

SHERROD BROWN, OHIO, CHAIRMAN

JACK REED, RHODE ISLAND
ROBERT MENENDEZ, NEW JERSEY
JON TESTER, MONTANA
MARK WARNER, VIRGINIA
ELIZABETH WARREN, MASSACHUSETTS
CHRIS VAN HOLLEN, MARYLAND
CATHERINE CORTEZ MASTO, NEVADA
TINA SMITH, MINNESOTA
KYRSTEN SINEMA, ARIZONA
JON OSSOFF, GEORGIA
RAPHAEL G. WARNOCK, GEORGIA

PATRICK J. TOOMEY, PENNSYLVANIA
RICHARD C. SHELBY, ALABAMA
MIKE CRAPO, IDAHO
TIM SCOTT, SOUTH CAROLINA
MIKE POLINDS, SOUTH DAKOTA
THOM TILLIS, NORTH CAROLINA
JOHN KENNEDY, LOUISIANA
BILL HAGERTY, TENNESSEE
CYNTHIA M. LUMMIS, WYOMING
JERRY MORAN, KANSAS
KEVIN CRAMER, NORTH DAKOTA
STEVE DAINES, MONTANA

United States Senate
COMMITTEE ON BANKING, HOUSING, AND
URBAN AFFAIRS

WASHINGTON, DC 20510-6075

LAURA SWANSON, STAFF DIRECTOR
BRAD GRANTZ, REPUBLICAN STAFF DIRECTOR

November 23, 2021

Brian Shroder
President and Chief Executive Officer
Binance.US
One Letterman Drive, Building C
Suite C3-800
San Francisco, CA 94129

Dear Mr. Shroder:

I write to request information regarding the BUSD stablecoin and other stablecoins available on Binance.US. As documented in the recent report (Report) by the President's Working Group on Financial Markets (the PWG),¹ stablecoins present investor protection risks and raise several market integrity concerns. Consumers' increased use of stablecoins, and their importance in effecting transactions in digital assets, underscores the need for greater understanding of the basic operation, and limitations, of BUSD, as well as any other stablecoins available on Binance.

As the PWG noted, the market capitalization of stablecoins issued by the largest stablecoin issuers exceeded \$127 billion as of October 2021, reflecting an almost 500 percent increase over the prior year.² The complex terms and conditions applicable to digital assets and stablecoins, as well as the need for reliable and resilient underlying networks, can make it difficult for investors and consumers to fully understand the details of how those assets function and their potential risks. I have significant concerns with the non-standardized terms applicable to redemption of particular stablecoins, how those terms differ from traditional assets, and how those terms may not be consistent across digital asset trading platforms.

Even though stablecoins are typically "minted" in exchange for U.S. dollars, or other conventional currency, the purchase of stablecoins through a trading platform may not provide customers with the same rights and entitlements as a direct purchase from an issuer. In addition, customers may have different rights based on the amount of stablecoins owned or transacted. Furthermore, because the term stablecoin is used broadly, users may not appreciate the complexity and distinct features and terms of each stablecoin.

¹ President's Working Group on Financial Markets, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency, *Report on Stablecoins* (2021), https://home.treasury.gov/system/files/136/StableCoinReport_Nov1_508.pdf.

² *Id.* at 7.

Accordingly, given the importance to consumers and investors of the specifics related to the use of BUSD, in addition to other stablecoins traded on your exchange, please respond to the questions below in clear, straightforward terms. I understand that any response would not affect or change the binding terms or conditions applicable to any particular customer or circumstance, but your ability to provide information that can clarify the basic operational features of BUSD and other stablecoins is critical to improve the understanding of digital assets.

1. Please describe the basic purchase, exchange, or minting process[es] by which customers can acquire BUSD, and other stablecoins traded on your exchange, for U.S. dollars. In your answer, explain any relevant limitations or qualifications to engaging in and completing that process.
2. Please detail the process to redeem BUSD, as well as any other stablecoins on your platform, and receive U.S. dollars. Here, also, identify any requirements or limits, including any minimum redemption size, waiting period, or qualifications.
3. Since BUSD's inception, how many BUSD tokens have been issued, and how many have been redeemed? Over the last 12 months, what is the greatest percentage of the BUSD in circulation at the beginning of a calendar week to be redeemed in the subsequent seven days?
4. Briefly characterize the market or operational conditions that would prevent the purchase, or redemption, of BUSD and any other stablecoins on your platform for U.S. dollars, or for another digital asset. For purposes of answering this question, do not list or describe legal or regulatory limitations currently described in a user agreement or terms of service. For each condition identified, please provide at least one example that occurred in the past 12 months and its duration.
5. Please identify any trading platforms that have enhanced capabilities, privileges, or special arrangements with respect to BUSD, identifying those features and their basis (e.g., contractual or common control).
6. Please describe how customers would be impacted by a sudden loss in the liquidity of one or more stablecoins. Please also summarize any internal reviews or studies your platform has conducted into how adverse events or shocks in stablecoin markets would affect the financial position of your exchange.
7. Please summarize any internal reviews or studies your company has conducted about how specific levels of redemptions would affect BUSD, including its convertibility into U.S. dollars, or would affect the financial position of your company.
8. Please identify any criteria Binance.US uses for evaluating between stablecoins following a forking event. Also describe a fork's potential effects on liquidity or transactions involving the resulting stablecoins, as well as on customers with positions in affected stablecoins. If a forking event has occurred in a stablecoin trading on your platform within the last 12 months, please discuss what occurred and your exchange's response.

Please respond to the above by December 3. I appreciate your attention to this matter, and thank you for your timely cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Sherrod Brown". The signature is written in a cursive, flowing style.

Sherrod Brown
Chairman