

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3556
OFFERED BY M . _____**

Page 3, line 8, strike “; and” and insert a semi-colon.

Page 3 line 8, at the end insert the following:

1 (iii) by striking clause (iv) and insert-
2 ing the following:

3 “(iv) GAO REVIEW.—The Comptroller
4 General of the United States shall, not
5 later than later than 60 days after a deter-
6 mination is made under clause (i), and
7 again 180 days thereafter, review and re-
8 port to the Congress on the determination
9 under clause (i), including—

10 “(I) the basis for the determina-
11 tion;

12 “(II) the purpose for which any
13 action was taken pursuant to such
14 clause;

15 “(III) the likely effect of the de-
16 termination and such action on the in-

1 centives and conduct of insured deposi-
2 itory institutions and uninsured de-
3 positors;

4 “(IV) any mismanagement by the
5 executives and board of the insured
6 depository institution that contributed
7 to the failure of the insured deposi-
8 tory institution;

9 “(V) a review of the compensa-
10 tion practices of the insured deposi-
11 tory institution;

12 “(VI) any supervisory or regu-
13 latory shortcomings with respect to
14 the primary Federal banking regu-
15 lators of the insured depository insti-
16 tution;

17 “(VII) any actions taken by the
18 Federal banking regulators, Financial
19 Stability Oversight Council, Treasury
20 Department, and other relevant finan-
21 cial regulators in relation to the
22 bank’s failure; and

23 “(VIII) any additional relevant
24 entities or activities that may have
25 contributed to the failure of the in-

1 sured depository institution, including
2 with respect to auditing, accounting,
3 credit rating agencies, investment
4 bank underwriters, and emergency li-
5 quidity options such as loans from the
6 Federal Reserve or advances through
7 the Federal Home Loan Bank sys-
8 tem.”.

Page 3, line 9, strike “(iii)” and insert “(iv)”.

Page 4, line 24, strike “and”.

Page 5, line 4, strike the period at the end and in-
sert “; and”.

Page 5, line 4, at the end insert the following:

9 (4) by adding at the end the following:
10 “(12) PRIMARY FEDERAL REGULATOR RE-
11 PORT.—The primary Federal regulator of an insured
12 depository institution about which a determination is
13 made under clause (i) shall, not later than 60 days
14 after the date of such determination, and again 180
15 days thereafter, submit a report to the Congress
16 that —
17 “(A) discloses all confidential supervisory
18 information held by such primary Federal regu-

1 lator that relates to the failed insured deposi-
2 tory institution;

3 “(B) examines any mismanagement by the
4 executives and board of the insured depository
5 institution that contributed to the failure of the
6 insured depository institution;

7 “(C) discloses any supervisory or regu-
8 latory shortcomings by such primary Federal
9 regulator with respect to the insured depository
10 institution;

11 “(D) describes any dynamics that the pri-
12 mary Federal regulator determines may have
13 contributed to the failure of the insured deposi-
14 tory institution; and

15 “(E) includes any supervisory, regulatory,
16 and legislative recommendations such primary
17 Federal regulator may have to improve the
18 safety and soundness of similarly situated in-
19 sured depository institutions, the banking sys-
20 tem, and financial stability.”.

