



January 11, 2022

*Via Electronic Mail*

Chairman McWilliams  
Federal Deposit Insurance Corporation  
550 17th Street, NW  
Washington, DC 20429

Director Martin J. Gruenberg  
Federal Deposit Insurance Corporation  
550 17th Street, NW  
Washington, DC 20429

Acting Comptroller Hsu  
Office of the Comptroller of the Currency  
400 7th Street, SW  
Washington, DC 20219

Director Rohit Chopra  
Consumer Financial Protection Bureau  
1700 G Street, NW  
Washington, DC 20552

Re: Hold on New Rules and Regulations until Member of Minority Party is Seated

Members of the Board of Directors of the Federal Deposit Insurance Corporation:

Since its inception, members of the Board of Directors (Board) of the Federal Deposit Insurance Corporation (FDIC) with opposing political views have proudly worked together to ensure the agency's mission of maintaining stability and public confidence in our financial system. The Board has throughout its history worked to take into consideration the will of differing ideologies, regardless of which political party has been the majority or minority, and it is essential the voice of the political minority continues to be heard. The very basis of the United States' political structure is generally majority rule, but with key protections of minority rights. Diverse ideological representation is one of these protections for ensuring no voice in the United States is outright silenced and unrepresented.

**In light of Chairman Jelena McWilliams, as the sole member of the FDIC representing the views of the minority, announcing her decision to resign effective February 4, 2022, it is vital the Board avoid passing any new rules or regulations until a Board member representing the minority party is seated. To do otherwise would flaunt the foundational bedrock of our democracy.**

We also encourage the Biden administration to expeditiously nominate, and the Senate to confirm, a qualified candidate who will represent the minority party as soon as possible. The representation of majority and minority views together is essential for the proper functioning of the FDIC in ensuring the strength and resiliency of the United States banking system by providing crucial checks and balances, which is why our system is viewed as the gold standard around the world.

Indeed, ideological diversity on the Board is statutorily required, and has been preserved even as the composition of the Board has evolved since the FDIC's inception.<sup>1</sup> To our knowledge, there has only been one brief instance of the Board operating with only three members all representing the same political party: for a period of seven days in April 2012, during which no major rules or regulations were issued. Failure to nominate and confirm a Board member to represent the minority party would be a dangerous and radical break from nearly one-hundred years of minority representation and from our country's ideals.

Ensuring a diverse ideological representation has been one of the essential checks and balances on majority action. While the minority perspectives may not necessarily win, they should always be heard. The Board promulgating new rules and regulations with only three members, all representing the same political party, would be akin to Congress legislating with input from only the party currently in power. This threatens not only the strength and resiliency of the banking system; it may also harm the hundreds of millions of families who depend on it.

That is why **it is imperative the Board wait to pass any new rules or regulations until a member of the minority party is seated, and why it is crucial the Biden administration nominate, and the Senate confirm, a qualified candidate for this position.** Doing so will help ensure there is minimal disruption to the FDIC's ability to protect stability and public confidence in our financial system.

Sincerely,



Richard Hunt  
President and CEO  
Consumer Bankers Association<sup>2</sup>

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<sup>1</sup> See 12 U.S.C. § 1812(a)(2).

<sup>2</sup> CBA is the only national trade association focused exclusively on retail banking. Established in 1919, the association is now a leading voice in the banking industry and Washington, representing members who employ nearly two million Americans, extend roughly \$3 trillion in consumer loans, and provide \$270 billion in small business loans.