



(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Federal Deposit Insurance Act and the Federal Credit Union Act to improve the timeliness of examination reports and other guidance and to establish panels to oversee appeals from insured depository institutions and insured credit unions of material supervisory determinations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Federal Deposit Insurance Act and the Federal Credit Union Act to improve the timeliness of examination reports and other guidance and to establish panels to oversee appeals from insured depository institutions and insured credit unions of material supervisory determinations, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bank Supervision Ap-
3 peals Improvement Act of 2024”.

4 **SEC. 2. TIMELINESS OF EXAMINATIONS AND REQUIRED**
5 **PERMISSION, REGULATORY, AND REPORTING**
6 **GUIDANCE.**

7 (a) **EXIT INTERVIEW REQUIREMENT; TIMELINESS**
8 **OF EXAMINATIONS.—**

9 (1) **INSURED DEPOSITORY INSTITUTIONS.—**Sec-
10 tion 10(d) of the Federal Deposit Insurance Act (12
11 U.S.C. 1820(d)) is amended by adding at the end
12 the following:

13 “(11) **EXAMINATION TIMELINESS.—**The appro-
14 priate Federal banking agency shall complete any
15 examination of an insured depository institution
16 within 270 days of commencing the examination, ex-
17 cept that such period may be extended by the appro-
18 priate Federal banking agency by providing written
19 notice to the insured depository institution describ-
20 ing with particularity the reasons that a longer pe-
21 riod is needed.

22 “(12) **EXIT INTERVIEW REQUIREMENT.—**With-
23 in 30 days of completing an examination, the appro-
24 priate Federal banking agency shall conduct an exit
25 interview with the insured depository institution’s
26 senior management and board of directors.

1 “(13) TIMELINESS OF EXAMINATION RE-
2 PORTS.—

3 “(A) FINAL EXAMINATION REPORT.—With
4 respect to an examination of an insured deposi-
5 tory institution by an appropriate Federal
6 banking agency, the appropriate Federal bank-
7 ing agency shall provide a final examination re-
8 port to the insured depository institution not
9 later than 60 days after the later of—

10 “(i) the exit interview for the exam-
11 ination; or

12 “(ii) the provision of additional infor-
13 mation by the insured depository institu-
14 tion relating to the examination.

15 “(B) EXAMINATION MATERIALS.—Upon
16 the request of an insured depository institution,
17 the appropriate Federal banking agency shall
18 include with a final examination report an ap-
19 pendix listing all materials relied upon by the
20 agency in support of all material supervisory
21 determinations.

22 “(C) MATERIAL SUPERVISORY DETER-
23 MINATION DEFINED.—In this paragraph, the
24 term ‘material supervisory determination’ has
25 the meaning given such term in section 309(i)

1 of the Riegle Community Development and
2 Regulatory Improvement Act of 1994.”.

3 (2) INSURED CREDIT UNIONS.—Section 204 of
4 the Federal Credit Union Act (12 U.S.C. 1784) is
5 amended by adding at the end the following:

6 “(h) EXIT INTERVIEW REQUIREMENT; TIMELINESS
7 OF EXAMINATIONS.—

8 “(1) EXAMINATION TIMELINESS.—The Board
9 shall complete any examination of an insured credit
10 union within 270 days of commencing the examina-
11 tion, except that such period may be extended by the
12 Board by providing written notice to the insured
13 credit union describing with particularity the reasons
14 that a longer period is needed.

15 “(2) EXIT INTERVIEW REQUIREMENT.—Within
16 30 days of completing an examination, the Board
17 shall conduct an exit interview with the insured
18 credit union’s senior management and board of di-
19 rectors.

20 “(3) TIMELINESS OF EXAMINATION RE-
21 PORTS.—

22 “(A) FINAL EXAMINATION REPORT.—With
23 respect to an examination of an insured credit
24 union, the Board shall provide a final examina-

1 tion report to the insured credit union not later
2 than 60 days after the later of—

3 “(i) the exit interview for the exam-
4 ination; or

5 “(ii) the provision of additional infor-
6 mation by the insured credit union relating
7 to the examination.

8 “(B) EXAMINATION MATERIALS.—Upon
9 the request of an insured credit union, the
10 Board shall include with a final examination re-
11 port an appendix listing all materials relied
12 upon by the Board in support of all material
13 supervisory determinations.

14 “(C) MATERIAL SUPERVISORY DETER-
15 MINATION DEFINED.—In this paragraph, the
16 term ‘material supervisory determination’ has
17 the meaning given such term in section 309(i)
18 of the Riegle Community Development and
19 Regulatory Improvement Act of 1994.”.

20 (b) TIMELINESS OF REQUIRED PERMISSION, REGU-
21 LATORY, AND REPORTING GUIDANCE.—

22 (1) INSURED DEPOSITORY INSTITUTIONS.—Sec-
23 tion 10 of the Federal Deposit Insurance Act (12
24 U.S.C. 1820) is amended by adding at the end the
25 following:

1 “(1) TIMELINESS OF REQUIRED PERMISSION, REGU-
2 LATORY, AND REPORTING GUIDANCE.—

3 “(1) REQUEST FOR PERMISSION OR GUID-
4 ANCE.—An insured depository institution may re-
5 quest a written determination by the appropriate
6 Federal banking agency of—

7 “(A) the agency’s permission to take an
8 action where permission is mandated by regula-
9 tion;

10 “(B) the agency’s interpretation of a law
11 or regulation; and

12 “(C) the agency’s interpretation of gen-
13 erally accepted accounting principles or ac-
14 counting objectives, standards, and require-
15 ments under section 37.

16 “(2) CONTENTS OF REQUEST.—A request made
17 under paragraph (1) shall be in writing and con-
18 tain—

19 “(A) the nature of the request;

20 “(B) applicable facts relating to the mat-
21 ter;

22 “(C) applicable law, regulation, or gen-
23 erally accepted accounting principles relating to
24 the matter; and

25 “(D) a summary of the request.

1 “(3) RESPONSE TO REQUEST.—A Federal
2 banking agency receiving a request under paragraph
3 (1) shall, not later than 30 days after receiving the
4 request—

5 “(A) provide the insured depository institu-
6 tion making the request with written notifica-
7 tion that the agency received the request and
8 stating whether the request contains the infor-
9 mation required under paragraph (2); and

10 “(B) if the request does not contain the in-
11 formation required under paragraph (2), pro-
12 vide the insured depository institution with an
13 explanation of what information is missing.

14 “(4) PROVIDING MISSING INFORMATION.—If a
15 Federal banking agency informs the insured deposi-
16 tory institution under paragraph (3) that the re-
17 quest does not contain all the information required
18 under paragraph (2), the insured depository institu-
19 tion may provide the missing information to the
20 Federal banking agency during the 30-day period
21 beginning on the date the insured depository institu-
22 tion receives the explanation of the missing informa-
23 tion under paragraph (3).

24 “(5) DETERMINATION.—A Federal banking
25 agency receiving a request under paragraph (1) shall

1 make a determination on the request and provide
2 the insured depository institution with a written no-
3 tice of such determination—

4 “(A) if the initial request contains the in-
5 formation required under paragraph (2), not
6 later than the end of the 60-day period begin-
7 ning on the date the Federal banking agency
8 notifies the insured depository institution of the
9 receipt of the request under paragraph (3); or

10 “(B) if the initial request does not contain
11 the information required under paragraph (2)—

12 “(i) not later than the end of the 60-
13 day period beginning on the date that the
14 insured depository institution provides the
15 Federal banking agency with the missing
16 information under paragraph (4); or

17 “(ii) if the insured depository institu-
18 tion does not provide the Federal banking
19 agency with the missing information within
20 the 30-day period described under para-
21 graph (4), not later than the end of the
22 60-day period beginning on the end of such
23 30-day period.

24 “(6) REPORTS AND PUBLICATION.—Each Fed-
25 eral banking agency shall, within 120 days after

1 making a determination under paragraph (5), pub-
2 lish a summary of the determination. Each Federal
3 banking agency shall redact any confidential super-
4 visory information about the insured depository in-
5 stitution, any identifying facts about the institution,
6 and any sensitive personally identifiable informa-
7 tion.”.

8 (2) INSURED CREDIT UNIONS.—Section 209 of
9 the Federal Credit Union Act (12 U.S.C. 1789) is
10 amended by adding at the end the following:

11 “(c) TIMELINESS OF REQUIRED PERMISSION, REGU-
12 LATORY, AND REPORTING GUIDANCE.—

13 “(1) REQUEST FOR PERMISSION OR GUID-
14 ANCE.—An insured credit union may request a writ-
15 ten determination by the Board of—

16 “(A) the Board’s permission to take an ac-
17 tion where permission is mandated by regula-
18 tion;

19 “(B) the Board’s interpretation of a law or
20 regulation; and

21 “(C) the Board’s interpretation of gen-
22 erally accepted accounting principles or other
23 accounting objectives, standards, and require-
24 ments.

1 “(2) CONTENTS OF REQUEST.—A request made
2 under paragraph (1) shall be in writing and con-
3 tain—

4 “(A) the nature of the request;

5 “(B) applicable facts relating to the mat-
6 ter;

7 “(C) applicable law, regulation, or gen-
8 erally accepted accounting principles relating to
9 the matter; and

10 “(D) a summary of the request.

11 “(3) RESPONSE TO REQUEST.—The Board,
12 upon receiving a request under paragraph (1) shall,
13 not later than 30 days after receiving the request—

14 “(A) provide the insured credit union mak-
15 ing the request with written notification that
16 the Board received the request and stating
17 whether the request contains the information
18 required under paragraph (2); and

19 “(B) if the request does not contain the in-
20 formation required under paragraph (2), pro-
21 vide the insured credit union with an expla-
22 nation of what information is missing.

23 “(4) PROVIDING MISSING INFORMATION.—If
24 the Board informs the insured credit union under
25 paragraph (3) that the request does not contain all

1 the information required under paragraph (2), the
2 insured credit union may provide the missing infor-
3 mation to the Board during the 30-day period begin-
4 ning on the date the insured credit union receives
5 the explanation of the missing information under
6 paragraph (3).

7 “(5) DETERMINATION.—The Board shall make
8 a determination on a request made under paragraph
9 (1) and provide the insured credit union with a writ-
10 ten notice of such determination—

11 “(A) if the initial request contains the in-
12 formation required under paragraph (2), not
13 later than the end of the 60-day period begin-
14 ning on the date the Board notifies the insured
15 credit union of the receipt of the request under
16 paragraph (3); or

17 “(B) if the initial request does not contain
18 the information required under paragraph (2)—

19 “(i) not later than the end of the 60-
20 day period beginning on the date that the
21 insured credit union provides the Board
22 with the missing information under para-
23 graph (4); or

24 “(ii) if the insured credit union does
25 not provide the Board with the missing in-

1 formation within the 30-day period de-
2 scribed under paragraph (4), not later
3 than the end of the 60-day period begin-
4 ning on the end of such 30-day period.

5 “(6) REPORTS AND PUBLICATION.—The Board
6 shall, within 120 days after making a determination
7 under paragraph (5), publish a summary of the de-
8 termination. The Board shall redact any confidential
9 supervisory information about the insured credit
10 union, any identifying facts about the credit union,
11 and any sensitive personally identifiable informa-
12 tion.”.

13 **SEC. 3. UPDATE OF INDEPENDENT INTRA-AGENCY APPEL-**
14 **LATE PROCESS FOR REVIEWING MATERIAL**
15 **SUPERVISORY DETERMINATIONS.**

16 (a) UPDATE OF INDEPENDENT INTRA-AGENCY AP-
17 PELLATE PROCESS.—Not later than 180 days after the
18 date of enactment of this Act, the Board of Governors of
19 the Federal Reserve System, the Comptroller of the Cur-
20 rency, the Federal Deposit Insurance Corporation Board,
21 and the National Credit Union Administration Board shall
22 revise the independent intra-agency appellate process re-
23 quired under section 309(a) of the Riegle Community De-
24 velopment and Regulatory Improvement Act of 1994 (12
25 U.S.C. 4806(a)).

1 (b) OFFICE OF SUPERVISORY APPEALS; APPEALS
2 PROCESS.—Section 309 of the Riegle Community Devel-
3 opment and Regulatory Improvement Act of 1994 (12
4 U.S.C. 4806) is amended—

5 (1) by redesignating subsection (f) as sub-
6 section (i); and

7 (2) by inserting after subsection (e) the fol-
8 lowing:

9 “(f) OFFICE OF SUPERVISORY APPEALS.—The Fed-
10 eral banking agencies and the National Credit Union Ad-
11 ministration shall each establish an Office of Supervisory
12 Appeals to carry out the independent intra-agency appel-
13 late process required under this section.

14 “(g) APPEALS OFFICIALS.—

15 “(1) APPOINTMENT.—The head of each of the
16 Federal banking agencies and the National Credit
17 Union Administration shall appoint appeals officials,
18 in a number sufficient to fully staff the panels de-
19 scribed under subsection (h), from among the fol-
20 lowing classes of individuals:

21 “(A) Individuals who have financial insti-
22 tutions regulatory agency experience.

23 “(B) Individuals who—

24 “(i) are a licensed attorney or a cer-
25 tified public accountant authorized to prac-

1 tice under the laws of a State, the District
2 of Columbia, or a territory of the United
3 States

4 “(ii) have either academic or private
5 sector experience;

6 “(iii) have relevant subject matter
7 knowledge or work-related experience in
8 the financial services sector, as determined
9 by the agency making the appointment;
10 and

11 “(iv) are not, and were not during the
12 previous 10-year period, employed by a
13 Federal banking agency, a Federal reserve
14 bank, or the National Credit Union Ad-
15 ministration.

16 “(C) Individuals—

17 “(i) with at least 10 years private sec-
18 tor financial services senior management-
19 level experience; and

20 “(ii) recommended by—

21 “(I) an insured depository insti-
22 tution;

23 “(II) an insured credit union; or

24 “(III) a trade association for
25 such institutions or credit unions.

1 “(2) TERM.—

2 “(A) IN GENERAL.—Each appeals official
3 appointed under paragraph (1) shall serve for a
4 term of 3 years.

5 “(B) TERM LIMITATION.—No individual
6 may be appointed under paragraph (1) to serve
7 more than 2 full terms.

8 “(C) DISMISSAL.—An appeals official ap-
9 pointed under paragraph (1) may be removed
10 at any time by the appointing agency.

11 “(h) APPEALS PROCESS AND PANEL HEARING OF
12 MATERIAL SUPERVISORY DETERMINATIONS.—

13 “(1) APPEAL TO THE HEAD OF SUPERVISION.—

14 “(A) IN GENERAL.—An institution seeking
15 an appeal of a material supervisory determina-
16 tion shall—

17 “(i) file a written appeal to the head
18 of supervision for the agency not later than
19 30 days after receiving the material super-
20 visory determination from the agency; and

21 “(ii) include in the appeal—

22 “(I) a clear and complete state-
23 ment of all relevant facts and issues;

24 “(II) all arguments that the in-
25 stitution wishes to present; and

1 “(III) all relevant and material
2 documents that the institution wishes
3 to be considered.

4 “(B) EXTENSION.—The institution may
5 file a written request with the head of super-
6 vision for an extension of the 30-day time pe-
7 riod described under subparagraph (A)(i),
8 which shall state good cause for granting the
9 extension. Such request shall be granted in the
10 sole discretion of the head of supervision.

11 “(C) INFORMATION MADE AVAILABLE TO
12 INSTITUTION.—An institution seeking an ap-
13 peal of a material supervisory determination
14 may, not later than 7 days after receiving the
15 material supervisory determination, request that
16 the agency provide the institution with any in-
17 formation relied upon by the agency in making
18 the material supervisory determination. The
19 agency shall provide that information to the in-
20 stitution not later than 14 days after receiving
21 the request.

22 “(2) CONSIDERATION OF APPEAL BY THE HEAD
23 OF SUPERVISION.—

24 “(A) IN GENERAL.—A head of supervision
25 receiving an appeal under paragraph (1) shall,

1 after reviewing the information provided by the
2 institution in such appeal—

3 “(i) grant the appeal;

4 “(ii) refer the appeal to a panel ap-
5 pointed under paragraph (3); or

6 “(iii) deny the appeal.

7 “(B) NOTIFICATION.—A head of super-
8 vision shall promptly inform the institution and
9 the head of the agency after granting, referring,
10 or denying an appeal under subparagraph (A).

11 “(C) RIGHT TO APPEAL DENIAL.—An in-
12 stitution that has an appeal denied by the head
13 of supervision under subparagraph (A) may ap-
14 peal such denial to a panel appointed under
15 paragraph (3).

16 “(3) APPOINTMENT OF PANEL.—

17 “(A) IN GENERAL.—With respect to each
18 appeal referred by a head of supervision under
19 paragraph (2)(A)(ii) or appealed by an institu-
20 tion after a denial under paragraph (2)(A)(iii),
21 the agency shall appoint a panel of 3 appeals
22 officials to provide a recommendation on such
23 appeal, with 1 of the 3 appeals officials being
24 appointed to the panel from individuals in each

1 of the classes described under subparagraphs
2 (A), (B), and (C) of subsection (g)(1).

3 “(B) REPORTING PROHIBITION.—An ap-
4 peals official may not be appointed to a panel
5 under subparagraph (A) if the appeals official
6 is reporting, or has reported, directly or indi-
7 rectly, to the agency official who made the ma-
8 terial supervisory determination under review.

9 “(4) PANEL HEARINGS.—

10 “(A) REQUEST FOR HEARING.—An institu-
11 tion may request a hearing with the panel on
12 the institution’s appeal by—

13 “(i) making such request not later
14 than 7 days after the date on which the in-
15 stitution is informed the head of super-
16 vision referred an appeal to a panel under
17 paragraph (2); or

18 “(ii) making such request in the insti-
19 tution’s appeal of a denial of the institu-
20 tion’s appeal under paragraph (2).

21 “(B) TIMING OF HEARING.—If an institu-
22 tion requests a hearing, as described under sub-
23 paragraph (A), the panel shall provide the insti-
24 tution with a hearing on the institution’s appeal
25 not later than 30 days after the date the hear-

1 ing is requested, except the panel may, in the
2 discretion of the panel or upon good cause
3 shown, extend such deadline by up to 15 days.

4 “(C) RULEMAKING.—The Federal banking
5 agencies and the National Credit Union Admin-
6 istration shall each issue rules to establish pro-
7 cedures for panel hearings described under this
8 paragraph, including that—

9 “(i) the institution may appear at the
10 hearing personally or through counsel;

11 “(ii) the institution may provide an
12 oral and written presentation at the hear-
13 ing;

14 “(iii) the panel may ask questions of
15 any person participating in the hearing;

16 “(iv) the hearing may not involve—

17 “(I) taking testimony;

18 “(II) a cross-examination; and

19 “(III) discovery;

20 “(v) the hearing shall not governed by
21 formal rules of evidence; and

22 “(vi) the panel shall have a verbatim
23 transcript of the hearing prepared.

24 “(5) RECOMMENDATION BY PANEL.—

1 “(A) IN GENERAL.—A panel making a rec-
2 ommendation on an appeal under this sub-
3 section shall make the recommendation not
4 later than—

5 “(i) 90 days after the date on which
6 the appeal was referred by a head of su-
7 pervision under paragraph (2)(A)(ii) or ap-
8 pealed by an institution after a denial
9 under paragraph (2)(A); or

10 “(ii) if the institution requested a
11 hearing under paragraph (4), 60 days after
12 the date on which the hearing concluded.

13 “(B) FORM OF RECOMMENDATION.—The
14 panel may recommend—

15 “(i) that the material supervisory de-
16 termination be continued, terminated, or
17 otherwise modified; or

18 “(ii) that the material supervisory de-
19 termination be remanded to the examiners
20 to allow the examiners to consider addi-
21 tional information presented in connection
22 with the appeal.

23 “(C) NOTICE.—After a recommendation is
24 made under subparagraph (A), the panel shall
25 promptly notify the institution, the head of su-

1 pervision of the agency, and the head of the
2 agency of the recommendation, which shall con-
3 tain a statement of the basis for the panel’s
4 recommendation and identify the information
5 on which the panel relied in reaching the rec-
6 ommendation.

7 “(D) PUBLICATION.—A copy of each panel
8 recommendation shall be posted on the agency’s
9 public website as soon as practicable, with ex-
10 empt information redacted. If the panel deter-
11 mines that redaction is insufficient to prevent
12 improper disclosure, the recommendation may
13 be presented in summary form.

14 “(E) STANDARD OF REVIEW.—A panel’s
15 review of a material supervisory determination
16 being appealed under this subsection shall be de
17 novo.

18 “(F) NO AUTHORITY TO DELAY OR STAY
19 ORDERS.—A panel shall have no authority to
20 delay or stay the implementation of any formal
21 order from the applicable agency.

22 “(6) REVIEW BY THE HEAD OF THE AGENCY.—

23 “(A) RESPONSE BY INSTITUTION.—Not
24 later than 15 days after receiving a notice of a
25 recommendation under paragraph (5)(C), the

1 institution may submit to the head of the agen-
2 cy written exceptions to the recommended deci-
3 sion.

4 “(B) REVIEW BY HEAD OF THE AGEN-
5 CY.—Not later than 45 days after receiving a
6 notice of a recommendation under paragraph
7 (5)(C), the head of an agency shall review such
8 decision and either ratify or reject the panel’s
9 decision.

10 “(C) REVIEW MAY NOT BE DELEGATED.—
11 A review by the head of an agency under this
12 paragraph may not be delegated to any other
13 employee of the agency and, in the case of an
14 agency that is headed by a body made up of
15 multiple individuals, all such individuals shall
16 participate in the review.

17 “(D) REPORTS TO CONGRESS.—The Fed-
18 eral banking agencies and the National Credit
19 Union Administration shall each, not later than
20 90 days after the end of each calendar year,
21 issue a report to the Committee on Financial
22 Services of the House of Representatives and
23 the Committee on Banking, Housing, and
24 Urban Affairs of the Senate describing the ac-
25 tions taken by the agency under this paragraph

1 during such calendar year, including informa-
2 tion on each of the panel decisions reviewed,
3 after redacting any confidential supervisory in-
4 formation.

5 “(E) PUBLICATION.—A copy of each deci-
6 sion by the head of the agency under this para-
7 graph shall be posted on the agency’s public
8 website as soon as practicable, with exempt in-
9 formation redacted. If the head of the agency
10 determinates that redaction is insufficient to
11 prevent improper disclosure, the decision may
12 be presented in summary form.

13 “(7) RIGHT TO JUDICIAL REVIEW.—An institu-
14 tion shall have the right to petition for review of an
15 agency head’s decision under paragraph (6) by filing
16 a petition for review not later than 60 days after the
17 date on which the decision was made in the United
18 States Court of Appeals for the District of Columbia
19 Circuit or the circuit in which the institution is lo-
20 cated.

21 “(8) RETALIATION PROHIBITED.—The Federal
22 banking agencies and the National Credit Union Ad-
23 ministration may not—

24 “(A) retaliate against an insured deposit-
25 tory institution or insured credit union, or a

1 service provider or institution-affiliated party of
2 an insured depository institution or insured
3 credit union, for exercising rights under this
4 subsection; or

5 “(B) delay or deny any agency action that
6 would benefit an insured depository institution
7 or insured credit union, or a service provider or
8 institution-affiliated party of an insured depository
9 institution or insured credit union, on the
10 basis that a matter under this section is pending
11 under this section.

12 “(9) DEFINITIONS.—With respect to the appeal
13 of a material supervisory determination under this
14 subsection:

15 “(A) AGENCY.—The term ‘agency’ means
16 the Federal agency, either a Federal banking
17 agency or the National Credit Union Administration,
18 that made the material supervisory determination.
19

20 “(B) INSTITUTION.—The term ‘institution’
21 means the company, either an insured depository
22 institution or an insured credit union, with
23 respect to which the material supervisory determination
24 was made.”.

1 **SEC. 4. REVIEW OF RESOLUTION ACTIONS RESULTING IN A**
2 **MATERIAL LOSS.**

3 Section 38(k) of the Federal Deposit Insurance Act
4 (12 U.S.C. 1831o(k)) is amended by adding at the end
5 the following:

6 “(7) REVIEW OF RESOLUTION ACTIONS BY COR-
7 PORATION INSPECTOR GENERAL.—

8 “(A) IN GENERAL.—If the Deposit Insur-
9 ance Fund incurs a material loss with respect
10 to an insured depository institution, the inspec-
11 tor general of the Corporation shall—

12 “(i) review the Corporation’s resolu-
13 tion of the institution to determine whether
14 the material loss to the Deposit Insurance
15 Fund could have been avoided by the Cor-
16 poration when resolving the institution;
17 and

18 “(ii) make a written report to the
19 Corporation and the Congress containing
20 the results of such review and any rec-
21 ommendations for preventing a material
22 loss to the Deposit Insurance Fund in the
23 future when resolving an institution.

24 “(B) TESTIMONY TO CONGRESS.—If the
25 inspector general of the Corporation deter-
26 mines, in a review carried out under subpara-

1 graph (A) that the Corporation's resolution of
2 an institution caused a material loss to the De-
3 posit Insurance Fund, but such resolution could
4 have been carried out in a manner to avoid
5 such a material loss, the Chairperson of the
6 Corporation shall testify before the Committee
7 on Financial Services of the House of Rep-
8 resentatives and the Committee on Banking,
9 Housing, and Urban Affairs of the Senate to
10 explain why the material loss occurred.”.