds, and Members of the Committee. It's an honor to appear before you today as the President's nominee to serve as the Inspector General for the Federal Deposit Insurance Corporation.

I would first like to thank my family, especially my husband, Kevin, who is here today, and my two brothers and their families. My gratitude must begin with my parents who exemplified the opportunity of America and service to the country. My mother immigrated to the United States from South Korea and labored for years running her small restaurant. She has gone now, but still with me in so many ways.

My father enlisted in the Army as a young man, and those years of military service served to inspire me to pursue a career in public service. For all of these family influences, I am profoundly grateful. I also thank my colleagues and mentors who have shared this professional journey with me. I would not be here without their support and encouragement over the years.

I deeply appreciate the FDIC'S long-standing essential role in maintaining stability and public confidence in the U.S. financial system. The FDIC insures deposits; examines and supervises financial institutions for safety, and soundness, and consumer protection; makes large, complex financial institutions resolvable; and manages receiverships. Simply put, the FDIC helps protect individual Americans who place great trust in our Nation's banks.

As an independent organization, the FDIC Office of Inspector General plays a vital oversight role in ensuring the integrity and accountability of FDIC programs. The OIG conducts audits, evaluations, and reviews. It also pursues criminal and administrative investigations relating to FDIC employees, contractors, and financial institutions.

Importantly, OIG's mission is not simply to identify issues of concern, but to also to recommend corrective actions for their prevention. This proactive function is essential to improve and strengthen the effectiveness and integrity of the agency. The OIG contributes to the successful accomplishment of the agency's mission.

I have valued this critical role based on serving for over 22 years in the Federal Inspector General community, most recently as the Deputy IG at the Export-Import Bank of the United States. Previously, I acted in the role of IG for nearly 3 years, where I led a team of auditors, investigators, and analysts providing independent oversight of Ex-Im programs and operations.

Our office's accomplishments depended on the contributions of exceptional staff, and my main goal was to empower them to succeed. I carry these lessons in leadership with me today. My extensive oversight experience in financial services and consumer protection matters provided deep foundation for me to serve as Inspector General for the FDIC.

In prior management positions at Ex-Im OIG, I directed complex financial and performance audits and evaluations, and inspections of multimillion-dollar international transactions. I also held leadership positions in OIG offices at the Federal Housing Finance Agency and the Department of Housing and Urban Development, which broadened my expertise in oversight for other agencies and disciplines, particularly for consumer protection.

My appreciation for public service actually dates back to the beginning of my Federal career in 1994 when I was a student intern in the accounting division of the United States Mint. After graduating from college, I worked in HUD OIG's Denver field office,

where for several years I conducted and supervised audits of HUD programs throughout the Rocky Mountain region.

I met with individuals from all walks of life who were affected by those programs, including lenders and loan recipients. Those conversations and experiences made a lasting impression on me. They illuminated the direct impact that OIG oversight can have on the lives of Americans and the importance of OIG staff individual contributions. This perspective will be essential for me to successfully lead the FDIC OIG.

It would be an honor to serve as the Inspector General of the FDIC. I would be committed to delivering results in an independent and objective manner on the effectiveness and efficiency of FDIC's programs and operations, which ultimately would benefit the American people. Thank you for considering my nomination. I look forward to working with you and your staffs, if I am confirmed. I'm happy to answer any questions you may have.

Chair BROWN. Thank you, Ms. Fain.

Ms. Slacik, welcome.

STATEMENT OF CLAUDIA SLACIK, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION

Ms. SLACIK. Chairman Brown, Ranking Member Rounds, and distinguished Members of the staff and the Committee, it's an honor to appear before you today and it's really an honor to appear with this panel that is so impressive. Their personal stories are just so impressive.

I'm grateful to be nominated by the President for reappointment to a full term as a member of the Board of Directors of SIPC. If confirmed, I would be honored to continue to serve and do all I can do in that capacity to protect investors and to promote confidence in the U.S. securities markets.

Before presenting my background, let me first introduce you to the members of my family who are here with me today. First, my wife, Susan Davis, who was born and raised in Louisiana, and who has dedicated most of her professional life and service to impoverished people in the neediest parts of the world.

And second, my brother Kurt Slacik, who was born in New York State, and who is now a senior executive at a steel mill in Pennsylvania. Three of my five beautiful and smart nieces are also with me today, Sophia, Katherine, and Samantha.

As for myself, I was born in upstate New York, and grew up there as well as in New Jersey, Illinois, Connecticut, California, and Massachusetts. I also spent 5 years in Brussels, Belgium. I'm a product of both public and parochial schools, received my undergraduate degree from Smith College and my MBA from New York University. My parents are both deceased, but were the children of people who immigrated to the United States from Eastern Europe in the early 1900s. I have three other siblings who live in Florida, California, and Nevada.

As for myself, I spent 35 years in the U.S. financial services industry, mostly as a commercial lender at corporations—hello, Senator.

Senator TESTER. Hi.

Ms. SLACIK. —and an international trade finance specialist. I have also experience in corporate restructurings, risk management, and general management. I've served on the boards of several companies, both public and private, with a specialty in audit committees, and I've served on several not-profit boards as well.

Before beginning my service as SIPC chair in 2022, my most recent professional position was as the Chief Banking Officer of the Export-Import Bank, where my staff and I analyzed billions of dollars of transactions for small, medium, and large companies, which supported hundreds of thousands of jobs for Americans.

My responsibilities included expanding the public's awareness of the bank and overseeing the due diligence and underwriting of transactions greater than \$10 million before they were presented to the bank's board of directors. My close working relationship with the board allowed me to gain a keen appreciation for the role and responsibility of Presidentially appointed boards.

Since early 2022, I've served as the Chair of SIPC'S Board of Directors. During that time, SIPC has continued to increase its reserves, and to adapt to new technologies and changes in the securities industry. In addition, SIPC has overseen the closing of the liquidation of Lehman Brothers in which 110,000 customers achieved 100 percent recovery of all nearly \$106 billion of customer property at no cost to SIPC or to the American taxpayer.

Moreover, the trustee and the SIPC initiated liquidation of the Bernard L. Madoff Investment has resulted in tremendous recovery efforts and recouped and distributed more than \$14 billion to investors. That's 70 percent of the funds deposited with that firm.

I recognize the importance of SIPC to retail investors and the vital role it plays in the country's financial system. By ensuring that individual investors' securities accounts are protected when a broker-dealer fails, SIPC promotes investor confidence in our U.S. securities markets. In addition to protecting individual investors from financial hardship, SIPC helps to insulate the markets from disruption which can follow any brokerage firm failures.

If confirmed, I will support SIPC's mission to guard investors in the always evolving securities markets. I pledge to act vigorously as a principal advocate for robust investor protection. I further pledge to work diligently with the Members of the Committee to address your concerns, and keep you informed of SIPC's activities.

Thank you for your time and consideration of my nomination. I look forward to answering any of your questions.

Chair BROWN. Thank you, Ms. Slacik.

Mr. Brodsky, you're welcome.

STATEMENT OF WILLIAM BRODSKY, OF ILLINOIS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION

Mr. BRODSKY. Thank you, Mr. Chairman, Senator Rounds, and Senator Tester. It's a pleasure to appear before you today. I'm honored to appear as one of President Biden's nominees to serve on the board of the Securities Investor Protection Corporation.

Before presenting my background, let me first introduce to you the members of my family who are here with me today. My wife

Joan, who's been my wife and partner for over 50 years. Our son, Michael, and his wife Aleta Margolis, are also here with me today.

I believe that I'm well qualified to continue to serve on the Board of SIPC based on my lifetime career in the investment business, and specifically based on my experience in the securities industry. If confirmed, I will look forward to working with the Committee to ensure that investors do not lose their hard-earned assets as a result of a brokerage firm failure.

My career in the securities industry spans more than 50 years. I began my career on Wall Street serving summer internships that included working on the floor of the New York Stock Exchange. I had summer jobs in three securities firms on Wall Street while still in college. And after graduating from law school, I worked at an international securities brokerage firm as an attorney in the law and compliance division, and where I learned all aspects of the business.

In fact, I was on Wall Street when brokerage firms were failing, and many customers lost all their investments because SIPC had not yet been created. So I know from personal experience the vital role that SIPC plays in providing confidence to investors in having faith in the safety and soundness of the assets they entrust to their broker-dealer.

I next joined the American Stock Exchange, first as a lawyer in its policy planning and Government relations department, and ultimately rising to become Executive Vice President for operations. In 1982, I moved to Chicago to become Executive Vice President and Chief Operating Officer of the Chicago Mercantile Exchange, now known as the CME Group.

In 1985, I was named President and CEO of the CME, and served in that role until 1997 when I moved across town to become Chairman and CEO of the Chicago Board Options Exchange, now known as CBOE Global Markets. I served in that position until 2013 when I stepped down as CEO, but remained as chairman until 2017. I guided CBOE's demutualization leading to it becoming a public company, and with its shares becoming part of the S&P 500 stock index. During my tenure at CBOE, I also served as Chairman of the World Federation of Exchanges, an association of the largest exchanges in the world.

For the past 6 years—I don't want to retire, by the way. As you can tell!

[Laughter.]

For the past 6 years, I've served as Chairman of Cedar Street Asset Management, an SEC-registered investment advisor, founded by my son, Jonathan, that invests exclusively in non-U.S. stocks on behalf of individual and institutional investors.

I also serve as chairman of another SEC-registered investment advisor, Option Solutions, founded by son, Michael, who sits behind me, that provides investment management services to investors. I also serve as an advisor to Madison Dearborn Capital Partners, a private equity firm, and OCA Ventures, a venture capital firm, both of which are based in Chicago.

I've served on the board and as trustee for several public companies, private companies, and nonprofit organizations. Among these, I've served as Chairman for 11 years of the Investment Committee

of Northwestern Memorial Hospital in Chicago, where we oversaw its multibillion-dollar portfolio. And I currently serve on the Investment and Endowment Committee of my alma mater, Syracuse University.

I've utilized these experiences in my service on the SIPC Board because for the last 15 months, I've been Chairman of the Investment Committee of SIPC. During this period, SIPC'S fund reserve have reached their an all-time high, and my goal is to make sure that SIPC always has sufficient reserves and liquidity if a crisis were to arise.

I affirm my deep commitment to investor education, customer protection, and to help maintain the credibility and importance that SIPC plays in the viability and integrity and importance of our securities markets to the citizens of our country.

I believe SIPC's mission of protecting investors, and more broadly raising, the confidence in the U.S. securities markets is important. I have devoted my entire career to help further this country's capital markets to improving financial literacy, investor education, and to ensuring safety and soundness of our capital markets. If confirmed, I promise to work with Members of this Committee in advancing these shared goals.

Mr. Chairman and Members of the Committee, this concludes my remarks. Thank you for your attention, and I'd be happy to answer any questions you may have.

Chair BROWN. Thanks, Mr. Brodsky. I'm going to yield the floor. First questions to Senator Tester.

Senator TESTER. Thank you, Mr. Chairman. I appreciate the courtesy, and thank you and Ranking Member Scott for having this hearing. And I want to thank all of you for your willingness to serve. I appreciate it very, very much.

I'm going to start with you, Mr. Uyeda. First of all, thank you for the work you've done. I have led letters, joined efforts with my colleagues to highlight the importance of the SEC, to ensure that as you undertake proposals and proposed rulemaking that you take into consideration how it interacts with existing rules, and not only within the SEC, but other agencies. And I appreciate you guys taking that to heart moving forward.

American markets are the gold standards. And I think that we need to be able to protect those markets, investors, facilitate capital formation, maintain fair, orderly, and efficient capital markets. It is fundamental if we're going to maintain that standard and it's fundamental for a functioning economy.

Tell me how you achieve the goals of protecting investors while facilitating capital formation, and maintaining a fair, and orderly, and official capital market?

Mr. UYEDA. Well, thank you, Senator Tester. I completely agree with you that our markets are the gold standard through the world, and that's one reason why we attract capital from around the world. The way I look at it, facilitating capital formation, maintaining fair, orderly, and efficient markets, and investor protection, they all go hand in hand. You cannot take out one of those elements and still have a world class set of capital markets

To balance that, it's really important we do an effective economic analysis. We need to promptly identify the problems that we are

trying to solve and address, make sure our rules and regulations are appropriately structured to address that problem. We do a robust economic analysis to look at what the costs are, both direct and indirect.

We also think, as you pointed out, how it fits in with the rest of our rules statutes, but also within the broader financial regulatory system, which involves many other fellow regulators.

Senator TESTER. OK. Jennifer Fain, IGs are our eyes on agencies to be able to protect taxpayers and be able to protect taxpayers' dollars. You must be independent and be able to operate without political interference. I feel that is very important, not only from the agencies, but from here too. So the question becomes is how do you protect your independence, and how do you protect against interference in the office that you would run?

Ms. FAIN. Thank you for your question, Senator Tester. Independence is a critical requirement for the Office of Inspector General, and most certainly, for the Inspector General position. How I would lead or how I have done in my career with regards to independence is following the standards that guide the work that we conduct.

Certainly, as it relates to the agencies and ensuring independence, it's critical that we maintain our independence and objectivity to ensure that the work that we conduct has not been interfered with, or directed, or someone has attempted to suborn our judgment.

Senator TESTER. OK. Thank you. Congressman Bachus, Chairman Spencer, thank you for being here. I come from the great State of Montana. We have a lot of small manufacturers, small businesses, rural areas, Tribal areas. I believe in the Ex-Im Bank strongly. I think it provides us the ability to be able to compete worldwide against other countries that have similar banks.

But oftentimes I see hurdles or Ex-Im can't help some of these small folks, some small businesses. Number one, do you see those same hurdles? And number two, what can Ex-Im do without congressional intervention that will allow them to serve those small rural businesses, Tribal businesses better?

Mr. BACHUS. That's a great question. We are the most restricted of all ECAs. There are over a hundred ECAs. But for us to make a loan, our content requirements are higher sometimes because of the supply chain that's impossible. Some of our shipping requirements we often have to deal with additionality, and we're very careful to meet that. But we have a restricted view of that.

But I would say our greatest problem is staff. We're understaffed. We're about 150 positions below where we're supposed to be. We have about 300 employees. At times, the bank has had 500, 600 employees. They're engineers, they're MBAs, they're accountants, and you know, it's hard to attract those people. And of course we have a net-zero appropriation.

But I think we are weathering the storm. There are a few things that I think we could use. I know there's a bill before Congress to allow us to get records from the IRS to see whether people have paid their taxes. And we can't get that from the IRS.

Senator TESTER. Got you.

Mr. BACHUS. Just, you know, it sounds like a small problem, but, you know, we don't need to be loaning money from people who hadn't paid their taxes.

Senator TESTER. Now, my most important question, when Alabama plays Auburn in football, who do you root for?

Senator BRITT. Watch out.

Mr. BACHUS. Well, I've got two Auburn graduate—well, I've got the Auburn graduate over here, and I'm an Auburn graduate who went to law school at Alabama and representing the university. But I'm all Auburn.

Senator TESTER. Are you all Auburn?

[Laughter.]

Chair BROWN. Great rivalry, the University of Montana and Auburn, I particularly enjoy watching.

[Laughter.]

Mr. BACHUS. Well, we're just glad to give you all back Coach Harsin, I'll say that.

Chair BROWN. Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman. Ms. Otsuka—and if I'm mispronouncing your name, it's the Chairman's fault. OK? Thank you, again, for your service to this Committee as a member of the Chairman's team. I wanted to build off some of the comments that I made in my opening statement and our discussion the other day.

It is critical that credit unions be able to serve farms as a part of the economy, and that regulators not stand in the way of that happening. Do you believe agriculture is a climate issue?

Ms. OTSUKA. Yeah. Thank you for the question, Senator, and thank you for the discussion that we had. It was really great to visit in your office.

I think agriculture is a critical part of our economy in agricultural lending is a critical part of the economy. I think credit unions that serve agricultural communities, they understand the risks of the industry, they know the industry well. And they know how to manage those risks.

And I think that's ultimately what needs to be assessed when regulators make sure that credit unions are engaging in safe and sound practices. I don't think they should be in the business of telling credit unions that they can't lend to ranchers or farmers as long as those credit unions are managing those risks appropriately and following the law.

Senator ROUNDS. OK. So if confirmed, you will commit to working with stakeholders in the Ag community to preserve their access to capital?

Ms. OTSUKA. If confirmed, Senator, yes.

Senator ROUNDS. OK. Thank you. Ms. Fain, if confirmed, it is critical that you be completely independent and vigorous in your auditing and investigatory work at the FDIC to hold partisan regulators accountable. The FDIC IG played a critical role when the FDIC, under Chairman Gruenberg, improperly sought to pressure banks to cutoff access to credit to companies they deemed to be politically unfavorable, such as firearm and energy businesses.

Ms. Fain, if confirmed as the FDIC IG, would you commit to being independent and vigorous in your audits and investigations into the activities of the FDIC?

Ms. FAIN. Thank you, Senator, for the question. And absolutely, I would commit to being vigorous and independent in the work oversight work of the FDIC OIG. And I am familiar with the Operation Choke Hold issue, and certainly the work of the IG.

And if confirmed, I would be interested in learning more about the agency's policies in advancing the safety and soundness of the financial system, and would certainly be welcome to follow up with you and your staff to discuss any of your concerns.

Senator ROUNDS. Thank you very much. I appreciate that, and we'll take you up on that offer.

Ms. FAIN. Thank you.

Senator ROUNDS. Thank you. Commissioner Uyeda, thank you, again, for being here and for your service. And, you know, you've been an SEC commissioner now for the last year. As I noted in my opening statement, the SEC has issued a dozens of rulemakings over the last 3 years. If finalized, these rulemakings will have overlapping implementation timelines, and often affecting the same or interconnected financial products and market sectors.

Commissioner Uyeda, I would hope that you would agree that when conducting rulemaking, the Commission should consider known economic impacts, including the cumulative impact of concurrent rulemakings. Would you agree, sir?

Mr. UYEDA. Senator, yes, I agree. Each individual rulemaking is not in itself in a vacuum, but operates and interacts with many other rules. And we really need to think, especially when we're making a lot of other changes at the same time, how they all interact together to pursue our goal of investor protection, fair, orderly, and efficient markets, and facilitating capital formation.

Senator ROUNDS. Thank you. How do you weigh the benefits of a proposed rule against its cost, specifically, if the rule might have an outsized impact on small businesses and emerging fund managers?

Mr. UYEDA. That is a very, very important issue. That is one that I have pressed. One of the most important things I think we can do for smaller investment advisors and smaller broker-dealers is give them a longer period to comply.

Many times when you do a rule, there are a lot of details that still remain be worked out. It's much easier for those smaller entities to comply if those issues have already been solved, especially by those who have much more resources to work to come to solutions with the staff.

Senator ROUNDS. Thank you.

Thank you, Mr. Chairman.

Chair BROWN. Thank you, Senator Rounds.

Ms. Otsuka, a two-part question. You started your career at FDIC, an independent financial regulator, before we were lucky enough to have you on our staff. You've been nominated to serve on another independent financial regulator, NCUA. Discuss why it's important for financial regulators to be independent, and tell me at the same time, same answer, what will some of your priorities be?

Ms. OTSUKA. Thank you for the question, Senator. The safety, and stability, and the resiliency of our financial system is important to the strength of our entire economy. And so I think financial regulators like the NCUA should be independent to promote market stability, predictability, and continuity. Americans need to have confidence that decisions that affect the financial system, that affect their pocketbooks, are made independently and based on data.

At the same time, I think Congressional oversight of those independent agencies is important so that regulators are held accountable to the American people. If confirmed I will work to ensure that the NCUA fulfills its mission to protect the credit union system.

One priority I would like to focus on, if confirmed, however, is to make sure that credit unions, especially smaller ones, can continue to stay competitive and provide affordable financial services to their members in a constantly evolving financial system. Small credit unions serve a lot of areas of this country that do not have access to financial services in the same way as other parts of the country. And so I think that's really critical to the strength of our overall economy.

Chair BROWN. Thank you. Ms. Fain, you have two decades of experience. Talk about how IG offices can promote transparency and efficiency in agency operations and agency programs, and tell us some of the lessons you've learned from various IG offices you've worked with.

Ms. FAIN. Thank you, Senator, for the question. Transparency is very key, if not a critical component, of the Inspector General mission and office, and in general. One way that Inspector Generals are able to contribute is through the reporting that they do. And it's key because oftentimes you have agencies with programs and operations that can be opaque.

And so the reporting that the Inspector General's offices complete an issue, not only to Congress, but the agency head, and are available to public, provide that inside look and understanding that taxpayers may not necessarily have with regards to the agency's operations.

With my experience of 22 years with the inspector community, what I take from that is just the overall mission and the ability to have an impact on other people's lives beyond oneself. And personally, I like to fix things, and so I take great gratitude in the work that I've been able to conduct throughout my career, and make recommendations to agencies and departments that have provided solutions in instances where those agencies and departments can continue to build and do what they do best for the American public.

Chair BROWN. Thank you. Mr. Uyeda, you heard what Ms. Fain said about transparency. I'm not sure you understand the outrage by people in stock buybacks. Senator Vance and I have been intricately involved together on what happened in East Palestine with the train derailment. You may not know details, but you certainly know of it.

What led up to that, in large part, is that Norfolk Southern laid off a third of its workforce. In the preceding years, executives took stock buybacks. Executives issued stock buybacks, took them to the tune of between \$2 and \$3 billion. Yet, you voted against better disclosure of cyberattacks and stock buybacks.

I don't really understand why, in light of what Ms. Fain said and what we know, that disclosure shines a light and makes people behave better often, including railroad executives. Why would you do such a thing?

Mr. UYEDA. Chairman Brown, first off, let me express full agreement that transparency is a very key part of the securities laws. And I think one of the fundamental parts is that for the capital market, especially, material financial information needs disclosed.

In those two particular rules that you raised share repurchase in cyber security, there were a number of technical approaches that I had significant concerns for. For instance, on the security rule that you mentioned, for the first time, SEC actually mandated forward-looking statements, which is very unusual for us to do for a particular type of disclosure. Normally, our disclosures are based on things that you can prove as fact. That's one thing we look at on our enforcement efforts.

So I had significant concerns about the forward-looking statement part. I realize my time is up. May I continue, I just finish my thought on share repurchase?

Chair BROWN. Sure. Of course.

Mr. UYEDA. With respect to the share repurchase part, we've had disclosure for a while, but the daily disclosures came out that are filed at quarter end were more prescriptive than what we normally do. But I also had fairly significant concerns about how we're making a philosophical change on how we regulate foreign private issuers.

Chair BROWN. OK. Thank you for your response. I the president of the Richmond Fed told me many years ago, the former president, he said, "Watch what we do, and let us know you're watching what we do." And you understand that.

Senator Vance of Ohio.

Senator VANCE. All right. Thank you, Mr. Chairman, and thanks to the six of you for being willing to serve.

I want to direct my questions to Commissioner Uyeda, in particular. You know, have written and said some interesting things about BlackRock and some of the large institutional asset managers. And I just want to sort of, you know, talk about that and talk about why I find it concerning, and why I think the SEC has a very, very important role here in monitoring the way in which these massive financial conglomerates have effectively consolidated, but also used that consolidation to push a certain political view into our economy.

Underscore this point. In 2022, Berkshire Hathaway's, Charlie Munger, of course, one of the most famous investors over the last 50 years observed that we have a new bunch of in emperors, and they're the people who vote the shares in index funds.

I think a lot of Americans, of course, own shares and index funds. They don't necessarily realize that when they hand their money over to an index fund, they're handing their money over to a very active political participant in our economy. And it's something that, I think, this Committee we should spend a lot of time on in the coming years.

But Munger was specifically referencing the, “Big Three,” asset managers. Could you just highlight why are they the Big Three? Who are the Big Three?

Mr. UYEDA. With respect, generally, I believe Vanguard, Blackrock, and State Street are among the Big Three. There are a number of other big asset managers too, although I don’t have the specific assets under management.

Senator VANCE. Yeah. So my staff has compiled that information for me. I’m sure you’re not surprised by this, but these three asset managers control the three largest index funds.

Together, they manage around \$20 trillion in assets. An extraordinary amount of assets that they control. Accounts for about 34 percent of all mutual fund assets as of 2015. They market their funds as passive or as index tracking. In other words, if you sign up for an index fund, you don’t think that you’re signing up for an active participant in the market.

But I’m curious, Mr. Uyeda, I mean, is that actually accurate when the American people think that they’re giving their money over to an index fund, and it’s just going to track the general trajectory of the stock market? Is that actually what happens, or do these index funds participate a little bit more aggressively in the management of some of these companies?

Mr. UYEDA. Well, Senator Vance, I would distinguish between the fund itself and the advisor. The fund itself, investors—

Senator VANCE. Sure.

Mr. UYEDA. —are very much looking to something that tracks very closely. In fact, that one of the criteria you would look at is how closely does the return track, the underlying index. The managers themselves have voting power not only of the assets that are held in the index funds, but any other assets that that manager oversees, whether it’s a collective investment trust, actively managed funds, separately managed account, and so on.

Senator VANCE. And am I right that they use their power as massive institutional investors to effectively direct stewardship activities, right, and this is the way in which they sort of use and infect their own politics into the management of some of these companies?

Mr. UYEDA. Yes, Senator. That’s correct. A lot of the advisors put out their stewardship policies and promote that.

Senator VANCE. So here’s what I find a little bit weird, right? So there are 13(d) and 13(g) disclosures. OK? These index funds, which of these do they file, and why do they file those?

Mr. UYEDA. My observation is most file on Schedule 13(g) for a passive investor.

Senator VANCE. And 13(g) allows them to avoid disclosure of a lot of their activities. Right? So there are a lot of things that you don’t have to put in a 13(g) that you would have to put into 13(d). Is that right?

Mr. UYEDA. That’s correct.

Senator VANCE. And do we think that sometimes their activities rise to the level of actually statutorily requiring them to do a 13(d) disclosure?

Mr. UYEDA. That would be a concern. Well, it’s a facts and circumstance basis to the extent that one is trying to influence control

over an issuer. And you can oftentimes do that with a very large stockholder that raises questions whether you ought to be found on 13(d) rather than 13(g).

Senator VANCE. Yeah. And I'm mindful of my time running short here, so I'll cut this off now. But, you know, something I'd like to work with you, Mr. Uyeda, and my staff here, is if they should be filing much more substantive disclosures that actually give the American people insight into how \$20 trillion of their money is being spent, and yet they're filing a 13(g) disclosure. That probably means there's something going on.

I don't want to put my tinfoil hat on here too much. Sometimes I do that in the Banking Committee, and the Chairman gets mad at me. But I really worry that there's a massive part of the American economy that lays hidden from the American consumers and from the lawmakers who represent them. That may be something is something we should look at. Thank you.

Chair BROWN. Senator Vance, I can't think of when I was mad at you, so.

Senator Menendez is recognized. From New Jersey.

Senator MENENDEZ. Overdraft fees are borne almost exclusively by those who can least afford them. A 2021 report by the Financial Health Network found that nearly 60 percent of all overdraft fees in 2020 were paid by low and moderate income households, and about 25 percent were paid by Latino households, specifically.

Some banks have either decreased or eliminated overdraft freeze altogether in large part due to increased scrutiny and oversight. But a recent report from California State regulator showed some credit unions took in \$252 million in overdraft and nonsufficient fund fees in 2022. Thirty of the credit unions in the report earned half or more of their net profit just from overdraft and NSF fees.

Ms. Otsuka, can you commit to looking into this and seeing if there needs to be more oversight of certain credit unions whose profitability is overly reliant on overdraft fees?

Ms. OTSUKA. Yes. Thank you for the question, Senator. I think consumer protection is absolutely important, and making sure financial services are affordable is critical. And so if confirmed, yes, I am committed to looking more into this issue, and following up with you and your office.

Senator MENENDEZ. Thank you. Overdraft fees are a major reason why so many Americans are still hesitant to enter the formal financial system, and I hope the NCUA will be closely monitoring this issue and ensure more is done.

Two years ago, the SEC's Asset Management Advisory Committee unanimously submitted four recommendations for actions the SEC could take to improve diversity in the asset management industry. Since your confirmation when you said that you support holding a vote on these recommendations, the SEC has adopted two of the recommendations in the form of staff guidance, but has not taken action on the other two.

Mr. Uyeda, can you commit to advocating for a vote on the other two recommendations, particularly the requirement for enhanced disclosures by investment companies and advisors regarding diversity within their workforces and leadership?

Mr. UYEDA. Senator Menendez, yes, I commit to having in consideration of those two remaining issues. It's statutory required. The agenda, though, is set by Chair Gensler, to decide what goes on for consideration by the Commission.

But as someone in my staff's role at the SEC work very closely with the Asset Management Advisory Committee, I do take their recommendations very seriously.

Senator MENENDEZ. I appreciate that the chairman ultimately will set the agenda, but he very often will turn to his fellow commissioners for votes on a variety of things. And if his fellow commissioners are advocating for a vote, at least on these issues, I think we may see the light of it. So I hope you'll be an active participant in urging a vote.

These are noncontroversial recommendations that I think the commission should have acted on a long time ago. I've raised this issue with Chair Gensler repeatedly. I intend to keep raising it with nominees to the SEC until we see action taken. So I look forward to seeing your effort in that regard.

Congressman Bachus, good to see you. In previous years, Ex-Im's competitiveness report has included information about the percentage of Ex-Im's direct small business support that went to minority and women-owned businesses. However, this information was not included in the most recent report. When Congress reauthorized the Ex-Im Bank in 2019, we specifically included language to encourage the participation of minority and women-owned businesses in international commerce to make the bank more accessible to these businesses. It's important that Ex-Im continue to report to Congress on how well it's accomplishing that part of its mission.

So, if confirmed, will you commit to ensure Ex-Im's future competitiveness reports includes robust data regarding the bank support for minority and women-owned businesses?

Mr. BACHUS. Yes, I will. And I'll also go a step further and find out why that information was not in the last report.

Senator MENENDEZ. I appreciate that. Finally, Ms. Fain, the FDIC's latest OMWI report shows that Hispanic representation, both in the overall workforce and in management, remains unacceptably low. Little signs of progress. Less than 5 percent of the FDIC's workforce is Hispanic or Latino, virtually unchanged from 2021. I've heard time and time again from Chair Gruenberg that and other FDIC's nominees that this is a priority. But actions speak louder than words.

If confirmed, will you commit to conducting a review of FDA's policies and strategies regarding increasing Hispanic representation in the agency?

Ms. FAIN. Certainly, Senator, and thank you for the question. If confirmed, I'm certainly interested in understanding the implementation of FDIC's policies toward its consumers.

Senator MENENDEZ. I hope not only toward its consumers, but to its actually creating a diverse workforce that represents its consumers. Thank you, Mr. Chairman.

Chair BROWN. Thanks, Senator Menendez.

Senator Britt from Alabama is recognized.

Senator BRITT. Thank you, Mr. Chairman. Thank you all for being here, and congratulations on your nominations. I particularly

want to thank Congressman Bachus. Thank you so much for reaching out to my office. And also to you—how do I say your last name?

Ms. OTSUKA. Otsuka.

Senator BRITT. Otsuka. Oh, I am going to get that wrong, but I'm going—

Ms. OTSUKA. No, it was pretty good.

Senator BRITT. —to try really hard. OK. Otsuka. The two of you reached out for courtesy meetings, and I can't tell you how much I appreciate that. Thank you. I'll start with you. So, as you know, credit unions play an integral part of our economy. I know in Alabama, we are so proud of our local credit unions and the role they play in economic development, and job creation, and allowing people to actually reach their American dream.

When we look at it, you know, in fact, this has been all going on for years, and years, and years. Today is the 75th annual International Credit Union Day. So I am particularly pleased to be able to highlight this in the important role these institutions play in our banking ecosystem. We must continue to promote an environment that allows financial institutions to thrive and continue to best serve their customers and their members so hardworking families can continue to take their family's life to the next level, that they can achieve things that they maybe thought weren't possible, and we continue to keep that American dream alive.

In order to accomplish this, it's imperative that the Senate confirm individuals who understand the nuances of the particular industry and are willing to do their due diligence before taking regulatory action. So, Federal regulators must fully consider the impacts of these actions that they take in Washington on all financial institutions and consumers and the states and communities across our great Nation.

So, my question for you, as a staffer, and a former staffer myself, can you briefly describe what you believe are your experiences here on the Senate Banking Committee and otherwise that qualify you to regulate the credit union industry and the tools that you will use and take with you and that role if confirmed?

Ms. OTSUKA. Thank you for the question, Senator Britt. So I have spent most of my career in public service and have more than a decade in financial services law and policy. I've spent the last several years as a staffer for this Committee handling a wide range of financial services issues, but that also included credit union policy and oversight.

You know, I've worked with many of my colleagues who are in this room today on bipartisan legislation to strengthen the credit union system, to protect credit union members and employees, and a number of other credit union-related issues. And I completely agree with you that credit unions play a very important role, particularly in local economies.

And then prior to my service on the Committee, I spent 10 years at the FDIC as a staff attorney. So I'm very familiar with the role that a regulator like the NCUA should play in supervising credit unions and financial institutions.

Senator BRITT. Excellent. So the NCUA Chairman, Todd Harper, has publicly announced consumer financial protection as a priority for the agency. This administration and various regulators, includ-

ing the CFPB, have time and time again gone far outside their scope to dramatically alter the financial sector under the guise of what are consumer protection. Things like slashing fees and requiring unnecessary ESG-related information from financial institutions. These types of policies usually steer consumers away from their local and trusted credit unions or community banks, and make it harder for institutions to do business.

My question is, can you commit to us today that, if confirmed, you will not use your position as a credit union regulator to support measures like these that far exceed the NCUA's mission?

Ms. OTSUKA. Thank you for the question, Senator. If confirmed, I will take the NCUA's mission very seriously.

Senator BRITT. Thank you.

Ms. OTSUKA. And I think one thing that I've learned, especially from my time working on this Committee, is that talking to stakeholders in the credit union system, and the broader financial system, is extremely important because you can understand what concerns and what issues are out there. And I think as a regulator, you want to have an open line of communication and provide transparency. Because ultimately, I think regulators and financial institutions share the same goal of making sure that people have access to financial services.

Senator BRITT. Absolutely. And last question. Chair Harper also explicitly vocalized his intent for the NCUA to be more active in the climate space. What's your perspective on the appropriate role of the NCUA as it relates to climate-related financial risk?

Ms. OTSUKA. Senator, so I think regulators are required to make sure that credit unions manage risks. And many credit unions already understand the types of risks that they're expected to manage. They do that every day in their normal business.

And so I think that's the appropriate role of a regulator, you know, as long as the institutions are following the law, and mitigating and managing risks appropriately, I think, you know, that's how a regulator can ensure that financial institutions are safe and sound.

Senator BRITT. Well, I appreciate your time, and the acknowledgement that our local credit unions and community banks are the economic engines for our small communities. Thank you.

Chair BROWN. Thank you, Senator Britt.

Senator Cortez Masto of Nevada is recognized.

Senator CORTEZ MASTO. Thank you, Mr. Chairman. I do have to agree with my colleague from Alabama. I'm a big supporter of credit unions. It was the first account I opened as a very, very young girl. My father took me there to open my first account.

Let me, first of all, congratulate all of the nominees and all of the family members who are there listening to all these, hopefully, intelligent questions coming the way toward your family. It's an honor always to be a part of these hearings and recognize so many that are willing to serve at a Federal level. So, thank you.

Ms. Fain, let me start with you. Earlier this year—we've talked a little bit about this—when Silicon Valley Bank and Signature Bank failed, the FDIC used the Deposit Insurance Fund to repay deposits that exceeded its \$250,000 limit. The FDIC also used the

DIF to help absorb some of the losses of the failed First Republic Bank to help facilitate its sale to JPMorgan Chase.

What lessons can the OIG take from these three bank failures, and is there potential for reform of internal processes to strengthen the FDIC to prevent such large bank failures?

Ms. FAIN. Thank you, Senator, for the question. Certainly, I'm familiar with the bank failings as a private citizen. I do not have access to some of the internal deliberations and interactions within the agency itself and the IG itself.

But I am aware that the Office of Inspector General is currently completing two material loss reviews that are statutorily required. And I am very keen once those are issued to understand what, if there are any findings, those recommendations are, and how those reports would inform the oversight work of the Inspector General's Office. And certainly, anything else with regards to the agency.

Senator CORTEZ MASTO. Thank you. And I realize you're not there yet, based on the information you do have of the IG's office, is there concern that it's underfunded or understaffed?

Ms. FAIN. That's something that I would need to assess, if confirmed, but I certainly have looked at their budgets and their asks.

Senator CORTEZ MASTO. Well, please don't hesitate to come back. Not that we're going to give you what you need, unfortunately. But I do want to hear, and there is a fight for this independence. I think it is so important, and part of that is making sure you're adequately funded and resourced. So, thank you.

Ms. FAIN. Thank you.

Senator CORTEZ MASTO. So Ms. Slacik and Mr. Brodsky, you've been quiet on the other end, so I'm going to direct my questions to you. I only have 5 minutes. So similar to FDIC deposit insurance, the Securities Investor Protection Corporation ensures brokerage accounts up to \$500,000 per customer in the event the brokerage fails. And also similar to the FDIC, the SIPC, and the SEC's Office of Investor Education and Advocacy, they recently published a bulletin to help educate investors about SIPC protection for brokerage accounts. I'm curious for both of you, do you believe that the SIPC's brokerage insurance adequately is understood by the average investor, or is there more that should be done? And Ms. Slacik, I'll start with you.

Ms. SLACIK. I think this past year, particularly with the bank failures, a lot of attention has been put on, "Well, what about my brokerage account?" I think a lot of people do understand. They see at the bottom of their statements what the SIPC insurance does.

But I don't think we've done a good enough job. I think we can go out and make sure people understand what we do cover and what we do not cover. I don't think there's as good of an understanding of that as there could be. And it certainly is our intention, both the board, and the staff, and management that we need to do more in that regard—what we do cover and what we don't.

Senator CORTEZ MASTO. And also add to this, the crypto investor. I mean, is there more that we should be educating that crypto investor that they're not covered?

Ms. SLACIK. Yes.

Senator CORTEZ MASTO. OK. Thank you.

Ms. SLACIK. I think that's a very good question. It's an important question. And until there's a better understanding of that in that market, they need to understand that it's not covered.

Senator CORTEZ MASTO. Yeah. Mr. Brodsky.

Mr. BRODSKY. Yes. Thank you for the question. We are currently engaged in a joint effort with the SEC to educate investors. You can never do enough, but that's necessary, particularly with regard to young investors who are using the brokers. I don't think they have any idea what, what the protections are.

And the other thing is that we joined recently with IOSCO, which is the International Organization of Securities Regulators. They recently had World Investor Week to raise awareness of that. So I'd say we're doing it, but we have to do more.

Senator CORTEZ MASTO. Thank you.

Thank you to all of the nominees for your willingness to serve. Thank you, Mr. Chairman

Chair BROWN. Thank you, Senator Cortez Masto.

Senator Van Hollen from Maryland is recognized.

Senator VAN HOLLEN. Thank you Mr. Chairman, and congratulations to all of you on your nominations. As Congressman Bachus knows, we were doing a lot of running around and trying to do many things at once. So good to have the chance to get by.

And if I could start with you, Spencer, if I may, on Ex-Im, you know, one of the big challenges we've got is making sure that we have a unified strategy when it comes to providing exports for American made products. Ex-Im is a big piece of that. But we also have other instruments in the Government, including the DFC, the Development Finance Corporation and others. And I'm thinking about some of the big challenges we had ahead. We had a meeting yesterday convened by Senator Warner and others to focus on critical minerals, for example.

Could you just speak to the role that Ex-Im Bank can play in that area, because it's an area where the United States is way behind both in terms of access to mining critical minerals for the batteries that will power electric vehicles, that are powering electric vehicles, and the processing of those critical minerals?

So could you just talk, number one, about Ex-Im's role in that, but also the extent to which, in your experience, Ex-Im is actually working with these other agencies within U.S. Government to meet critical national needs?

Mr. BACHUS. Lithium, one of our critical minerals is—I'm sorry, did I turn—is it on now?

Senator VAN HOLLEN. It is.

Mr. BACHUS. OK. As you know, lithium is one of the critical minerals, and it's absolutely essential in our electric vehicles. And really, our domestic supply is inadequate. One of our Make More in America projects that was approved just recently was to supply Aquatech with laboratory equipment and testing equipment to test the content of lithium because we didn't have that capacity. And it's a small business. It also is a minority-owned business, you know, which is one of our charges.

But it is one of the 10 areas that we've identified. I will say that some people take that to mean we don't operate in other areas. We've been operating in other areas. We have a staff of about 330

people. We should be staffed at about 500. We have 12 regional offices. We only have 8 regional directors, only regional 8 staff people in our offices. At one time we had 24. As I said earlier, our net-zero appropriation is a real challenge.

One thing we've done is to try to get out there through our website. I discovered shortly after being at Ex-Im when I was at a small business, and they told me that they had gotten on our website and they couldn't figure out how to access what we were doing. And we've now updated that, simplified it, and we've linked it with the SBA, Department of Agriculture, Commerce Department, other programs. But I think the best way to figure out how to do a better job is to get out and visit these companies.

Senator VAN HOLLEN. I appreciate that. Thank you. And I may circle back with you on the question of making sure we have coordination within the U.S. Government because so many of these, you know, authorities, like Ex-Im's authority, really work better when you have a multiplier effect of working with others like the DFC.

But if I could, Mr. Commissioner Uyeda, thank you for all the work that you've been doing. And thank you, and the SEC for your help with Senator Kennedy and myself on our bipartisan legislation, the Holding Foreign Companies Accountable Act, which passed into law, making sure that we protect American investors, especially smaller investors by ensuring that in this case, China is complying with the same auditing rules as any other companies that trade on the U.S. exchanges.

We've also introduced the Holding Foreign Insiders Accountable Act to make sure that the insider trading rules, the rules against insider trading that help protect American investors that apply to American companies here at home also apply elsewhere. So I wanted to thank you for that.

Are there other areas that we should be doing to better protect American investors when it comes to ensuring that worldwide people are complying with the transparency rules that help protect our exchanges and American investors?

Mr. UYEDA. Well, first, when I was on detail at the Senate Banking in the 117th, I was really pleased to help work on a predecessor bill, and was quite happy when Congress passed the Holding Foreign Companies Accountable Act. So I'm really pleased that that is in place. The PCAOB has done what they need to do. And from the reports I've been receiving, I'm at least cautiously optimistic that it will do what it was intended to accomplish.

With respect to other foreign private issuers, we have a fairly simple rule. If you want to come and list in the United States, raise capital in the United States, you need to provide the disclosures required in our laws and our rules. We have between our division of corporation finance and our division of enforcement effective tools to ensure that the appropriate disclosure is being made by those entities.

Senator VAN HOLLEN. Thank you. We look forward to working with you to make sure we plug all the loopholes. Thank you, Mr. Chairman.

Chair BROWN. Thanks, Senator Van Hollen.

Senator Fetterman from Pennsylvania is recognized.

Senator FETTERMAN. Thank you, Mr. Chairman. So Mr. Uyeda, I'm going to be asking a question that it's not meant to be combative or take anything like that. Honestly, it's an honest, honest question, and apologize I if it's ever been touched on before. But I really just want to ask a very basic kind of a question, and that is; should crypto exist? Is that something that should endure? And where does its value come from? You know, where is it derived?

Mr. UYEDA. I can tell you, you know, my perspective as a regulator. You know, our securities laws that we're charged with enforcing are neutral on the merits of a particular investment. The key question is whether they're providing all the disclosures. There has been, I know, a lot of back and forth with different views expressed as to whether or not crypto falls within our jurisdiction, or whether it falls within the jurisdiction of the CFTC.

There is a fair amount of activity in this. Events of last year have shown then for those who purchase crypto there are various risks involved in that. And, you know, I think it is really important the efforts that are going on in Congress to provide some more clarity specifically as to which regulatory agency's jurisdiction it belongs to.

Senator FETTERMAN. So I guess drilling down on that, it's like how can you really—like, how does it exist? You know, is it because really when you look down, it's really just a mathematical kind of an idea. And, you know, I mean, there's a lot of mathematical ideas and theories that hasn't been monetized. You know, is that strange or is this something—the next step, the evolution of money, or is it really just kind of like a fad?

Mr. UYEDA. Well, I'd love to say that I have an in-depth technical knowledge of that, but I don't. I know one of the things with the capital markets is that we allow innovation. Should that be a security and should they be raising money, we require the disclosures. When one looks—at least, when I look back, I became a corporate lawyer in the 90s when there were a lot of, "How do we monetize the internet? How does that occur?"

And so sometimes you don't know. Failure is actually a fairly good teacher for investors. As a regulator, I get concerned about fraud. And, you know, this is one where it's complicated by the jurisdictional issues as to whether or not it is a security or it is not.

Senator FETTERMAN. Yeah. Drilling down on what you mentioned. Back in the late 90s, I remember it was go, go, go. And if you just slap a .com after anything, you could raise millions, if not billions on that. And many of them failed, but there really was value behind the idea of something beyond .com.

And I still can't figure out what that is, you know, for crypto. And I think it was Warren Buffet who said that he wouldn't pay a quarter for every, you know, crypto-type, if he could. And he's, you know, much smarter and definitely richer than I am. And that's, kind of, a profound statement to make, and it's still having the conversation.

And I really don't fully understand in the way, and should—even if crypto does exist, could it be just one standard like Bitcoin or anything, or can even more than one even survive is just a question. And to me it's just like an open kind of conversation. I think that's really important part of the American and world economy;

especially given that it may have been involved in the Israeli attack. So, thank you.

And Mr. Bachus, as well, I had the pleasure of meeting with you in my office yesterday. And I was very pleased with what you said, and fully have expected and absolutely will announce today that I plan to vote for you and support you.

And I understand that you are the choice of the Republican colleagues, and I absolutely would support that. And I am not the kind of Senator that does not, kind of, find an obscure tweet or find out, you know, that you had, you know, a really bad taste in fashion or something to find out a reason not to vote for you.

Because I believe that I may not agree with anything that's ever you said or ever that you've done, but I support the right of the Republicans to have their choice. And I absolutely believe in the Export Bank as well, and I look forward to voting for you. And thank you for spending time with me in my office yesterday.

Mr. BACHUS. Thank you.

Senator FETTERMAN. Mr. Chairman.

Mr. BACHUS. I think the world needs bipartisanship and respect for each other. And you certainly showed that to me yesterday, and I appreciate it.

Chair BROWN. Thank you, Senator Fetterman.

Thanks to the six of you for being here today and providing testimony. I hope we can work together as a Committee to move forward quickly. I appreciate the Congressman's comments about bipartisanship in response to Senator Fetterman working together on confirmations of today's nominees.

For Senators who wish to submit questions for the record, those questions are due at 5 p.m. Monday, October 23rd. All Members of the Committee, whether asking questions today or not, are notified of that date. To the nominees, we'd like you to have your responses back to us by Monday, October 30th, by 5 p.m. You'll have 1 week to get them. Thank you for your testimony today. With that, the hearing is adjourned. Thank you.

[Whereupon, at 11:36 a.m., the hearing was adjourned.]

[Prepared statements, biographical sketches of nominees, responses to written questions, and additional material supplied for the record follow:]

PREPARED STATEMENT OF CHAIR SHERROD BROWN

Good morning, everyone.

First, I'd like to thank Senator Sinema for her years of service on our Committee, and welcome Senator Butler, who will be joining the Senate Banking and Housing Committee. We're excited to work with her.

The Committee meets today to consider six nominations—four of whom are renominations:

Ms. Tanya Otsuka to be a Member of the National Credit Union Administration Board;

The Honorable Mark Uyeda renominated to be a Member of the Securities and Exchange Commission;

The Honorable Spencer Bachus renominated to be a Member of the Board of Directors of the Export-Import Bank;

Ms. Jennifer Fain to be Inspector General of the Federal Insurance Deposit Corporation;

The Honorable Claudia Slacik renominated to be a Director of the Securities Investor Protection Corporation; and

The Honorable William Brodsky renominated to be a Director of the Securities Investor Protection Corporation.

We thank the nominees for appearing here today and for their willingness to serve our country in these important positions.

If confirmed, these nominees will play an important role in the success and stability of our financial system.

The President has nominated Tanya Otsuka to be a Member of the National Credit Union Administration Board. If confirmed, she would be the first Asian American to serve on the NCUA Board in the agency's 53-year history.

Ms. Otsuka is exceptionally well-qualified to serve on the NCUA Board.

Ms. Otsuka has served as a key member of my Banking and Housing Committee staff—crafting legislation and providing strategic advice to me on banking issues and credit union policy and oversight. A career public servant, she first joined the Committee in 2019 as a Legislative Fellow detailed from the FDIC, and became a permanent member of my team in 2020—where she currently serves as senior counsel.

Within days of her joining the Committee, the coronavirus pandemic endangered our financial system.

Ms. Otsuka immediately got to work with then-Chair Crapo's staff on critical provisions of the bipartisan CARES Act, so that our credit union system would remain strong and stable.

When our financial system was tested earlier in the year by the largest bank failures since 2008, Ms. Otsuka worked to keep committee offices informed about the rapidly evolving situation, and was in constant contact with regulators and other stakeholders.

And she has played a pivotal role in legislation advanced by the Committee this year, including our RECOUR Act to hold failed big bank executives accountable, which received strong, bipartisan support by this Committee.

Ms. Otsuka has garnered strong support from both credit unions and banks, because they recognize that she is hardworking, intelligent, open minded, and focused on ensuring that the financial system works for all Americans.

River City Federal Credit Union out of San Antonio wrote to the Committee, “[w]e appreciate Tanya’s work to raise the visibility of credit unions, remove barriers to growth, and support credit unions in deepening their impact in the communities they serve, all of which goes towards increasing financial stability for credit union members. Her thoughtful approach to this work and strong focus on the financial well-being of credit union members will make her an asset to the NCUA Board and an effective leader in the credit union system.”

Michael Adelman, President and CEO of the Ohio Bankers League, wrote “[w]hile we may have differed on specific policy decisions, Ms. Otsuka always did her homework and gave OBL and other interested parties a fair shake. She welcomes a diversity of views.”

Mr. Adelman went on to say, “I am grateful for the genuine opportunity she always gave the OBL and our member institutions to be heard.”

Ms. Otsuka is the type of regulator we ought to have in these critical economic positions.

Congratulations, Ms. Otsuka.

The President has renominated Mark Uyeda to a full term on the Securities and Exchange Commission. Mr. Uyeda has served as a board member of the Commission since last year.

Prior to his confirmation to the Commission, Mr. Uyeda was detailed to then-Ranking Member Toomey's staff from the SEC.

Mr. Uyeda first joined the SEC in 2006 where he served in several roles, including counsel for Commissioners Paul Atkins and Michael Piowar as well as Senior Adviser to Chair Jay Clayton.

Earlier in his career, Mr. Uyeda worked in private law practice, as well as for the California Department of Corporations.

Welcome back, Mr. Uyeda.

The President has renominated Congressman Spencer Bachus to the Ex-Im Board. Congressman Bachus first joined Ex-Im as a Board Member in 2019. Along with Judith Pryor and then-Chair Kimberly Reed, he played an important role in helping reopen Ex-Im after a 4-year partial shutdown.

From 1993 to 2015, Congressman Bachus represented Alabama's sixth district—serving on the House Financial Services Committee where he was both Chairman and Ranking Member.

Good to see you again, Congressman.

The President has nominated Jennifer Fain to be Inspector General of the Federal Deposit Insurance Corporation—a role that carries great importance given the recent bank failures. She brings years of audit, inspections, evaluations, and investigations experience, including in the areas of financial services and consumer protection.

Ms. Fain possesses extensive experience in Federal Government oversight—serving in several agencies' Inspector General offices. Most recently, she served in senior leadership roles at the Ex-Im Bank's Office of Inspector General—notably as Deputy Assistant IG for Inspections and Evaluations, Assistant IG for Audits and Evaluations, Deputy IG, and Acting IG.

Prior to joining Ex-Im, Ms. Fain served in IG offices at HUD, FHFA, and the U.S. Election Assistance Commission.

Glad to have you here, Ms. Fain.

Today, we also consider the nominations of two qualified nominees to the Board of Directors of the Securities Investor Protection Corporation—Claudia Slacik and William Brodsky. Both nominees have significant financial services experience.

Ms. Slacik possesses more than 30 years of financial services experience—both in the public and private sectors. The Senate confirmed her by voice vote to the SIPC board last year where she currently serves as Chair.

Prior to serving on SIPC, Ms. Slacik was the Chief Banking Officer at the Export-Import Bank. Before entering public service, she served in senior level roles at several large banks.

Glad you are here with us today, Ms. Slacik.

Mr. Brodsky possesses five decades of securities and investment business experience. The Senate confirmed him to the SIPC board last year by voice vote.

During his career, Mr. Brodsky has worked in senior level roles at several major exchanges, including the American Stock Exchange, Chicago Mercantile Exchange, and the Chicago Board Options Exchange—where he served as Chairman and Chief Executive Officer.

Welcome, Mr. Brodsky.

Thanks again to the nominees for appearing here today.

PREPARED STATEMENT OF SENATOR TIM SCOTT

Presidential nominees serve an important role in carrying out and executing the laws of the United States.

As Members of this Chamber, we have a necessary, constitutional role in providing advice and consent on presidential nominees.

The American people don't get a vote on these nominees—but they do expect us to scrutinize and evaluate them—a duty we must take seriously.

As I have said at past nominations hearings, I believe all nominees to senior positions in the Federal Government must be well qualified for the positions for which they have been nominated. They should, inspire confidence, have a strong respect for the rule of law, and support policies that promote opportunity and the American Dream.

They must focus on policies that give Americans in every corner of the United States a chance to improve their economic standing and build success for the future of their families.

Several of the nominees before us today appear to meet this standard.

First, we have Mr. Uyeda, who is currently serving as a member of the Securities and Exchange Commission (SEC) and has been renominated for this position after being confirmed by the Senate by voice vote on June 16, 2022.

Mr. Uyeda is a dedicated public servant and an independent voice on the Commission at a time when the agency has been going through an unprecedented overhaul of our U.S. capital markets.

Indeed, the extraordinary volume and breadth of these rulemakings—many of which are complex and interconnected—is staggering and will unnecessarily increase the cost of companies going public. Moreover, the Commission, under Chair Gensler, is not stopping with public issuers. Chair Gensler’s new disclosure requirements, particularly on climate-related risks, could result in a significant increase in compliance costs, not only on large issuers, but on private small businesses and family owned farms downstream in companies’ supply chains. Similarly, Chair Gensler’s rulemaking on private funds will limit access to capital and push diverse fund managers out of the market.

I am confident that Mr. Uyeda, the first Asian Pacific American to serve as an SEC commissioner, will continue to adhere to the rule of law and strive to keep the SEC’s focus on its three-part mission of protecting investors, maintaining fair and efficient markets, and facilitating capital formation.

Second, we have Mr. Bachus a former Member of the House of Representatives, who I served with in the other chamber, and a former Chairman of the Financial Services Committee. He has been renominated to serve as a Board Member at the Export-Import (Ex-Im) Bank, where he has served since May of 2019.

The Ex-Im Bank plays a critical role in helping American businesses obtain funding to compete globally on a level playing field.

Special attention must be paid to Ex-Im as the Biden administration, with its all-of-Government approach to advance climate-related priorities, is seeking to steer the bank’s focus away from businesses’ competitive needs and towards environmental issues. This was apparent when Ex-Im announced that it would prioritize financing under its “Make More in America Initiative” to “environmentally beneficial projects.”

Additionally, as American industry must compete in a global market with foreign competitors, like China, that often receive extensive support from their own country’s export credit programs, I am glad that a leader like Mr. Bachus has been renominated for a position on the Board of the Ex-Im Bank.

Third, we have Ms. Fain, who has been nominated to be the Inspector General of the Federal Deposit Insurance Corporation (FDIC).

Ms. Fain has served for over 22 years in the Inspector General community, including most recently as the Deputy Inspector General for Ex-Im. She also served as Acting Inspector General for Ex-Im for nearly 3 years.

If confirmed as the FDIC Inspector General, I hope that Ms. Fain will remain an independent watchdog at an agency that is still rehabbing its image from Operation Choke Point, President Obama and then-Vice President Biden attempted to use the FDIC to pressure banks into cutting off access to credit for industries that they disagreed with on a political basis under Chairman Gruenberg.

And where more recently, again under Chairman Gruenberg, the Agency has issued sweeping regulations that do not appear to have undertaken appropriate cost benefit analysis and has joined political organizations such as the Network for Greening the Financial System, which do not reflect the Agency’s scope or mission.

As the Inspector General, you would have the important role of ensuring there is no waste, fraud, or abuse at an independent agency that is not subject to Congressional appropriations. I look forward to hearing from you today about the importance of applying the law, ensuring the safety and soundness of our financial system, and focusing on accountability by identifying actual imminent financial risks, rather than playing the role of a climate regulator.

Similarly, if confirmed, you would be dealing with an agency that is blemished from recent events where its members, including Consumer Financial Protection Bureau (CFPB) Director Chopra, staged an unprecedented coup and forced out Chairman Jelena McWilliams, further damaging the FDIC’s reputation and distracting from its mission.

All of this is to say, Ms. Fain, I look forward to hearing from you on these topics, and if confirmed, you will have your work cut out for you.

Next, we have Ms. Otsuka, who has been nominated to serve on the board of the National Credit Union Administration (NCUA).

Ms. Otsuka is currently Senior Counsel for the majority staff of the Senate Banking Committee under Chairman Brown, where she has handled the Committee’s work on banking and credit union issues since March 2020.

NCUA is an independent Federal agency that supervises and insures deposits at federally insured.

As with many other independent financial regulators, I am concerned that NCUA is focusing too much time prioritizing purported risks associated with climate change and not enough time on material, financial risks.

Ms. Otsuka has a good working relationship with my staff, and I look forward to hearing her views on the risks facing financial institutions and how she would carry out her duties at the NCUA if confirmed.

Finally, we have two nominees who have been renominated to the Securities Investor Protection Corporation (SIPC). Ms. Slacik, who is currently a member and Chair of SIPC and Mr. William Brodsky, who also is a member of SIPC.

SIPC protects against the loss of securities held by customers at brokerage firms, and I am interested in hearing from these nominees regarding their plans and work to ensure the protection of American families investing for their retirement, their children, or to grow their businesses.

Each of the nominees before us is tasked with an important role, and if confirmed, I hope that all six of these nominees will work every day to support the American people and maintain confidence in this great Nation.

PREPARED STATEMENT OF TANYA OTSUKA

TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION

OCTOBER 19, 2023

Chairman Brown, Ranking Member Scott, and distinguished Members of the Committee. It is an honor to appear before you today. Thank you to President Biden for nominating me, and to Senator Brown for his support. I also want to thank the Senate Banking, Housing, and Urban Affairs Committee staff and member staffs for their well-wishes and, most importantly, for the work they do every day to serve the American people.

With me today are my spouse of 10 years, Matt, our son, Adrian, and my sister Natalie. Also with me today are my parents, Cary and Sima Otsuka, who worked and sacrificed so that my sister and I would have everything we needed to succeed. They instilled in me a strong work ethic, sense of purpose, and respect for others. I would not be sitting here today without their love and support.

I am honored and humbled to be nominated to serve on the Board of the National Credit Union Administration (NCUA). The NCUA's mission of ensuring a strong system of cooperative credit is one that resonates with me both personally and professionally.

Growing up, I spent many summers with my paternal grandparents, listening to my grandmother tell me stories about her childhood. During World War II, she and her family were sent to an internment camp in Arkansas, forced to leave behind most of their possessions, including their family farm in California. For the rest of the war, my grandmother and her family were incarcerated in a prison-like compound, surrounded by barbed wire, because they were Americans of Japanese descent. At the same time, her brother fought overseas in the 442nd regiment of the United States Army. My grandfather and his family shared a similar fate, forcibly incarcerated in Arizona.

My grandmother recounted how difficult it was after the war to make ends meet when she and her family had lost everything. Like my grandparents, many Japanese Americans faced the same struggle, and were often met with discrimination when they tried to deposit money or get a loan. Some took matters into their own hands, forming a credit union so that Japanese Americans could access financial services and help each other rebuild their lives. Today, that credit union is still active and insured by the NCUA. Experiences like this embody the cooperative spirit and exemplify the important role that credit unions play in our communities and economy. It is fitting that today is the 75th anniversary of International Credit Union Day, which celebrates the credit union movement's mission of financial inclusion.

As a career public servant with over a decade of experience in financial services law and policy, I also have a deep appreciation for the role that independent agencies like the NCUA play in maintaining stability and public confidence in our financial system. I began my career as an attorney at the Federal Deposit Insurance Corporation (FDIC) in the wake of the 2008 financial crisis. During my 10 years at the FDIC, I gained experience in supervision, enforcement, resolution, assessments, and deposit insurance—all of which are also critical functions of the

NCUA. I worked on the implementation of a number of FDIC policy actions, including many related to the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Economic Growth, Regulatory Relief, and Consumer Protection Act (S. 2155).

For the last several years, I have had the honor of serving on the staff of the Senate Banking, Housing, and Urban Affairs Committee, managing a wide range of financial services issues, including credit union policy and oversight. I am grateful to Senator Brown for this opportunity, and to Senator Crapo, who as the Chair of the Committee in 2019, allowed me the opportunity to serve as a legislative fellow on detail from the FDIC. During my time on the Committee, I have had the privilege of working with his staff, Senator Toomey's staff, Ranking Member Scott's staff, and the staffs of the Members of this Committee. Together, we have worked on a number of bipartisan bills, including the CARES Act, which helped maintain the strength of the credit union system and allowed credit unions to support their members and their communities through the COVID-19 pandemic. I have seen the positive impact of Government working for the American people to maintain a safe and sound financial system—especially in times of uncertainty.

I hope to continue my public service in support of the NCUA's critical mission and to ensure a fair, competitive, and resilient credit union system. If confirmed, I will remain committed to the millions of Americans who rely on the NCUA to safeguard their hard-earned money.

Thank you, and I look forward to your questions.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES
--

Name:

<i>(Last)</i>	<i>(First)</i>	<i>(Other)</i>
Otsuka	Tanya	Farah

Position to which nominated:	NCUA Board Member
-------------------------------------	-------------------

Date of nomination:	September 21, 2023
----------------------------	--------------------

Residence:

<i>(City)</i>	<i>(State)</i>
Washington	DC

Education*:

<i>Institution</i>	<i>Dates Attended</i>	<i>Degree(s) Received</i>	<i>Date(s) of Degree(s)</i>
Boston College Law School	August 2008-May 2011	JD	May 2011
University of Virginia	August 2004-May 2008	BA with distinction	May 2008

*Nominees should provide information for all post-secondary institutions attended, whether or not the nominee was granted a degree by the institution.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

<i>Organization</i>	<i>Type</i>	<i>Date Received</i>
Government Affairs Institute, Georgetown University	Capitol Hill Fellowship Program	2019
FDIC	10 Year Government Service Award	2019
FDIC	5 Year Government Service Award	2014
FDIC	Special Thanks and Recognition Award	2010
University of Virginia	Distinguished Majors Program	2008
University of Virginia	Dean's List	2005, 2006, 2007, 2008
Long & Foster Real Estate	Scholarship	2004
Potomac Senior High School Athletic Boosters Club	Scholarship	2004
McDonalds	Scholarship	2004
Virginia High School League	Achievement Award	2004

Memberships: List below all past and present memberships, affiliations, and offices held in professional (e.g., legal, accounting, or medical), fraternal, business, scholarly, civic, social, charitable and other organizations.

<i>Organization</i>	<i>Office Held (if any)</i>	<i>Dates of Membership</i>
Virginia State Bar	None	2011-present
BC Law Alumni Association	None	2011-present
UVA Alumni Association	None	2008-present
American Bar Association	None	2013-2014, 2020-2021
Kennedy Center Member	None	2018-2019
Congressional Asian Pacific American Staff Association	None	2023-present

Employment record:	List below all positions (paid and unpaid) held since graduation from college including the title or description of job, name of employer, location of work, and inclusive dates of employment.
---------------------------	---

<i>Employer</i>	<i>Position</i>	<i>Dates of Service</i>
U.S. Senate Committee on Banking, Housing & Urban Affairs	Senior Counsel Counsel	March 2020-present
Federal Deposit Insurance Corporation, Washington, DC	Counsel, Senior Attorney, Attorney	May 2013-March 2020 (detail to Senate BHUA Committee in 2019)
Federal Deposit Insurance Corporation, Washington, DC	Honors Attorney	August 2011-May 2013
Federal Deposit Insurance Corporation, Braintree, MA	Law Clerk	May 2010-April 2011
Davids & Cohen, P.C., Wellesley, MA	Law Clerk	May-August 2009; January-May 2010
Boston College Law School, Newton, MA	Research Assistant (work-study)	August 2009-December 2009

Government Experience:	List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary, or other (including part-time) service or positions.
-------------------------------	---

<i>Government Entity</i>	<i>Position</i>	<i>Dates of Service</i>
U.S. Senate Committee on Banking, Housing & Urban Affairs	Senior Counsel (last position held)	2020-present
U.S. Senate Committee on Banking, Housing & Urban Affairs	Legislative Fellow (detailed from FDIC)	2019
Federal Deposit Insurance Corporation	Counsel (last position held)	2010-2020
Military Surface Deployment and Distribution Command (DoD/ Department of Army)	Student Intern	2005-2006

Published writings:	List the titles, publishers and dates of books, articles, reports and other published materials you have written. For all publicly accessible publications, including blog posts you maintained or contributed to and any significant internet-based posting, please include appropriate URLs. If available, provide the Committee with one digital copy of each of the writings you list.
----------------------------	--

<i>Title</i>	<i>Publisher/Periodical/Source</i>	<i>Date</i>
Where Is My Vote? Democratizing Iranian Election Law through International Legal Recourse https://lira.bc.edu/work/ns/18f4af2-516a-49dd-bb33-7c7cac4b1c1c/reader/b6581a0e-9003-4ee3-91d9-738a593668ae	3 B.C. INT'L & COMP. L. REV. 339	2010

Speeches, presentations, and public statements:	List all of the formal speeches, presentations (e.g., PowerPoint), and public statements you have delivered during the past ten years which are on topics relevant to the position for which you have been nominated, including dates and name of the forum you delivered the speech, presentation, or public statement. If available, provide the Committee with one digital copy of each formal speech, presentation, and public statement. If text is no longer available, list the date, place, and organization or group to whom you made the speech or presentation. For public statements, please provide the Committee with finding aids (such as citations,
--	--

None. While not formal speeches or presentations, I have spoken on an informal panel and during an informal lunch & learn series, as described below:

<i>Speech/presentation</i>	<i>Forum/event</i>	<i>Date</i>
Panel discussion on recent banking turmoil	Eighth Annual Conference on Central Banking and Financial Regulation at Vanderbilt Law School	June 5, 2023
Lunch & Learn: Is Postal Banking in Our Future?	Women in Housing and Finance/WHFF Partner Series	October 20, 2020

Social media usernames:	Please provide a list of all of your currently active social media usernames (e.g., usernames: Facebook, Instagram, Twitter, TikTok, etc.), and any usernames for any inactive accounts you have used within the previous ten years.
--------------------------------	--

Instagram: t_fo
 LinkedIn: Tanya Otsuka
 Facebook: Tanya Otsuka
 Twitter: district_tfo

Political affiliations and activities:	List memberships and offices held in and services rendered to all political parties or election committees during the last ten years.
June 2020-October 2020	Unpaid volunteer member of the Economic Policy Committee for the Biden for President campaign

List all public offices, if any, for which you have been a candidate in the past ten			
<i>Name of Office</i>	<i>Elected/ Appointed</i>	<i>Year(s) Election Held or Appointment Made</i>	<i>Terms of Service (if applicable)</i>

None

Political contributions:	Itemize all political contributions which exceed \$200 or which aggregate to over \$200 in a calendar year to any individual, campaign organization, political party, political action committee or similar entity during the last ten years and identify specific amounts, dates, and names of recipients.
---------------------------------	---

None

<i>Recipient</i>	<i>Date</i>	<i>Amount</i>

Qualifications:	State fully your qualifications to serve in the position to which you have been named. (attach separate sheet if necessary)
------------------------	---

As an attorney with thirteen years of experience in the regulation, supervision, and insurance of financial institutions and oversight of the United States financial system, I am fully qualified to serve as a Board Member of the National Credit Union Administration (NCUA).

In my role on the U.S. Senate Banking, Housing, and Urban Affairs Committee, I worked on a wide range of banking issues. I handled Chairman Brown's and the Committee's work on credit union policy and oversight, and I engaged on a regular basis with stakeholders, including credit union associations, individual credit unions, minority depository institutions and community development financial institutions (CDFIs), payments providers, and consumer groups. I gained an understanding of federal and state-chartered credit unions, federal share insurance and private share insurance, the NCUA, and the Federal Credit Union Act.

During my time on the Committee staff, I worked on various provisions of the bipartisan Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act) and Consolidated Appropriations Act of 2021 to ensure that the credit union system remained strong and stable, including the temporary debt guarantee program, temporary troubled debt restructuring (TDR) relief and current expected credit losses (CECL) relief, temporary adjustments to the Central Liquidity Facility (CLF), and the paycheck protection program (PPP). Following passage of these laws, I worked with credit unions to ensure that they could make PPP loans to support their members and their communities and to mitigate the economic impact of the coronavirus crisis. I negotiated the inclusion of other credit union provisions in appropriations and defense authorization legislation, including the bipartisan Fair Hiring in Banking Act and Credit Union Employee and Member Safety Act/Credit Union Governance Modernization Act.

I also have regulatory experience from my time at the Federal Deposit Insurance Corporation (FDIC), where I started working shortly after the 2008 global financial crisis. While at the FDIC, I gained experience in supervision, enforcement, resolution, assessments, and deposit insurance, all of which are also critical functions at the NCUA. I have experience implementing bank regulatory policies through rules, guidance, and other agency action, and gained an understanding of federal banking laws, including the Federal Deposit Insurance Act, Dodd-Frank Wall Street Reform and Consumer Protection Act, and the Economic Growth, Regulatory Relief, and Consumer Protection Act (S. 2155).

I have a strong commitment to public service and have dedicated my career to protecting consumers and ensuring that we have a safe and sound financial system. I hope to continue my public service as a Board Member of the NCUA to support the agency's mission, advance its priorities, and ensure a strong credit union system for credit union members and the American people.

Future employment relationships:	1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.
	Yes. If I am confirmed by the Senate to serve as a NCUA Board Member, I will sever all employment connections with my current employer, the United State Senate Committee on Banking, Housing, and Urban Affairs.
	2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.
	None
	3. Has anyone made a commitment to employ you after you leave government service?
	No
	4. Do you expect to serve the full term for which you have been appointed?
	Yes

Potential conflicts of interest:	1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.
	None
	2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.
	In connection with the nomination process, I have consulted with the Office of Government Ethics and the NCUA's Alternate Designated Agency Ethics Official (ADAEO) to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the NCUA's ADAEO and that has been provided to this Committee. My spouse is employed by the law firm of Venable, LLP. His area of practice is land use and zoning law. In addition, I am currently a member of the U.S. Senate FCU.

	<p>3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last ten years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.</p>
	<p>None</p>
	<p>4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.</p>
	<p>None</p>
	<p>5. Explain how you will resolve any conflict of interest that may be disclosed by your responses to the items above.</p>
	<p>Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the NCUA's ADAEO and that has been provided to this Committee.</p> <p>With respect to my spouse's employment, my ethics agreement includes recusals to resolve any potential conflict or appearance concern. The ethics agreement also includes a commitment by my spouse not to communicate directly with the National Credit Union Administration on behalf of the firm or any client.</p> <p>With respect to my credit union membership, as long as I maintain one or more accounts at the U.S. Senate FCU, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the ability or willingness of the U.S. Senate FCU to provide these contractual benefits, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I also will recuse from all particular matters involving specific parties in which the U.S. Senate FCU is a party or represents a party, unless an agency ethics official determines that I should participate.</p>

Tax compliance and bankruptcy:	1. In the past ten years, have you and your spouse (if applicable) filed and paid all taxes and bankruptcy: (federal, state, and local) as of the date of your nomination? Indicate if you filed as ‘married filing separately.’
	Yes
	2. In the past ten years, have you been required to make any back tax payments? If so, indicate if you have made any back tax payments and provide full details.
	No
	3. Has a tax lien or other collection procedure(s) been instituted against you or your spouse (if applicable) by federal, state, or local authorities? If so, provide full details.
	No
	4. In the past ten years, have you or your spouse (if applicable) ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, provide full details.
	No
	5. Were all your Federal, State, local, and other tax returns and tax liabilities of any kind current (filed and paid when due) as of the date of your nomination? If not, provide details.
	Yes
	6. Have you ever filed for bankruptcy? If so, provide details.
	No

Civil, criminal, and investigatory actions:	1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (e.g. an Inspector General’s office), professional association, disciplinary committee, or other ethics enforcement entity at any time? If so, provide details, regardless of outcome.
	No
	2. Have you ever been investigated, arrested, charged, issued a citation, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.
	No

	3. Have you ever been involved as a party in interest in any administrative agency proceeding, or civil litigation other than a divorce proceeding? If so, provide details.
	No
	4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, provide details.
	No

Other information:	Please advise the Committee of any additional information, favorable or unfavorable, which you believe should be considered in connection with your nomination.

Public records search:	Do you consent to allow Committee staff to conduct a public records search on you using appropriate search tools (including, Westlaw, Lexis, etc.)?
-------------------------------	---

Yes

The undersigned certifies that the information contained in the public statement to the Committee is true and correct.

Signed: James A. [Signature] Date: 10/4/2023

Addendum to the Statement for Completion by Presidential Nominees - Tanya Otsuka

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

The following awards were inadvertently left off of the initial submission.

<i>Organization</i>	<i>Type</i>	<i>Date Received</i>
FDIC	Special Thanks and Recognition Award	2018
FDIC	Mission Achievement Award	2018
FDIC	Mission Achievement Award	2017
FDIC	Mission Achievement Award	2016
FDIC	Mission Achievement Award	2015
FDIC	Mission Achievement Award	2014
FDIC	Mission Achievement Award	2013

PREPARED STATEMENT OF MARK UYEDA
TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION
OCTOBER 19, 2023

Chairman Brown, Ranking Member Scott, and Members of the Committee, thank you for the opportunity to appear before you today. Joining me in the hearing room is my wife Masae and watching remotely from California are other members of my family.

In May 2022, I was privileged to appear before the Committee as the nominee to fill the 12 then-remaining months on the term of former Commissioner Elad Roisman. I am grateful for the Committee's support. I thank the President for his nomination to serve a full 5-year term as a member of the Securities and Exchange Commission (SEC). If confirmed, I would be able to continue contributing to an agency where I have served since 2006.

As the first Asian Pacific American to serve as an SEC commissioner, I grew up in a world where many immigrant families ran small businesses. My first job was spending my teenage summers with my grandfather on his delivery route, where he drove a small truck bringing fresh produce from the Los Angeles wholesale market to restaurants and retailers, which were often small businesses themselves. For these small enterprises, capital was not always easily obtainable. Nevertheless, their owners had the opportunity to create and grow businesses that served customer needs, provided jobs, and generated economic activity. An environment amenable to creating those opportunities is what makes America a special place for hard-working and innovative entrepreneurs.

The past 16 months as a commissioner have been the most fulfilling and humbling time of my public service. Since taking office, I have provided input and voted on the proposal or adoption of over forty SEC rulemakings that touch upon nearly all aspects of the capital markets and its participants.

When evaluating the SEC's policy initiatives, I draw upon my diverse experiences of nearly 30 years, including as a corporate lawyer in private practice, as a regulator at the California Department of Corporations, as a member of the SEC staff, and as a detailee to the Senate Committee on Banking, Housing, and Urban Affairs. One lesson that I have learned from these experiences is the need to carefully assess the costs of regulatory activity, relative to its benefits. Many of these costs are passed on to workers and retirement savers who are investing for their futures.

Given the SEC's critical role in overseeing our country's capital markets, promulgating regulations that are based on data, cost-effective, and aimed at addressing identified issues is of utmost importance. Consideration should be given to appropriately scaling our rules and implementation timelines, so as to not have a disparate impact on small businesses, including those owned by women and minorities. Investors from around the world are willing to place their capital at risk in our markets due, in part, to our regulatory structure being perceived as effective, efficient, and rationally applied. It is important that the SEC's rules continue to meet these expectations. Keeping our markets robust, liquid, and vibrant means both facilitating capital formation for companies and protecting investors. One cannot exist without the other.

To close, I would like to express my gratitude and appreciation for the work of my fellow commissioners and the staff at the SEC. Their efforts to carry out the agency's mission of protecting investors, maintaining fair, orderly, and efficient markets, and facilitating capital formation continue to inspire me every day.

Thank you and I look forward to your questions.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES
--

Name:

<i>(Last)</i>	<i>(First)</i>	<i>(Other)</i>
Uyeda	Mark	Toshiro

Position to which nominated: Commissioner, Securities and Exchange Commission (SEC)
--

Date of nomination:	
----------------------------	--

Residence:

<i>(City)</i>	<i>(State)</i>
Arlington	VA

Education*:

<i>Institution</i>	<i>Dates Attended</i>	<i>Degree(s) Received</i>	<i>Date(s) of Degree(s)</i>
Georgetown Univ.	8/1988-5/1992	B.S. in business admin.	5/1992
Duke University	8/1992-5/1995	J.D.	5/1995

- I took one summer class during 1989 at California State University, Fullerton on public speaking.
- I attended a one-week national security seminar at the U.S. Army War College in 2011.
- I attended in-service SEC training (called "SEC University") offered to SEC employees in the spring 2013 for a class on hedge funds. Law students from Georgetown University Law Center (GULC) also participated in the class. Students (both from the SEC and GULC) who attended the semester-long class and took the final exam were awarded credit that could be used towards an LL.M degree at GULC.

*Nominees should provide information for all post-secondary institutions attended, whether or not the nominee was granted a degree by the institution.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

<i>Organization</i>	<i>Type</i>	<i>Date Received</i>
SEC	15-Year Service Recognition Award	2021
SEC	Chairman's Award for Excellence	2020
SEC	Division of Investment Management Director's Award	2019

SEC	10-Year Service Recognition Award	2016
SEC	Law and Policy Award	2015
SEC	5-Year Service Recognition Award	2011
SEC	Law and Policy Award	2010
SEC	Capital Markets Award	2008
Japanese American Citizens League (JACL)	Mitsuyuki Yonemura Memorial Scholarship	1988
Boy Scouts of America	Eagle Scout	1987

Memberships: List below all past and present memberships, affiliations, and offices held in professional (e.g., legal, accounting, or medical), fraternal, business, scholarly, civic, social, charitable and other organizations.

<i>Organization</i>	<i>Office Held (if any)</i>	<i>Dates of Membership</i>
Asian Pacific American Bar Association of the Greater Washington, D.C. Area	<ul style="list-style-type: none"> • Immediate Past President, 2019-20 • President, 2018-19 • President-elect, 2017-18 • Director, 2017-20 • Awards Committee co-chair, 2016-17 • Government Attorneys Forum co-chair, 2013-14 	2007-present
Japanese American Bar Association	<ul style="list-style-type: none"> • Vice President, 2003-04 • Board Governor, 2001-04 	1998-present
SEC Asian Pacific American Employees Committee	<ul style="list-style-type: none"> • Chairman, 2009-13 	2007-present
State Bar of California	N/A	1995-present
New York State Bar	N/A	1996-present
District of Columbia Bar	N/A	1996-present (currently inactive)
American Bar Association	N/A	1997-2016
New York State Bar Association	N/A	1998-2002
Asian Bar Association of Sacramento	N/A	2006
National Asian Pacific American Bar Association	N/A	2003-present
Go For Broke National Education Center (nonprofit 501(c)(3) organization that educates on the valor of Japanese American veterans of World War II)	N/A	2001-present
Japanese American Citizens League	N/A	1997-present

Japanese American National Museum	N/A	2002-present
Japanese American Optimist Club	N/A	2001-present
Omotesenke Domonkai Eastern Region USA (Japanese tea ceremony club)	N/A	2010-present
U.S.-Japan Council	N/A	2009-present
AARP	N/A	2018-present
American Automobile Association	N/A	1996-present
City Club Los Angeles	N/A	1998-2021
Georgetown University Alumni Association	N/A	1992-present
Duke University Alumni Association	N/A	1996-present
Army War College Foundation	N/A	2011-present
National Eagle Scout Association	N/A	1987-present

Employment record:	List below all positions (paid and unpaid) held since graduation from college including the title or description of job, name of employer, location of work, and inclusive dates of employment.
---------------------------	---

<i>Employer</i>	<i>Position</i>	<i>Dates of Service</i>
Nordstrom, Brea, CA	Sales Associate	6/92-7/92
Research Triangle Institute/Kelly Services, Research Triangle Park, NC	Contract worker - clerical	5/93-8/93
Burroughs-Wellcome Co., Research Triangle Park, NC	Law clerk	5/94-8/94
Kirkpatrick & Lockhart LLP, Washington, DC	Associate	9/95-11/96
O'Melveny & Myers LLP, Los Angeles, CA	Associate (1996-2001); Counsel (2001-04)	12/96-3/04
California Department of Corporations, Sacramento, CA	Chief Advisor to the Commissioner	4/04-10/06
U.S. Securities and Exchange Commission, Washington, DC	Counsel to Commissioner Paul S. Atkins	10/06-8/08
U.S. Securities and Exchange Commission, Washington, DC	Assistant Director for Disclosure Regulation (Division of Investment Management)	8/08-2/12
U.S. Securities and Exchange Commission, Washington, DC	Senior Special Counsel (Division of Investment Management)	2/12-9/13
U.S. Securities and Exchange Commission, Washington, DC	Counsel to Commissioner Michael S. Piowar; Senior Advisor to Acting Chairman Michael S. Piowar	9/13-5/17

U.S. Securities and Exchange Commission, Washington, DC	Senior Advisor to Chairman Jay Clayton	5/17-7/17
U.S. Department of the Treasury, Washington, DC	Policy Advisor (detailee from SEC) (Office of Domestic Finance)	7/17-8/18
U.S. Securities and Exchange Commission, Washington, DC	Senior Special Counsel (Division of Investment Management)	8/18-2/20
U.S. Department of Labor, Washington, DC	Senior Counsel and Policy Advisor (detailee from SEC) (Office of the Assistant Secretary for Policy)	2/20-1/21
U.S. Senate Committee on Banking, Housing, and Urban Affairs, Washington, DC	Securities Counsel (detailee from SEC)	1/21-6/22
U.S. Securities and Exchange Commission, Washington, DC	Commissioner	6/22-present

Government Experience:	List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary, or other (including part-time) service or positions.
-------------------------------	---

<i>Government Entity</i>	<i>Position</i>	<i>Dates of Service</i>
White House Office of Presidential Personnel, Washington, DC	Volunteer	2/89-5/89
Office of U.S. Representative Chris Cox, Washington DC	Intern	9/89-5/90
Office of U.S. Representative Chris Cox, Washington DC	Intern	9/90-5/91
Office of U.S. Representative Chris Cox, Washington DC	Intern	9/91-5/92
California Department of Corporations, Sacramento, CA	Chief Advisor to the Commissioner	4/04-10/06
California Industrial Development Financing Advisory Commission (CIDFAC), Sacramento, CA	Represented California Corporations Commissioner on CIDFAC	4/04-10/06
U.S. Securities and Exchange Commission, Washington, DC	Counsel to Commissioner Paul S. Atkins	10/06-8/08
U.S. Securities and Exchange Commission, Washington, DC	Assistant Director for Disclosure Regulation (Division of Investment Management)	8/08-2/12
U.S. Securities and Exchange Commission, Washington, DC	Senior Special Counsel (Division of Investment Management)	2/12-9/13
U.S. Securities and Exchange Commission, Washington, DC	Counsel to Commissioner Michael S. Piowar; Senior Advisor to Acting Chairman Michael S. Piowar	9/13-5/17

U.S. Securities and Exchange Commission, Washington, DC	Senior Advisor to Chairman Jay Clayton	5/17-7/17
U.S. Department of the Treasury, Washington, DC	Policy Advisor (detailee from SEC) (Office of Domestic Finance)	7/17-8/18
U.S. Securities and Exchange Commission, Washington, DC	Senior Special Counsel (Division of Investment Management)	8/18-2/20
U.S. Department of Labor, Washington, DC	Senior Counsel and Policy Advisor (detailee from SEC) (Office of the Assistant Secretary for Policy)	2/20-1/21
U.S. Senate Committee on Banking, Housing, and Urban Affairs, Washington, DC	Securities Counsel (detailee from SEC)	1/21-6/22
U.S. Securities and Exchange Commission, Washington, DC	Commissioner	6/22-present

Published writings:	List the titles, publishers and dates of books, articles, reports and other published materials you have written. For all publicly accessible publications, including blog posts you maintained or contributed to and any significant internet-based posting, please include appropriate URLs. If available, provide the Committee with one digital copy of each of the writings you list.
----------------------------	--

I have done my best to identify titles, publishers and dates of books, articles, reports or other published materials, including a thorough review of personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

- Susan Nash, Mark T. Uyeda, Kieran G. Brown, Sanjay Lamba, and Devin F. Sullivan, PowerPoint – The Summary Prospectus and Related Amendments to Form N-1A, 2009 (see slides 3-9 at <https://www.ici.org/system/files/attachments/pdf/web0109slides.pdf>)
- Mark T. Uyeda and Kirk E. Wallace, Reiswig v. Department of Corporations, Appellants’ Opening Brief, California Court of Appeal, Fourth Appellate District, Division Three, March 20, 2006 (https://dipi.ca.gov/wp-content/uploads/sites/337/2012/06/fid_openingbrief.pdf)
- Mark T. Uyeda, California Department of Corporations, “Fairness” Hearings and Shell Companies, January 18, 2006 (<https://dipi.ca.gov/wp-content/uploads/sites/337/2019/03/117c.pdf>)
- Mark T. Uyeda, O’Melveny & Myers (OMM) Alert – Court Decisions under Section 16 of the Securities Exchange Act Complicate Exit Strategies for Private Equity Funds, December 18, 2003 (copy submitted)
- Mark T. Uyeda, OMM Alert – Mandatory Electronic Filing and Website Posting of Section 16(a) Forms Effective June 30, 2003, June 12, 2003 (copy submitted)
- Ira H. Raphaelson, Mark T. Uyeda, and Patricia Y. Torres, OMM Executive Brief – Useful Practice Guidelines for Corporate Counsel Relating to Obstruction of Justice Issues, June 2002 (copy submitted)
- Mark T. Uyeda, Note, Presidential Prerogative under the Constitution to Deploy U.S. Military Forces in Low-Intensity Conflict, 44 DUKE L.J. 777 (1995) (<https://scholarship.law.duke.edu/dlj/vol44/iss4/4/>)

- Mark T. Uyeda, Letter to the Editor – Racial Diversity and Academic Excellence, The Washington Post, November 14, 1992 (<https://www.washingtonpost.com/archive/opinions/1992/11/14/racial-diversity-and-academic-excellence/b90ba849-4a89-481a-a186-d21e1a379d0f/>)

Speeches, presentations, and public statements:	List all of the formal speeches, presentations (e.g., PowerPoint), and public statements you have delivered during the past ten years which are on topics relevant to the position for which you have been nominated, including dates and name of the forum you delivered the speech, presentation, or public statement. If available, provide the Committee with one digital copy of each formal speech, presentation, and public statement. If text is no longer available, list the date, place, and organization or group to whom you made the speech or presentation. For public statements, please provide the Committee with finding aids (such as citations, internet URLs, etc.) for each statement.
--	---

- Mutual Funds & ETFs, SEC Graduate Program organized by the SEC Office of Investor Education and Advocacy, Washington, DC, July 23, 2013
- Recognizing and Mitigating Conflicts of Interest in Market Participants, Advanced Financial Professionals Training Program organized by the Taiwan Financial Supervisory Commission, Taipei, Taiwan, October 12, 2015 [PowerPoint submitted]
- Fraud and Abuse by Investment Advisers and Investment Companies, Advanced Financial Professionals Training Program organized by the Taiwan Financial Supervisory Commission, Taipei, Taiwan, October 13, 2015 [PowerPoint submitted]
- Mentorship, Asian Pacific American Bar Association of Greater Washington DC Practicing Attorneys Resource Kickoff Event, Washington, DC, October 25, 2017
- Regulatory Reset: Current Issues for Today's Fund Industry, 2017 Securities Law Developments Conference sponsored by the Investment Company Institute (ICI) Educational Foundation, Washington, DC, December 7, 2017
- SEC Career Panel, SEC Asian American Pacific Islander (AAPi) Heritage Month Event sponsored by the SEC Asian American and Pacific Islander Committee, Washington, DC, May 14, 2018
- Remarks on the Treasury Asset Management and Insurance Report, Joint Meeting of Investment Company Institute (ICI) Global and the European Fund and Asset Management Association, Washington, DC, May 21, 2018
- Q&A Scholarship Spotlight, The Pacific Citizen (national newspaper of the Japanese American Citizens League), June 1-14, 2018, at p. 2 (https://pacificcitizen.org/wp-content/uploads/archives-menu/Vol.166_%2310_Jun_01_2018.pdf)
- 2019 Trailblazers Conference, Building Bridges Panel, Georgetown Asian Pacific American Law Students Association, March 18, 2019
- ESG in Structured Finance, American Bar Association, Virtual Program, April 8, 2021 (https://www.americanbar.org/groups/business_law/resources/materials/2021-securitization-materials-esg_-behind-paywall)
- 117th Congress Policy Outlook Panel, 2021 North American Securities Administrators Association (NASAA) Spring Meeting, Virtual Program, May 19, 2021

- Discussion on Market Structure with Michael Piwowar & Mark Uyeda, moderated by Jim Toes, Securities Traders Association 88th Annual Market Structure Conference, Washington, DC, October 6, 2021
- Hearing before the Senate Committee on Banking, Housing, and Urban Affairs on the following nominations: The Honorable Michael S. Barr, of Michigan, to be a Member and Vice Chairman for Supervision of the Board of Governors of the Federal Reserve System; Mr. Jaime E. Lizárraga, of Virginia, to be a Member of the Securities and Exchange Commission; and Mr. Mark Toshiro Uyeda, of California, to be a Member of the Securities and Exchange Commission, May 19, 2022
 - Video of hearing: <https://www.banking.senate.gov/hearings/05-12-2022-nomination-hearing>
 - Testimony of Mark Toshiro Uyeda: <https://www.banking.senate.gov/download/uyeda-testimony-5-19-22>
 - Link to Committee's hearings report – S.Hrg. 117-343: <https://www.congress.gov/117/chrge/CHRG-117shrg48337/CHRG-117shrg48337.pdf>
- Statement on Final Rule Amendments on Proxy Voting Advice, July 13, 2022 (<https://www.sec.gov/news/statement/uyeda-statement-amendments-proxy-voting-advice-071322>)
- Statement on Proposed Amendments for Substantial Implementation, Duplication, and Resubmission of Shareholder Proposals under Exchange Act Rule 14a-8, July 13, 2022 (<https://www.sec.gov/news/statement/uyeda-statement-exchange-act-rule-14a-8-071322>)
- With Gary Gensler, Hester M. Peirce, and Caroline A. Crenshaw, Statement on Departure of Commissioner Allison Herren Lee, July 15, 2022 (<https://www.sec.gov/news/statement/sec-statement-departure-commissioner-allison-herren-lee-071522>)
- With Hester M. Peirce, Comment on the Financial Accounting Foundation Draft Strategic Plan, July 22, 2022 (<https://www.sec.gov/news/statement/peirce-uyeda-statement-draft-financial-accounting-foundation-strategic-plan-072222>)
- With Hester M. Peirce, Statement of Commissioners Hester M. Peirce and Mark T. Uyeda on Proposed Amendments to Exchange Act Rule 15b9-1, July 29, 2022 (<https://www.sec.gov/news/statement/peirce-uyeda-statement-proposed-amendments-exchange-act-rule-15b9-1-072922>)
- Remarks to the Small Business Capital Formation Advisory Committee, August 2, 2022 (<https://www.sec.gov/news/speech/uyeda-remarks-sbefac-080222>)
- Statement on Clearing Agency Governance and Conflicts of Interest, August 8, 2022 (<https://www.sec.gov/news/statement/uyeda-statement-statement-clearing-agency-governance-and-conflicts-interest-080822>)
- Statement on Amendments to Form PF to Amend Reporting Requirements for All Filers and Large Hedge Fund Advisers, August 10, 2022 (<https://www.sec.gov/news/statement/uyeda-statement-amendments-form-pf-081022>)
- Statement on Amendments to Auditing Standards Governing the Planning and Supervision of Audits Involving Other Auditors and Dividing Responsibility for the Audit with Another Accounting Firm, August 12, 2022 (<https://www.sec.gov/news/statement/uyeda-statement-amendments-auditing-standards-081222>)

- **Statement on the Final Rule Related to Pay Versus Performance, August 25, 2022**
(<https://www.sec.gov/news/statement/uyeda-statement-final-rule-related-pay-versus-performance-082522>)
- **Statement on the Final Rules Related to the Whistleblower Program, August 26, 2022**
(<https://www.sec.gov/news/statement/uyeda-statement-whistleblower-program-082622>)
- **Remarks at the “SEC Speaks” Conference 2022, September 9, 2022**
(<https://www.sec.gov/news/speech/uyeda-speech-sec-speaks-090922>)
- **Statement on Standards for Covered Clearing Agencies for U.S. Treasury Securities and Application of the Broker-Dealer Customer Protection Rule With Respect to U.S. Treasury Securities, September 14, 2022** (<https://www.sec.gov/news/statement/uyeda-statement-treasury-securities-091422>)
- **With Hester M. Peirce, Statement Regarding In the Matter of Toews Corporation, September 20, 2022**
(<https://www.sec.gov/news/statement/peirce-uyeda-statement-toews-corporation>)
- **Remarks at the Meeting of the Investor Advisory Committee, September 21, 2022**
(<https://www.sec.gov/news/statement/uyeda-remarks-iac-092122>)
- **Remarks at the Association of Asian American Investment Managers Elevate 2022 Keynote Lunch Program, September 29, 2022** (<https://www.sec.gov/news/speech/uyeda-remarks-asian-american-investment-managers-elevate-092922>)
- **Statement on Electronic Recordkeeping Requirements for Broker-Dealers, Security-Based Swap Dealers, and Major Security-Based Swap Participants, October 12, 2022**
(<https://www.sec.gov/news/statement/uyeda-statement-electronic-recordkeeping-requirements-101222>)
- **With Martin Moloney, Paul P. Andrews, João Pedro Nascimento, Sean Hughes, Emily Shepperd, and Josina Kamerling, CFA Institute Financial Regulatory Symposium 2022, October 13, 2022**
(<https://www.cfainstitute.org/en/research/multimedia/2022/financial-regulatory-symposium-2022>)
- **Remarks to the Small Business Capital Formation Advisory Committee, October 13, 2022**
(<https://www.sec.gov/news/speech/uyeda-sbcfac-20221013>)
- **Remarks at the APABA-DC Awards and Installation Reception, October 19, 2022**
(<https://www.sec.gov/news/speech/uyeda-apaba-dc-20221019>)
- **With Christy Goldsmith Romero and Mike Piwowar, Georgetown McDonough FMQ 2022: Regulatory and Policy Roundtable, October 20, 2022** (<https://www.youtube.com/watch?v=31AOYpWn-8c>)
- **Remarks at the Georgetown Law Hotel and Lodging Summit, October 25, 2022**
(<https://www.sec.gov/news/speech/uyeda-georgetown-summit-20221025>)
- **Statement on the Final Rule Related to Listing Standards for Recovery of Erroneously Awarded Compensation, October 26, 2022** (<https://www.sec.gov/news/statement/uyeda-statement-elawbacks-102622>)
- **Statement on Final Rule Regarding Tailored Shareholder Reports for Mutual Funds and Exchange-Traded Funds; Fee Information in Investment Company Advertisements, October 26, 2022**
(<https://www.sec.gov/news/statement/uyeda-shareholder-reports-mutual-funds-20221026>)

- Statement on Proposed Rule Regarding Outsourcing by Investment Advisers, October 26, 2022 (<https://www.sec.gov/news/statement/uyeda-statement-service-providers-oversight-102622>)
- Statement on the Final Rule: Enhanced Reporting of Proxy Votes by Registered Management Investment Companies; Reporting of Executive Compensation Votes by Institutional Investment Managers, November 2, 2022 (<https://www.sec.gov/news/statement/uyeda-statement-amendments-form-npx-110222>)
- Statement on Proposed Rule: Open-End Fund Liquidity Programs and Swing Pricing; Form N-PORT Reporting, November 2, 2022 (<https://www.sec.gov/news/statement/uyedar-statement-open-end-funds-110222>)
- Remarks at the 2022 Cato Summit on Financial Regulation, November 17, 2022 (<https://www.sec.gov/news/speech/uyeda-remarks-cato-summit-financial-regulation-111722>); audio clip available at <https://www.cato.org/multimedia/cato-audio/mark-uyeda-sec-commissioner-risc-esg>
- Remarks at the ICI Global Asset Management Asia Forum, November 30, 2022 (<https://www.sec.gov/news/speech/speech-uyeda-iciglobal-asset-management-asia-forum-113022>)
- Statement on Reopening of Comment Period for Share Repurchase Disclosure Modernization, December 7, 2022 (<https://www.sec.gov/news/statement/uyeda-statement-share-repurchase-disclosure-modernization-120722>)
- Statement on the Final Rule: Insider Trading Arrangements and Related Disclosures, December 14, 2022 (<https://www.sec.gov/news/statement/uyeda-insider-trading-20221214>)
- Statement on Proposed Rule Regarding Disclosures of Order Execution Information, December 14, 2022 (<https://www.sec.gov/news/statement/uyeda-order-execution-20221214>)
- Statement on Proposed Rule Regarding Regulation NMS: Minimum Pricing Increments, Access Fees, and Transparency of Better Priced Orders, December 14, 2022 (<https://www.sec.gov/news/statement/uyeda-tick-size-20221214>)
- Statement on Proposed Rule Regarding Order Competition, December 14, 2022 (<https://www.sec.gov/news/statement/uyeda-order-competition-20221214>)
- Statement on Proposed Rule Regarding Best Execution, December 14, 2022 (<https://www.sec.gov/news/statement/uyeda-best-execution-20221214>)
- With Hester M. Peirce, Statement Regarding In the Matter of Stephen J. Easterbrook and McDonald's Corporation, January 9, 2023 (<https://www.sec.gov/news/statement/peirce-uyeda-easterbrook-mcdonalds-202301>)
- With Hester M. Peirce, Statement Regarding National Trust and Fiduciary Services Company, Inc., et al., January 17, 2023 (<https://www.sec.gov/news/statement/peirce-uyeda-statement-regarding-national-trust-and-fiduciary-services-company-011723>)
- With Hester M. Peirce, Statement on In the Matter of Bloomberg Finance, L.P., January 24, 2023 (<https://www.sec.gov/news/statement/peirce-uyeda-statement-bloomberg-finance-012423>)

- Statement on the Proposed Rule: Prohibition against Conflicts of Interest in Certain Securitizations, January 25, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-prohibition-against-conflicts-interest-012323>)
- Remarks at the California '40 Acts Group, January 27, 2023 (<https://www.sec.gov/news/speech/uyeda-remarks-california-40-acts-group>)
- Remarks to the Small Business Capital Formation Advisory Committee, February 7, 2023 (<https://www.sec.gov/news/speech/uyeda-remarks-sbcfac-020723>)
- Statement on Final Rule on Shortening the Securities Transaction Settlement Cycle, February 15, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-settlement-cycle-021523>)
- Statement on Proposed Rule Regarding the Safeguarding of Advisory Client Assets, February 15, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-custody-021523>)
- Statement on the Final Rule on Extending Form 144 EDGAR Filing Hours and Celebrating the EDGAR System on its 30th Anniversary, February 22, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-edgar-022223>)
- With Hester M. Peirce, Statement Regarding Huntleigh Advisors, Inc. and Datatex Investment Services, Inc., February 27, 2023 (<https://www.sec.gov/news/statement/peirce-uyeda-statement-huntleigh-datatex-022723>)
- Remarks at the "Going Public in the 2020s" Conference, Columbia Law School/Business School Program in the Law and Economics of Capital Markets, March 3, 2023 (<https://www.sec.gov/news/speech/uyeda-remarks-going-public-conference-030323>)
- Meeting the Challenges and Fulfilling The Promise of Global Financial Markets: Remarks before the Institute of International Bankers, March 7, 2023 (<https://www.sec.gov/news/speech/uyeda-remarks-institute-international-bankers-030723>)
- With Hester M. Peirce, Statement Regarding the Commission's Disapproval of a Proposed Rule Change to List and Trade Shares of the VanEck Bitcoin Trust, March 10, 2023 (<https://www.sec.gov/news/statement/peirce-uyeda-statement-vanecck-bitcoin-trust-031023>)
- Statement on the Proposed Amendments to Regulation S-P: Privacy of Consumer Financial Information and Safeguarding Customer Information, March 15, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-regulation-sp-031523>)
- Statement on the Proposed Cybersecurity Risk Management Rule for Market Entities, March 15, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-enhanced-cybersecurity-031523>)
- Statement on the Proposed Amendments to Regulation Systems Compliance and Integrity, March 15, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-regulation-sci-031523>)
- Remarks to Investment Company Institute 2023 Investment Management Conference, March 20, 2023 (<https://www.sec.gov/news/speech/uyeda-remarks-ici-2023-imecon-palmdeserteu-032023>)

- Statement on Electronic Filing of Certain Forms and Other Filings Under Securities Exchange Act of 1934; Technical Amendments Regarding FOCUS Report, March 22, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-electronic-filing-032223>)
- Statement on Supplemental Information and Reopening of Comment Period for Amendments to Exchange Act Rule 3b-16 regarding the Definition of “Exchange”, April 14, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-ats-041423>)
- Remarks at the 42nd Annual Small Business Forum, April 26, 2023 (<https://www.sec.gov/news/speech/uyeda-remarks-small-business-forum-042623>)
- With Joseph Mecane, Jeff Meli, Jeffrey Solomon, Ashley Walker, and Michael Piwowar, 2023 Milken Global Conference: The State of U.S. Public Capital Markets, May 2, 2023 (<https://milkeninstitute.org/panel/14502/state-us-public-capital-markets>)
- Remarks at ICAEW Event – World-Class Regulation: Building Trust and Transparency in International Markets, May 12, 2023 (<https://www.sec.gov/news/speech/uyeda-icaew-20230512>)
- Statement on the Final Rule: Share Repurchase Disclosure Modernization, May 3, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-share-repurchase-disclosure-modernization-050323>)
- Statement on Final Amendments to Form PF to Require Event Reporting for Large Hedge Fund Advisers and Private Equity Fund Advisers and to Amend Reporting Requirements for Large Private Equity Fund Advisers, May 3, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-form-pf-050323>)
- Keynote Address at the 21st Symposium on Building the Financial System of the 21st Century: An Agenda for Europe and the United States, May 11, 2023 (<https://www.sec.gov/news/speech/uyeda-21st-symposium-building-financial-05-11-2023>)
- Remarks at MFA Global Summit, May 16, 2023 (<https://www.sec.gov/news/speech/uyeda-mfa-global-summit-20230516>)
- Statement on Covered Clearing Agency Resilience and Recovery and Wind-Down Plans, May 17, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-covered-clearing-agency-resilience-recovery-wind-downplans>)
- With Gary Gensler, Hester M. Peirce, Caroline A. Crenshaw, and Jaime Lizarraga, Commission Statement on the Passing of Former Chairman Harvey Pitt, May 31, 2023 (<https://www.sec.gov/news/statement/commission-harvey-pitt-20230531>)
- Statement on Rules Regarding Prohibitions Against Fraud, Manipulation, or Deception in Connection with Security-Based Swaps and Against Undue Influence over Chief Compliance Officers, June 7, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-rules-regarding-prohibitions-security-based-swaps-undue-influence>)
- Statement on the Adoption of Rule 939A Amendments to Regulation M, June 7, 2023 (<https://www.sec.gov/news/statement/uyeda-statement-credit-ratings-060723>)

- With Hester Peirce, Statement Regarding In the Matter of American CryptoFed DAO LLC, June 7, 2023 (<https://www.sec.gov/news/statement/peirce-uyeda-american-cryptofed-20230607>)

Social media usernames:	Please provide a list of all of your currently active social media usernames (e.g., usernames: Facebook, Instagram, Twitter, TikTok, etc.), and any usernames for any inactive accounts you have used within the previous ten years.
--------------------------------	--

LinkedIn: <https://www.linkedin.com/in/mark-uyeda-5227aa5/>
 Twitter: @UyedaMark (<https://twitter.com/UyedaMark>)
 Facebook: <https://www.facebook.com/mark.uyeda.79>
 Instagram: <https://www.instagram.com/mfuyeda714/>
 YouTube: <https://www.youtube.com/channel/UCQ3r-nsPHY31b7bVXiQRU5Q>

Note: From Internet searches, I am aware of other persons named "Mark Uyeda," including persons who appear to live in the Hawaii, Silicon Valley, Portland (OR), and Seattle, and their social media accounts are unrelated to me.

Political affiliations and activities:	List memberships and offices held in and services rendered to all political parties or election committees during the last ten years.
	None

	List all public offices, if any, for which you have been a candidate in the past ten years.		
<i>Name of Office</i>	<i>Elected/Appointed Candidate Only</i>	<i>Year(s) Election Held or Appointment Made</i>	<i>Terms of Service (if applicable)</i>
	None		

Political contributions:	Itemize all political contributions which exceed \$200 or which aggregate to over \$200 in a calendar year to any individual, campaign organization, political party, political action committee or similar entity during the last ten years and identify specific amounts, dates, and names of recipients.
---------------------------------	---

<i>Recipient</i>	<i>Date</i>	<i>Amount</i>
Young Kim for Congress	6/13/2018	\$250
Young Kim for California state assembly	9/14/2014	\$200
Young Kim for California state assembly	2/14/2014	\$200
Paul Tanaka for Los Angeles county sheriff	2/14/2014	\$500

Qualifications:	State fully your qualifications to serve in the position to which you have been named. (attach separate sheet if necessary)
------------------------	---

I currently serve as an SEC Commissioner, having assumed office on June 30, 2022. My 28-year legal career of continuously practicing in corporate and securities law, including 19 years of public service to advance investor interests, has qualified me to serve as an SEC Commissioner. Since 2006, I have worked as a civil servant with the SEC, including serving as counsel to two SEC Commissioners and senior advisor to one SEC Chairman and one acting Chairman. Prior to joining the SEC, I served as the chief adviser to California's state securities regulator and, for almost a decade, worked as a corporate attorney in private practice.

I have a deep commitment to the SEC's tripartite mission of protecting investors, maintaining fair, orderly, and efficient markets, and facilitating capital formation. I have seen first-hand the importance of participating in the capital markets – both as a receiver and provider of capital – to the American dream. As a teenager, I spent my summers working for my Japanese-American grandfather delivering produce to small restaurants and businesses. My grandfather, who was forcibly interned pursuant to Executive Order 9066 with his family, including my mother, during World War II, had to rebuild from scratch the delivery business that he had operated before the war. Finding startup capital was difficult, yet he persisted and eventually obtained enough funding for his very modest family business. From this experience, I learned the importance of hard work and perseverance – lessons that I would carry with me through high school, college, law school, and my professional career.

After graduating law school in 1995, I started my legal career with the Washington, D.C. office of Kirkpatrick & Lockhart LLP, where I worked on SEC filings and related matters for mutual funds and investment companies.

At O'Melveny & Myers LLP in Los Angeles, I had a general corporate and securities practice. I worked on initial public offerings, private placements, periodic SEC filings on Forms 10-K and 10-Q, proxy solicitations and shareholder meetings, mergers & acquisitions, tender offers, and syndicated loan transactions. I provided legal advice to clients on the National Securities Markets Improvement Act, the Private Securities Litigation Reform Act, and the Sarbanes-Oxley Act of 2002. I also worked on the formation of private funds for private equity, mezzanine finance, and real estate.

In early 2004, I joined the California Department of Corporations as the chief advisor to the Commissioner. The Department (now known the Department of Financial Protection and Innovation) is the state securities regulator and also responsible for enforcing the state's nonbank financial lending laws. In that position, I interacted with the SEC's offices in San Francisco and Los Angeles and worked with other state securities regulators as part of the North American Securities Administrators Association (NASAA). Within NASAA, I served on a committee on the Uniform Securities Act of 2002 and was the acting coordinator for the Western enforcement zone in 2006.

In October 2006, I joined the executive staff of the SEC as a counsel to Commissioner Paul Atkins. I advised him on legal issues relating to rulemakings, enforcement actions, administrative proceedings, and amicus briefs under the federal securities laws. My responsibilities included covering developments in corporate finance, international affairs, accounting, and auditing. I interacted with the Public Company Accounting Oversight Board (PCAOB), the Financial Accounting Standards Board (FASB), and the International Accounting Standards Board (IASB).

After Commissioner Atkins left the SEC, I joined the SEC's Division of Investment Management (Division). As the assistant director for the office of disclosure regulation, I led a group of lawyers that worked on disclosure-based rulemakings. During my tenure, the SEC adopted the final rules for the fund summary prospectus, which allowed investors to receive a more easily readable 3-4 page document with key information while providing access to other information online. I also worked on the extensive SEC rules required after passage of the Dodd-Frank Act in 2010.

After a reorganization of the Division's rulemaking groups in early 2012, I served as senior special counsel to the associate director for rulemaking. In that capacity, I helped manage all Division rulemakings projects undertaken by the Division until rejoining the SEC's executive staff as counsel to Commissioner Michael Piwowar in 2013, where I advised him on corporate finance, accounting, enforcement, and international issues, including the implementation of the Jumpstart Our Business Startups (JOBS) Act rules. In January 2017, Commissioner Piwowar was named acting SEC Chairman and I assisted him as he led the agency for several months, after which I helped transition SEC Chairman Jay Clayton into office as his senior adviser.

Over the course of my more than 16 years at the SEC, I have had the opportunity to engage on global financial regulation issues with numerous engagements with foreign regulators and market participants, including participation in official government visits to the United Kingdom, France, Belgium, Germany, Israel, United Arab Emirates, Saudi Arabia, China, Japan, South Korea, Taiwan, Singapore, and Vietnam. I have also met with officials at the Financial Stability Board in Basel, Switzerland.

In 2017, I was detailed to the U.S. Department of the Treasury, where I assisted on research and analysis of the U.S. financial system. Topics included the capital markets, asset management and insurance, and nonbank financials, fintech, and innovation and examined a wide range of issues.

After returning to the SEC, I resumed responsibilities for rulemaking projects in the Division of Investment Management and helped organize the Asset Management Advisory Committee. I was detailed to the U.S. Department of Labor (DOL) in 2020. At DOL, I worked in the Office of the Assistant Secretary for Policy to provide expertise on financial services with respect to retirement security under the Employee Retirement Income Security Act.

In January 2021, I was detailed to the U.S. Senate Committee on Banking, Housing, and Urban Affairs. In my capacity as securities counsel under Ranking Member Pat Toomey, I have provided expert advice and analysis on all aspects of the capital markets, including laws and legislation affecting the SEC.

Future employment relationships:	1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.
	<i>I currently serve as an SEC Commissioner. If confirmed for a new term, I will continue to serve the SEC.</i>
	2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.
	<i>I have no such plans.</i>
	3. Has anyone made a commitment to employ you after you leave government service?
	<i>No</i>
	4. Do you expect to serve the full term for which you have been appointed?
	<i>Yes</i>

Potential conflicts of interest:	1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.
	<i>I have retained my accounts in 401(k) plans maintained by former law firm employers. I am also a participant in a defined benefit plan administered by the California Public Employees' Retirement System.</i>
	2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.
	<i>In connection with the nomination process, I have consulted with the Office of Government Ethics and the SEC's Designated Agency Ethics Official (DAEO) to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the SEC's DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.</i>
	3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last ten years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.
	<i>None</i>
	4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.
	<i>None</i>
	5. Explain how you will resolve any conflict of interest that may be disclosed by your responses to the items above.
	<i>Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the SEC's DAEO and that has been provided to this Committee.</i>

Tax compliance and bankruptcy:	1. In the past ten years, have you and your spouse (if applicable) filed and paid all taxes and bankruptcy: (federal, state, and local) as of the date of your nomination? Indicate if you filed as 'married filing separately.'
	<i>Yes</i>
	2. In the past ten years, have you been required to make any back tax payments? If so, indicate if you have made any back tax payments and provide full details.
	<i>No</i>
	3. Has a tax lien or other collection procedure(s) been instituted against you or your spouse (if applicable) by federal, state, or local authorities? If so, provide full details.
	<i>No</i>

	4. In the past ten years, have you or your spouse (if applicable) ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, provide full details.
	<i>No</i>
	5. Were all your Federal, State, local, and other tax returns and tax liabilities of any kind current (filed and paid when due) as of the date of your nomination? If not, provide details.
	<i>Yes</i>
	6. Have you ever filed for bankruptcy? If so, provide details.
	<i>No</i>

Civil, criminal, and investigatory actions:	1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (e.g. an Inspector General's office), professional association, disciplinary committee, or other ethics enforcement entity at any time? If so, provide details, regardless of outcome.
	<i>No</i>
	2. Have you ever been investigated, arrested, charged, issued a citation, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.
	<i>No</i>
	3. Have you ever been involved as a party in interest in any administrative agency proceeding, or civil litigation other than a divorce proceeding? If so, provide details.
	<i>No</i>
	4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, provide details.
	<i>No</i>

Other information:	Please advise the Committee of any additional information, favorable or unfavorable, which you believe should be considered in connection with your nomination.
	<i>None</i>

Public records search:	Do you consent to allow Committee staff to conduct a public records search on you using appropriate search tools (including, Westlaw, Lexis, etc.)? <i>Yes</i>
-------------------------------	--

The undersigned certifies that the information contained in the public statement to the Committee is true and correct.

Signed: Mark T. Ugeda Date: June 8, 2023

PREPARED STATEMENT OF SPENCER BACHUS III

TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK

OCTOBER 19, 2023

Chairman Brown, Ranking Member Scott, and distinguished Members of the Committee, thank you for considering my nomination to be a member of the Board of Directors of the Export-Import Bank of the United States. I also appreciate the opportunities I've had to sit down with Senators and staff to discuss my nomination.

I am honored to be nominated to serve another term on Ex-Im's Board of Directors, and if confirmed, would welcome the opportunity to continue supporting American workers and promoting U.S. business interests and exports in global markets.

Unfortunately, my wife Linda is unable to join me today, and so I want to acknowledge her as my best friend and best advocate, who has been by my side through my entire career in public service. She has encouraged me every step of the way and makes me a better person.

I appreciate the support many of you provided when I appeared before the Committee as a nominee in 2017. While much has changed in the world and at Ex-Im since I was first confirmed in 2019, much has also remained the same. I remain just as committed to Ex-Im, to its mission, and the role the agency plays in our economy as I was when first nominated. While serving on the House Financial Services Committee, I helped guide the passage of legislation reforming many of Ex-Im's operational requirements.

In 2015, Ex-Im had a lapse in its authority and was without a quorum on its Board for nearly 4 years. While this sidelined Ex-Im, it did not sideline our competitors, including the People's Republic of China (PRC). Congress recognized this challenge in 2019 when it provided Ex-Im with a long-term reauthorization and directed the agency to establish the China and Transformational Exports Program.

As a Member of the Board, I worked in a bipartisan fashion to help stand up this new Program and help make sure U.S. exports can compete and win across industries and regions—including significant transactions supporting the sale of construction equipment to Cameroon and solar energy goods to both Angola and Honduras.

If confirmed, I would work with my colleagues to help make sure that we continue to combat the PRC's debt-trap diplomacy and support the export of high quality, trusted, and reliable U.S. goods and services around the world.

During my previous term on the Board, I had the honor of traveling across our country to hear directly from businesses large and small—making everything from pet food to advanced aviation electronics—about the role Ex-Im can play in their ability to grow. What I heard from those workers is that, if given a chance to compete on a level playing field, they will compete with workers anywhere else in the world and they will produce the best product at the best price. I truly believe that and look forward to working with our partners in Congress to make sure this remains a reality.

My previous tenure on the Ex-Im Board provided me with valuable experience in discharging the duties of a Board Member, including an understanding of the tools Ex-Im offers and the challenges facing American manufacturers. My experience and familiarity with the agency and its responsibility make me well-suited to serve in this role. Chair Lewis and my fellow Board Members enjoy a cooperative and collegial working relationship, and each brings different abilities to Ex-Im.

If I am confirmed by the Senate, I pledge to work with you, as well as my fellow Board Members, to carry out and advance the mission of Ex-Im. I pledge to carry out the agency's charter and to review all applications for financing in accordance with statutory requirements. Mr. Chairman, Ranking Member Scott, and Members of the Committee, I truly appreciate your time today and consideration of my nomination. I look forward to answering any questions you may have.

Name:

<i>(Last)</i>	<i>(First)</i>	<i>(Other)</i>
Bachus	Spencer	

Position to which nominated: Member, Board of Directors, Export-Import Bank of the United States

Date of nomination: September 21, 2023

Residence:

<i>(City)</i>	<i>(State)</i>
Vestavia	Alabama

Education*:

<i>Institution</i>	<i>Dates Attended</i>	<i>Degree(s) Received</i>	<i>Date(s) of Degree(s)</i>
Auburn University	1965-1969	Bachelor of Arts	1969
University of Alabama School of Law	1969-1972	Juris Doctor	1973

*Nominees should provide information for all post-secondary institutions attended, whether or not the nominee was granted a degree by the institution.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

<i>Organization</i>	<i>Type</i>	<i>Date Received</i>
Faith and Politics Institute	Lewis Houghton Leadership Award	
	Congressional Cooperation/Search for Common Ground Award	
American Bar Association	Justice Award	
	Somerville Prize for Distinguished Legal Scholarship Award	
Burton Foundation	Award for Achievements in Law	
International Quality of Life	Lifetime Achievement Award	2014
National Association of Corporate Directors	Directorship 100 Award	
Worth	100 Most Powerful People in Financial Services	
Financial Services Roundtable	Leadership Award	
Women in Housing and Finance	Tribute for Financial Services Committee Leadership	

The American Cancer Society Cancer Action Network	National Distinguished Advocacy Award for Excellence in Cancer Fighting Public Policy	
American Football Coaches Association Award and Federal Bureau of Investigation	Certificate of Recognition Award for National Child Identification Program	2011
Bread for the World	Leadership Award	
National Center for Missing and Exploited Children	Honor Roll	2010
Jubilee USA Network	Jubilee Champion	2016
Land Trust Alliance	Conservation Champion Award	
Gerald Solomon-IIABA	Legislator of the Year Award	
U.S. Chamber of Commerce	Spirit of Free Enterprise Award	
Business Council of Alabama	Chairman's Award	
American Village Liberty	Legacy Award	
Alabama Department of Human Resources	Legislator of the Year Award	1984
Alabama Bankers Association	Distinguished Service Award	
	The Ronald Reagan Excellence in Leadership Award	
Vestavia Hills (Alabama)	Citizen of the Year Award	

Memberships: List below all past and present memberships, affiliations, and offices held in professional (e.g., legal, accounting, or medical), fraternal, business, scholarly, civic, social, charitable and other organizations.

<i>Organization</i>	<i>Office Held (if any)</i>	<i>Dates of Membership</i>
Alzheimer's of Central Alabama	Member, Board of Directors	6/2012 to 5/2019
Bread for the World	Member, Board of Directors	1/2010 to 5/2019
Helen Keller Foundation	Chairman of the Board	6/2015 to 6/2016
Rotary Club of Birmingham	Member	2015 to Present

Employment record:	List below all positions (paid and unpaid) held since graduation from college including the title or description of job, name of employer, location of work, and inclusive dates of employment.
---------------------------	---

<i>Employer</i>	<i>Position</i>	<i>Dates of Service</i>
Self employed	Consultant	July 2023 – Present
Bachus & Brom LLC	Attorney	2018 – 2019
Bachus, Brom & Taylor	Attorney	2015-2017
Bachus, Crowson, Dempsey and Steed	Attorney	1974-1992
Blountsville Lumber Company	President	1985-1990
Parker, Wilkinson & Purvis	Attorney	1972-1974

Government Experience:	List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary, or other (including part-time) service or positions.
-------------------------------	---

<i>Government Entity</i>	<i>Position</i>	<i>Dates of Service</i>
Export-Import Bank of the United States	Member, Board of Directors	May 2019 – July 2023
US House of Representatives	Alabama District 6	1993 to 2015
House Financial Services Committee	Chairman	2011 to 2013
House Financial Services Committee	Ranking Member	2007 to 2011
Alabama Beverage Control Board	Legal Counsel	1986-1992
Alabama State School Board	Elected Member	1986-1990
Alabama House of Representatives	Elected Member	1984 to 1987
Alabama Senate	Elected Member	1983 to 1984
Special Assistant Attorney General	Appointed AG	1978 to 1992

Published writings:	List the titles, publishers and dates of books, articles, reports and other published materials you have written. For all publicly accessible publications, including blog posts you maintained or contributed to and any significant internet-based posting, please include appropriate URLs. If available, provide the Committee with one digital copy of each of the writings you list.
----------------------------	--

<i>Title</i>	<i>Publisher/Periodical/Source</i>	<i>Date</i>
See attached addendum #1		

Speeches, presentations, and public statements:	List all of the formal speeches, presentations (e.g., PowerPoint), and public statements you have delivered during the past ten years which are on topics relevant to the position for which you have been nominated, including dates and name of the forum you delivered the speech, presentation, or public statement. If available, provide the Committee with one digital copy of each formal speech, presentation, and public statement. If text is no longer available, list the date, place, and organization or group to whom you made the speech or presentation. For public statements, please provide the Committee with finding aids (such as citations, internet URLs, etc.) for each statement.
--	---

<i>Speech/presentation</i>	<i>Forum/event</i>	<i>Date</i>
See attached addendum #1		

Social media usernames:	Please provide a list of all of your currently active social media usernames (e.g., usernames: Facebook, Instagram, Twitter, TikTok, etc.), and any usernames for any inactive accounts you have used within the previous ten years.
--------------------------------	--

I do not use social media

Political affiliations and activities:	List memberships and offices held in and services rendered to all political parties or election committees during the last ten years.
	None

	List all public offices, if any, for which you have been a candidate in the past ten years.		
<i>Name of Office</i>	<i>Elected/Appointed Candidate Only</i>	<i>Year(s) Election Held or Appointment Made</i>	<i>Terms of Service (if applicable)</i>
U.S. Representative (Alabama-06)	Elected	2012	2013-2015

Political contributions:	Itemize all political contributions which exceed \$200 or which aggregate to over \$200 in a calendar year to any individual, campaign organization, political party, political action committee or similar entity during the last ten years and identify specific amounts, dates, and names of recipients.
---------------------------------	---

<i>Recipient</i>	<i>Date</i>	<i>Amount</i>
Kay Ivey for Governor	12/18/17	\$748.48 (in kind)
Kasich for America	3/12/2016	\$2,700 (Linda Bachus)
See Addendum #2		

Qualifications:	State fully your qualifications to serve in the position to which you have been named. (attach separate sheet if necessary)
------------------------	---

From 1993 until I retired from Congress in 2015, I served on the House Financial Services Committee and its predecessor the House Banking Committee. This included six years as Chairman or Ranking Member of the Financial Institutions and Consumer Credit Subcommittee and six years as Chairman or Ranking Member of the full committee. During this tenure, I had opportunities to raise financial services issues as well as participated in legislative policymaking on every banking issue for 22 years, including the Gramm Leach Bliley Act, the Troubled Asset Relief Program during the height of the financial crisis, and the Dodd Frank Act in the aftermath of the crisis. This provided me the opportunity to observe carefully the changing structure of banking and financing and the concomitant changes in the regulatory structure necessary to ensure the proper and competitive functioning of the financial services industry.

My longtime service as a Member of Congress made it possible to interact closely with officials from the administrations and regulatory agencies during the tenure of four

presidents, including the Federal Reserve, the Treasury Department, the FDIC, the OCC, the Small Business Committee, and the White House. This allowed me to gain an understanding of how financial services policies impact not only the financial institutions, but also, ordinary Americans as they pursue their personal and family obligations.

This was also a time when international cooperation in regulatory advancements allowed me to be directly involved in the policymaking associated with the several Basel agreements, and a variety of other international financial services undertakings. It also allowed me to have the opportunity to travel extensively overseas, including numerous visits in which I met with the financial policymakers in countries as diverse as South Africa, Germany, France, China and many others. In return, I made numerous international contacts and hosted several delegations from other countries visiting Washington.

Perhaps most pertinently, I participated in the legislative reauthorization of the Export-Import Bank on three separate occasions. This allowed me to gain a deep and broad understanding of the Bank's operations, its impact on the U.S. economy, and especially its role in supporting and preserving jobs in the United States.

As a senior member of the House Financial Services Committee, I have interacted with hundreds of bankers from institutions of all sizes over more than two decades, coming to understand the impact of the policies and regulations the federal government promulgates on communities and individuals.

As Chairman of the Financial Services Committee, I oversaw the staff of more than 50 professional employees, led and managed the agenda and issues for the Committee, set legislative priorities, successfully negotiated the compromises necessary to achieve consensus, and, in a bipartisan manner, brought members together to achieve common goals. As a result of my leadership, 20 legislative measures reported from the Committee became law in the 112th Congress. My experience as Chairman of the House Financial Services Committee exemplifies my capability and knowledge to manage and direct a substantial governmental organization. I served as Chairman of the Committee with a full and detailed knowledge of House Rules and Procedures, the ethics rules, and other standards that govern public entities.

After 22 years of Congressional service, I have personal relationships with a wide network of Members of the House and Senate. Communicating the goals and mission of the EXIM Bank will be greatly facilitated by these existing contacts.

Finally, I have served on the EXIM Board for over four years. During that time, I have gained invaluable experience in discharging the duties as a Board Member. These included better understanding and application of our programs in assisting American manufacturers and the challenges facing them. As with any federal entity, gaining a working knowledge of their policies and procedures, abilities, handicaps, and personnel, is an ongoing process. My experience and familiarity with the agency and its responsibilities has enhanced my ability to serve. Chair Lewis and my fellow board members enjoy a cooperative and collegial working relationship, and each bring different abilities to EXIM. I welcome the opportunity to rejoin them and advance the agency's mission of facilitating exports and supporting American jobs.

Thank you for your consideration.

Future employment relationships:	1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.
	YES.
	2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.
	NO.
	3. Has anyone made a commitment to employ you after you leave government service?
	No.
	4. Do you expect to serve the full term for which you have been appointed?
	Yes.

Potential conflicts of interest:	1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.
	I do not have any such arrangements or agreements.
	2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.
	In connection with the nomination process, I have consulted with the Office of Government Ethics and EXIM's Designated Agency Ethics Official (DAEO) to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with EXIM's DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.
	3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last ten years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.
	None
	4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.
	None
	5. Explain how you will resolve any conflict of interest that may be disclosed by your responses to the items above.
	Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with EXIM's DAEO and that has been provided to this Committee.

Tax compliance and bankruptcy:	1. In the past ten years, have you and your spouse (if applicable) filed and paid all taxes and bankruptcy: (federal, state, and local) as of the date of your nomination? Indicate if you filed as 'married filing separately.'
	YES
	2. In the past ten years, have you been required to make any back tax payments? If so, indicate if you have made any back tax payments and provide full details.
	I have not been required to make any back tax payments, with the exception of state taxes for the 2017 tax year. Due to the different tax treatment of state and federal retirement distributions in Alabama, I inadvertently failed to include a federal retirement distribution in my 2017 Alabama return. Alabama audited the return and corrected the inaccuracy which resulted in additional tax. While I do not recall the exact amount, I paid the additional outstanding taxes as soon as possible.
	3. Has a tax lien or other collection procedure(s) been instituted against you or your spouse (if applicable) by federal, state, or local authorities? If so, provide full details.
	NO
	4. In the past ten years, have you or your spouse (if applicable) ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, provide full details.
	I have never been audited, with the exception of the Alabama audit discussed above. I inadvertently failed to include a federal retirement distribution in my Alabama return, and was assessed additional taxes. I paid the outstanding taxes as soon as possible.
	5. Were all your Federal, State, local, and other tax returns and tax liabilities of any kind current (filed and paid when due) as of the date of your nomination? If not, provide details.
	Yes, except for the 2017 state payment noted above, as well as a slightly late federal payment for the 2015 tax year, when my estimated tax payments ended up being insufficient and I paid the balance of my taxes with my timely extended return.
	6. Have you ever filed for bankruptcy? If so, provide details.
	NO

Civil, criminal, and investigatory actions:	1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (e.g. an Inspector General's office), professional association, disciplinary committee, or other ethics enforcement entity at any time? If so, provide details, regardless of outcome.
	The Board of the Office of Congressional Ethics of the United States House of Representatives reviewed whether from 2008 to 2009, I, while serving as Representative, used material, non-public information obtained in the course of my official duties to inform personal financial transactions and whether I failed to provide complete reports of my wife's financial transactions on my financial disclosure statements for calendar years 2008 and 2009. The Board of the Office of Congressional Ethics recommended that the Committee on Ethics dismiss the allegation that I used material, non-public information obtained in the course of my official duties to inform personal financial transactions because there was not substantial reason to believe that a violation of House rules and standards of

Spencer T. Bachus
Senate Questionnaire, Attachment 1

PUBLICATIONS AND MEDIA

Columns/Op-eds

Cumberland Law Review, "Federal Policy Responses to The Predicament of Municipal Finance," January 29, 2010

Journal of Commerce, "Why the U.S. and China Should Negotiate," February 26, 2007

Wall Street Journal, "Financial Advisers Police Yourselves," August 5, 2012

CNBC, "Protecting Taxpayers by Ending Bailouts," June 1, 2012

USA Today, "Obama's Housing Plan More of the Same," February 7, 2012

The Hill, "Continuation of Fiscal Irresponsibility," April 29, 2009

Washington Times, "Cooking the Books," April 19, 2012

Roll Call, "Subprime Lending: Achieving Consensus, Getting It Right," February 26, 2007

Roll Call, "Immigration Promotes Economic Competitiveness," March 12, 2013

Major Media Appearances

CNBC – First live broadcast from House Financial Services Committee room, frequent live appearances as Financial Services Committee Chairman on Squawk Box and the Kudlow Report

CSPAN Newsmakers and Capitol Journal

Fox News and Fox Business News

Bloomberg Television

National Public Radio

Interviews with major national and financial publications including the Wall Street Journal, New York Times, Washington Post, USA Today, AP, Bloomberg, and Reuters

Major Book Mentions

Act of Congress by Robert Kaiser

The Sellout by Charles Gasparino

Bought and Paid For by Charles Gasparino

Exodus from Hunger by David Beckmann

Enough: Why the World's Poor Starve in an Age of Plenty by Roger Thurow and Scott Kilman

Selected Speeches

Securities Industry and Financial Markets Association

Financial Services Forum

National Association of Corporate Directors

U.S. Chamber of Commerce Center for Capital Markets Competitiveness

FDIC Small Business Lending Forum

Institute of International Bankers

American Bankers Association Board of Directors

Independent Community Bankers of America

Alabama Bankers Association

Alabama Mortgage Bankers Association Convention

Conference of State Bank Supervisors

Credit Union National Association (CUNA) Washington Conference

National Association of Federal Credit Unions (NAFCU) Washington Conference

National Association of Insurance Commissioners

Council of Insurance Agents and Brokers

Reinsurance Association of America

Women in Housing and Finance

US Capitol Historical Society Honors House Financial Services Committee

Business Council of Alabama

Dedication of the Northern Beltline

Faith and Politics Civil Rights Pilgrimage to Alabama

Georgetown Universities Fighting Against World Hunger Conference

Commencement Address, University of Alabama Law School

Auburn University Fighting World Hunger Conference

National Veterans Day Award Dinner

Alabama National Cemetery Memorial Day Ceremony Keynote Speaker

Alabama National Cemetery Dedication

Addendum #2 Senate Questionnaire – Spencer T. Bachus III

Recipient	Contributor	Date	Amount	Aggregate YTD
KASICH FOR AMERICA INC	BACHUS, SPENCER III	8/1/2015	\$ 2,700.00	\$ 2,700.00
FRIENDS OF ROY BLUNT	BACHUS, SPENCER	11/8/2016	\$ 500.00	\$ 500.00
FRIENDS OF KELLY AYOTTE INC	BACHUS, SPENCER	11/3/2016	\$ 500.00	\$ 500.00
BACHUS FOR CONGRESS COMMITTEE	BACHUS, SPENCER	1/31/2015	\$ 2,253.00	\$ 2,370.40
MIKE CRAPO FOR US SENATE	BACHUS, SPENCER T III	9/23/2016	\$ 277.17	\$ 277.17
PORTMAN FOR SENATE COMMITTEE	BACHUS, SPENCER	3/18/2016	\$ 330.00	\$ 380.00
MIKE CRAPO FOR US SENATE	BACHUS, SPENCER T III	9/23/2016	\$ 277.17	\$ 277.17
ALABAMA REPUBLICAN PARTY	BACHUS, SPENCER T III	2/15/2018	\$ 250.00	\$ 250.00
POLIQUIN FOR CONGRESS	BACHUS III, SPENCER T.	10/25/2018	\$ 300.00	\$ 300.00
STEVE DAINES FOR MONTANA	BACHUS, SPENCER	11/3/2020	\$ 300.00	\$ 600.00
STEVE DAINES FOR MONTANA	BACHUS, SPENCER	11/6/2020	\$ (300.00)	\$ (300.00)
STEVE DAINES FOR MONTANA	BACHUS, SPENCER	11/3/2020	\$ 300.00	\$ 600.00
RED SENATE	BACHUS, SPENCER	10/8/2020	\$ 300.00	\$ 300.00
CORY GARDNER FOR SENATE	BACHUS, SPENCER	10/22/2020	\$ 10.00	\$ 310.00
CORY GARDNER FOR SENATE	BACHUS, SPENCER	10/22/2020	\$ 300.00	\$ 310.00
MCCONNELL SENATE COMMITTEE	BACHUS, SPENCER	11/3/2020	\$ 300.00	\$ 312.00
MCCONNELL SENATE COMMITTEE	BACHUS, SPENCER	11/3/2020	\$ 12.00	\$ 312.00
THOM TILLIS COMMITTEE	BACHUS, SPENCER	10/27/2020	\$ 300.00	\$ 300.00
JONI FOR IOWA	BACHUS, SPENCER	11/2/2020	\$ 300.00	\$ 300.00
TIM SCOTT FOR SENATE	BACHUS, SPENCER	11/2/2020	\$ 300.00	\$ 300.00
TIM SCOTT FOR SENATE	BACHUS, SPENCER	11/3/2020	\$ 300.00	\$ 600.00
WINRED	BACHUS, SPENCER	10/8/2020	\$ 300.00	\$ 300.00
WINRED	BACHUS, SPENCER	10/22/2020	\$ 300.00	\$ 1,210.00
WINRED	BACHUS, SPENCER	11/2/2020	\$ 300.00	\$ 2,110.00
WINRED	BACHUS, SPENCER	10/22/2020	\$ 10.00	\$ 1,210.00
WINRED	BACHUS, SPENCER	11/3/2020	\$ 300.00	\$ 3,022.00
WINRED	BACHUS, SPENCER	11/3/2020	\$ 300.00	\$ 3,022.00
WINRED	BACHUS, SPENCER	11/3/2020	\$ 300.00	\$ 3,022.00
WINRED	BACHUS, SPENCER	11/3/2020	\$ 12.00	\$ 3,022.00

Addendum #2 Senate Questionnaire – Spencer T. Bachus III

WINRED	BACHUS, SPENCER	10/22/2020	\$	300.00	\$	1,210.00
WINRED	BACHUS, SPENCER	11/2/2020	\$	300.00	\$	2,110.00
WINRED	BACHUS, SPENCER	11/2/2020	\$	300.00	\$	2,110.00
WINRED	BACHUS, SPENCER	10/22/2020	\$	300.00	\$	1,210.00
MCSALLY FOR SENATE INC	BACHUS, SPENCER	10/8/2020	\$	300.00	\$	300.00
TEAM GRAHAM, INC.	BACHUS, SPENCER	10/8/2020	\$	300.00	\$	300.00
PERDUE FOR SENATE	BACHUS, SPENCER	10/22/2020	\$	300.00	\$	300.00
GEORGIAN FOR KELLY LOEFFLER	BACHUS, SPENCER	1/4/2021	\$	500.00	\$	800.00
GEORGIAN FOR KELLY LOEFFLER	BACHUS, SPENCER	1/5/2021	\$	300.00	\$	800.00
WINRED	BACHUS, SPENCER	1/5/2021	\$	200.00	\$	500.00
WINRED	BACHUS, SPENCER	1/5/2021	\$	300.00	\$	500.00
PERDUE FOR SENATE	BACHUS, SPENCER	1/5/2021	\$	500.00	\$	500.00
ALABAMA REPUBLICAN PARTY	BACHUS, SPENCER T REP III	6/22/2022	\$	250.00	\$	250.00
BRUCE POLIQUIN FOR CONGRESS	BACHUS, SPENCER	2/21/2022	\$	500.00	\$	500.00
TIM SCOTT FOR SENATE	BACHUS, SPENCER	11/8/2022	\$	500.00	\$	800.00
JERRY CARL FOR CONGRESS	BACHUS, SPENCER T, III	10/27/2022	\$	300.00	\$	300.00

PREPARED STATEMENT OF JENNIFER FAIN
TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION
OCTOBER 19, 2023

Good morning Chairman Brown, Ranking Member Scott, and Members of the Committee. It is an honor to appear before you today as the President's nominee to serve as the Inspector General (IG) for the Federal Deposit Insurance Corporation (FDIC).

I would first like to thank my family, especially my husband Kevin, who is here today, and my two brothers and their families. My gratitude must begin with my parents, who exemplified the opportunity of America and service to the country. My mother emigrated to the United States from South Korea and labored for years running her small restaurant. She is gone now but still with me in so many ways. My father enlisted in the Army as a young man, and those years of his military service inspired me to pursue a career in public service. For all of these family influences, I am profoundly grateful. I also thank my colleagues and mentors who have shared this professional journey with me. I would not be here without their support and encouragement over the years.

I deeply appreciate the FDIC's long-standing, essential role in maintaining stability and public confidence in the U.S. financial system. The FDIC insures deposits; examines and supervises financial institutions for safety and soundness and consumer protection; makes large, complex financial institutions resolvable; and manages receiverships. Simply put: the FDIC helps protect individual Americans who place great trust in our Nation's banks.

As an independent organization, the FDIC Office of Inspector General (OIG) plays a vital oversight role in ensuring the integrity and accountability of FDIC programs. The OIG conducts impactful audits, evaluations, and reviews. It also pursues criminal and administrative investigations relating to FDIC employees, contractors, and financial institutions. Importantly, an OIG's mission is not simply to identify issues of concern, but also to recommend corrective actions for their prevention. This proactive function is essential to improve and strengthen the effectiveness and integrity of the Agency. The OIG contributes to the successful accomplishment of the Agency's mission.

I have valued this critical role based on serving for over 22 years in the Federal Inspector General community, most recently as Deputy IG for the Export-Import Bank of the United States (Ex-Im). Previously I acted in the role of IG for nearly 3 years, where I led teams of auditors, investigators, and analysts providing independent oversight of Ex-Im's programs and operations.

Our office's accomplishments depended on the contributions of exceptional staff, and my main goal was to empower them to succeed. I carry these lessons in leadership with me today.

My extensive oversight experience in financial services and consumer protection matters provides a deep foundation for me to serve as Inspector General for the FDIC. In prior management positions at Ex-Im OIG, I directed complex financial and performance audits and evaluations, and inspections of multimillion-dollar international transactions. I also held leadership positions in OIG offices at the Federal Housing Finance Agency (FHFA) and Department of Housing and Urban Development (HUD), which broadened my expertise in oversight for other agencies and disciplines, particularly for consumer protection.

My appreciation for public service actually dates back to the beginning of my Federal career in 1994 when I was a student intern in the Accounting Division of the United States Mint.

After graduating from college, I worked in HUD OIG's Denver field office, where for several years I conducted and supervised audits of HUD programs throughout the Rocky Mountain region. I met with individuals from all walks of life who were affected by these programs, including lenders and loan recipients. Those conversations and experiences made a lasting impression on me. They illuminated the direct impact that OIG oversight can have on the lives of Americans and the importance of OIG staff's individual contributions. This perspective will be essential for me to successfully lead the FDIC OIG.

It would be an honor to serve as the Inspector General of the FDIC. I would be committed to delivering results in an independent and objective manner on the effectiveness and efficiency of FDIC programs and operations, which ultimately would benefit the American people. Thank you for considering my nomination. I look forward to working with you and your staffs if I am confirmed. I am happy to answer any questions you may have.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES
--

Name:

<i>(Last)</i>	<i>(First)</i>	<i>(Other)</i>
Fain	Jennifer	Sorenson (maiden), Chapiewsky (former)

Position to which nominated:	Inspector General, Federal Deposit Insurance Corporation (FDIC)
-------------------------------------	---

Date of nomination:	September 19, 2023
----------------------------	--------------------

Residence:

<i>(City)</i>	<i>(State)</i>
Arlington	VA

Education*:

<i>Institution</i>	<i>Dates Attended</i>	<i>Degree(s) Received</i>	<i>Date(s) of Degree(s)</i>
University of Colorado, Denver	January 17, 2023 - current (online)	In progress, Master of Science, Accounting	In progress
Johns Hopkins University	August 29, 2011 - December 15, 2012	Master of Science, Finance	December 28, 2012
University of Colorado, Denver	January 17, 1995 - May 17, 1997	Bachelor of Science Business Administration, Accounting	May 20, 1997
Metropolitan State College of Denver	August 24, 1992 - December 10, 1994 (estimate for days)	Not applicable. Transferred to the University of Colorado, Denver	Not applicable.
Additional:			
American University, Washington, DC	March 13 - 20, 2015 April 20 - 24, 2015	Certificate of Achievement, Key Executive Leadership Certificate Program, Experienced Leader, Leadership for Office of Inspectors General	April 24, 2015
Thunderbird School of Global Management	August -September 2014 (online course, estimate)	Certificate of Completion, EXIM Onboarding, International Credit and Trade Finance	October 2014

Inspector General Management Institute, Arlington, VA	2005 (one-week course, estimate)	Certificate of Completion, Applied Management Studies	2005
---	----------------------------------	---	------

*Nominees should provide information for all post-secondary institutions attended, whether or not the nominee was granted a degree by the institution.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

<i>Organization</i>	<i>Type</i>	<i>Date Received</i>
Council of the Inspectors General on Integrity and Efficiency (CIGIE)	Award for Excellence in Management – Recognition of leadership as extended Acting Inspector General	October 2022
Export-Import Bank of the United States (EXIM) Office of Inspector General (OIG)	Award for Contributions to the OIG, issued by the Inspector General (IG)	April 2022
Federal Housing Finance Agency (FHFA) OIG	Award for Contributions to the Establishment of the OIG's Office of Audits, issued by the IG	January 2012
CIGIE	Award for Excellence – CIGIE Inspections and Evaluations Survey Team	October 2011
U.S. Department of Housing and Urban Development (HUD) OIG	Award for Outstanding Contributions to the Office of Investigation (OI), issued by the Assistant IG for Investigation	January 2011
HUD OIG	Award for Headquarters Mission Support Employee of the Year, issued by the IG	May 2007
President's Council on Integrity and Efficiency	Award for Excellence – Member of the Fairbanks Capital Corporation investigative/audit team	October 2004
HUD OIG	Special Team Award – Investigation/Audit of the Fairbanks Capital Corporation, issued by the IG	2003

HUD OIG	Special Team Award Community Builders Position (Nationwide Audit), issued by the IG	1999
Department of the Treasury, United States Mint, Accounting Division, Denver, CO	Award for Effective and Efficient Operation, issued by the Superintendent	1996

Please note, throughout my Federal career, I have received numerous Special Act or Service, time off, or performance-based cash awards. I can provide a list of these awards if it would be helpful to the Committee.

Memberships: List below all past and present memberships, affiliations, and offices held in professional (e.g., legal, accounting, or medical), fraternal, business, scholarly, civic, social, charitable and other organizations.

<i>Organization</i>	<i>Office Held (if any)</i>	<i>Dates of Membership</i>
<i>Self:</i>		
American Institute of Certified Public Accountants (AICPA)	Affiliate Member	2014 (estimate) to present
Association of Federal Enterprise Risk Management	Member	2016 to 2017 (estimate)
Association of Government Accountants	Member	2002 – not currently a member (estimate)
Colorado Society of CPAs	Member	1997 to 2000
Comptroller General's Advisory Council on Government Auditing Standards	Member	2022
Greater Washington Society of CPAs	Member	2016 to present
The Institute of Internal Auditors (IIA)	Member	2002 to present (estimate)
<i>Joint with spouse:</i>		
George Washington's Mount Vernon	Member	2019 to present
Metropolitan Museum of Art	Member	2017 to present
Movement Climbing (formerly Earth Treks)	Member	2007 to present
Smithsonian	Member	Varied throughout the years, 2018 to 2019
The Kennedy Center	Member	Varied throughout the years, 2023 to present
YMCA of the Rockies	Member	2017 to 2018 (estimate)

WETA-TV/PBS	Member	2021 to present
-------------	--------	-----------------

Employment record:	List below all positions (paid and unpaid) held since graduation from college including the title or description of job, name of employer, location of work, and inclusive dates of employment.
---------------------------	---

<i>Employer</i>	<i>Position</i>	<i>Location</i>	<i>Dates of Service</i>
EXIM OIG, Immediate Office (IO)	Deputy IG	Washington, DC	May 8, 2022 - November 5, 2022
EXIM OIG, Office of Audits and Evaluations (OAE), Washington, DC	Acting Assistant IG for Audits and Evaluations	Washington, DC	May 8, 2022 - September 30, 2022
EXIM OIG, IO	Acting IG or Senior Official Performing the Duties of the IG	Washington, DC	July 7, 2019 - March 12, 2022
EXIM OIG, OAE	Assistant Inspector General for Audits and Evaluations (AIGAE)	Washington, DC	April 28, 2019 - May 7, 2022
EXIM OIG, OAE	Acting AIGAE	Washington, DC	September 2, 2018 - April 27, 2019
EXIM OIG, Office of Inspections and Evaluations (OIE)	Deputy Assistant IG for Inspections and Evaluations (DAIGIE)	Washington, DC	June 30, 2014 - September 1, 2018
FHFA OIG, Office of Audits	Audit Director, Conservatorship Management Directorate	Washington, DC	January 30, 2011 - January 28, 2012
HUD OIG, Office of Investigation (OI)	Director, Inspection and Evaluation (I&E) Division	Washington, DC	August 16, 2009 - January 29, 2011
U.S. Election Assistance Commission (EAC) OIG	Director of Audits	Washington, DC	October 12, 2008 - August 15, 2009
HUD OIG, Office of Audit (OA), Technical Oversight and Planning Division	Senior Auditor	Washington, DC	January 9, 2005 - October 11, 2008

HUD OIG, OA	Senior Auditor	Rocky Mountain Region, Denver, CO	December 31, 2000 to January 8, 2005
HUD OIG, OA	Auditor	Southeast/Caribbean Coral Gables Area Office, Miami, FL	January 2, 2000 to December 30, 2000
HUD OIG, OA	Auditor	Rocky Mountain Region, Denver, CO	June 8, 1997 to January 1, 2000
Department of the Treasury, United States Mint, Accounting Division	Student Intern, Accounting (part and full-time)	Denver, CO	October 7, 1994 to June 7, 1997
Network Technology Corporation	Bookkeeper (unpaid)	Brighton, CO	March 1996 – December 2004

Please note, the following breaks in service:

- Graduate student, University of Colorado, Denver, January 17, 2023 - present
- Actively seeking employment and studying and sitting for the Uniform Certified Public Accountant exam, December 16, 2012 - June 29, 2014
- Graduate student, Johns Hopkins University, August 29, 2011 – December 15, 2012

Government Experience:	List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary, or other (including part-time) service or positions.
-------------------------------	---

<i>Government Entity</i>	<i>Position</i>	<i>Location</i>	<i>Dates of Service</i>
EXIM OIG, IO	Deputy IG	Washington, DC	May 8, 2022 - November 5, 2022
EXIM OIG, OAE	Acting AIGAE	Washington, DC	May 8, 2022 - September 30, 2022
EXIM OIG, IO	Acting IG or Senior Official Performing the Duties of the IG	Washington, DC	July 7, 2019 - March 12, 2022
EXIM OIG, OAE	AIGAE	Washington, DC	April 28, 2019 - May 7, 2022
EXIM OIG, OAE	Acting AIGAE	Washington, DC	September 2, 2018 - April 27, 2019
EXIM OIG, OIE	DAIGIE	Washington, DC	June 30, 2014 - September 1, 2018
FHFA OIG	Audit Director, Conservatorship Management Directorate	Washington, DC	January 30, 2011 - January 28, 2012
HUD OIG, OI	Director, I&E Division	Washington, DC	August 16, 2009 - January 29, 2011
EAC OIG	Director of Audits	Washington, DC	October 12, 2008 - August 15, 2009

HUD OIG, OA	Auditor/Senior Auditor	Denver, CO, Miami, FL, and Washington, DC	June 8, 1997 to October 11, 2008
Department of the Treasury, United States Mint, Accounting Division	Student Intern, Accounting (part and full-time)	Denver, CO	October 7, 1994 to June 7, 1997

Published writings:	List the titles, publishers and dates of books, articles, reports and other published materials you have written. For all publicly accessible publications, including blog posts you maintained or contributed to and any significant internet-based posting, please include appropriate URLs. If available, provide the Committee with one digital copy of each of the writings you list.
----------------------------	--

<i>Title</i>	<i>Publisher/Periodical/Source</i>	<i>Date</i>
None.	-	-

Please note, as a career federal employee, I have authored, co-authored, and contributed to a number of audit, inspection, evaluation, and other review reports and memoranda, and testimony of which some were signed out under my name and title (e.g., Acting IG, Assistant IG, or Director). These reports, memoranda, and testimony represent the views and work of the respective Offices of Inspector General. Therefore, I do not list the OIG publications here. My understanding is that this section of the questionnaire is asking for a list of published materials that I have written in my personal capacity. I can provide a list of the OIG publications if it would be helpful to the Committee.

Speeches, presentations, and public statements:	List all of the formal speeches, presentations (e.g., PowerPoint), and public statements you have delivered during the past ten years which are on topics relevant to the position for which you have been nominated, including dates and name of the forum you delivered the speech, presentation, or public statement. If available, provide the Committee with one digital copy of each formal speech, presentation, and public statement. If text is no longer available, list the date, place, and organization or group to whom you made the speech or presentation. For public statements, please provide the Committee with finding aids (such as citations, internet URLs, etc.) for each statement.
--	---

<i>Speech/presentation</i>	<i>Forum/event</i>	<i>Date</i>
None.	-	-

Please note, in August 2020, I issued a memo to the former President and Chairman of EXIM emphasizing OIG's independent authority to audit, inspect, evaluate, and/or investigate EXIM and its relationship with the Private Export Funding Corporation. The memo was read into the agency's record during a Board Meeting that month, and mentioned in remarks at <https://www.exim.gov/news/archives/speeches/remarks-exims-review-process-exim-pefco-50-year-partnership-and-pefco>. I do not have a copy of the memo.

Social media usernames:	Please provide a list of all of your currently active social media usernames (e.g., usernames: Facebook, Instagram, Twitter, TikTok, etc.), and any usernames for any inactive accounts you have used within the previous ten years.
J Fain	Etsy
Jen F	Google

Jennifer L Fain, CIA	https://www.linkedin.com/in/jennifer-l-fain-cia-12b92911/
@jf0735	https://www.pinterest.com/jf0735/
Goodcharacter	The Washington Post

Political affiliations and activities:	List memberships and offices held in and services rendered to all political parties or election committees during the last ten years.
None.	I have not been a member of, nor have I held an office or rendered services for, any political party or election committee during the last ten years.

	List all public offices, if any, for which you have been a candidate in the past ten years.		
<i>Name of Office</i>	<i>Elected/Appointed Candidate Only</i>	<i>Year(s) Election Held or Appointment Made</i>	<i>Terms of Service (if applicable)</i>
None.	-	-	-

Political contributions:	Itemize all political contributions which exceed \$200 or which aggregate to over \$200 in a calendar year to any individual, campaign organization, political party, political action committee or similar entity during the last ten years and identify specific amounts, dates, and names of recipients.
---------------------------------	---

<i>Recipient</i>	<i>Date</i>	<i>Amount</i>
None.	-	-

Qualifications:	State fully your qualifications to serve in the position to which you have been named. (attach separate sheet if necessary)
	See attached.

Future employment relationships:	1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.
	Yes. I will sever all connections with a present employer, business firm, association or organization if I am confirmed by the Senate.
	2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.
	I do not have any plans to resume employment, affiliation or practice with a previous employer, business firm, association or organization after completing government service.
	3. Has anyone made a commitment to employ you after you leave government service?
	No.
	4. Do you expect to serve the full term for which you have been appointed?
	Yes.

Potential conflicts of interest:	1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.
	None.
	2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.
	None. In connection with the nomination process, I have consulted with the Office of Government Ethics (OGE) and FDIC's Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved within the terms of an ethics agreement that I have entered into with the FDIC's Designated Agency Ethics Official (DAEO).
	3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last ten years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.
	None. In connection with the nomination process, I have consulted with OGE and FDIC's Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved within the terms of an ethics agreement that I have entered into with FDIC's DAEO.
	4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.
	None.
	5. Explain how you will resolve any conflict of interest that may be disclosed by your responses to the items above.
	In connection with the nomination process, I have consulted with OGE and the FDIC's Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved within the terms of an ethics agreement that I have entered into with FDIC's DAEO.

Tax compliance and bankruptcy:	1. In the past ten years, have you and your spouse (if applicable) filed and paid all taxes and bankruptcy: (federal, state, and local) as of the date of your nomination? Indicate if you filed as 'married filing separately.'
	Yes. My spouse and I have filed and paid all federal, state, and local taxes. We have not filed for bankruptcy.
	2. In the past ten years, have you been required to make any back tax payments? If so, indicate if you have made any back tax payments and provide full details.
	No.
	3. Has a tax lien or other collection procedure(s) been instituted against you or your spouse (if applicable) by federal, state, or local authorities? If so, provide full details.
	No.


	4. In the past ten years, have you or your spouse (if applicable) ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, provide full details.
	No. However, in an abundance of caution, I note that we had some Internal Revenue Service (IRS) correspondence in 2014 about an item in our 2012 tax return. Upon receiving our responses, the IRS agreed with our original return and closed the matter with no adjustments.
	5. Were all your Federal, State, local, and other tax returns and tax liabilities of any kind current (filed and paid when due) as of the date of your nomination? If not, provide details.
	Yes.
	6. Have you ever filed for bankruptcy? If so, provide details.
	No.

Civil, criminal, and investigatory actions:	1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (e.g. an Inspector General's office), professional association, disciplinary committee, or other ethics enforcement entity at any time? If so, provide details, regardless of outcome.
	No.
	2. Have you ever been investigated, arrested, charged, issued a citation, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.
	No.
	3. Have you ever been involved as a party in interest in any administrative agency proceeding, or civil litigation other than a divorce proceeding? If so, provide details.
	No. However, in my capacity as Acting IG, I became responsible for representing the organization in any administrative proceeding or civil litigation. This responsibility included reaching resolution for any formal complaints and ensuring the terms of any settlement agreements were implemented and enforced.
	4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, provide details.
	No.

Other information:	Please advise the Committee of any additional information, favorable or unfavorable, which you believe should be considered in connection with your nomination.
	In the interest of full disclosure, in January 2020 I was cited by the Government Accountability Office (GAO) for using the title of Acting IG past the 210 days permitted under the Federal Vacancies Reform Act of 1998. Specifically, I was cited for "...[u]sing the title of Acting Inspector General [at EXIM] from August 3, 2019, to October 14, 2019, [which] was in violation of the Act." The nomination of a candidate for IG at EXIM had been returned by the President on August 2, 2019. With the nomination of a second candidate on October 15, 2019, I was permitted to continue using the Acting IG title. The GAO letter is publicly available at https://www.gao.gov/products/b-331540 .

Public records search:	Do you consent to allow Committee staff to conduct a public records search on you using appropriate search tools (including, Westlaw, Lexis, etc.)?
	Yes.

The undersigned certifies that the information contained in the public statement to the Committee is true and correct.

Signed:  Date: 10/04/2023

Jennifer L. Fain
Attachment: Qualifications

Qualifications:	State fully your qualifications to serve in the position to which you have been named. (attach separate sheet if necessary)
------------------------	---

With over 22 years in the federal oversight community, I believe that I provide a broad and unique set of skills and qualifications to serve as the Inspector General (IG) for the Federal Deposit Insurance Corporation (FDIC). I fully recognize and appreciate the critical role of the FDIC in maintaining the stability and soundness of the U.S. financial system, and the corresponding significance of the duties and responsibilities of the IG.

Throughout my career, I have gained extensive experience managing audits, inspections, evaluations, and investigations for multiple Offices of Inspectors General that have resulted in enhanced agency programs and performance, particularly in the areas of financial services and consumer protection. Prior to my most recent role as Deputy Inspector General at the Export-Import Bank of the United States (EXIM) Office of Inspector General (OIG), I served for nearly three years as the Acting IG at EXIM. As described below, through my career experiences I have steadily developed and expanded my oversight and technical expertise that is critical for an IG position.

Acting IG Experience: I served as the Acting IG for EXIM OIG from July 2019 through mid-March 2022, where I led a team of auditors, investigators, and analysts providing independent oversight of EXIM’s programs and operations. This was a challenging time for the office, particularly due to many manager and staff departures, as well as outstanding personnel matters that needed to be addressed. My immediate goal was to stabilize the office and ensure that our mission critical work could continue smoothly. This included backfilling positions; managing essential functions such as strategic and annual planning, budget, finance, and procurement; and completing the integration of the audit, inspection, and evaluation programs into one office. I also led the office through institutional changes, such as transition with new EXIM leadership, and COVID-19 organizational challenges.

Under my tenure, the office achieved many meaningful accomplishments over five semiannual reporting periods, including issuing 15 reports that collectively contained 57 recommendations for corrective action by the agency and achieving several investigative outcomes—eight arrests with six convictions and nearly \$9.5 million in financial actions (criminal fines, assessment, restitution, forfeitures, and civil judgments).¹ These oversight efforts enhanced the integrity of EXIM programs and operations and helped thwart fraud, waste, and abuse. This work, for example, improved the agency’s risk management practices and facilitated their integration with internal controls. Other efforts improved the efficiency and effectiveness of EXIM programs, such as for suspensions and debarments and cybersecurity. Our office also played an integral role in successful prosecutions for EXIM related criminal matters, such as the sentencing of an individual for defrauding the agency of \$1.6 million in May 2021. For my Acting IG service, I

¹ These investigative outcomes do not include joint activities with other law enforcement agencies.

Jennifer L. Fain
Attachment: Qualifications

received in 2022 the Council of the Inspectors General on Integrity and Efficiency (CIGIE) Award for Excellence in Management.

Most importantly, throughout my tenure as Acting IG, I focused much attention and effort on our staff, particularly to provide support and flexibility during COVID-19, as well as mentor and guide those in leadership roles. I valued the diversity of our employees, which was a significant source of strength in our work. I also supported the professional growth of staff by providing new responsibilities that aligned with their expressed interests and office operations.

In addition, I prioritized those relationships critical for OIG's mission and work. I strengthened our relationship with EXIM, while maintaining independence and objectivity, particularly to help EXIM leadership understand OIG's role and improve communication between officials and staff. I also worked effectively with congressional staff on EXIM OIG's budget and other oversight matters. Finally, I encouraged our office's involvement with CIGIE, such as participation in subcommittees and COVID-19 related investigative work.

OIG Leadership Experience: Prior to serving as the Acting IG, I held various positions of increasing responsibility within EXIM OIG and the IG community. From September 2018 through September 2022, I managed the audit, inspection, and evaluation (AIE) programs in EXIM OIG, which were merged to maximize program effectiveness and resources. Initially in an acting capacity, and then as Assistant IG for Audits and Evaluations beginning in April 2019, I managed these AIE activities, directing the efforts of professionals through a subordinate manager and supervisor. I held the position concurrently with my service as Acting IG and a portion of my time as Deputy IG at EXIM. During this period, we issued 28 AIE reports, which collectively contained over 125 recommendations, including \$4.1 million in questioned costs, for corrective action that EXIM management agreed to implement. Further, our audit program passed its peer review during this time.

Prior to this role, I was the Deputy Assistant IG for Inspection and Evaluation (I&E) at EXIM OIG from June 2014 through September 2018. I began this position after earning a Master of Science in Finance and completing the Certified Public Accountant exam to strengthen my expertise in financial principles and methods related to my oversight work. I managed the I&E program and assisted staff with on-site work for various projects, including in India, Australia, Great Britain, and New York. Through our collective efforts, we issued 15 I&E reports in just over four years with over 60 recommendations, including \$5.1 million in questioned costs, for corrective action that EXIM management agreed to implement.

As the Deputy Assistant IG for I&E, I led initiatives beyond individual projects, particularly to improve practices and procedures and to foster relationships with critical stakeholders, both within and outside EXIM. For example, I engaged with credit reporting agencies, embassies and foreign ministry offices, and other organizations with an oversight role to gain greater insight in the international environment for EXIM's mission and operations and deeper understanding to inform our project planning. The I&E program successfully passed its very first peer review because of improvements I made to the processes and procedures for conducting I&E projects.

Jennifer L. Fain
Attachment: Qualifications

Prior to EXIM OIG, I served in management roles in other OIG offices. These opportunities enriched my experience and expertise in other organizations and program areas. In 2011 I was the Audit Director for Conservatorship Management Directorate (and Acting Audit Director for the IT and Housing Directorates) in the newly established Federal Housing Finance Agency (FHFA) OIG. I was instrumental in establishing the new audit operations and the initiation of a broad range of audits in critical areas, such as the Government Sponsored Enterprises' call reporting system, conservatorship review and approval process for non-delegated authorities (e.g., counterparty risk limits), and the agency's oversight of default-related legal services. I was also responsible for the issuance of three (of four total) audit reports in the first full year of operations. The reports collectively contained 17 recommendations for corrective action by FHFA management. This position further expanded my knowledge in federal lending programs and managing audits and reviews for a regulatory agency.

From August 2009 through January 2011, I served as the Director of the I&E Division within the Office of Investigation in the U.S. Department of Housing and Urban Development (HUD) OIG. In this capacity, I managed I&E staff across multiple locations and directed 21 I&E assignments across major program areas and operations. I also advised senior OIG management on I&E issues and handled relevant congressional matters. As the Director of Audits for the U.S. Election Assistance Commission OIG from October 2008 through August 2009, I managed individual audits and established processes and procedures for conducting these audits, which resulted in the audit program passing its very first peer review.

Field and Audit Experience: My field and audit experience has provided a lasting foundation and valuable insight for my subsequent roles in OIG leadership positions. After graduating with a Bachelor of Science in Business Administration in Accounting in 1997, I worked as an Auditor and then Senior Auditor in the Denver, CO field office for HUD OIG for several years. During that time, I gained valuable experience conducting and supervising several audits of HUD programs and operations throughout the region. I also received recognition for my efforts, including several awards for my audit work performed as part of a joint investigation with the Federal Trade Commission (FTC) of a subprime mortgage lender. The investigation resulted in a record \$40 million civil settlement in 2003 for unfair, deceptive, and illegal servicing practices. The funds were distributed by the FTC to affected consumers.

In 2005, I relocated to HUD OIG headquarters in Washington, DC, for a promotion in the Office of Audit. As the technical expert for single-family housing programs at the Federal Housing Administration (FHA) in HUD, I provided guidance and expertise in planning and performing complex audits involving these HUD programs and operations nationwide and advised senior OIG management and staff on audit matters. I also assisted with high priority OIG projects, such as my on-site work over several weeks in Baton Rouge, LA, supporting OIG's audits related to Hurricane Katrina relief funding and an investigation of a HUD senior official for possible political influence in the contracting process.

During my time in that position, I also assessed internal processes and procedures more broadly and developed an improved approach and methodology for audits of single-family lenders. In furtherance of this effort, I conducted training for HUD OIG staff nationwide on how to audit

Jennifer L. Fain
Attachment: Qualifications

FHA approved lenders and developed a related on-line program that was still in use long after I left the office. As the audit representative for congressional relations, I briefed congressional committees on OIG management and policy issues, responded to congressional requests, and prepared IG testimony for hearings. I also completed the requirements for the Certified Internal Auditor designation.

Conclusion: As a career public servant, it would be an honor and privilege to serve as Inspector General for the FDIC. I deeply value and respect the mission, role, and culture of the inspector general community—particularly its people—in ensuring the integrity and effectiveness of an agency's programs and operations. I believe that I have ably demonstrated my qualifications while serving in an Acting IG position and throughout my federal oversight career in financial services and consumer protection. I am thankful to the Committee for considering my nomination and am looking forward to discussing my qualifications.

PREPARED STATEMENT OF CLAUDIA SLACIK

TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION

OCTOBER 19, 2023

Chairman Brown, Ranking Member Scott, and distinguished Members of this Committee, it is an honor to appear before you today. I am grateful to be nominated by the President for reappointment to a full term as a member of the Board of Directors of the Securities Investor Protection Corporation. If confirmed, I would be honored to continue to serve and do all I can in this capacity to protect investors and promote confidence in the U.S. securities markets.

Before presenting my background, let me first introduce you to the members of my family who are here today. First, my spouse Susan Davis, who was born and raised in Louisiana and who has dedicated most of her professional life in service to impoverished people in the neediest parts of the world.

And second, my brother, Kurt Slacik who was born in New York State and who is now a senior executive at a steel mill in Pennsylvania.

Three of my five nieces, Sophia, Katherine, and Samantha are also with me.

As for myself, I was born in upstate New York and grew up there as well as in New Jersey, Illinois, Connecticut, California, and Massachusetts. I also spent 5 years in Brussels, Belgium, where my father was a senior executive for a major U.S. company. I am a product of both public and parochial schools, and I received my undergraduate degree from Smith College and my MBA from New York University. My parents are both deceased, but are the children of people who immigrated to the United States from Eastern Europe in the early 1900s. I have four siblings who live in Florida, California, Nevada, and Pennsylvania.

I spent 35 years in the U.S. financial services industry, mostly as a commercial lender to corporations and an international trade finance specialist. I also have experience in corporate restructurings, risk management, and general management. I have served on the boards of several companies, both public and private, with a specialty serving on their Audit Committees, in addition to service on several nonprofit boards. I also served as a fellow at Harvard University's Advanced Leadership Institute.

Before beginning my service as SIPC Chair in 2022, my most recent professional position was as the Chief Banking Officer at the Export-Import Bank where my staff and I analyzed billions of dollars of transactions for small, medium, and large companies, which supported hundreds of thousands of jobs. My responsibilities included expanding the public's awareness of the Bank and overseeing the due diligence and underwriting of all transactions greater than \$10 million before they were presented to the Bank's Board of Directors. My close working relationship with the Board also allowed me to gain a keen appreciation for the role of a Presidentially appointed Board and the responsibilities of such Board members.

Since early 2022, I have served as Chair of the SIPC Board of Directors. During that time, SIPC has continued to increase its reserves and to adapt to new technologies and changes in the securities industry. In addition, SIPC has overseen the closing of the liquidation of Lehman Brothers, Inc., in which 110,000 securities customers achieved a 100 percent recovery of \$105.7 billion of customer property at no cost to SIPC or the American taxpayer. Moreover, the Trustee in the SIPC-initiated liquidation of Bernard L. Madoff Investment Securities LLC continues his recovery efforts and has recouped and distributed more than \$14 billion to investors—70 percent of funds deposited with the firm.

I recognize the importance of SIPC to retail investors and the vital role it plays in the country's financial system. By ensuring that individual investors' securities accounts are protected when a broker-dealer fails, SIPC promotes investor confidence in the U.S. securities markets. In addition to protecting individual investors from financial hardship, SIPC helps insulate the markets from the disruption which can follow brokerage failures.

If confirmed, I will support SIPC's mission to guard investors in the always evolving securities markets. I pledge to act vigorously as a principal advocate for robust investor protection. I further pledge to work diligently with all Members of this Committee to address your concerns and keep you informed of SIPC's activities.

Mr. Chairman, Ranking Member Scott, and Members of the Committee, thank you for your time and consideration of my nomination. I look forward to answering any questions you may have.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES
--

Name:

<i>(Last)</i>	<i>(First)</i>	<i>(Other)</i>
Slacik	Claudia	

Position to which nominated:	Member, Board of Directors, Securities Investor Protection Corporation
-------------------------------------	---

Date of nomination:	July 12, 2023
----------------------------	----------------------

Residence:

45 Gramercy Park north, 8B

<i>(City)</i>	<i>(State)</i>
New York	NY

Education*:

<i>Institution</i>	<i>Dates Attended</i>	<i>Degree(s) Received</i>	<i>Date(s) of Degree(s)</i>
Harvard	2018	ALI Fellowship Award	December, 2018
NYU	1988-1989	MBA	May, 1989
Smith	1975-1979	AB	May, 1979
French Culinary Institute	1993	Prof Chef Degree	December, 1993

*Nominees should provide information for all post-secondary institutions attended, whether or not the nominee was granted a degree by the institution.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

<i>Organization</i>	<i>Type</i>	<i>Date Received</i>
Harvard University	Advanced Leadership Institute Fellowship	2018
US Banker Magazine	Top 25 Women in Banking	2007

Memberships: List below all past and present memberships, affiliations, and offices held in professional (e.g., legal, accounting, or medical), fraternal, business, scholarly, civic, social, charitable and other organizations.

<i>Organization</i>	<i>Office Held (if any)</i>	<i>Dates of Membership</i>
National Arts Club	NA	2023-present
Cosmopolitan Club	NA	1998 – present
Rockaway Hunt and Golf Club	NA	2003-present
Junior Achievement Worldwide	Board of Governors, Secretary of Board	2014- present
Collegiate Churches of NY	Elder	2018-present
Callen-Lorde Community Health Center	Co-Chair of the Board	1999-2012

Employment record:	List below all positions (paid and unpaid) held since graduation from college including the title or description of job, name of employer, location of work, and inclusive dates of employment.
---------------------------	---

<i>Employer</i>	<i>Position</i>	<i>Location</i>	<i>Dates of Service</i>
Export Import Bank of US	Chief Banking Officer	Washington, DC	2013-2016
JP Morgan	Managing Director	New York & London	2009-2013
Citibank	Managing Director	New York	1992-2009
World Color Press	VP – Strategic Planning	New York	1991-1992
Bankers Trust	VP-Commercial Lending	New York	1979-1991

Government Experience:	List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary, or other (including part-time) service or positions.
-------------------------------	---

<i>Government Entity</i>	<i>Position</i>	<i>Dates of Service</i>
SIPC ¹	Chair, Board of Directors	2022-present
Export Import Bank of US	Chief Banking Officer	2013-2016
US Census Bureau	Data Collector	August 2022
Election Poll Worker-Suffolk County	Poll worker	2020, 2022

¹ SIPC, the subject institution for this nomination, is a government corporation, but not a government agency.

Published writings:	List the titles, publishers and dates of books, articles, reports and other published materials you have written. For all publicly accessible publications, including blog posts you maintained or contributed to and any significant internet-based posting, please include appropriate URLs. If available, provide the Committee with one digital copy of each of the writings you list.
----------------------------	--

<i>Title</i>	<i>Publisher/Periodical/Source</i>	<i>Date</i>
NA		

Speeches, presentations, and public statements:	List all of the formal speeches, presentations (e.g., PowerPoint), and public statements you have delivered during the past ten years which are on topics relevant to the position for which you have been nominated, including dates and name of the forum you delivered the speech, presentation, or public statement. If available, provide the Committee with one digital copy of each formal speech, presentation, and public statement. If text is no longer available, list the date, place, and organization or group to whom you made the speech or presentation. For public statements, please provide the Committee with finding aids (such as citations, internet URLs, etc.) for each statement.
--	---

<i>Speech/presentation</i>	<i>Forum/event</i>	<i>Date</i>	<i>Link</i>
Testimony	Senate Banking Committee	November 2017	https://www.banking.senate.gov/imo/media/doc/Slacik%20Testimony%2011-1-17.pdf

Social media usernames:	Please provide a list of all of your currently active social media usernames (e.g., usernames: Facebook, Instagram, Twitter, TikTok, etc.), and any usernames for any inactive accounts you have used within the previous ten years.
--------------------------------	--

Facebook: claudia slacik
 Twitter: claudia slacik

Political affiliations and activities:	List memberships and offices held in and services rendered to all political parties or election committees during the last ten years.
	None

	List all public offices, if any, for which you have been a candidate in the past ten years.		
<i>Name of Office</i>	<i>Elected/Appointed Candidate Only</i>	<i>Year(s) Election Held or Appointment Made</i>	<i>Terms of Service (if applicable)</i>
None			

Political contributions:	Itemize all political contributions which exceed \$200 or which aggregate to over \$200 in a calendar year to any individual, campaign organization, political party, political action committee or similar entity during the last ten years and identify specific amounts, dates, and names of recipients.
---------------------------------	---

<i>Recipient</i>	<i>Date</i>	<i>Amount</i>
------------------	-------------	---------------

2022 – Stacey Abrams \$2500
 2021- Danielle Allen for MA Governor, \$1000
 2021 - LPAC, \$2500
 8/15/20 – 2800, Biden
 7/31/20 – 2800, Biden
 9/14/18 – 500, Schiff
 12/2/17 – 1000, Slotkin,
 11/4/16 – \$2700 Hillary Clinton,
 10/17/15 – 1000, Sean Patrick Maloney,
 7/9/15 – 2700, Hillary Clinton,
 12/5/14 – 2500, LPAC,
 8/14/14 – 5000, OFF THE SIDELINES

Qualifications:	State fully your qualifications to serve in the position to which you have been named. (attach separate sheet if necessary)
------------------------	---

I presently serve as the Chair of the SIPC Board of Directors having been confirmed for my current term last year. I believe the executive and leadership experience I have gained through my many years across the private, public, and non-profit sectors will allow me to continue to serve SIPC well. I have not only reviewed the requirements of this position with representatives from the White House Office of Personnel and others but have actually performed this job for the past year. I am familiar with SIPC's current matters and with the types of issues that may arise in the future.

Before joining SIPC in February 2022, my 40-year career involved working in the private and public sectors including at

- The Export Import Bank of the United States,
- JP Morgan,
- Citibank and
- Bankers Trust.

My work has encompassed a wide range of areas, from financial restructurings to asset-based finance, risk management and trade finance.

And during my career I have held multiple leadership positions, including the following:

- Chief Banking Officer at EXIM,
- Head of Transaction Services for Europe Middle East and Africa for JP Morgan,
- Head of Trade Services at Citibank and
- Head of Asset Based Finance at Citibank.

I undoubtedly still have much to learn, but I believe my breadth and depth of experience, and my flexibility in adapting to and learning new areas have prepared me to continue to effectively serve on SIPC's Board.

Future employment relationships:	1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate. No
	2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization. No
	3. Has anyone made a commitment to employ you after you leave government service? No
	4. Do you expect to serve the full term for which you have been appointed? Yes

Potential conflicts of interest:	1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated. None
	2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated. In connection with the nomination process, I have consulted with the Office of Government Ethics and the Securities Investor Protection Corporation's designated

	<p>agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Securities Investor Protection Corporation's designated agency ethics official and that has been provided to the Committee. I am not aware of any other potential conflicts of interest.</p>
	<p>3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last ten years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.</p> <p>I am not aware of any conflicts of interest. In connection with the nomination process, I have consulted with the Office of Government Ethics and the Securities Investor Protection Corporation's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Securities Investor Protection Corporation's designated agency ethics official and that has been provided to the Committee.</p>
	<p>4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.</p> <p>None</p>
	<p>5. Explain how you will resolve any conflict of interest that may be disclosed by your responses to the items above.</p> <p>If any potential conflict does arise, I will recuse myself immediately. In addition, in connection with the nomination process, I have consulted with the Office of Government Ethics and the Securities Investor Protection Corporation's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Securities Investor Protection Corporation's designated agency ethics official and that has been provided to the Committee.</p>

Tax compliance and bankruptcy:	<p>1. In the past ten years, have you and your spouse (if applicable) filed and paid all taxes and bankruptcy: (federal, state, and local) as of the date of your nomination? Indicate if you filed as 'married filing separately.'</p>
---------------------------------------	---

	Yes Filed separately for the first 7 years of marriage and then jointly
	2. In the past ten years, have you been required to make any back tax payments? If so, indicate if you have made any back tax payments and provide full details. I was audited by New York State in 2012 upon my return from living abroad and paid additional tax based on the determination that I was present in New York for more than 180 days that year.
	3. Has a tax lien or other collection procedure(s) been instituted against you or your spouse (if applicable) by federal, state, or local authorities? If so, provide full details. No
	4. In the past ten years, have you or your spouse (if applicable) ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, provide full details. See above
	5. Were all your Federal, State, local, and other tax returns and tax liabilities of any kind current (filed and paid when due) as of the date of your nomination? If not, provide details. Yes
	6. Have you ever filed for bankruptcy? If so, provide details. No

Civil, criminal, and investigatory actions:	1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (e.g. an Inspector General's office), professional association, disciplinary committee, or other ethics enforcement entity at any time? If so, provide details, regardless of outcome. No
	2. Have you ever been investigated, arrested, charged, issued a citation, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.

	No
	3. Have you ever been involved as a party in interest in any administrative agency proceeding, or civil litigation other than a divorce proceeding? If so, provide details.
	No
	4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, provide details.
	No

Other information:	Please advise the Committee of any additional information, favorable or unfavorable, which you believe should be considered in connection with your nomination.

Public records search:	Do you consent to allow Committee staff to conduct a public records search on you using appropriate search tools (including, Westlaw, Lexis, etc.)
	Yes

The undersigned certifies that the information contained in the public statement to the Committee is true and correct.

Signed: Chad Spick Date: 8/7/23

PREPARED STATEMENT OF WILLIAM BRODSKY
TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION

OCTOBER 19, 2023

Good morning, Mr. Chairman, Ranking Member Scott, and distinguished Members of this Committee. My name is William J. Brodsky, and I am honored to appear before you today as one of President Biden's nominees to serve on the Board of Directors of the Securities Investor Protection Corporation.

Before presenting my background, let me first introduce to you the members of my family who are here today. My wife, Joan Brodsky has been my wife and partner for over 50 years. My son, Michael Brodsky, and his wife, Aleta Margolis, are also accompanying me here today.

I believe that I am well qualified to continue to serve on the SIPC Board based on my lifetime career in the investment business and specifically based on my experience in the securities industry. If confirmed, I look forward to working with this Committee to ensure that investors do not lose their hard-earned assets as a result of a brokerage firm failure.

My career in the securities industry spans more than 50 years. I began my career on Wall Street serving in summer internships that included working on the floor of the New York Stock Exchange. I worked summer jobs at three securities brokerage firms while still in college. After graduating from law school, I worked in the law and compliance department of an international brokerage firm for 6 years learning all aspects of the securities business.

In fact, I was on Wall Street when brokerage firms were failing, and many customers lost all their investments because SIPC had not yet been created. So, I know from personal experience the vital role SIPC plays in providing confidence for investors in having faith in the safety and soundness of the assets they entrust to their broker-dealer.

I next joined the American Stock Exchange, first as a lawyer in its policy planning and Government relations department, and ultimately rising to Executive Vice President in charge of operations.

In 1982, I moved to Chicago to become Executive Vice President and Chief Operating Officer of the Chicago Mercantile Exchange, now known as the CME Group. In 1985, I was named President and CEO of the CME and served in that role until 1997 when I moved across town to become Chairman and CEO the Chicago Board Options Exchange, now known as CBOE Global Markets. I served in that position until 2013, when I stepped down as CEO but remained as Chairman until retiring in 2017. I guided CBOE's demutualization leading it to become a public company and with its shares becoming part of the S&P 500 index of major U.S. companies. During my tenure at CBOE, I also served as Chairman of the World Federation of Exchanges, the global body of the world's largest exchanges.

For the past 6 years, I have served as Chairman of Cedar Street Asset Management, an SEC registered investment advisor, founded by my son, Jonathan, that invests exclusively in non-U.S. stocks on behalf of individual and institutional investors. I also serve as Chairman of another SEC registered investment advisor, Options Solutions, founded by my son, Michael, that provides investment management services to investors. Last, I serve as an advisor to Madison Dearborn Capital Partners, a private equity firm, and OCA Ventures, a venture capital firm, both of which are based in Chicago.

I have served as a Board Member and Trustee for several public, private, and nonprofit companies and organizations.

Among these, I previously served as Chair of the investment committee of Northwestern Memorial Hospital where we oversaw its multibillion-dollar portfolio, and I currently serve on the Investment and Endowment Committee of my alma mater, Syracuse University. I have utilized this experience in my service on the SIPC Board for the past 15 months as Chair of its Investment Committee. During this period, the SIPC Fund reserves have reached their largest balance, and my goal is to make sure that SIPC always has sufficient reserves and liquidity should an unexpected crisis arise.

I affirm my deep commitment to investor education, customer protection, and to helping to maintain the credibility and importance that SIPC plays in the viability, integrity, and importance of our securities markets to the citizens of our country.

I believe in SIPC's mission of protecting investors and, more broadly, of raising confidence in the U.S. securities markets. I have devoted my entire career to help further this country's capital markets, to improving financial literacy and investor education, and to ensuring the safety and soundness of our capital markets. If con-

firmed, I promise to work with the Members of this Committee in advancing these shared goals.

Mr. Chairman, that concludes my remarks; thank you for your attention and consideration. I will be happy to answer any questions that you may have.

Thank you.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name:

<i>(Last)</i>	<i>(First)</i>	<i>(Other)</i>
BRODSKY	WILLIAM	J.

Position to which nominated:	MEMBER, BOARD OF DIRECTORS: SECURITIES INVESTOR PROTECTION
-------------------------------------	---

Date of nomination:	SEPTEMBER 5, 2023
----------------------------	-------------------

Residence:

<i>(City)</i>	<i>(State)</i>
CHICAGO	ILLINOIS

Education*:

<i>Institution</i>	<i>Dates Attended</i>	<i>Degree(s) Received</i>	<i>Date(s) of Degree(s)</i>
SYRACUSE UNIVERSITY	9/61 – 6/65	A.B.	6/65
SYRACUSE UNIVERSITY COLLEGE OF LAW	9/65 – 9/68	J.D.	6/68

*Nominees should provide information for all post-secondary institutions attended, whether or not the nominee was granted a degree by the institution.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

<i>Organization</i>	<i>Type</i>	<i>Date Received</i>
SYRACUSE UNIVERSITY HONORS	GEORGE ARENTS AWARD	1986
	VARSITY CLUB LETTERMAN OF DISTINCTION	1995

	COLLEGE OF ARTS & SCIENCE: DISTINGUISHED ALUMNUS AWARD	1998
	COLLEGE OF LAW: DISTINGUISHED ALUMNI ACHIEVEMENT AWARD	2008
BOY SCOUTS OF AMERICA	GOOD SCOUT AWARD	1986
ISRAEL BONDS	MAN OF THE YEAR	1993
WEIZMANN INSTITUTE OF SCIENCE	ANNUAL CHAIR DINNER HONOREE	1995
JEWISH THEOLOGICAL SEMINARY	NATIONAL AWARD FOR COMMUNITY SERVICE	1999
ANTI-DEFAMATION LEAGUE	LIFETIME ACHIEVEMENT AWARD	2003
OPTIONS INDUSTRY ASSOCIATION	JOSEPH H. SULLIVAN OPTIONS INDUSTRY ACHIEVEMENT AWARD	2009
INDEX BUSINESS ASSOCIATION AND INFORMATION MANAGEMENT NETWORK	WILLIAM F. SHARPE INDEXING ACHIEVEMENT AWARD	2009
AMERICAN DIABETES ASSOCIATION	FATHER OF THE YEAR AWARD	2011
MARKETS MEDIA MAGAZINE	LIFETIME ACHIEVEMENT AWARD	2013
FUTURES INDEX ASSOCIATION	HALL OF FAME AWARD	2013

ILLINOIS HOLOCAUST MUSEUM & EDUCATION CENTER	HUMANITARIAN OF THE YEAR AWARD	2013
WALL STREET LETTER (INSTITUTIONAL INVESTOR MAGAZINE)	OUTSTANDING MAN OF THE YEAR	2013
DERIVATIVES WEEK	OUTSTANDING CONTRIBUTION AWARD	2013
WALL STREET LETTER	OUTSTANDING CONTRIBUTION AWARD	2014
ABRAHAM LINCOLN ACADEMY	ORDER OF LINCOLN	2022
CIVIC FEDERATION	LYMANN GAGE AWARD	2022
CHICAGO HISTORY MUSEUM	THE MARSHALL FIELD MAKING HISTORY AWARD FOR DISTINCTION IN CORPORATE LEADERSHIP & INNOVATION	2023

Memberships: List below all past and present memberships, affiliations, and offices held in professional (e.g., legal, accounting, or medical), fraternal, business, scholarly, civic, social, charitable and other organizations.

<i>Organization</i>	<i>Office Held (if any)</i>	<i>Dates of Membership</i>
NAVY PIER, INC	CHAIRMAN EMERITUS CHAIRMAN OF THE BOARD	2023 – PRESENT 2013 – 2023
NORTHWESTERN MEMORIAL HOSPITAL	LIFETIME TRUSTEE TRUSTEE (PAST CHAIRMAN)	2020 – PRESENT 1994 - 2020
SYRACUSE UNIVERSITY	LIFETIME TRUSTEE	1987 - PRESENT

SECURITIES INDUSTRY ASSOCIATION	VICE PRESIDENT OF LAW & COMPLIANCE DIVISION	1973 – 1974
FUTURES INDUSTRY ASSOCIATION	BOARD OF DIRECTORS	2003 – 2013
WORLD OF FEDERATION OF EXCHANGES	BOARD OF DIRECTORS VICE CHAIRMAN CHAIRMAN OF THE BOARD	2007 – 2008 2009 – 2010
OPTIONS CLEARING CORPORATION	BOARD OF DIRECTORS	1975 – 1982
INTERNATIONAL OPTIONS MARKET ASSOCIATION	CHAIRMAN	2006 – 2007
PEOPLE'S ENERGY/INTEGRYS ENERGY GROUP/WEC ENERGY (PUBLIC COMPANIES THROUGH SUCCESSIVE MERGERS)	BOARD OF DIRECTORS	1997 – 2019
SWISS OPTIONS & FUTURES ASSOCIATION	BOARD OF DIRECTORS	1985 – 2000
BRODSKY FAMILY FOUNDATION	PRESIDENT	1997 – PRESENT
KELLOGG SCHOOL OF MANAGEMENT NORTHWESTERN UNIVERSITY	GLOBAL ADVISORY COUNCIL	1986 - PRESENT
MEMBER OF THE BAR	NEW YORK ILLINOIS	NY – 1969 – PRESENT (INACTIVE) IL – 1985 – PRESENT (ACTIVE)
COUNCIL ON FOREIGN RELATIONS	NEW YORK CITY	NO LONGER MEMBER
CIVIC COMMITTEE OF THE COMMERICAL CLUB CHICAGO		1997 – 2017
ECONOMIC CLUB OF CHICAGO		1985 – PRESENT
CEDAR STREET INVESTMENT MGMT	CHAIRMAN	2017 – PRESENT
OPTIONS SOLUTIONS	CHAIRMAN	2020 – PRESENT
REDMONT WEALTH ADVISORS	CHAIRMAN	2020 – 2022
SECURITIES INVESTOR PROTECTION CORPORATION	BOARD OF DIRECTORS	2022 – PRESENT

Employment record:	List below all positions (paid and unpaid) held since graduation from college including the title or description of job, name of employer, location of work, and inclusive dates of employment.
---------------------------	---

<i>Employer</i>	<i>Position</i>	<i>Dates of Service</i>
MODEL ROLAND & CO, INC	LAW AND COMPLIANCE ATTORNEY	8/1968 – 2/1974
AMERICAN STOCK EXCHANGE, INC	ATTORNEY-DIVISION PLANNING & GOVERNMENT RELATIONS VICE PRESIDENT OF OPTIONS DIVISION VICE PRESIDENT OF TRADING & MARKETS EXECUTIVE VICE PRESIDENT OF OPERATIONS	2/1974 – 9/1982
CHICAGO MERCANTILE EXCHANGE (NOW CME GROUP)	EXECUTIVE VICE PRESIDENT AND CHIEF OPERATING OFFICER PRESIDENT & CHIEF EXECUTIVE OFFICER	9/1982 – 5/1985 9/1985 – 2/1997
CHICAGO BOARD OPTIONS EXCHANGE (NOW CBOE GLOBAL MARKETS)	CHAIRMAN & CHIEF EXECUTIVE OFFICER CHAIRMAN OF THE BOARD	2/1997 – 5/2013 5/2013 – 5/2017

Government Experience:	List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary, or other (including part-time) service or positions.
-------------------------------	---

<i>Government Entity</i>	<i>Position</i>	<i>Dates of Service</i>
FEDERAL RESERVE BANK OF NEW YORK	MEMBER, INTERNATIONAL CAPITAL MARKETS	1995 – 2009

	ADVISORY COMMITTEE	
STATE OF ILLINOIS	CO-CHAIR, PENSION CONSOLIDATION TASK-FORCE	2019 – 2021

Published writings:	List the titles, publishers and dates of books, articles, reports and other published materials you have written. For all publicly accessible publications, including blog posts you maintained or contributed to and any significant internet-based posting, please include appropriate URLs. If available, provide the Committee with one digital copy of each of the writings you list.
----------------------------	--

<i>Title</i>	<i>Publisher/Periodical/Source</i>	<i>Date</i>
“The SEC Flubs the ‘Flash Crash’ Test”	Wall Street Journal	May 5, 2015
“Career & Life: William J. Brodsky, Chairman, CBOE Holdings & Working Committee Chairman, WFE”	Focus, World Federation of Exchange	February 2017

Speeches, presentations, and public statements:	List all of the formal speeches, presentations (e.g., PowerPoint), and public statements you have delivered during the past ten years which are on topics relevant to the position for which you have been nominated, including dates and name of the forum you delivered the speech, presentation, or public statement. If available, provide the Committee with one digital copy of each formal speech, presentation, and public statement. If text is no longer available, list the date, place, and organization or group to whom you made the speech or presentation. For public statements, please provide the Committee with finding aids (such as citations, internet URLs, etc.) for each statement.
--	---

<i>Speech/presentation</i>	<i>Forum/event</i>	<i>Date</i>

Social media usernames:	Please provide a list of all of your currently active social media usernames (e.g., usernames: Facebook, Instagram, Twitter, TikTok, etc.), and any usernames for any inactive accounts you have used within the previous ten years.
LINKED IN	linkedin.com/in/william-brodsky-8867655

Political affiliations and activities:	List memberships and offices held in and services rendered to all political parties or election committees during the last ten years.
NONE	

	List all public offices, if any, for which you have been a candidate in the past ten years.		
<i>Name of Office</i>	<i>Elected/Appointed Candidate Only</i>	<i>Year(s) Election Held or Appointment Made</i>	<i>Terms of Service (if applicable)</i>

Political contributions:	Itemize all political contributions which exceed \$200 or which aggregate to over \$200 in a calendar year to any individual, campaign organization, political party, political action committee or similar entity during the last ten years and identify specific amounts, dates, and names of recipients.
---------------------------------	---

<i>Recipient</i>	<i>Date</i>	<i>Amount</i>
PLEASE SEE ATTACHEMNT		

Qualifications:	State fully your qualifications to serve in the position to which you have been named. (attach separate sheet if necessary)
	<p>I HAVE SERVED ON THE BOARD OF DIRECTORS OF THE SECURITIES INVESTOR PROTECTION CORPORATION (SIPC) SINCE MY APPOINTMENT IN MAY 2022.</p> <p>I HAVE BEEN ACTIVE IN THE SECURITIES INDUSTRY AND INVESTMENT BUSINESS FOR MY ENTIRE CAREER SPANNING OVER 50 YEARS. I SERVED AS A SECURITIES LAYWER AT AN SEC-REGISTERED BROKER-DEALER AND LATER AS AN ATTORNEY AND EXECUTIVE MANAGER POSITION AT THE AMERICAN STOCK EXCHANGE.</p> <p>LATER, IN THE FUTURES INDUSTRY, I WAS THE CHIEF OPERATING OFFICER AND THEN CEO AND PRESIDENT OF THE CHICAGO MERCANTILE EXCHANGE FOR TWELVE AND A HALF YEARS. I THEN SERVED AS CEO FOR SIXTEEN YEARS AND AS CHAIRMAN OF THE CHICAGO BOARD</p>

	<p>OPTIONS EXCHANGE FOR TWENTY YEARS. I ALSO SERVED AS THE CHAIRMAN OF THE WORLD FEDERATION OF EXCHANGES.</p> <p>I AM DEEPLY COMMITTED TO INVESTOR EDUCATION AND INVESTOR PROTECTION. I BELIEVE MY SERVICE ON THE SIPC BOARD, MY CAREER PATH AND RECORD OF ACHIEVEMENT, AS WELL AS MY DEDICATION TO THE SECURITIES INDUSTRY, CONTINUE TO KEEP ME QUALIFIED FOR THE POSITION.</p>
--	--

Future employment relationships:	1. Indicate whether you will sever all connections with your present employer, business firm, association, or organization if you are confirmed by the Senate.
	NO
	2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association, or organization.
	NO
	3. Has anyone made a commitment to employ you after you leave government service?
	NO
	4. Do you expect to serve the full term for which you have been appointed?
	YES

Potential conflicts of interest:	1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.
	NONE
	2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.
	IN CONNECTION WITH THE NOMINATION PROCESS, I HAVE CONSULTED WITH THE OFFICE OF GOVERNMENT ETHICS AND THE SECURITIES INVESTOR PROTECTION CORPORATION'S DESIGNATED AGENCY ETHICS OFFICIAL TO IDENTIFY POTENTIAL CONFLICTS OF INTEREST. ANY POTENTIAL CONFLICT OF INTEREST WILL BE RESOLVED IN ACCORDANCE WITH THE TERMS OF AN ETHICS AGREEMENT THAT I HAVE ENTERED INTO WITH THE SECURITIES INVESTOR PROTECTION CORPORATION'S DESIGNATED ETHICS OFFICIAL AND THAT HAS BEEN PROVIDED TO THE COMMITTEE. I AM NOT AWARE OF ANY OTHER POTENTIAL CONFLICTS OF INTEREST.

	3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last ten years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.
	I AM NOT AWARE OF ANY CONFLICTS OF INTREST. I HAVE CONSULTED WITH THE OFFICE OF GOVERNMENT ETHICS AND THE SECURITIES INVESTOR PROTECTION CORPORATION'S DESIGNATED AGENCY ETHICS OFFICIAL TO IDENTIFY POTENTIAL CONFLICTS OF INTEREST. ANY POTENTIAL CONFLICT OF INTEREST WILL BE RESOLVED IN ACCORDANCE WITH THE TERMS OF AN ETHICS AGREEMENT THAT I HAVE ENTERED INTO WITH THE SECURITIES INVESTOR PROTECTION CORPORATION'S DESIGNATED ETHICS OFFICIAL AND THAT HAS BEEN PROVIDED TO THE COMMITTEE.
	4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.
	BETWEEN 2012 AND 2017 I WAS CHAIRMAN OF CBOE. IN THAT CAPACITY I INTERACTED WITH MEMBERS OF CONGRESS AND THEIR STAFF ON ISSUES OF CONCERN TO CBOE.
	5. Explain how you will resolve any conflict of interest that may be disclosed by your responses to the items above.
	IF ANY POTENTIAL CONFLICT ARISES, I WILL RECUSE MYSELF IMMEDIATELY. IN ADDITION, IN CONNECTION WITH THE NOMINATION PROCESS, I HAVE CONSULTED WITH THE OFFICE OF GOVERNMENT ETHICS AND THE SECURITIES INVESTOR PROTECTION CORPORATION'S DESIGNATED AGENCY ETHICS OFFICIAL TO IDENTIFY POTENTIAL CONFLICTS OF INTEREST. ANY POTENTIAL CONFLICT OF INTEREST WILL BE RESOLVED IN ACCORDANCE WITH THE TERMS OF AN ETHICS AGREEMENT THAT I HAVE ENTERED INTO WITH THE SECURITIES INVESTOR PROTECTION CORPORATION'S DESIGNATED ETHICS OFFICIAL AND THAT HAS BEEN PROVIDED TO THE COMMITTEE.

Tax compliance and bankruptcy:	1. In the past ten years, have you and your spouse (if applicable) filed and paid all taxes and bankruptcy: (federal, state, and local) as of the date of your nomination? Indicate if you filed as 'married filing separately.'
	YES, FILED JOINTLY
	2. In the past ten years, have you been required to make any back tax payments? If so, indicate if you have made any back tax payments and provide full details.
	NO

	3. Has a tax lien or other collection procedure(s) been instituted against you or your spouse (if applicable) by federal, state, or local authorities? If so, provide full details.
	NO
	4. In the past ten years, have you or your spouse (if applicable) ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, provide full details.
	NO
	5. Were all your Federal, State, local, and other tax returns and tax liabilities of any kind current (filed and paid when due) as of the date of your nomination? If not, provide details.
	YES
	6. Have you ever filed for bankruptcy? If so, provide details.
	NO

Civil, criminal, and investigatory actions:	1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (e.g. an Inspector General's office), professional association, disciplinary committee, or other ethics enforcement entity at any time? If so, provide details, regardless of outcome.
	NO
	2. Have you ever been investigated, arrested, charged, issued a citation, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.
	NO
	3. Have you ever been involved as a party in interest in any administrative agency proceeding, or civil litigation other than a divorce proceeding? If so, provide details.
	NO
	4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, provide details.
	NO

Other information:	Please advise the Committee of any additional information, favorable or unfavorable, which you believe should be considered in connection with your nomination.

Public records search:	Do you consent to allow Committee staff to conduct a public records search on you using appropriate search tools (including, Westlaw, Lexis, etc.)?
	YES

The undersigned certifies that the information contained in the public statement to the Committee is true and correct.

Signed: William J. Brown Date: 10/3/2023

William J. Brodsky Political Contributions			
Recipient		Amount	Date
Eric Sorensen	Congressman	500	6/30/2023
Biden Victory Fund	Presidential Candidate	25000	6/28/2023
Democratic National Committee		25000	5/16/2023
Adam Schiff		1000	3/30/2023
Brad Schneider	Congressman	1000	3/8/2023
Dick Durbin	Senator	1000	2/23/2023
Fritz Kaegi	County Assessor	500	12/13/2022
Raphael Warnock	Senator	1000	11/17/2022
Democratic Governors Association		500	11/7/2022
Raja Krishnamoorthi	Congressman	250	11/7/2022
Brad Schneider	Congressman	1000	10/25/2022
Democratic Governors Association		10000	10/12/2022
Maggie Hassain	Senator	1000	9/14/2022
Michael Bennet	Senator	1000	9/13/2022
Tammy Duckworth	Senator	1000	8/31/2022
Lori Lightfoot	Mayoral Candidate	2500	8/4/2022
Fritz Kaegi	County Assessor	500	4/20/2022
Sean Casten	Congressman	500	3/31/2022
Jonathan Swain	Congressman Candidate	2900	3/30/2022
Cboe PAC		5000	12/17/2021
Fritz Kaegi	County Assessor	500	11/11/2021
Raja Krishnamoorthi	Congressman	500	11/11/2021
Democratic Party of Wisconsin		2000	10/31/2021

Brad Schneider	Congressman	1000	08/16/2021
Dick Durbin	Senator	1000	07/20/2021
Tony Evers	Governor	2500	07/16/2021
Adam Kinzinger	Congressman	250	06/01/2021
Brian Hopkins	Alderman	1500	05/28/2021
Democratic Party of Wisconsin		2500	03/30/2021
Tony Evers	Governor	2500	03/01/2021
Wisconsin Dems Party of WI		2500	10/08/2020
Tony Evers	Governor	2500	10/08/2020
Joe Biden	Presidential Candidate	5000	10/07/2020
Democratic Party of Wisconsin		2500	10/02/2020
Joe Biden	Presidential Candidate	25000	09/14/2020
Joe Biden	Presidential Candidate	25000	09/14/2020
Brad Schneider	Congressman	1000	08/26/2020
Dick Durbin	Senator	1000	08/13/2020
Dick Durbin	Senator	1000	08/13/2020
Joe Biden	Presidential Candidate	2800	07/01/2020
Joe Biden (S)	Presidential Candidate	2800	07/01/2020
Chris Coons	Senator	1000	06/17/2020
Chris Coons (S)	Senator	1000	06/17/2020
Unite the Country		5000	02/27/2020
Joe Biden	Presidential Candidate	2800	12/17/2019
Cboe PAC		2500	11/26/2019
Joe Biden	Presidential Candidate	2800	09/19/2019
Dick Durbin	Senator	1000	09/08/2019
Kirsten Gillibrand	Senator	500	07/24/2019
Kirsten Gillibrand (S)	Senator	500	07/24/2019
Kirsten Gillibrand	Senator	5400	02/18/2019

Cboe PAC		5000	02/01/2019
Brad Schneider	Congressman	500	09/26/2018
Americas Works USA		10000	04/25/2018
Brad Schneider	Congressman	500	03/08/2018
Betsy Dirksen-Londrigan	Candidate	500	03/07/2018
Joe Biden	Presidential Candidate	1000	03/07/2018
Cboe PAC		5000	02/01/2018
Brian Hopkins	Alderman	1000	12/08/2017
Dick Durbin	Senator	1000	11/26/2017
Dick Durbin (S)	Senator	1000	11/20/2017
Ed Burke	Alderman	500	07/07/2017
Dick Durbin - Victory Fund	Senator	1000	04/11/2017
Dick Durbin (S)	Senator	1000	04/06/2017
Cboe PAC		5000	11/08/2016
Brian Hopkins	Alderman	1500	10/20/2016
Hillary Clinton	Presidential Candidate	2700	10/10/2016
Hillary Clinton (S)	Presidential Candidate	2700	10/10/2016
John Brannan	Candidate	500	08/24/2016
Hopkins for Chicago	Alderman	1000	12/08/2015
Cboe PAC		5000	11/30/2015
Susana Mendoza	City Treasurer	500	11/18/2015
Friends of Scott Drury	Illinois General Assembly Representative	500	09/23/2015
Eric Lynn for Congress	Congressman	500	07/23/2015
Friends of Michelle Smith	Alderman	1000	05/29/2015
Hillary Clinton	Presidential Candidate	2700	05/12/2015
Friends of Michelle Smith	Alderman	250	03/26/2015
Summers for Chicago	City Treasurer	500	02/14/2015
Pat Toomey	Senator	1000	12/31/2014
Mark Kirk	Senator	500	09/16/2014

GOP GENERAL Y FUND		500	09/05/2014
Citizens for Alderman Reilly	Alderman	500	06/30/2014
Cboe PAC		5000	06/12/2014
Rahm Emanuel	Mayor	5300	06/03/2014
John Simon	Judge	250	12/20/2013
Friends of Dick Durbin	Senator	2400	12/16/2013
Friends of Dick Durbin (S)	Senator	2600	12/16/2013
Citizens for Rauner	Governor	5300	11/10/2013
Michael Grimm	Congressman	250	06/28/2013
John Larson	Congressman	1000	05/17/2013
Majority Committee PAC		500	05/10/2013
Beau Biden	Attorney General Delaware	1200	04/15/2013
Aaron Schock	Congressman	500	03/23/2013
Roskam for Congress	Congressman	500	02/18/2013
Barack Obama	Presidential Candidate	2500	10/16/2012
Cboe PAC		5000	09/19/2012
Cantor for Congress	Congressman	1000	08/02/2012
Christine Benson	Illinois State Board of Education	250	07/25/2012
Prosperity Action PAC		1000	06/22/2012
Tammy Duckworth	Senator	1000	06/14/2012
Cboe PAC		5000	11/02/2011
Kristen Gillibrand	Senator	500	09/12/2011
Pat Toomey	Senator	1000	06/30/2011

**RESPONSES TO WRITTEN QUESTIONS OF CHAIR BROWN
FROM TANYA OTSUKA**

Q.1. Where have you excelled in past positions in attracting, hiring, and promoting people of color in positions in your organization/s? Where might there be room for improvement?

A.1. In my role as Senior Counsel on the staff of the U.S. Senate Banking, Housing, and Urban Affairs Committee, I have been involved in interviewing and recommending candidates to be hired as interns, fellows, and other staff, and have prioritized diversity, equity, and inclusion, consistent with Federal law. In my current and past positions, I have provided staff with opportunities to take on high-level projects and assignments to encourage their career growth and development and facilitated a welcoming and positive work environment for those on the team. There is always room for improvement when it comes to attracting and hiring diverse candidates and creating a workforce in the financial services sector that reflects the country's diversity. If confirmed, I hope to serve as an example for other women and people of color who want to pursue opportunities and grow their careers in the financial services policy arena.

Q.2. What specific measures will you use to evaluate the success of NCUA in understanding and addressing the needs of Black, Indigenous, and people of color (BIPOC)? And, will you work with the other members of NCUA to keep Congress apprised, as appropriate, on the progress being made on these measures?

A.2. If confirmed, I will work with the other NCUA Board members to keep Congress apprised, as appropriate, of the progress being made to understand and address the needs of Black, Indigenous, and people of color (BIPOC) communities. To evaluate the success of NCUA in understanding and addressing these needs, it is important to look at staff hiring, retention, and leadership at the NCUA, as well as what work the NCUA does to ensure that credit unions are serving these communities. I will look to agency resources, such as the Office of Minority and Women Inclusion (OMWI) at the NCUA, as well as engage with stakeholders, such as credit unions, minority depository institutions, community development financial institutions, civil rights groups, consumer groups, and credit union members to continue to make progress on this important goal.

Q.3. What is your plan for creating an inclusive working environment for employees within your office?

A.3. In my experience, encouraging teamwork and open communication promotes inclusivity. If confirmed, I plan to create an inclusive work environment for employees within my office by creating a respectful, welcoming, and positive atmosphere where individuals can share their ideas and work together to support the agency's mission.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR SCOTT
FROM TANYA OTSUKA**

Q.1. The Biden administration passed down a directive to the financial regulators to consider climate-related risk. The NCUA recently issued a request for information on climate-related financial

risk, focusing on current and future climate and natural disaster risks to credit unions, related entities, their members, and the National Credit Union Share Insurance Fund (NCUSIF). Do you think it is appropriate or necessary for the NCUA to act to consider climate risk?

A.1. The NCUA is responsible for making sure credit unions assess and manage risks appropriately, consistent with safety and soundness, consumer protection, and other applicable laws.

Q.2. Given the unique nature of credit unions, do you believe that credit unions are able to appropriately account for these risks to their members?

A.2. In my experience, many credit unions understand and manage the risks associated with serving their members and their communities, which may include risks from severe weather or natural disasters.

Q.3. Do you believe that the NCUA should mandate that credit unions take into account factors like climate change in offering services?

A.3. Credit unions are best positioned to make business decisions about what loans, investments, or services they make or provide to their members, as long as they are managing the risks appropriately and following applicable laws.

Q.4. Credit unions continue to struggle with compliance challenges, due in large part to new regulations from the NCUA and other regulatory agencies. Several years ago, the NCUA established a Regulatory Reform Task Force to conduct a comprehensive review of the agency's rules intended to recommend clarification/elimination of unnecessary rules. After issuing two reports, the work of the Task Force has concluded. Would you support reconstituting this Task Force or a similar entity to thoroughly examine the NCUA's rules and regulations with an eye toward reducing regulatory burdens?

A.4. It is important to ensure rules are clear and effective. If confirmed, I commit to reviewing the two reports and what additional clarification or other work is needed, if any.

Q.5. Will you commit that, if confirmed, you will respond in a timely manner and fully comply with all information requests from me and other Members of the Committee? Please answer "yes" or "no." If no, please explain.

A.5. Yes, if confirmed, I will work with you and other Members to fulfill information requests, consistent with law and precedent.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR WARNOCK
FROM TANYA OTSUKA**

Q.1. If confirmed, what would you do as a Board Member of the National Credit Union Administration to support credit unions, especially those that are minority development institutions and community development financial institutions, which serve as vital sources of basic financial services and capital in underserved areas?

A.1. Minority depository institutions (MDIs) and community development financial institutions (CDFIs) are critical to providing basic financial services and capital in underserved areas. If confirmed, I commit to working with the other NCUA Board Members, agency staff, and stakeholders to better support MDI and CDFI credit unions and strengthen the agency's MDI program. I would also engage with credit unions and their members, as well as community groups and other local stakeholders, to understand the challenges they face and what resources they need to better serve their communities. If confirmed, I would work to make sure the NCUA does more to ensure that credit unions, particularly small credit unions, MDIs, and CDFIs, can stay competitive in our rapidly changing financial system.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR TILLIS
FROM TANYA OTSUKA**

Q.1. As you may know, the Department of Defense (DoD)'s Overseas Military Banking Program (OMBP) provides essential financial services to members of the armed forces stationed abroad and has been classified by the DoD as a priority program vital to national defense. Among the services it provides is deposit insurance to protect servicemembers' funds, which for the last 77 years has been provided by the Federal Deposit Insurance Corporation (FDIC). Earlier this year, DoD selected Navy Federal Credit Union (Navy Federal) to take over from the current OMBP operator, Bank of America. In doing so, the responsibility for Federal insurance shifted from the FDIC to the National Credit Union Administration (NCUA).

To date, NCUA has unfortunately appeared unwilling to commit to extending Federal deposit insurance to accounts under the OMBP once the transition to Navy Federal occurs. It is also my understanding that their decision does not stem from a question of legal authority—NCUA has the relevant authority—but has been unwilling to exercise it.

Will you commit to support the provision of share insurance in the Overseas Military Banking Program so that the deposits of the members of our armed forces are subject to the same protections they would receive if they were back home instead of abroad defending our country?

A.1. Making sure our servicemembers have access to financial services is vital. My understanding is that federally insured credit unions operating on military bases overseas are insured, including the accounts of their military servicemembers. I understand Navy Federal Credit Union has recently been awarded the contract to operate "Community Bank" under the Overseas Military Banking Program, which is a Department of Defense (DoD) program. If confirmed, I look forward to understanding the details of the DoD program and Navy Federal's role as they take over the contract, and I commit to working with NCUA staff and fellow board members on this important issue. I am committed to ensuring that servicemembers have access to safe and affordable financial services, including while serving overseas.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR HAGERTY
FROM TANYA OTSUKA**

Q.1. Please explain your views on the NCUA's role in insuring deposits under the Overseas Military Banking Program (OMBP).

If confirmed, will you commit to working with NCUA staff and fellow board members to ensure servicemember accounts overseas are properly supported?

A.1. Making sure our servicemembers have access to financial services is vital. My understanding is that federally insured credit unions operating on military bases overseas are insured, including the accounts of their military servicemembers. I understand Navy Federal Credit Union has recently been awarded the contract to operate "Community Bank" under the Overseas Military Banking Program, which is a Department of Defense (DoD) program. If confirmed, I look forward to understanding the details of the DoD program and Navy Federal's role as they take over the contract and I commit to working with NCUA staff and fellow board members on this important issue. I am committed to ensuring that servicemembers have access to safe and affordable financial services, including while serving overseas.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR SCOTT
FROM MARK UYEDA**

Q.1. The goal of our Nation's capital markets system is not only to help everyday investors turn one dollar into two, but also to help businesses grow. Access to capital means access to funding that will help entrepreneurs, small businesses, and newly public companies expand their operations and create jobs. The SEC has a three-part mission: (1) to protect investors; (2) to maintain, fair, orderly, and efficient markets; and (3) to facilitate capital formation. In your view, what is the significance of facilitating capital formation for our Nation's capital markets system?

A.1. Capital formation plays a key role in maintaining a robust and vibrant capital markets system. During my confirmation hearing, I described working with my grandfather on his produce delivery route in Los Angeles. From this experience, I saw firsthand the importance of raising capital for small businesses. Capital formation enables individuals to start businesses and creates pathways for those businesses to grow. These businesses contribute to the overall economy by producing goods and services and generating employment. Some of these businesses may eventually become public companies, traded on exchanges, and their stock may be part of everyday Americans' retirement savings.

None of this is possible without a regulatory framework that facilitates capital formation. Therefore, the SEC's regulatory framework should provide companies and entrepreneurs with cost-effective means of raising capital that serve all types of firms, from the family-owned small business to the largest public companies. Regulations that are not cost-effective will limit capital formation, which in turn will harm our capital markets and impede wealth accumulation for Americans across the country.

Facilitating capital formation is vital to the continued success of our markets and it must be weighed equally when balancing the

values of our tripartite mission; none of the three parts can exist without the other two. To this end, the agency's regulatory agenda must consider policies that facilitate capital formation while protecting investors and maintaining fair, orderly, and efficient markets.

Q.2. In what ways can the Commission improve access to capital for rural and non-metropolitan hubs, specifically for entrepreneurs that face challenges accessing capital like small, women-owned and minority businesses?

A.2. The SEC should consider expanding the pool of people eligible to invest in the rural and non-metropolitan businesses that are seeking capital, including those that are smaller and/or owned by women and minorities. These businesses currently raise capital from those who qualify as "accredited investors" under current SEC's rules, which are based on their income or net worth. However, these qualification tests produce all-or-nothing results. Individuals can invest without limit if they exceed the income or net worth threshold but can invest nothing if they fall a dollar short. An alternative approach would be to consider allowing an individual to invest a certain percentage of his or her portfolio, regardless of income or net worth. This approach might expand access to capital and be helpful for businesses located in rural and non-metropolitan areas, where fewer people may qualify as accredited investors. However, this approach is by no means the only potential solution, and I am supportive of having roundtables and other public forums to consider alternatives.

The SEC should seek to design rules governing capital raising by private companies that are not one-size-fits-all. The SEC's rules should provide companies of all sizes and capital demands with a means of raising capital that align with their business objectives and desired growth. The requirements for a company conducting an initial public offering should be different from the requirements for a private company seeking to raise capital. For private companies, the regulatory concerns for a small business seeking funding from friends and family may differ than a larger business seeking financing from venture capital funds. Imposing a prescriptive set of rules across all private companies that seek capital has the potential to disproportionately impact small, women-owned and minority businesses as well as those in rural and non-metropolitan hubs.

Q.3. The notice and comment period is a fundamental part of the democratic process, allowing the public to have a voice in the rules and regulations that directly impact them. Are public comments and the information they convey important to you as Commissioner of the SEC? Please explain.

A.3. The public comments received by the SEC are very important in the consideration of a rulemaking. This process is part of a key procedural requirement set forth in the Administrative Procedure Act (APA) referred to as "notice and comment." Under this requirement, an agency generally must publish a notice of proposed rulemaking in the *Federal Register* and give interested persons the opportunity to participate through the submission of comments.

As an SEC Commissioner, I take the requirements of the APA very seriously. The information conveyed in public comments is

crucial to evaluating the costs and benefits of a particular proposal. My analysis of proposed rules is informed by public comments, and my determinations with respect to final rules take into account whether the agency action reflects a robust consideration of the public comments.

Q.4. How can the SEC do a better job at ensuring that retail investors have adequate time to consider and comment on a rule?

A.4. The “notice” requirement set forth in the APA is deemed satisfied when an agency “affords interested persons a reasonable and meaningful opportunity to participate in the rulemaking process.” Executive orders issued by Presidents Clinton, Obama, and Biden all recognized the importance of a 60-day comment period. A comment period of at least 60 days is also endorsed by the Administrative Conference of the United States for significant regulatory actions.

To help retail investors have adequate time to consider and comment on a rule, the SEC should consider setting comment periods that consider: (1) the length and complexity of a rule, (2) any Federal and/or religious holidays that may fall within the comment period, and (3) the extent to which other proposed rules are simultaneously out for public comment. A consideration of these factors when setting comment periods will help enable the public to meaningfully participate in agency rulemaking. In addition, the SEC could consider more use of the investor testing provision set forth in Section 912 of the Dodd-Frank Act, which specifically encourages the SEC to gather information from and communicate with investors or other members of the public as part of the consideration of any new rule.

Q.5. When evaluating or voting on a rule, how important is it for a rule to be scaled, or tailored, to ensure that it does not disproportionately impact small businesses?

A.5. A new rule’s impact on small businesses is one of the most important factors that I consider when evaluating the rule. For disclosure by public companies, the SEC can exempt “smaller reporting companies” from the disclosure requirement or scale the requirement. Doing so can help alleviate the potential disproportionate costs of a rule on smaller companies, which may have fewer resources to bear these costs. The SEC can also delay the compliance date of a new rule for smaller reporting companies. This approach allows these companies to benefit from the time and costs spent by larger companies during the initial compliance period. These costs may include fees paid to law firms and other outside advisors to prepare new policies or draft new disclosures. Smaller reporting companies may then be able to refer to these policies and disclosures when they begin to comply with the new rule. This can help avoid the need to incur significant outside advisor fees. When evaluating and voting on a new disclosure rule, I advocate for one or both of these avenues when appropriate. Additionally, the SEC should regularly evaluate the threshold for qualifying as a smaller reporting company, to ensure that “small” companies in the then-current economic environment are eligible to receive the aforementioned benefits.

Q.6. Do you agree that, when rulemaking, the Commission should consider known economic impacts, including the cumulative impact of concurrent rulemakings?

A.6. Yes, the SEC's rulemakings should consider all known economic impacts, including the cumulative impact of concurrent rulemakings. While individual regulations may not be costly, when aggregated they may impose significant compliance costs for firms and individuals.

Q.7. Will you commit that, if confirmed to a new term, you will respond in a timely manner and fully comply with all information requests from me and other Members of the Committee? Please answer "yes" or "no."

If no, please explain.

A.7. Yes.

**RESPONSES TO WRITTEN QUESTIONS OF CHAIR BROWN
FROM SPENCER BACHUS III**

Q.1. Where have you excelled in past positions in attracting, hiring, and promoting people of color in positions in your organization/s? Where might there be room for improvement?

A.1. As a Member of Congress and as an employer before my time in Congress, I have sought not to discriminate in employment or in any other matter. Specifically, I have hired without regard to color or gender. My former colleagues in both parties in the House of Representatives can attest to my lack of prejudice.

Q.2. What specific measures will you use to evaluate the success of Ex-Im in understanding and addressing the needs of Black, Indigenous and people of color (BIPOC)? And, will you work with the other members of Ex-Im to keep Congress apprised, as appropriate, on the progress being made on these measures?

A.2. The Bank has within it a Minority and Women Owned Business Group in accordance with its congressional mandate. The group is responsible for outreach and education of minority and/ or women owned businesses to increase the usage of Ex-Im products by underserved business communities. During my tenure I participated in many of their activities, including a visit to Charlotte, North Carolina, during my last month on the Board. While in Charlotte I participated in a forum of such businesses. Ex-Im reports on financing provided to minority and womenowned businesses every year in its annual report. If confirmed, I would be happy to work with Congress to make sure Members are getting information on the Bank's efforts.

Q.3. What is your plan for creating an inclusive working environment for employees within your office?

A.3. My father was a general contractor in Alabama in the 1960s and actively supported racial equity and inclusion in the face of personal sacrifice and vandalism. He was an inspiration and role model to me, and I have sought to emulate his example throughout my career, including while a Member of the U.S. House of Representatives where I worked with colleagues including former Rep. John Lewis to honor Alabama's civil rights struggles.

As an independent member of Ex-Im's Board of Directors, I do not have a large staff within my office. In my experience, however, Ex-Im aggressively pursues and, in my opinion, maintains an inclusive work environment. I fully supported inclusion efforts while a member of the Board and would continue to do so if confirmed by the Senate.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR SCOTT
FROM SPENCER BACHUS III**

Q.1. How competitive is the Ex-Im Bank compared to China in terms of export financing?

A.1. China offers more favorable terms and conditions and is not limited by the same financing restrictions and staffing shortages which restrain our ability to finance American manufacturing products. However, the quality and reliability of American produced goods and services is advantageous to our efforts to compete and win in global markets. Ex-Im's inability to be fully operational, first from authorization lapse and then from the lack of a board quorum resulted in loss of markets and market share. I discussed these challenges with your staff recently. Thank you for that opportunity.

I am optimistic that several recent developments in Congress, at Ex-Im, in China, and in the world economy will, with patience, improve American manufacturing competitiveness. Ex-Im's China and Transformational Exports Program, included in the 2019 reauthorization, supports Ex-Im's ability to offer financing on competitive terms and lets American products compete on quality rather than just financing terms.

Q.2. What improvements can be made to the "China and Transformational Exports" program to increase our competitiveness with China?

A.2. The program itself has increased our competitiveness. However, staffing shortages and statutory language are, in my opinion, the origin of challenges in leveling the playing field for American exports.

For example, there's a statutory prohibition on Ex-Im's default rate exceeding 2 percent. The agency must be a responsible steward of taxpayer resources, while also retaining the flexibility in our risk appetite to better compete with China. It can be hard to predict when the U.S. or world economy might face shocks, and flexibility or relief on Ex-Im's default rate cap could allow U.S. exports to better compete with China in the transformational export areas and invest in strategic critical minerals projects, and more.

Q.3. To what extent does the Ex-Im Bank take climate change into account in its financing decisions?

A.3. Ex-Im considers the environmental effects of transactions during the review and underwriting process. The agency is also prohibited from declining to approve transactions based solely on industry. Many transactions approved by Ex-Im are projects that would occur regardless of whether U.S. goods and services are used.

Q.4. Should the Ex-Im Bank stop or curb its financing of oil and gas projects?

A.4. No. The Charter prohibits discrimination based on industry. Oil and gas projects and fields are going to be developed if economically feasible. The question is are they going to be built with environmental protections. Ex-Im has rigorous safety and environmental standards and, in my opinion, the same is not necessarily true of some of our competitors.

Q.5. Ex-Im Bank's "Make More in America Initiative" aims to catalyze domestic production in sectors critical to national security. Yet, the program's webpage also shows the Biden administration's political influence in declaring that "environmentally beneficial projects" are prioritized. I find this prioritization concerning, especially given the important nexus to National Security. How does progressive commentary on the environment and climate impact Ex-Im's ability promote development in sectors that are critical to national security?

A.5. It is my understanding that Congress has required Ex-Im to encourage exports that have a beneficial effect on the environment. As an independent board member at an independent agency, I think it's important that I follow the charter which prohibits discrimination based solely on sector. I think it is important that the agency's actions are not based on a political bias, but on clear direction from Congress.

My experience on the board is that we consider every project that has merit. That will be my approach if reappointed. We do take pride in development of solar and other so called alternative energy sources, and have approved several solar projects, but not to the exclusion of oil and gas projects. We will continue to review all applications based on merit and creditworthiness.

Q.6. Will you commit that, if confirmed to a new term, you will respond in a timely manner and fully comply with all information requests from me and other Members of the Committee? Please answer "yes" or "no."

A.6. Yes. In fact I would welcome such invitations.

Q.7. If no, please explain.

A.7. N/A.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR WARNOCK
FROM SPENCER BACHUS III**

Q.1. If confirmed, what actions would you take at Export-Import Bank of the United States (Ex-Im) to work with other Federal and international agencies to support the export of sustainable technology manufactured in Georgia and throughout the U.S. to developing Nations?

A.1. I have enjoyed working with Ex-Im's Atlanta office and have visited with small, medium, and large businesses in Georgia. In addition to Ex-Im's longstanding programs, in 2022 the Board approved a new domestic financing initiative known as "Make More in America". This initiative is designed to support export oriented domestic manufacturing projects in Georgia and around the coun-

try. This supports a whole-of-Government approach to revitalize American manufacturing and jobs.

As Original sponsor of the Debt Relief Legislation in 2000 I have a longstanding interest in improving the living standards of those living in countries that suffer from malnutrition, lack of potable water and electricity, and educational opportunities.

Have served on the Board of Bread for the World in belief our country can indeed be a force for addressing nutritional, health, and educational challenges worldwide. In fact, I believe it is in both our economic and national security interests to do so.

The agency has a specific mandate to invest in sub-Saharan Africa and have been doing so, for example we recently approved an historic \$900-million dollar transaction funding Americanmade solar panels to the country of Angola and \$74-million project for modular bridges in Cameroon.

Q.2. Between 2014 and 2020, 76 percent of exporters supported by Ex-Im in Georgia were small businesses. Please explain to your commitment to small businesses and how you plan on potentially increasing Ex-Im's support for small businesses.

A.2. I'm fully committed to supporting small businesses. In fact, most of our opportunities to increase the export of American manufacturing goods will be achieved by small businesses, many of them MWOB. Small businesses who export are faster growing and more profitable than those that don't export as 95 percent of the world's consumers are outside of the United States.

Almost all of Ex-Im transactions benefit small businesses, in fact as an agency of less than 400 personnel, a full quarter are specifically dedicated to supporting our small business efforts.

If reappointed to serve on the Board, I will continue to work with Congress to receive guidance about opportunities to use Ex-Im's tools to support small businesses. I would encourage you and all Members to invite me to your State to engage all businesses, especially small enterprises.

**RESPONSES TO WRITTEN QUESTIONS OF CHAIR BROWN
FROM JENNIFER FAIN**

Q.1. Where have you excelled in past positions in attracting, hiring, and promoting people of color in positions in your organization/s? Where might there be room for improvement?

A.1. Increasing opportunities for people of color, and other under-represented groups, has been part of my oversight career for over 22 years. As a junior auditor, I was selected to be a member of a group of minority and non-minority OIG employees established to openly discuss issues and identify ways to improve the diversity and inclusiveness of our work environment, including minority recruiting. The results of these discussions were used to inform OIG senior-executive decisions about the work environment.

As a mid-level manager and senior executive, I focused on empowering my direct reports to build diverse teams and an inclusive work environment. For example, during my nearly 3 years of acting in the role of an IG, I focused on restoring operations, which included back-filling much needed positions due to many manager

and staff departures. The diversity of our office increased significantly with the hiring, including internal promotions, of individuals who identified themselves as persons of color. Further, the office hired its first female special agent for investigations during my tenure.

Although we made great strides in attracting and hiring diverse candidates, there were still potential areas for attracting additional candidates with different backgrounds. In particular, the office could have expanded its outreach and recruitment efforts even further by focusing specifically on additional underrepresented groups, such as Indigenous and disabled individuals. If confirmed as IG, I look forward to working with FDIC OIG management to better understand how we can enhance recruitment and retention efforts of people of color, including underrepresented groups, and determine if there is additional room for improvement in other areas.

The FDIC OIG's Diversity, Equity, Inclusion, and Accessibility Strategic Plan, published on the OIG's external website, contains a vision and corresponding goals specifically related to attracting, hiring, and promoting a diverse workforce. Among initiatives cited in the OIG's DEIA Plan are the following:

- Cultivate outreach efforts to establish relationships with Historically Black Colleges and Universities, Hispanic-Serving Institutions, and professional organizations that advance interests of underrepresented groups.
- Establish protocols for distribution of vacancy announcements to ensure prompt notice of hiring opportunities to professional organizations that advance interests of underrepresented groups.
- Develop and utilize dashboard/graphics on demographics/trends in DEIA representation for recruitment, hiring, and advancement.

I will ensure continued attention is given to successfully carrying out these initiatives.

Q.2. What specific measures will you use to evaluate the success of FDIC IG in understanding and addressing the needs of Black, Indigenous and people of color (BIPOC)? And, will you work with the agency to keep Congress apprised, as appropriate, on the progress being made on these measures?

A.2. If confirmed as IG, I will work with FDIC OIG management to better understand the FDIC's approach in addressing any structural inequities within its workforce, particularly the needs of Black, Indigenous, and people of color. I have researched the FDIC's overall strategies for DEIA—as presented in the FDIC's Diversity, Equity, and Inclusion Strategic Plan—and the responsibilities of the FDIC's Office of Minority and Women Inclusion, which include “. . . ensuring diversity in management, employment and business activities” of the Agency. I will welcome the opportunity to learn more about the FDIC's implementation of this Plan and the Agency's efforts to achieve an enterprise-wide culture that embraces DEIA principles.

By recognizing any important gaps, particularly in employment and social integration, and creating an enabling work environment,

disparities can be identified. This understanding is crucial for addressing barriers faced by historically underrepresented groups and for promoting diversity, equity, inclusion, and accessibility within an Agency, including the OIG. I would also seek to understand the data that is being collected by the FDIC for measuring progress in this important area, with a view to identify ways in which OIG oversight work can be utilized constructively to inform and drive improvement at the Agency. In addition, I recognize these issues of inclusion are relevant for communities and individuals affected by FDIC programs.

I believe it is well within the IG's authority to review the FDIC's advancements in this area and keep Congress appropriately apprised. I will work to create a proactive work plan to oversee the FDIC's programs and operations, keeping this and other important issues in mind, should I be confirmed.

Q.3. What is your plan for creating an inclusive working environment for employees within your office?

A.3. An inclusive work environment involves creating a place of work where the contributions, presence, and perspectives of all OIG employees, including contractors, are respected and equally valued. My aim is to lead by example and commit to open, honest, and respectful communications at all levels in an environment that welcomes diversity of opinions and constructive conflict of ideas. Diverse perspectives, backgrounds, and experiences not only improve OIG decision making and performance, but also strengthen Agency oversight. That is, as weaknesses and deficiencies are considered from different viewpoints, there is an increased likelihood of making recommendations that provide for practical and effective solutions. If confirmed, I commit to being deliberate in my actions to promote and maintain an inclusive working environment for all within the FDIC OIG. Such an environment will not only attract a diverse set of talent but also help in retaining the diverse talent the OIG attracts.

As noted in my response to your first question, I will look to the OIG's DEIA Strategic Plan to guide the Office's efforts to create an inclusive working environment. The Plan is built on four main goals that can serve to enhance inclusivity, and I will vigorously pursue these goals:

1. Purpose—We have a shared purpose.
2. People—Each person is valued in our office.
3. Process—Our processes are fair and equitable.
4. Progress—We strive to mature our DEIA Program.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR SCOTT FROM JENNIFER FAIN

Q.1. As the nominee to serve as the Inspector General of the FDIC, it is critical that you be completely independent and vigorous in your auditing and investigatory work at the FDIC, if confirmed. We need an independent watchdog at the FDIC to ensure there is no waste, fraud, or abuse.

Unfortunately, we have seen politics overtake good policy under Chairman Gruenberg's leadership, such as in the case of Operation

Choke Point and, more recently, when Mr. Gruenberg and Rohit Chopra carried out an unprecedented coup, sidelining the then-Chairman Jelena McWilliams.

If confirmed as the FDIC IG, would you commit to being independent and vigorous in your audits and investigations into the activities of the FDIC, even if doing so might ruffle feathers at the agency?

A.1. Yes. In some cases, a Federal Agency will need to make changes to its practices and operations in order to implement corrective actions recommended by an OIG based on specific findings. An OIG's oversight work may not be well-received by a Federal Agency because of disagreement about the findings and/or corrective actions recommended. Instances of disagreement are to be expected as part of this oversight work. Nonetheless, independence of an IG from Agency management is a key tenet in improving the efficiency and effectiveness of Federal programs and operations and ensuring there is no waste, fraud, or abuse. Such independence depends on the OIG conducting oversight activities of an Agency without bias or partisanship. Without compromising the independence and objectivity of the FDIC OIG, I intend to maintain a productive working relationship with the Chairman, Board of Directors, and Senior Executives, including this Committee and Congress. Therefore, if confirmed, I am committed to conducting oversight of the activities of the FDIC in an independent—unbiased and nonpartisan—and vigorous manner.

Q.2. Do you believe that the FDIC Inspector General should ensure that FDIC rules and regulations adhere to the spirit and intent of Congressional legislation?

A.2. Yes. Among its duties, the FDIC IG oversees how the FDIC maintains stability and public confidence in the U.S. financial system. This includes conducting audits, evaluations, other reviews, and investigations of the Agency's actions to ensure that financial institutions operate in a safe and sound manner. Insofar as the FDIC establishes rules and regulations that impact the Agency's ability to carry out its responsibilities, I believe the IG has the duty to ensure that the FDIC conducts these regulatory activities within the authority provided by laws, rules, and regulation. To that end, under the IG Act, the FDIC OIG has an obligation to review legislation and regulations. This effort is carried out by members of the FDIC OIG's Office of General Counsel. I commit to maintaining such an approach if I am confirmed. Additionally, I would seek to continue the FDIC OIG's participation as a Member of the Legislation Committee of the Council of the Inspectors General on Integrity and Efficiency to more broadly inform my thinking on Federal legislation that may impact the FDIC. This Committee provides timely information to the IG community about Congressional initiatives; solicits the technical advice of the IG community in response to proposed legislation; and presents views and recommendations to Congress and the Office of Management and Budget on legislative matters that broadly affect the IG community.

Q.3. Will you commit that, if confirmed, you will respond in a timely manner and fully comply with all information requests from me and other Members of the Committee? Please answer "yes" or "no."

A.3. Yes. If confirmed, I commit to responding in a timely manner and fully complying with all information requests from the Committee, Congress, and other stakeholders consistent with any applicable legal restrictions.

Q.4. If no, please explain.

A.4. N/A.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR WARNOCK
FROM JENNIFER FAIN**

Q.1. If confirmed as Inspector General of the Federal Deposit Insurance Corporation (FDIC), what steps would you take to ensure the independence and objectivity of your audits, investigations, evaluations, and reviews, particularly those involving FDIC employees and contractors?

A.1. To maintain stakeholder confidence in the FDIC OIG, its oversight must be independent of the FDIC, including its employees and contractors, both in fact and appearance. Independence is a key characteristic of IGs and a fundamental principle of the Inspector General Act of 1978 (as amended) which includes specific protections for IG independence. These protections include, for example, direct and prompt access to the Agency head, separate personnel hiring authority, separate and independent legal counsel, separately identified budget requests, timely access to all Agency records, and a dual reporting obligation to the head of the Agency and Congress.

If confirmed, I commit to ensuring that the FDIC OIG has robust measures in place to identify, assess, and minimize any potential (or perceived) threats to the independence and objectivity in the performance of the OIG's oversight responsibilities, particularly as it relates to FDIC employees and contractors. This includes taking steps to ensure that threats to independence are suitably managed and work undertaken by the OIG is performed with objectivity and integrity, and free from inappropriate influences and considerations (e.g., current or past responsibilities that may pose a threat due to conflict, familiarity, bias, or influence).

The independence standards for conducting audits, investigations, evaluations, and reviews are reflected in the requisite professional standards established by the Government Accountability Office and the Council of the Inspectors General on Integrity and Efficiency. The FDIC OIG is statutorily required to comply with these standards and subject to an independent, comprehensive peer review of its audit, evaluation, and investigation operations once every 3 years. Further, in keeping with the IG Act, I commit to keeping the Committee, and Members of Congress, fully and currently informed of any instances where the Agency, its management, employees, and/or contractors interfere with the FDIC OIG's independence, should I be confirmed. Reporting such interference in the OIG's semiannual reports to Congress is also required under the IG Act and I will adhere to that requirement.

**RESPONSES TO WRITTEN QUESTIONS OF CHAIR BROWN
FROM CLAUDIA SLACIK**

Q.1. The collapse of Silicon Valley Bank and other troubled banks in March reminded us that crises in any part of the financial sector can happen quickly, especially in the age of social media. While SIPC is not responsible for backstopping failed banks, it may need to act if a brokerage runs into trouble. Are there lessons that SIPC can learn from the bank failures about preparedness in the case of brokerage to ensure it can respond fast to protect American savers, if needed?

A.1. Thank you for your question, Chair Brown.

SIPC understands the need for quick action and has institutional experience in that regard given the nature of the securities industry. The potential price volatility of securities requires that SIPC be able to act promptly and decisively when a broker-dealer fails. As one example, SIPC commenced the liquidation of MF Global, the eighth largest bankruptcy in history at the time, the same day that it was notified by the Securities and Exchange Commission that customers needed protection. In addition to having requisite staff and systems ready, SIPC regularly engages with the staffs of SEC and FINRA. Because they have investigatory authority, the SEC and FINRA are required to notify SIPC when a brokerage firm is in financial trouble and customer assets are missing. Consequently, SIPC should be informed by the regulators as a brokerage firm encounters financial difficulty and would be ready to respond quickly to protect American investors if it were to fail.

SIPC also continues to modernize its internal operations and recruit and retain talented staff. SIPC continues to increase its reserves, which currently total more than \$4.4 billion, and manage its risk profile, including evaluating alternative sources of liquidity.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR SCOTT
FROM CLAUDIA SLACIK**

Q.1. What would you consider to be the most significant issue on the horizon for SIPC to address, and why?

How should SIPC address this issue?

A.1. Thank you for your questions, Ranking Member Scott.

I consider emerging technologies with resulting changes in the securities industry to be the most significant issue that SIPC faces. SIPC is staying current on these various emerging technologies and changes in the security industry. These include digital assets, 24-hour trading, and shortening of the settlement period for securities trades, among others. To address these and other potential issues, SIPC continues to increase its reserves, which now total more than \$4.4 billion, and manage its risk profile, including evaluating alternative sources of liquidity. It has remained engaged with the SEC and FINRA to make sure that the current investor protection regime remains robust and continues to support the regulators' efforts to have in place appropriate safeguards of customer assets so that customers do not lose assets even if a firm fails financially. SIPC also continues to modernize its internal operations and recruit and retain talented staff.

Q.2. In what ways, if any, could SIPC better articulate to the average investor the type and extent of the protection that SIPC provides?

A.2. SIPC maintains a robust investor information network through its website, social media, “AskSIPC” email tool, and prompt responsiveness to inquiries from the public. However, it could and should continue to increase awareness about the type and extent of SIPC protection. With younger investors entering the marketplace, financial literacy, including about SIPC, is increasingly important. Most recently, SIPC collaborated with the SEC on several educational initiatives and joined in IOSCO World Investor Week to raise awareness of the importance of financial literacy. SIPC should continue to educate investors about SIPC including through its continued initiatives with public media, issuance of investor bulletins, and participation in in-person events.

Q.3. Will you commit that, if confirmed to a new term, you will respond in a timely manner and fully comply with all information requests from me and other Members of the Committee? Please answer “yes” or “no.”

If no, please explain.

A.3. Yes.

**RESPONSES TO WRITTEN QUESTIONS OF
SENATOR MENENDEZ FROM CLAUDIA SLACIK**

Q.1. Last year, we saw FTX and others in the cryptocurrency market go under, with investors unsure if missing assets and cash would be returned. However, investors are still putting hard earned dollars into the relatively new asset class.

Ms. Slacik, are investors protected by the SIPC in situations where they are invested in cryptocurrency or crypto assets?

What should SIPC be doing to promote investor education to bring this awareness?

A.1. Thank you for the questions, Senator Menendez.

In answer to the first question, SIPC protection extends only to cash and securities held in custody for specified purposes in a customer securities account at a SIPC-member broker dealer. The status of many digital assets is presently unresolved, and many such assets do not qualify as “securities” within the meaning of the Securities Investor Protection Act (SIPA), the statute under which SIPC operates. Moreover, under current SEC guidance, the circumstances under which a broker-dealer may hold in custody for customers digital assets that qualify as securities are limited. Therefore, SIPC currently has a limited role with respect to digital assets, and most investors in cryptocurrency and crypto assets are not protected by SIPC. If, however, digital assets were defined as “securities” under the SIPC statute, and a SIPC-member in liquidation under SIPA held them for customers for any of the statutorily specified purposes, those customers would receive the same protection as any other customers eligible for SIPC protection.

In answer to the second question, as it currently is doing, SIPC should continue in its efforts with respect to investor education by explaining what SIPC protects—and what it does not protect, in-

cluding digital assets that are not securities held at SIPC-member broker-dealers. SIPC should continue engaging media, and use platforms including its website and social media, to spread this awareness. It should also continue working with the SEC and FINRA in explaining to investors the scope and limits of SIPC protection.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR WARNOCK
FROM CLAUDIA SLACIK**

Q.1. How would your experience as Chief Banking Officer at the Export-Import Bank of the United States inform your investor protection and education efforts at the Securities Investor Protection Corporation?

A.1. Thank you for the question, Senator Reverend Warnock.

In my career, the concerns of U.S. customers and investors have been paramount. At the Export-Import Bank (Ex-Im Bank), my work supported dozens of U.S. companies, which employed thousands of middle and working-class American workers. These are the same retail investors whom SIPC primarily aims to protect. I believe in the importance of SIPC's mission to safeguard the assets of these retail investors custodied for them at SIPC member broker-dealers, and I am committed to supporting it. At the Ex-Im Bank, my responsibilities included expanding the public's awareness of the Bank. I can use that experience in support of SIPC's investor education efforts to inform the public about what SIPC protects, and, just as importantly, what SIPC does not protect, including most crypto assets. By the same token, Ex-Im Bank supported American jobs by facilitating the export of U.S. goods and services at no cost to taxpayers. My goal at SIPC is similar—to ensure that the SIPC Fund is sufficient to protect investors against the loss of their cash and securities, at no cost to the American taxpayer.

**RESPONSES TO WRITTEN QUESTIONS OF CHAIR BROWN
FROM WILLIAM BRODSKY**

Q.1. The collapse of Silicon Valley Bank and other troubled banks in March reminded us that crises in any part of the financial sector can happen quickly, especially in the age of social media. While SIPC is not responsible for backstopping failed banks, it may need to act if a brokerage runs into trouble. Are there lessons that SIPC can learn from the bank failures about preparedness in the case of brokerage to ensure it can respond fast to protect American savers, if needed?

A.1. Thank you for your question, Chair Brown.

Yes, SIPC watched carefully how quickly the banking regulators and other parts of the Executive branch acted to address the rapid and unexpected collapse of Silicon Valley Bank. With that in mind, SIPC continues to work to ensure that if any large SIPC member broker-dealer failed unexpectedly, it is prepared to act within its authority in a similar prompt and comprehensive fashion. SIPC has institutional experience in acting swiftly should it become necessary; SIPC commenced the liquidation of MF Global, the eighth

largest bankruptcy in history at the time, the same day that it was notified by the Securities and Exchange Commission. In addition to having requisite staff and systems ready, SIPC remains continuously engaged with the staffs of SEC and FINRA. Consequently, SIPC should be informed by the regulators as a brokerage firm encounters financial difficulty and would be ready to respond quickly to protect American investors if it were to fail.

SIPC also continues to modernize its internal operations and recruit and retain talented staff. SIPC continues to increase its reserves, which currently total more than \$4.4 billion, and manage its risk profile, including evaluating alternative sources of liquidity. It is also currently working with the SEC and the Department of the Treasury to enable rapid access to its \$2.5 billion statutory borrowing ability from the Government should it ever become necessary.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR SCOTT
FROM WILLIAM BRODSKY**

Q.1. What would you consider to be the most significant issue on the horizon for SIPC to address, and why?

How should SIPC address this issue?

A.1. Thank you for your questions, Ranking Member Scott.

I consider SIPC's ability to respond quickly to the unexpected large broker-dealer failure to be the most significant issue. SIPC noted the rapid response of the banking regulators and other parts of the Executive branch to address the unexpected collapse of Silicon Valley Bank. Accordingly, SIPC continues to work to ensure that if any large SIPC member broker-dealer were to fail unexpectedly, it would be prepared to act within its authorities in a similar prompt and comprehensive fashion. In addition to having requisite staff and systems ready, SIPC remains continuously engaged with the staffs of SEC and FINRA. Consequently, SIPC should be informed by the regulators as a brokerage firm encounters financial difficulty and would be ready to respond quickly to protect American investors if it were to fail. SIPC continues to increase its reserves, which currently total more than \$4.4 billion, and manage its risk profile. It is also currently working with the SEC and the Department of the Treasury to enable rapid access to its \$2.5 billion statutory borrowing authority from the Government should it ever become necessary and is evaluating alternative sources of liquidity.

Q.2. In what ways, if any, could SIPC better articulate to the average investor the type and extent of the protection that SIPC provides?

A.2. SIPC maintains a robust investor information network through its website, social media, "AskSIPC" email tool, and prompt responsiveness to all inquiries from the public. However, it could and should continue to increase awareness about the type and extent of SIPC protection. With younger investors entering the marketplace, financial literacy, including about SIPC, is increasingly important. Most recently, SIPC collaborated with the SEC on several educational initiatives and joined in IOSCO World Investor

Week to raise awareness of the importance of financial literacy. SIPC should continue to educate investors about SIPC protection including through continued efforts with public media, investor bulletins, and in-person events.

Q.3. Will you commit that, if confirmed to a new term, you will respond in a timely manner and fully comply with all information requests from me and other Members of the Committee? Please answer “yes” or “no.”

If no, please explain.

A.3. Yes.

**RESPONSES TO WRITTEN QUESTIONS OF
SENATOR MENENDEZ FROM WILLIAM BRODSKY**

Q.1. Last year, we saw FTX and others in the cryptocurrency market go under, with investors unsure if missing assets and cash would be returned. However, investors are still putting hard-earned dollars into the relatively new asset class.

Mr. Brodsky, are investors protected by the SIPC in situations where they are invested in cryptocurrency or crypto assets?

What should SIPC be doing to promote investor education to bring this awareness?

A.1. Thank you for the questions, Senator Menendez.

In answer to the first question, SIPC protection extends only to cash and securities held in custody for specified purposes in a customer securities account at a SIPC-member broker dealer. The status of many digital assets is presently unresolved, and many such assets do not qualify as “securities” within the meaning of the Securities Investor Protection Act (SIPA), the statute under which SIPC operates. Moreover, under current SEC guidance, the circumstances under which a broker-dealer may hold in custody for customers digital assets that qualify as securities are limited. Therefore, SIPC currently has a limited role with respect to digital assets, and most investors in cryptocurrency and crypto assets are not protected by SIPC. If, however, digital assets were defined as “securities” under the SIPC statute, and a SIPC-member in liquidation under SIPA held them for customers for any of the statutorily specified purposes, those customers would receive the same protection as any other customers eligible for SIPC protection.

In answer to the second question, as it currently is doing, SIPC should continue in its efforts with respect to investor education by explaining what SIPC protects—and what it does not protect, including digital assets that are not securities held at SIPC-member broker-dealers. SIPC should continue engaging media, and use platforms including its website and social media, to spread this awareness. It should also continue working with the SEC and FINRA in explaining to investors the scope and limits of SIPC protection.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR WARNOCK
FROM WILLIAM BRODSKY**

Q.1. In your view, what aspects of financial literacy and investor education need to be addressed and improved immediately?

A.1. Thank you for the question, Senator Reverend Warnock.

I have spent my entire career in the investment business. I truly believe that this country has the best investment markets, the most innovative financial products, and has the best regulated financial markets of any major country in the world. What concerns me most is that, as a country, we do a very poor job at educating our citizens at every level of education from primary school, high school, college, and even graduate school on how to save, invest, and manage one's financial affairs. I view this not only as a missed opportunity but as a great disservice to our citizens.

My view is that we need a concerted effort to teach people the basics of spending and investing, not speculating, as a way of improving the financial health and security of our vast and diverse citizenry. SIPC should do its part by continuing its investor education efforts in explaining what SIPC protects, and what it does not protect, including digital assets, that are not securities held at SIPC-member broker-dealers.

ADDITIONAL MATERIAL SUPPLIED FOR THE RECORD
LETTERS SUBMITTED REGARDING NOMINEES



TOLEDO METRO FEDERAL CREDIT UNION
1212 ADAMS ST.
TOLEDO, OHIO 43604

November 6, 2023

Senator Sherrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

Re: Nomination of Tanya F. Otsuka to be a Member of the National Credit Union Administration Board (PN1045)

Dear Esteemed Senators:

Toledo Metro FCU is pleased to submit this letter of endorsement to express our strong support of the nomination of Tanya Otsuka to the National Credit Union Administration (NCUA) Board. Tanya is an outstanding nominee to serve on the NCUA Board. She has deep knowledge of and experience in strengthening the financial system, and a proven track record of advancing consumer protection and deepening financial inclusion and equity. Her legislative experience working on the Senate Committee on Banking, Housing and Urban Affairs as well as her legal and regulatory background make her extremely well qualified to help shape the future legal and regulatory landscape for credit unions.

Toledo Metro Federal Credit Union is a Low Income Designated, Minority Depository Institution. We are open to anyone that lives, works, worships, or attends school in Lucas County with a primary focus on the underserved area of downtown Toledo.

We appreciate Tanya's work to raise the visibility of credit unions, remove barriers to growth, and support credit unions in deepening their impact in the communities they serve. Her thoughtful approach to this work and strong focus on the financial well-being of credit union members will make her an asset to the NCUA Board and an effective leader in the credit union system.

The credit union movement as a whole will be well-served by Tanya's leadership in NCUA. We are pleased to wholeheartedly support this nomination. Please do not hesitate to reach out with questions or for additional information.

Sincerely,



Sarah Flynn
President/CEO



ST. HELENA PARISH CREDIT UNION – 12433 South Halsted – Chicago, IL 60628 – (708) 669-8525

October 19, 2023

Senator Sherrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

Re: Nomination of Tanya F. Otsuka to be a Member of the National Credit Union Administration Board (PN1045)

Dear Esteemed Senators:

St. Helena Parish Credit Union is pleased to submit this letter of endorsement to express our strong support of the nomination of Tanya Otsuka to the National Credit Union Administration (NCUA) Board. Tanya is an outstanding nominee to serve on the NCUA Board. She has deep knowledge of and experience in strengthening the financial system, and a proven track record of advancing consumer protection and deepening financial inclusion and equity. Her legislative experience working on the Senate Committee on Banking, Housing and Urban Affairs as well as her legal and regulatory background make her extremely well qualified to help shape the future legal and regulatory landscape for credit unions.

St Helena Parish Credit Union is a Community Development Financial Institution, Minority Depository, low-income designated credit union that has been serving a small faith-based community on Chicago's southside since 1984. We have roughly 175 members and about \$250,000 in assets. Our mission is helping parish members reach their financial goals while treating them like family. We provide financial literacy training and offer other financial services to our members to promote financial development.

We appreciate Tanya's work to raise the visibility of credit unions, remove barriers to growth, and support credit unions in deepening their impact in the communities they serve. Her thoughtful approach to this work and strong focus on the financial well-being of credit union

members will make her an asset to the NCUA Board and an effective leader in the credit union system.

The credit union movement as a whole will be well-served by Tanya's leadership in NCUA. We are pleased to wholeheartedly support this nomination. Please do not hesitate to reach out with questions or for additional information.

Sincerely,

A handwritten signature in cursive script that reads "Karl Mason".

Chairman of the Board



P.O. Box 1937
Portland, Oregon 97207-1937
503-227-5571 | 800-452-0900
unitusccu.com

October 17, 2023

Senator Sherrrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

RE: Nomination of Tanya F. Otsuka to be a Member of the National Credit Union Administration Board (PN1045)

Dear Senator Brown and Senator Scott:

Please accept Unitus Community Credit Union's full endorsement of Tanya Otsuka's nomination to the National Credit Union Administration (NCUA) Board. Ms. Otsuka's legislative experience and legal and regulatory background make her extremely qualified for this role.

Unitus Community Credit Union, based in Portland, Oregon, serves 105,000 members in Oregon and Washington. As strong advocates of the credit union movement, our focus on financial inclusion and equity aligns with the experience and knowledge Ms. Otsuka brings to the industry. Her work to raise the visibility of credit unions and support of our work in the communities we serve prove she will be an effective leader in the credit union system.

Ms. Otsuka is well qualified to help shape the future legal and regulatory landscape for credit unions. I believe the entire credit union movement will benefit from her leadership in NCUA. I appreciate your consideration of our support for this nomination.

Sincerely,

Steven Stapp

President and CEO



The Honorable Sherrod Brown

Chair
Committee on Banking, Housing, and Urban Affairs
United States Senate
534 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Tim Scott

Ranking Member
Committee on Banking, Housing, and Urban Affairs
United States Senate
534 Dirksen Senate Office Building
Washington, D.C. 20510

Date: October 18th, 2023

Re: Support the Nomination of Tanya Otsuka to Serve on the National Credit Union Administration (NCUA) Board

The undersigned organizations write to express our strong support for the nomination of Tanya Otsuka to serve as member of the NCUA board. Ms. Otsuka has dedicated her career to creating a more stable and equitable financial system that works well for all consumers, and to advancing the needs of underserved communities.

In her current role as Senior Counsel with the Senate Banking and Housing Committee, she has gained the trust and respect of the organizations signed below, and has served as a thoughtful and judicious senior aide to Senator Brown. She has earned a reputation as someone who stands up for consumers and the public interest.

We also applaud President Biden for continuing to advance the goal of increasing diversity among the federal regulators with the nomination of Ms. Otsuka. If confirmed, she would be the first Asian-American NCUA Board Member.

We look forward to working with Ms. Otsuka in her new role to ensure the safety and soundness of credit unions and protect the deposits of the millions of consumers who rely on credit unions to provide affordable and safe financial services.

We urge you to support her nomination and act to quickly advance her nomination to the Senate floor.

Sincerely,

AFL-CIO
Americans for Financial Reform

Center for Responsible Lending
Leadership Conference on Civil and Human Rights
UnidosUS
U.S. PIRG



PO Box 2519
Spokane, WA 99220-2519
509.328.2900
canopycu.com

October 19, 2023

Senator Sherrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

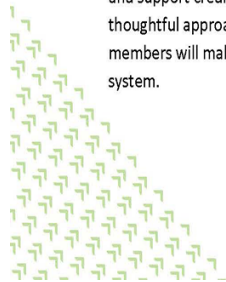
Re: Nomination of Tanya F. Otsuka to be a Member of the National Credit Union Administration Board (PN1045)

Dear Esteemed Senators:

Canopy Federal Credit Union is pleased to submit this letter of endorsement to express our strong support of the nomination of Tanya Otsuka to the National Credit Union Administration (NCUA) Board. Tanya is an outstanding nominee to serve on the NCUA Board. She has deep knowledge of and experience in strengthening the financial system, and a proven track record of advancing consumer protection and deepening financial inclusion and equity. Her legislative experience working on the Senate Committee on Banking, Housing and Urban Affairs as well as her legal and regulatory background make her extremely well qualified to help shape the future legal and regulatory landscape for credit unions.

Canopy is a CDFI credit union focusing our efforts toward building a happier and healthier community through financial inclusion. We offer both one on one and group financial coaching to member and non-members alike throughout a 3 county region. We are proud to say we offer these services in 5 different languages and there is no requirement to do business with Canopy in order to participate in our coaching sessions. We truly believe that if we help our members, and our community, better understand money they will have strong family relationships and stronger community relationships.

We appreciate Tanya's work to raise the visibility of credit unions, remove barriers to growth, and support credit unions in deepening their impact in the communities they serve. Her thoughtful approach to this work and strong focus on the financial well-being of credit union members will make her an asset to the NCUA Board and an effective leader in the credit union system.



The credit union movement as a whole will be well-served by Tanya's leadership in NCUA. We are pleased to wholeheartedly support this nomination. Please do not hesitate to reach out with questions or for additional information.

Sincerely,

A handwritten signature in cursive script that reads "Charlotte Nemeč".

Charlotte Nemeč, President/CEO

charlotten@canopycu.com

509-323-1330



October 19, 2023

Senator Sherrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

Re: Nomination of Tanya F. Otsuka to be a Member of the National Credit Union Administration Board (PN1045)

Dear Esteemed Senators:

CASE Credit Union is pleased to submit this letter of endorsement to express our strong support of the nomination of Tanya Otsuka to the National Credit Union Administration (NCUA) Board. Tanya is an outstanding nominee to serve on the NCUA Board. She has deep knowledge of and experience in strengthening the financial system, and a proven track record of advancing consumer protection and deepening financial inclusion and equity. Her legislative experience working on the Senate Committee on Banking, Housing and Urban Affairs as well as her legal and regulatory background make her extremely well qualified to help shape the future legal and regulatory landscape for credit unions.

In 1936, CASE Credit Union opened its doors to educators, who assisted in creating financial inclusion. Fast forward to 2023, we are a credit union known for our ability to serve those who are searching for a new financial path. We partner with like-minded agencies to find solutions and remove the barriers many people face today. We need a voice and believe Ms. Otsuka represents our values and supports the needs of our community.

We appreciate Tanya's work to raise the visibility of credit unions, remove barriers to growth, and support credit unions in deepening their impact in the communities they serve. Her thoughtful approach to this work and strong focus on the financial well-being of credit union members will make her an asset to the NCUA Board and an effective leader in the credit union system.

The credit union movement as a whole will be well-served by Tanya's leadership in NCUA. We are pleased to wholeheartedly support this nomination. Please do not hesitate to reach out with questions or for additional information.

Sincerely,

Norma McGarry, CCUFC
CASE Credit Union
Lansing MI 48910



October 13, 2023

Senator Sherrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

Re: Nomination of Tanya F. Otsuka to be a Member of the National Credit Union Administration Board (PN1045)

Dear Senators:

Clearwater Credit Union of Montana is pleased to submit this letter of endorsement to express our support of the nomination of Tanya Otsuka to the National Credit Union Administration (NCUA) Board.

Clearwater is a federally chartered credit union that was founded by eight Missoula, Montana police officers in 1956. We are Montana's second largest credit union and its largest CDFI. Clearwater serves 59,456 members, employs 185 people, manages \$999 million total assets on balance sheet, and manages another \$248 million off balance sheet in a mortgage servicing portfolio.

Tanya is an outstanding nominee to serve on the NCUA Board. She has deep knowledge of and experience in strengthening the financial system, and a proven track record of advancing consumer protection and deepening financial inclusion and equity. Her legislative experience working on the Senate Committee on Banking, Housing and Urban Affairs as well as her legal and regulatory background make her extremely well qualified to help shape the future legal and regulatory landscape for credit unions.

We appreciate Tanya's work to raise the visibility of credit unions, remove barriers to growth, and support credit unions in deepening their impact in the communities they serve. Her thoughtful approach to this work and strong focus on the financial well-being of credit union members will make her an asset to the NCUA Board and an effective leader in the credit union system.

The credit union movement as a whole will be well-served by Tanya's leadership in NCUA. We are pleased to wholeheartedly support this nomination. Please do not hesitate to reach out with questions or for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'JLW', with a stylized flourish at the end.

Jack Lawson
President & CEO
Clearwater Credit Union



October 19, 2023

The Honorable Sherrod Brown
Chairman
Committee on Banking, Housing,
and Urban Development
United States Senate
Washington, DC 20510

The Honorable Tim Scott
Ranking Member
Committee on Banking, Housing,
and Urban Development
United States Senate
Washington, DC 20510

Dear Chairman Brown and Ranking Member Scott:

On behalf of America's credit unions, we are writing regarding the nomination hearing for Tanya Otsuka to be a member of the Board of the National Credit Union Administration (NCUA). The Credit Union National Association (CUNA) and National Association of Federally-Insured Credit Unions (NAFCU) represent America's credit unions and their more than 138 million members.

We are excited to see a replacement for Board Member Rodney Hood, who has remained on the Board for the last several months following the end of his term in August. Below are issues critical to credit unions that we would like to ensure the Committee is aware of as it considers Ms. Otsuka for the NCUA Board.

Importance of the NCUA as an Independent Regulator and Insurer

We continue to strongly support the NCUA's current status as an independent regulator and insurer. Maintaining a separate, independent federal credit union regulator and insurer is critically important to the credit union system. The structural and mission-driven differences between credit unions and banks necessitate such a regulatory scheme: credit unions' not-for-profit structure and their mission to promote thrift and provide access to credit for provident purposes are fundamentally different than other financial services providers.

The NCUA-administered National Credit Union Share Insurance Fund (NCUSIF) is also independent of the federal appropriations process, which insulates it from unexpected lapses in funding. Credit union share deposits remain insured and secure. In addition, since the NCUSIF is capitalized by federally insured credit unions, it is critical that Fund's investment strategy, as determined by the NCUA's Investment Committee, reflect the current economic environment to ensure it is performing properly.

We are optimistic that the NCUA will continue to pursue opportunities to increase flexibility for and decrease compliance burdens on credit unions. We hope a new NCUA Board will work to build on the positive momentum that has been created in recent years. While we appreciate the NCUA's recent actions, there are nevertheless issues and rulemakings that cause concern for the credit union industry. We urge the NCUA Board to maintain an open dialogue with the industry,

The Honorable Sherrod Brown
The Honorable Tim Scott
October 19, 2023
Page 2 of 12

including the state credit union leagues and associations and individual credit unions, to ensure the agency is aware of areas in need of improvement.

NCUA's Budget

The NCUA is funded by regulated credit unions and their members, not by taxpayers. Credit unions and their members remain willing to pay for their own regulator provided there is sufficient transparency, including with regard to the agency's budget. For the last several years, even before it was statutorily required to do so, the NCUA has held an annual hearing on its budget, and as a result, the agency's budget transparency has improved. We are hopeful that, as a new member of the NCUA Board, Ms. Otsuka will commit to prudent stewardship of the credit union member resources put in the agency's trust.

Recently, the NCUA's budget has continued to expand dramatically, exceeding previous projections. For example, we are troubled that the agency's 2023 budget had an \$11.1 million increase from the 2022 budget for contracted services for the Model Examination and Risk Identification Tool (MERIT). In a March 2021 letter to Senator Patrick Toomey, NCUA Chairman Harper indicated an estimated cost of \$18.9 to \$37.9 million for MERIT. The budget for contracted services in 2023, the bulk of which would be spent on MERIT, has now ballooned to \$65.6 million. This represents an astonishing 80 percent increase from the 2022 budget. For the single year spend on a project to nearly double the initial estimate is troubling for credit unions that are mindful of every dollar spent. We are concerned that without some controls on spending, MERIT will continue to significantly increase in cost to the detriment of the credit union industry. We urge the Committee to continue oversight in this regard.

We have recommended to the NCUA that they continue to focus on implementing lessons learned from the pandemic and not ignoring the achievements that have been made towards cost-savings. More specifically, we have shared the following recommendations with the NCUA to enhance the efficiency of their budget:

- Preserve the strength of the NCUSIF without overburdening credit unions with exorbitant Operating Fees and continue to return any excess cash from the Operating Fund to credit unions;
- Continue to pursue exam modernization efforts, including a hybrid, virtual and in-person exam posture;
- Reduce costs associated with MERIT and provide realistic estimates for completion and maintenance;
- Achieve greater transparency regarding cybersecurity expenses; and,

The Honorable Sherrod Brown
The Honorable Tim Scott
October 19, 2023
Page 3 of 12

- Continue to support financial inclusion initiatives and engage in open communication and timely resolution of issues through the newly established Office of the Ombudsman.

NCUSIF Reform

The high-profile failures in the banking sector earlier this year sparked discussion of the issue of deposit insurance reform. As was the case in the 2008 Financial Crisis, credit unions did not engage in behavior that led to the crisis but were impacted from the downstream effects of institutional and market disruptions.

Our primary concern regarding any deposit insurance reform legislation passed by Congress is to ensure that credit unions receive parity, fair treatment, and equal protection with banks. America's credit unions are well-capitalized with a 10.9 percent net worth-to-asset ratio and an 8.8 percent equity capital ratio. The loan-to-savings ratio stands at 85.2 percent. The liquidity ratio (the ratio of surplus funds maturing in less than one year to borrowings plus other liabilities) was 12 percent in June of 2023, up from 11.1 percent in January. These statistics indicate that credit unions are healthy and stable.

Credit unions are not-for-profit financial cooperatives that exist to serve their members. Unlike banks, they do not issue stock or pay dividends to stockholders. Credit union profits are returned to their members in the form of lower fees and better loan and deposit rates since credit unions are owned by their members.

With more than 90 percent of credit union deposits insured, credit unions remain stable, safe, and secure during this time of uncertainty in the banking sector. The remaining nine percentage points represent deposits that exceed the federal maximum deposit insurance amount. The credit union difference makes us stronger by helping improve the financial well-being of Americans nationwide.

Similar to banks insured by the Federal Deposit Insurance Corporation's (FDIC) Deposit Insurance Fund (DIF), credit union deposits of up to \$250,000 per member are federally insured by the NCUSIF, a fund that is backed by the full faith and credit of the U.S. government. Higher insurance levels are available to certain types of accounts like joint accounts and trusts. This federal insurance is mandatory for federal credit unions and the vast majority of state-chartered institutions are also insured by the NCUSIF. A relatively small number of credit unions opt for private deposit insurance, which is regulated by state financial regulators. The NCUA, as well as state financial regulators, provide thorough oversight, examination, and supervision of America's 4,912 credit unions.

Historically, bank and credit union deposit insurance levels have been on par with each other. In line with this tradition, the Dodd-Frank Wall Street Reform and Consumer Protection Act raised the maximum deposit insurance amount for both credit unions and banks from \$100,000 to

The Honorable Sherrod Brown
The Honorable Tim Scott
October 19, 2023
Page 4 of 12

\$250,000. It is imperative that if Congress amends the law and increases that coverage, credit union members continue to receive parity with account holders at banks.

In addition, Congress is reportedly considering proposals to provide deposit insurance coverage for business transactional accounts at financial institutions. These accounts have daily balances that fluctuate frequently based on receipts, payments, payroll, and the many other transactions that occur in the normal cycle of business activity. The traditional model of fixed deposit insurance may not be the best way to insure such accounts. Should Congress direct the bank's DIF to provide higher or unlimited coverage to such accounts, the Committee should provide reciprocal instructions pertaining to the NCUSIF. Credit unions have many members with accounts for their small and medium sized businesses. These member businesses enjoy the service and stability of doing business with credit unions. It stands to reason that their transactional business accounts should receive the same coverage as those insured by the FDIC.

Federal Credit Union Act Changes Related to NCUSIF

The equity ratio of the NCUSIF stands at 1.27 percent as of June 30. While this is below the Normal Operating Level (NOL) of 1.33 percent, it is above the 1.20 percent threshold that would require the Board to institute a formal Fund restoration plan. The NCUA staff expects the ratio to remain at 1.27 percent when it is next officially updated at the end of this year.

We urge the Board to refrain from pursuing any premium assessments to address this temporary decline in the equity ratio. The Board is authorized to assess a premium if the equity ratio is below 1.30 percent; however, the premium may only be enough to return the ratio to 1.30 percent.

Some on the NCUA Board have called on Congress to change the Federal Credit Union (FCU) Act to:

- Remove the 1.50 percent statutory ceiling on the Fund's capitalization;
- Permit premium assessments when the Fund's equity ratio exceeds 1.30 percent; and
- Institute a risk-based premium system.

We strongly disagree with each of these suggested amendments, as we believe such drastic changes are unnecessary given the reliability and strength of the NCUSIF over the years. They have argued that such changes would bring the management of the NCUSIF more in line with that of the DIF. While this technically may be accurate, considering the vast differences between federally insured credit unions and banks, we believe such a comparison to be inappropriate.

The Honorable Sherrod Brown
The Honorable Tim Scott
October 19, 2023
Page 5 of 12

Chartering and Field of Membership

Credit unions need the tools and mechanisms to reach new consumers who are not currently being served. The NCUA has identified modernization of the chartering process and field of membership (FOM) requirements as an important piece of its own Advancing Communities through Credit, Education, Stability and Support (ACCESS) Initiative for good reason—the current field of membership process is burdensome, difficult to navigate, and unnecessarily strict. Field of membership is an important part of what makes credit unions unique, but it should not be used as a stricture against healthy credit union growth and improving access to credit unions for underserved communities.

Without regulatory and legislative relief, we are concerned that credit unions will be unnecessarily and unjustifiably obstructed in their ability to invest in appropriate technology and perform in the consumer finance sector, which is increasingly competitive and innovative. The federal charter must keep pace with changes in state laws, technology, and the services and practices of a digital financial services industry. To that end, the NCUA must take every regulatory opportunity to streamline and simplify field of membership requirements to ensure the long-term health and survival of America's credit unions, including through meaningfully incentivizing and facilitating credit union investment in mobile and online technologies.

The FCU Act states that when adding a select group to a multiple common bond credit union's field of membership, the credit union must be "within reasonable proximity to the location of the group whenever practicable and consistent with reasonable standards for the safe and sound operation of the credit union." In the past, the NCUA has interpreted this language to refer to close geographic proximity meaning that the group is within the service area, a 25-mile radius, of one of the credit union's service facilities. However, the development of technology has altered the relationship between geography and proximity significantly, so the NCUA should reconsider its interpretation. We have long maintained that the NCUA needs to either eliminate the service area requirement or alternatively revise the definition of service area to include "facilities that are accessible to groups within the FOM through online services." The NCUA should revise the definition of "service facility" to include an online internet channel or mobile application that otherwise meets the definitions of a service facility, meaning it is capable of accepting shares and loan applications, or disbursing loan proceeds.

Serving underserved populations is inherently aligned with the credit union mission and all credit unions that wish to add underserved areas to their field of membership should be permitted to do so. Too many Americans are unbanked, underbanked, or underserved by financial institutions and do not have the access that they need to financial services. Credit unions stand ready to help with financial literacy education and access to loans and other financial products but are unnecessarily limited in their ability to add underserved areas to their field of membership. We strongly support legislation that would allow all credit unions, regardless of charter type, to add underserved areas to their fields of membership and continue to ask for your support. We

The Honorable Sherrod Brown
The Honorable Tim Scott
October 19, 2023
Page 6 of 12

appreciate the NCUA Board's vocal, bipartisan support of this legislation in the past and look forward to working with the NCUA and Congress to make this extremely necessary amendment to the FCU Act a reality.

Consumer Compliance Examinations

For several years, the NCUA Board has been contemplating a dedicated consumer compliance examination program for large credit unions not yet examined by the Consumer Financial Protection Bureau (CFPB). Specifically, the NCUA recently created additional consumer compliance specialist positions within Examination and Insurance and is looking to build out an enhanced consumer compliance examination program.

We have significant concern around expanding the agency's consumer protection examination activity without sufficient reason to do so. Altering the agency's risk-focused examination process and substantially increasing consumer examination-related expenditures is simply not warranted.

The agency should not pursue such exams for several key reasons:

- As its mission statement makes clear, the NCUA exists chiefly to ensure the safety and soundness of the credit union system. Its examination program should remain focused on that primary objective.
- The NCUA uncovers and cites occasional individual instances of credit union behaviors and member interactions it deems concerning. This suggests the agency already has—through the risk-focused examination process and consumer complaint hotline—the requisite resources and tools in place to investigate, uncover, and evaluate any deficiencies in an individual credit union's consumer compliance program.
- Credit unions are the original consumer financial protectors. The unique credit union member-ownership structure and not-for-profit status establishes powerful incentives that discourage anti-consumer behavior. These underlying characteristics set credit unions apart and encourage strong pro-social and pro-consumer behaviors. They provide a clear and powerful deterrent to anti-consumer behaviors.

Third-Party Vendor/Credit Union Service Organization Authority

Over the past several years, the NCUA Board has continued to push for Congressional amendments to the FCU Act to provide the agency with direct supervisory authority over third-party vendors (TPV) and credit union service organizations (CUSO).

The Honorable Sherrod Brown
The Honorable Tim Scott
October 19, 2023
Page 7 of 12

We strongly disagree with the need for such authority. The NCUA has effectively managed any risk associated with TPVs/CUSOs within the agency's current regulatory authority. Credit unions are required to perform due diligence on their TPV/CUSO relationships, and this due diligence is already subject to supervision by the NCUA. Further, we are concerned with an increase in the agency's budget that will certainly be required to obtain/train qualified examiners.

We understand there may be limited instances where the NCUA's involvement is warranted for supervising critical TPVs/CUSOs that present material risks to the credit union system. Specifically, while it may be appropriate in limited circumstances for the NCUA to have authority over Bank Secrecy Act (BSA)-related service providers and cybersecurity service providers, we oppose the NCUA having unlimited authority to supervise all TPVs/CUSOs. As such, we oppose legislative changes aimed at establishing NCUA authority in this area.

Federal Credit Union Loan Interest Rate Cap

At its January 2023 meeting, the NCUA Board decided to maintain the FCU loan interest rate ceiling at 18 percent, where it has been since 1987. Absent Board action, the rate would have reverted to 15 percent. The rate will remain at 18 percent through September 10, 2024, unless the Board acts prior to then. The Board made clear that it has the authority to revisit the 18 percent cap prior to its expiration in 2024, particularly if economic conditions warrant doing so.

Further, in response to advocacy from the credit union industry, the Board has broached the subject of moving to a floating cap. At the April 2023 NCUA Board meeting, the NCUA's Office of General Counsel (OGC) stated that it is "reasonable to interpret the FCU Act to permit a floating interest rate ceiling." While the Board has raised concerns with a floating cap, the OGC's assessment is the first major hurdle. We will continue to ask the Board to consider a floating cap, for example equal to a 15 percent or greater spread above the Prime Rate, which could allow credit unions to better navigate the current interest rate environment and more fully serve their communities.

We continue to urge the Board to remain vigilant with regard to the interest rate ceiling. Congress should ensure the NCUA is monitoring the broader interest rate environment to determine whether the fixed cap should be increased beyond 18 percent to 21 percent prior to September 2024. The NCUA Board has a fiduciary responsibility to protect and support the credit union system's safety and soundness by remaining responsive to current economic conditions. Raising the permissible interest rate ceiling can ensure that credit unions are able to continue to step in and provide affordable and safe lending to those who may not otherwise qualify for certain loans in a rising rate environment.

The Honorable Sherrod Brown
The Honorable Tim Scott
October 19, 2023
Page 8 of 12

Extended Examination Cycle

Efforts to extend the examination cycle for certain credit unions have been positive, particularly for credit unions for which a 12-month cycle was clearly unnecessary. Since banks are provided an extended examination cycle, credit unions are now at a comparative disadvantage. Section 210 of the Economic Growth, Regulatory Relief, and Consumer Protection Act made qualifying banks with up to \$3 billion in assets eligible for an 18-month onsite exam cycle. The NCUA already had authority in this area, and thus was not included in this section. However, the agency has failed to fully act on its existing authority. As a consequence, banks now have greater exam flexibility despite credit unions generally having less complex balance sheets. The NCUA should reconsider its own exam cycle eligibility policy to align with the changes adopted by the other banking agencies. To better achieve the NCUA's goal of reducing burdens on credit unions during the exam process, future exams should be deployed on an 18-month or longer extended cycle for all low-risk, well-run credit unions under \$3 billion in assets, in line with the flexibility currently in place for banks.

Central Liquidity Facility

Statutory Enhancements

We support enhancing the NCUA's Central Liquidity Facility (CLF) by, among other things, allowing corporate credit unions to act as agents for smaller (under \$250 million in assets), non-CLF member credit unions. This important provision was temporarily enacted under the Coronavirus Aid, Relief and Economic Security (CARES) Act and made it easier for smaller credit unions to access emergency liquidity during the pandemic. Amending the FCU Act to implement this change would be an invaluable and necessary lifeline for smaller credit unions, most of which are not CLF members. As some banks face liquidity problems in these turbulent times, Congress should act now on this provision in the event that a wider crisis develops that might impact the liquidity of America's credit unions.

Operational Issues

The CLF is intended to improve general financial stability by meeting the liquidity needs of credit unions. Per the FCU Act, and NCUA's regulations, *liquidity needs* covers a range of needs, including short-term credit, seasonal credit, and protracted credit needed for unusual or emergency circumstances. While we understand the CLF is intended to be a backup source of liquidity, we believe it could be utilized by more credit unions with greater frequency if the process to access liquidity (*i.e.*, membership application and request of an advance) were more streamlined and responses to requests were more timely.

The Honorable Sherrod Brown
The Honorable Tim Scott
October 19, 2023
Page 9 of 12

Understanding there are statutory provisions that limit the agency's ability to modify certain aspects of the CLF (*e.g.*, capital stock subscription requirement), we ask the NCUA to review Part 725 of its regulations to assess where it can streamline and improve the process overall.

Credit unions often point to the Federal Reserve's Discount Window as an easier/quicker way to access liquidity. Again, the FCU Act includes certain constraints related to the extension of credit not applicable to the Discount Window, such as that there must be a valid liquidity need and the credit union must be creditworthy. However, the NCUA can improve certain aspects of the process of receiving funds from the CLF, such as the timing involved. When a credit union experiences an unexpected need for liquidity, time is of the essence. The FCU Act requires the NCUA to approve or deny an application within five working days. Five, or even up to eight days depending on weekends and holidays, can be a prohibitively long period to learn whether a funding request has been approved. This delay can force credit unions to instead pursue other liquidity sources, particularly when sources such as the Discount Window can provide a credit union with same-day liquidity. As such, we ask the NCUA to consider—consistent with the FCU Act—shortening the five-day window provided in Part 725 to two days.

Climate-Related Financial Risk

A priority of the current NCUA Board is related to climate issues. In 2021, the Biden Administration directed the financial regulators to consider climate-related risk. Subsequently, the Financial Stability Oversight Council (FSOC) released a report on climate-related financial risk, which offered extensive latitude in how member agencies may choose to examine the topic. While several other federal financial regulators have begun to explore the topic of climate-related financial risk, their draft guidelines apply to only the largest covered institutions.

The NCUA recently issued a request for information on climate-related financial risk, focusing on current and future climate and natural disaster risks to credit unions, related entities, their members, and the NCUSIF. While we agree that climate risk is an area of risk for the agency to monitor, we wholeheartedly oppose any subsequent regulatory activity that would establish mandatory reporting procedures for credit unions or to otherwise prevent credit unions—directly or indirectly—from continuing to make independent business decisions as they deem most appropriate in order to serve their members. The NCUA is not and should not be a climate regulator. The NCUA should continue to work with the other FSOC members to monitor climate risk; however, in short, we believe that the NCUA and other regulators should not take action without Congress acting first in this area.

Digital Assets and Emerging Technologies

The NCUA should issue guidance allowing credit unions to offer custodial services or wallets to credit union members. More information on how credit unions can offer cryptocurrency services directly is necessary to maintain parity with other financial institutions.

The Honorable Sherrod Brown
The Honorable Tim Scott
October 19, 2023
Page 10 of 12

Further, the NCUA should add digital asset related services to the list of preapproved permissible activities of CUSOs to allow them to provide cryptocurrency related services, such as facilitating a member's buying, holding, selling, transferring, and exchanging of digital assets. Additionally, we encourage the NCUA to adopt a form-agnostic approach to assessing credit unions' adoption of digital assets and related technologies and to develop a digital asset adoption sandbox or pilot program in which credit unions and the NCUA may prudently explore more novel digital asset use cases without significant compliance risks. The NCUA's new Office of Financial Technology and Access should quickly establish a transparent program to offer solutions to credit unions seeking to experiment with the implementation of new technologies to streamline and improve their processes and procedures. These sandboxes and tech sprints should be available not only in the adoption of digital assets but also more broadly to other emerging technologies.

The NCUA, as a member of the FSOC, needs to engage with FSOC members, the President's Working Group, and other interagency working groups on digital assets to ensure the interests of credit unions are strongly represented. It is imperative that the NCUA and the credit unions it supervises have a seat at the table when it comes to developing a regulatory framework for the use of digital assets and other emerging technologies.

Minority Depository Institutions

MDI preservation is critical to ensuring continued access to fair and affordable financial services in communities of color. Although the market size for the credit union industry in the United States has grown 5.2 percent per year on average between 2017 and 2022, until recently, the share of MDI credit unions had been steadily declining. From 2012–2021 the number of MDI credit unions dropped by 38 percent, a result of decades of underinvestment combined with a more difficult process for new charters. Recently, the number of MDIs has stabilized at about 500 institutions, and the NCUA's ongoing commitment to MDI preservation and creation will help ensure MDI credit unions have the resources and supports needed to continue to serve their communities effectively.

Because MDIs focus on serving the communities whose residents have been systematically denied opportunities to build generational wealth, MDI credit unions are under-resourced when compared to similarly situated non-MDI credit unions and face many of the same structural and institutional barriers their members face. The size of the average MDI credit union clearly illustrates this disparity. The average MDI credit union had \$128 million in assets in 2022, compared to the average low-income designated credit union's more than \$410 million in assets. The typical MDI's small size and role serving an under-resourced community presents numerous operational challenges. In addition, many MDI credit unions are subject to restrictive state or local policies that, for example, prohibit credit unions from accepting state or municipal deposits, eliminating a key source of non-member deposits for MDI credit unions that banks regularly take advantage of. Although state and local policy is outside of the NCUA's purview, it is important

The Honorable Sherrod Brown
The Honorable Tim Scott
October 19, 2023
Page 11 of 12

that NCUA staff and leadership are aware of the pervasive structural barriers MDI credit unions face.

Despite these challenges, MDI credit unions achieve deep impact in their communities by opening accounts for people who have been excluded from the mainstream financial system, offering innovative, personalized products and services to meet their members' needs, and maintaining deep ties with their communities. They are often the only source of safe and affordable credit for their membership and excel at helping their members refinance high-cost predatory debt. MDI credit unions regularly lend to members with credit scores far below prime (often less than 540) and "credit invisibles," those without credit scores or thin files. MDIs help their members build credit and access a broad range of financial products and services.

Given the crucial role MDI credit unions play in their communities, we are encouraged by the NCUA's increased and vocal commitment to supporting and preserving MDI credit unions. As the NCUA builds on its efforts to date, the agency should increase its support for MDI credit unions by deepening its engagement with MDI credit unions and the organizations that support them, improving the accessibility and usefulness of its key MDI programming efforts, and continuing to improve the examination process and compliance support for MDIs. In addition, the NCUA should play an active role in promoting MDI credit unions and ensuring they have the opportunity to participate fully in and on equal footing with MDI banks in both federal and private initiatives designed to support MDIs.

Coordination with Other Regulators

We emphasize the importance of the NCUA's continued coordination with other federal regulatory agencies. As the prudential regulator and federal insurer, the NCUA retains oversight over the vast majority of a credit union's operations. However, there are other agencies that examine and/or regulate credit union operations, such as the CFPB in regard to certain consumer financial protection laws and regulations and the Community Development Financial Institutions (CDFI) Fund at Treasury with respect to credit union CDFIs. It is critical that the NCUA work closely with these and all agencies affecting credit union operations.

Conclusion

On behalf of America's credit unions and their more than 138 million members, thank you for holding this important hearing. It is critical that the Committee understand the immense pressure credit unions—large and small—are under in terms of compliance and operational challenges. This is evident by the small ongoing consolidation within the industry. Similarly, the NCUA Board must appreciate the risks to the industry and take appropriate action to ensure its ongoing viability.

The Honorable Sherrod Brown
The Honorable Tim Scott
October 19, 2023
Page 12 of 12

Unlike other sectors of the financial services industry, credit unions embody the collaborative, *people helping people* philosophy. As such, we urge this Committee and the NCUA Board to work with the credit union industry to pursue an approach, both legislatively and regulatorily, aimed at ensuring credit unions can continue to serve their millions of members across the country.

Sincerely,



Jim Nussle
President and CEO
Credit Union National Association



Dan Berger
President and CEO
National Association of Federally-Insured Credit Unions

cc: Members of the Senate Banking, Housing and Urban Affairs Committee



October 19, 2023

Senator Sherrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

Re: Nomination of Tanya F. Otsuka to be a Member of the National Credit Union Administration Board (PN1045)

Dear Esteemed Senators:

Essential Credit Union is pleased to submit this letter of endorsement to express our strong support of the nomination of Tanya Otsuka to the National Credit Union Administration (NCUA) Board. Tanya is an outstanding nominee to serve on the NCUA Board. She has deep knowledge of and experience in strengthening the financial system, and a proven track record of advancing consumer protection and deepening financial inclusion and equity. Her legislative experience working on the Senate Committee on Banking, Housing and Urban Affairs as well as her legal and regulatory background make her extremely well qualified to help shape the future legal and regulatory landscape for credit unions.

Essential Credit Union is a state chartered and federally insured credit union with \$390 million in assets servicing the Baton Rouge, Louisiana metropolitan area. As a certified Community Development Financial Institution (CDFI) with over 40,000 members, Essential work diligently to meet the financial needs of low to moderate income members.

We appreciate Tanya's work to raise the visibility of credit unions, remove barriers to growth, and support credit unions in deepening their impact in the communities they serve. Her thoughtful approach to this work and strong focus on the financial well-being of credit union members will make her an asset to the NCUA Board and an effective leader in the credit union system.

The credit union movement as a whole will be well-served by Tanya's leadership in NCUA. We are pleased to wholeheartedly support this nomination. Please do not hesitate to reach out with questions or for additional information.

Sincerely,

Richard Williams, Jr.
President CEO





October 16, 2023

Senator Sherrod Brown
Chairperson, Senate Committee on Banking, Housing and Urban Affairs
Hart Senate Office Building, Room 503
Washington, DC

Sent via electronic mail

Dear Chairperson Brown and Members of the Committee:

I am writing in support of the nomination of Tanya Otsuka to the Board of the National Credit Union Administration.

Ms. Otsuka possesses extensive legal, legislative and regulatory expertise, integrating both financial institution oversight supervision and constructing lawmaking responses. In assisting in crafting legislative text, Ms. Otsuka's actions during the Covid-19 crisis demonstrated that she works in a bi-partisan manner advocating for consumer protection, supporting small business, and ensuring financial stability. Ms. Otsuka seeks input from those advocating on behalf of consumers, but also considers varying industry viewpoints. This even-handed approach challenges legislators, trade and community groups, and financial institutions to derive holistic solutions that result in fairness and stability.

As CEO of a group of mutual banks and having held various trade group leadership positions, I can assure you that Ms. Otsuka's attention to detail, experience, accessibility, and work ethic will provide the stewardship that this position requires.

Should you or any member of the Committee require additional information, feel free to contact me at (216) 798-8708

Sincerely,

A handwritten signature in dark ink, appearing to read 'Thomas J. Fraser', is written over a light blue horizontal line.

Thomas J. Fraser
President & CEO
First Mutual Holding Co.



October 16, 2023

Senator Sherrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

Re: Nomination of Tanya F. Otsuka to be a Member of the National Credit Union Administration Board (PN1045)

Dear Esteemed Senators:

Granite Credit Union is pleased to submit this letter of endorsement to express our strong support for the nomination of Tanya Otsuka to the National Credit Union Administration (NCUA) Board. Tanya is an outstanding nominee to serve on the NCUA Board. She has deep knowledge of and experience in strengthening the financial system, and a proven track record of advancing consumer protection and deepening financial inclusion and equity. Her legislative experience working on the Senate Committee on Banking, Housing and Urban Affairs as well as her legal and regulatory background make her extremely well qualified to help shape the future legal and regulatory landscape for credit unions.

Granite Credit Union has been open for 90 years and we serve the underserved in ten Utah counties. Our products and services are very competitive so they can make their lives happen.

We appreciate Tanya's work to raise the visibility of credit unions, remove barriers to growth, and support credit unions in deepening their impact in the communities they serve. Her thoughtful approach to this work and strong focus on the financial well-being of credit union members will make her an asset to the NCUA Board and an effective leader in the credit union system.

The credit union movement will be well-served by Tanya's leadership in NCUA. We are pleased to wholeheartedly support this nomination. Please do not hesitate to reach out with questions or for additional information.

Sincerely,

Ileana McDonald
Director of Community Relations
801-288-3082



2019 Galisteo St., Sta. K-1, Santa Fe, NM 87505 - GuadalupeCU.org - 505.962.6942

October 19, 2023

Senator Sherrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

Re: Nomination of Tanya F. Otsuka to be a Member of the National Credit Union Administration Board (PN1045)

Dear Esteemed Senators:

Guadalupe Credit Union is pleased to submit this letter of endorsement to express our strong support of the nomination of Tanya Otsuka to the National Credit Union Administration (NCUA) Board. Tanya is an outstanding nominee to serve on the NCUA Board. She has deep knowledge of and experience in strengthening the financial system, and a proven track record of advancing consumer protection and deepening financial inclusion and equity. Her legislative experience working on the Senate Committee on Banking, Housing and Urban Affairs as well as her legal and regulatory background make her extremely well qualified to help shape the future legal and regulatory landscape for credit unions.

Guadalupe Credit Union serves seven northern counties in New Mexico. We are a Community Development Financial Institution and are Low Income Designated. We have served our area for 75 years to empower our diverse citizens with fair and affordable financial services.

We appreciate Tanya's work to raise the visibility of credit unions, remove barriers to growth, and support credit unions in deepening their impact in the communities they serve. Her thoughtful approach to this work and strong focus on the financial well-being of credit union members will make her an asset to the NCUA Board and an effective leader in the credit union system.

The credit union movement as a whole will be well-served by Tanya's leadership in NCUA. We are pleased to wholeheartedly support this nomination. Please do not hesitate to reach out with questions or for additional information.

Sincerely,

Diane Sandoval-Griego



Hope Credit Union
4 Old River Place | Jackson, Mississippi 39202
601-944-1100 | www.hopecu.org

October 17, 2023

The Honorable Sherrod Brown
Chairman
U.S. Senate Committee on Banking, Housing and Urban Affairs
534 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tim Scott
Ranking Member
U.S. Senate Committee on Banking, Housing and Urban Affairs
534 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Brown and Ranking Member Scott:

I am writing to support the nomination of Tanya Otsuka to the National Credit Union Administration (NCUA) Board of Directors. I have spent nearly four decades in the credit union field, serving as a founding board member of Self-Help Credit Union, managing programs that provided financial and technical assistance to dozens of minority credit unions in North Carolina, and serving the past 28 years as CEO of Hope Credit Union, one of the nation's largest Black and women-owned financial institutions. Ms. Otsuka is well qualified for the position, and credit unions and their members would benefit greatly from her service on NCUA's Board of Directors.

I had the opportunity to work with Ms. Otsuka in advance of testifying before this committee's hearing titled "An Economy that Works for Everyone: Investing in Rural Communities." During the preparation for the hearing, Ms. Otsuka's informed and insightful questions demonstrated a strong understanding of the financial service issues affecting under resourced communities. She also exhibited a "member first" mindset, understanding that policy recommendations should be anchored in increasing access to responsibly structured financial services that advance economic mobility. I am confident that she will bring this ethos to the board of directors and hold credit unions to this standard.

As counsel for the U.S. Senate Committee on Banking, Housing and Urban Affairs, Ms. Otsuka has developed a substantial network of colleagues in Washington, DC and across the country, with diverse points of view. This network will prove to be a vital asset as she contemplates and forges positions on matters before the NCUA Board. This post also exposed her to an extensive range of issues affecting credit unions and the financial service industry more broadly which positions her well to analyze questions before her through multiple dimensions.

In light of her qualifications, I ask the committee to support the nomination of Tanya Otsuka.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Bynum".

William J Bynum
Chief Executive Officer



October 19, 2023

Senator Sherrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

Re: Nomination of Tanya F. Otsuka to be a Member of the National Credit Union Administration Board (PN1045)

Dear Esteemed Senators:

It is our great privilege to submit this strong letter of endorsement in support of the nomination of Tanya Otsuka to the National Credit Union Administration (NCUA) Board. Tanya is an outstanding nominee to serve on the NCUA Board. She has deep knowledge of and experience in strengthening the financial system, and a proven track record of advancing consumer protection and deepening financial inclusion and equity. Her legislative experience working on the Senate Committee on Banking, Housing and Urban Affairs as well as her legal and regulatory background make her supremely qualified to help shape the future legal and regulatory landscape for credit unions.

Inclusiv is a national network and certified CDFI committed to helping low- and moderate-income individuals and communities achieve financial independence through credit unions. Inclusiv channels capital, makes connections, builds capacity, develops innovative programming, and raises visibility for community development credit unions (CDCUs) and the communities they serve. As community-controlled not-for-profit financial cooperatives, CDCUs reinvest member savings and outside capital into affordable loans to consumers, homeowners and small business. All earnings remain in the community.

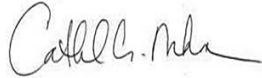
The Inclusiv Network serves more than 18 million residents of low-income communities across the U.S. through close to 500 CDCUs with collective assets of more than \$260B. More than 50% of Inclusiv Network members are led by and serving majority communities of color. All Inclusiv members are committed to promoting financial inclusion and building wealth for people and households underserved by the financial system.

Inclusiv and its members have had the opportunity to work with Tanya over the past few years on matters relating to raising the visibility of credit unions, removing barriers to growth and the ability serve their communities, and advancing opportunities to expand capital and investment

to fuel growth and deepen their impact in communities that need them most. We have found Tanya to have a thoughtful approach, asking questions to deepen her understanding while bringing her subject matter expertise and context to the issues we raise. She has supported Inclusiv members in navigating government agencies and supports a member-first approach to ensuring a level playing field to build and expand credit union business models.

The credit union movement as a whole will be well-served by Tanya's leadership in NCUA. We are pleased to wholeheartedly support this nomination. Please do not hesitate to reach out with questions or for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathleen A. Mahon". The signature is fluid and cursive, with the first name being the most prominent.

Cathleen A. Mahon
President and CEO
Inclusiv



October 19, 2023

Senator Sherrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

Re: Nomination of Tanya F. Otsuka to be a Member of the National Credit Union Administration Board (PN1045)

Dear Esteemed Senators:

Mutual Security Credit Union is pleased to submit this letter of endorsement to express our strong support of the nomination of Tanya Otsuka to the National Credit Union Administration (NCUA) Board. Tanya is an outstanding nominee to serve on the NCUA Board. She has deep knowledge of and experience in strengthening the financial system, and a proven track record of advancing consumer protection and deepening financial inclusion and equity. Her legislative experience working on the Senate Committee on Banking, Housing and Urban Affairs as well as her legal and regulatory background make her extremely well qualified to help shape the future legal and regulatory landscape for credit unions.

At Mutual Security Credit Union, we are dedicated to serving the financially vulnerable. We have successfully helped this population for the past 70 years and have always been supported by the NCUA. Having Ms. Otsuka on the board, with her rich experience and dedication will only be as asset the NCUA.

We appreciate Tanya's work to raise the visibility of credit unions, remove barriers to growth, and support credit unions in deepening their impact in the communities they serve. Her thoughtful approach to this work and strong focus on the financial well-being of credit union members will make her an asset to the NCUA Board and an effective leader in the credit union system.

The credit union movement as a whole will be well-served by Tanya's leadership in NCUA. We are pleased to wholeheartedly support this nomination. Please do not hesitate to reach out with questions or for additional information.

Sincerely,

Henry T Baum- President/CEO Mutual Security Credit Union



Member-Owned Financial Institution
Minority Depository Institution
Certified Community Development Financial Institution
1185 Boston Rd. Bronx, NY 10456 • 718-328-3930



New Covenant Dominion Federal Credit Union,
doing business under the trade name New Covenant
Dominion Credit Union, is a federally chartered credit
union with share insurance provided by the NCUA.
www.newcovenantcu.org

NEW COVENANT DOMINION
CREDIT UNION

October 19, 2023

Senator Sherrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

Re: Nomination of Tanya F. Otsuka to be a Member of the National Credit Union Administration Board (PN1045)

Dear Esteemed Senators:

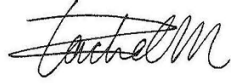
New Covenant Dominion FCU is pleased to submit this letter of endorsement to express our strong support of the nomination of Tanya Otsuka to the National Credit Union Administration (NCUA) Board. Tanya is an outstanding nominee to serve on the NCUA Board. She has deep knowledge of and experience in strengthening the financial system, and a proven track record of advancing consumer protection and deepening financial inclusion and equity. Her legislative experience working on the Senate Committee on Banking, Housing and Urban Affairs as well as her legal and regulatory background make her extremely well qualified to help shape the future legal and regulatory landscape for credit unions.

New Covenant Dominion FCU is a Minority Depository, Low-Income Designated, Community Development Financial Institution that has been serving the New York City area since 2007. Our mission is thrift, education, and wealth. We provide financial services to the unbanked and underbanked communities of color and have about 500 members and \$2.5 million in community owned assets.

We appreciate Tanya's work to raise the visibility of credit unions, remove barriers to growth, and support credit unions in deepening their impact in the communities they serve. Her thoughtful approach to this work and strong focus on the financial well-being of credit union members will make her an asset to the NCUA Board and an effective leader in the credit union system.

The credit union movement as a whole will be well-served by Tanya's leadership in NCUA. We are pleased to wholeheartedly support this nomination. Please do not hesitate to reach out with questions or for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel M", written in a cursive style.

Rachel Macarthy
CEO

**NORTHEAST COMMUNITY FCU
127 WAVERLY PLACE
SAN FRANCISCO CA 94108
(415)434-0738**

October 17, 2023

Senator Sherrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

**Re: Nomination of Tanya F. Otsuka to be a Member of the
National Credit Union Administration Board (PN1045)**

Dear Esteemed Senators:

Northeast Community Federal Credit Union (NECFCU) is pleased to submit this letter of endorsement to express our strong support of the nomination of Tanya Otsuka to the National Credit Union Administration (NCUA) Board. Tanya is an outstanding nominee to serve on the NCUA Board. She has deep knowledge of and experience in strengthening the financial system, and a proven track record of advancing consumer protection and deepening financial inclusion and equity. She will also bring the perspectives of underserved and disadvantaged Asian American and Pacific Islander(AAPI) consumers and families who as a whole have been historically underserved and underrepresented regarding their access to equitable lending and financial services.

Her legislative experience working on the Senate Committee on Banking, Housing and Urban Affairs as well as her legal and regulatory background make her extremely well qualified to help shape the future legal and regulatory landscape for credit unions. Particularly, as we begin to connect and expand digital financial services to meet the unmet financial service needs of AAPI and Hispanic populations with Limited English Proficiencies.

As Community Development Credit Unions (CDCUs), our mission has always been to serve low-income and disadvantaged communities (LIDAC) and specialize in serving populations with limited access to safe financial services.

Organized by small savers, borrowers, and community activists in the Chinatown community, NECFCU was chartered as a CDCU in 1981, and today it is a CDFI certified Community Development Financial Institution, a Minority Depository Institution, and Low-Income Designated Credit Union that has been serving its members within the San Francisco Bay Area and wherever they reside, work or have associational ties with NECFCU. Our mission is to serve financially underserved and historically neglected Low to Moderate Income (LMI) communities who are culturally diverse and who have Limited English Proficiencies (LEP) within our Field of Membership. We provide financial services to

many underserved and financially vulnerable LMI members in our distressed disadvantaged communities, such as the Tenderloin, Bayview and Chinatown neighborhoods of San Francisco and to our members within several financial deserts in Northern California. With over 1,300 members and with over \$15 million in community owned assets, NECFCU is continuing to target the unmet needs of its members and disadvantaged residents by providing and adapting its lending and financial services to be more accessible and relevant through our online banking and tri-lingual mobile ap, which provides financial services in English, Spanish and Chinese.

This is why we applaud and appreciate Tanya's work to raise the visibility of credit unions, remove barriers to growth, and to support credit unions in deepening their impact in the communities they serve. Her thoughtful approach to this work and strong focus on the financial well-being of credit union members will make her an asset to the NCUA Board and an effective leader in the credit union system.

The credit union movement as a whole will be well-served by Tanya's leadership and fresh perspectives in NCUA. We are pleased to wholeheartedly support this nomination. Please do not hesitate to reach out with questions or for additional information.

Sincerely,



Michael A. Chan
Chair of the Board of Directors



October 10, 2023

The Honorable Sherrod Brown, Chair
The Honorable Tim Scott, Ranking Member
U.S. Senate Committee on Banking, Housing, and Urban Affairs
Washington, D.C. 20510

Dear Chair Brown and Ranking Member Scott:

I write this letter in support of Ms. Tanya Otsuka to be a member of the National Credit Union Administration (NCUA) board. Her experience, applicable knowledge and willingness to consider all views makes Ms. Otsuka very qualified for this post.

The Ohio banking industry has worked with Ms. Otsuka since she joined committee staff in 2020 and has enjoyed the opportunities to collaborate with her. During her time with the Chair, she was always approachable, hardworking and helpful. Ms. Otsuka worked especially collaboratively with the OBL during the COVID 19 pandemic, ensuring banking public policy balanced safety and soundness while ensuring Ohio banks had the flexibility to work with their individual customer's needs.

Ms. Otsuka has worked on an noteworthy portfolio of issues and her ability to learn the breadth and depth of complex interconnected policy concerns is imperative for her role at the NCUA. Be it policy on credit unions, insurance and securities to government-sponsored enterprises, cybersecurity, small business finance or housing, Ms. Otsuka will have plenty to offer.

While we may have differed on specific policy decisions, Ms. Otsuka always did her homework and gave OBL and other interested parties a fair shake. She welcomes a diversity of views and I am grateful for the genuine opportunity she always gave the OBL and our member institutions to be heard in her efforts to shape policy. Furthermore, Ms. Otsuka's interest in public service is to be applauded. We need more experienced professionals with drive and passion in these important government positions.

In conclusion, OBL supports the nomination of Ms. Otsuka to be a member of the NCUA board. She is a likeable, hard-working professional who takes her responsibilities seriously to be an effective public servant and no less is to be expected in this important leadership post.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Adelman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael J. Adelman
President & CEO



October 16, 2023

Senator Sherrod Brown
Chair
Senate Banking Committee
U.S. Senate
Washington, DC

Senator Tim Scott
Ranking Member
Senate Banking Committee
U.S. Senate
Washington, DC

Re: Nomination of Tanya F. Otsuka to the National Credit Union Administration Board (PN1045)

Dear Chairman Brown and Ranking Member Scott:

Self-Help is pleased to submit this letter of endorsement to express our strong support for the nomination of Tanya Otsuka to the National Credit Union Administration Board. Ms. Otsuka is an exceptional candidate for selection to the NCUA Board.

Self-Help includes two credit unions, both of which are low-income designated credit unions, certified community development financial institutions (CDFIs), and minority depository institutions. Self-Help Credit Union serves 90,000 members out of 37 branches in North Carolina, South Carolina, Florida and Virginia, with \$1.75 billion in assets. Self-Help Federal Credit Union serves 100,000 members across 34 branches in California, central Washington, greater Chicago and Milwaukee and has \$2 billion in assets. Self-Help has a number of charitable non-profit affiliates, including the Center for Responsible Lending, a national non-partisan, nonprofit research and policy advocacy organization working to promote financial fairness and economic opportunity for all, end predatory lending, and close the racial wealth gap. The Self-Help family of organizations have a shared mission of promoting and protecting ownership and economic opportunity for all. Self-Help has loaned out \$11 billion over the past 40 years, helping over 160,000 borrowers purchase homes, grow businesses and nonprofits, purchase affordable autos to get to work and build their credit.

Ms. Otsuka has deep knowledge of and experience in strengthening the financial system, and a proven track record of advancing consumer protection and deepening financial inclusion and equity. Her legislative experience working on the Senate Committee on Banking, Housing and Urban Affairs as well as her legal and regulatory background make her particularly qualified to help shape the future legal and regulatory landscape for credit unions.

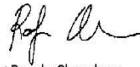
We appreciate Ms. Otsuka's work to raise the visibility of credit unions, remove barriers to responsible, impactful growth, and support credit unions in deepening their impact in the

301 West Main Street, Durham, NC 27701
P.O. Box 3619, Durham, NC 27702-3619
Tel: 919.956.4400 / Fax: 919.956.4600
www.self-help.org

communities they serve. Ms. Otsuka recognizes that credit unions exist to strengthen the well-being of their members. This will make her an asset to the NCUA Board and an effective leader in the credit union system.

Credit union members will be well-served by Ms. Otsuka's leadership at NCUA, which is why Self-Help is excited to support her nomination. Please do not hesitate to reach out with questions or for additional information. I can be reached at 919-956-4463 or via email at randy@self-help.org.

Sincerely,



Randy Chambers
President
Self-Help Credit Union

**“THE NCUA MUST STEP UP FOR OVERSEAS SERVICEMEMBERS”,
CREDIT UNION TIMES, BY MARY MCDUFFIE**

Credit Union Times

NOT FOR REPRINT

Click to print or Select 'Print' in your browser menu to print this document.

Page printed from: <https://www.cuitimes.com/2023/10/23/the-ncua-must-step-up-for-overseas-servicemembers/>

The NCUA Must Step Up for Overseas Servicemembers

Navy Federal extends support for the Overseas Military Banking Program and urges the NCUA to do the same.

By **Mary McDuffie** | October 23, 2023



Credit/AdobeStock

When servicemembers are overseas, the government should have their backs. Whether it's housing or medical care, our servicemembers deserve the highest level of support the U.S. can offer. Unfortunately, a recent NCUA decision leaves our deployed soldiers and their families vulnerable and without basic, decades-long financial protections.

After World War II, the Department of Defense (DoD) established the Overseas Military Banking Program (OMBP), also known as Community Bank, to provide financial services to servicemembers, their families and military commands at 60 overseas military installations. Despite its name, OMBP is not a bank. Rather, it is a DoD program that supports the unique financial needs of the overseas military: Local currency exchange, deposits, loans and cash for commissaries, other financial institutions and military efforts.

Effective next year, a big bank will end its decades of support for this program. But when banks step out, credit unions step in.

Navy Federal Credit Union has served the financial needs of the military, veterans and their families, whether at home or overseas, for more than 90 years. That is why Navy Federal felt compelled to respond when the DoD came to a recent Defense Credit Union Council conference to encourage credit unions to submit proposals to operate the OMBP.

Our long track record of serving the military overseas made Navy Federal the perfect partner for this mission-critical program. We did not choose to bid on OMBP to compete with credit unions; we stand with other credit unions and are motivated by our collective mission of service to the military. We were delighted when, last month, the DoD awarded Navy Federal the OMBP contract, even though it means we are precluded from promoting our own products and services at Community Bank. Our sole mission is to serve those who serve.

As Jim Nussle of CUNA and Dan Berger of NAFUCU said, "This is a historic opportunity for Navy Federal and the credit union industry." They highlighted a time-proven pattern: Banks pull out of underserved communities, and credit unions step in to "answer the call of service."

While Navy Federal stepped up to serve, the NCUA – the government agency specifically created to insure credit union deposits – has yet to do the same. The NCUA has declined to extend deposit insurance to the OMBP accounts. Under the law (<https://www.law.cornell.edu/uscode/text/12/1783#:-:text=-12%20U.S.%20Code%20%2%A7%201783%20D9U.S.%20Code&text=There%20is%20hereby%20create.d%20in,the%20purposes%20of%20this%20subchapter.>), the NCUA can insure any credit union activity it "may determine to be proper," but somehow, it has not found it "proper" to provide insurance to a DoD program that supports deployed overseas servicemembers and their commands. And this program is already backed by the government, with practically zero risk of loss.

Deposit insurance is the government's commitment to account holders that their money is safe up to a certain amount. For both banks and credit unions, it's currently \$250,000.00 per account. The NCUA's counterpart on the banking side, the FDIC, has extended insurance to OMBP accounts for decades without issue. The NCUA can and should do the same.

It is rare that we see resistance to our mission-driven efforts that we are experiencing from the NCUA. Without a committed insurance partner in this OMBP endeavor, the NCUA is going to leave servicemembers and their families overseas without the financial support that they deserve. As this population has sacrificed so much for us, we must, at minimum, provide them with the basic protections to which they are entitled.

Navy Federal is honored to support this vital military program and is committed to bringing our world-class service to the servicemembers who need it. We urge the NCUA to change its mind and step up to meet its mission.

Mary McDuffie is President/CEO of the \$165.2 billion Navy Federal Credit Union in Virginia, Va.



Mary McDuffie