

February 24, 2011

The Honorable Mary Schapiro
Chairman
U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549

Dear Chairman Schapiro:

According to recent press reports, the family of David Becker, the Securities and Exchange Commission's ("SEC" or "Commission") General Counsel and Senior Policy Director, invested with Bernard Madoff and "earned more than \$1.5 million in ill-gained profits." Mr. Becker is also a defendant in a clawback lawsuit initiated by Mr. Irving Picard, the trustee in the Bernard L. Madoff Investment Securities liquidation. These developments raise numerous questions that demand prompt answers by the SEC:

1. During Mr. Becker's first term at the SEC, including his tenure as General Counsel from 2000-2002, was he aware of the analysis prepared by and presented multiple times to the SEC by Harry Markopolos, which correctly alleged that Bernard Madoff was operating a multi-billion dollar Ponzi scheme? If he was aware of the Markopolos allegations, did he inform then-Chairmen Arthur Levitt or Harvey Pitt? If not, why not?
2. During Mr. Becker's first term at the SEC, did he meet with or have occasion to speak with Bernard Madoff? If so, please describe the matters discussed during these meetings or conversations.
3. During Mr. Becker's first term at the SEC, did he prepare any legal memoranda, or provide counsel to any SEC employees about any matters involving Bernard L. Madoff Investment Securities?
4. Before Mr. Becker returned to the SEC to serve as General Counsel in 2009, did he inform anyone at the SEC that he was the co-executor of his parents' estate that profited from the Bernard Madoff Ponzi scheme?
5. When Mr. Becker returned to the SEC in 2009 as its General Counsel, did he formally recuse himself from all aspects of the SEC's involvement with Bernard L. Madoff Investment Securities, including any meetings with the Department of Justice, the Securities Investor Protection Corporation, Mr. Irving Picard or any Madoff victims? If so, did Mr. Becker formally document the recusal?

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6. Did Mr. Becker notify the SEC's Office of Ethics Counsel of his role as the co-executor of an estate that profited from the Bernard Madoff Ponzi scheme and seek its guidance? If so, when? If he did consult with the SEC's Office of Ethics Counsel, did he act in accordance with the Office's advice or recommendations? If not, why not?
7. If Mr. Becker did inform the SEC of his parents' account with Bernard L. Madoff Investment Securities, why did the SEC fail to notify the public about this matter in 2009?

Thank you for your attention to this important matter. We look forward to having your responses to these questions by no later than Friday, March 4, 2011.

Sincerely,



SPENCER BACHUS
Chairman
Financial Services Committee



JEB HENSARLING
Vice-Chairman
Financial Services Committee



RANDY NEUGEBAUER
Chairman
Subcommittee on Oversight &
Investigations



SCOTT GARRETT
Chairman
Subcommittee on Capital Markets and
Government Sponsored Enterprises