



December 21, 2018

The Honorable Shelley Moore Capito  
Chairman, Subcommittee on Financial Services & General Government  
Committee on Appropriations  
United States Senate Washington, D.C. 20510

The Honorable Christopher Coons  
Ranking Member, Subcommittee on Financial Services & General Government  
Committee on Appropriations  
United States Senate Washington, D.C. 20510

Dear Chairman Capito and Ranking Member Coons:

On behalf of the National Bankers Association (“NBA”), I write to express our member banks’ support for the inclusion of the “Financial Institutions Examination Fairness and Reform Act” (S. 2237) (“Act”), introduced by Senators Jerry Moran and Joe Manchin, in the FY 2019 Financial Services and General Government Appropriations Bill (“FSGG Appropriations Bill”).

The NBA is the nation’s leading trade organization for the country’s minority and women-owned depository institutions. We write in support of S. 2237’s inclusion in the FSGG Appropriations Bill because our member banks believe that there is a real need for greater uniformity and accountability in the supervisory examination process and for an independent entity to lead the process of reviewing material adverse supervisory determinations made against our member banks. We have been on record previously supporting the Act’s inclusion in S. 2155 as well as the House companion (H.R. 4545) that previously passed the House by wide, bipartisan margins. We believe that this is a reasonable, bipartisan, balanced approach that is a natural companion to other deregulatory measures that were passed earlier this year.

A recurring issue for our bankers is that the prudential regulators’ ombudsman offices as they are currently constituted fail to provide meaningful recourse to our banks should an examiner make a material adverse supervisory determination that our banks take issue with. This is further compounded by the ombudsman offices’ lack of independence from the supervising agencies they report to which raises real concerns amongst of our members regarding the ombudsman’s ability to effectively resolve issues that arise during supervisory examinations. Finally, we believe that more comprehensive and timely explanations of adverse supervisory determinations – and the justifications for said examination findings – will give our members the information they need in a timely manner in order to respond appropriately to an examiner’s findings.

We strongly urge your support for inclusion of S. 2237 in the FSGG Appropriations Bill. Should you seek any additional information on the NBA’s position on the Act, please do not hesitate to contact me directly at [ksaunders@nationalbankers.org](mailto:ksaunders@nationalbankers.org).



Thank you for your consideration of request and your leadership on this issue.

Sincerely,

/s/

Kim Saunders, President & CEO  
National Bankers Association

CC: Members of the Senate Appropriations Committee