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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To require the Comptroller of the Currency and the Federal Deposit Insurance Corporation to carry out a study on shelf charters and modified bidder qualification processes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HUIZENGA introduced the following bill; which was referred to the Committee on _____

A BILL

To require the Comptroller of the Currency and the Federal Deposit Insurance Corporation to carry out a study on shelf charters and modified bidder qualification processes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Enhancing Bank Reso-
5 lution Participation Act”.

1 **SEC. 2. STUDY ON SHELF CHARTERS AND MODIFIED BID-**
2 **DER QUALIFICATION PROCESSES.**

3 (a) STUDY.—The Comptroller of the Currency and
4 the Federal Deposit Insurance Corporation shall, jointly,
5 carry out a study of—

6 (1) the use by the Comptroller of the Currency
7 of shelf charters, including all conditional or prelimi-
8 nary shelf charter approvals granted between Janu-
9 ary 1, 2008, and the date of enactment of this Act;

10 (2) the use by the Federal Deposit Insurance
11 Corporation of the modified bidder qualification
12 process;

13 (3) whether shelf charters and modified bidder
14 qualification processes were considered or used in
15 connection with the receivership of any insured de-
16 pository institution for which the Federal Deposit
17 Insurance Corporation was appointed receiver in
18 2023; and

19 (4) with respect to such receiverships, the ex-
20 tent to which greater use of shelf charters and modi-
21 fied bidder qualification processes could have—

22 (A) expanded the pool of participants in
23 the acquisition of the assets or liabilities of such
24 failed insured depository institutions;

25 (B) resulted in greater competition and di-
26 versity in market outcomes;

1 (C) protected the Deposit Insurance Fund;

2 or

3 (D) strengthened financial stability and re-
4 duced the need for any emergency determina-
5 tion by the Secretary of the Treasury under
6 section 13(c)(4)(G) of the Federal Deposit In-
7 surance Act (12 U.S.C. 1823(c)(4)(G)) with re-
8 spect to any such receivership.

9 (b) REPORT.—Not later than 270 days after the date
10 of enactment of this Act, the Comptroller of the Currency,
11 and the Federal Deposit Insurance Corporation shall,
12 jointly, submit a report to the Committee on Financial
13 Services of the House of Representatives and the Com-
14 mittee on Banking, Housing, and Urban Affairs of the
15 Senate containing—

16 (1) all findings and determinations made in car-
17 rying out the study required under subsection (a);
18 and

19 (2) an identification of statutory or regulatory
20 barriers to the use and effectiveness of shelf charters
21 and modified bidder qualification processes in the
22 resolution of failed insured depository institutions,
23 including recommendations for legislative and regu-
24 latory changes.

1 (c) CONSULTATION.—The Comptroller of the Cur-
2 rency and the Federal Deposit Insurance Corporation
3 shall consult with the Board of Governors of the Federal
4 Reserve System in carrying out the study under subsection
5 (a) and in preparing the report under subsection (b), in-
6 cluding with respect to the application of the Bank Hold-
7 ing Company Act of 1956 and section 10 of the Home
8 Owners’ Loan Act to shelf charter proposals and to the
9 participation of investors not organized as an insured de-
10 pository institution in the modified bidder qualification
11 process.

12 (d) DEFINITIONS.—In this section:

13 (1) INSURED DEPOSITORY INSTITUTION.—The
14 term “insured depository institution” has the mean-
15 ing given the term in section 3 of the Federal De-
16 posit Insurance Act (12 U.S.C. 1813).

17 (2) MODIFIED BIDDER QUALIFICATION PROC-
18 ESS.—The term “modified bidder qualification proc-
19 ess” has the meaning given such term in the press
20 release of the Federal Deposit Insurance Corpora-
21 tion titled “FDIC Expands Bidder List for Troubled
22 Institutions Plan Allows Those Without a Bank
23 Charter to Participate in the Process” published No-
24 vember 26, 2008.

1 (3) SHELF CHARTER.—The term “shelf char-
2 ter” has the meaning given such term in the report
3 issued by the Comptroller of the Currency titled
4 “Activities Permissible for National Banks and Fed-
5 eral Savings Associations, Cumulative” published
6 October 2017.