

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6555
OFFERED BY MR. HUIZENGA OF MICHIGAN

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. STUDY ON SHELF CHARTERS AND MODIFIED BID-
5 DER QUALIFICATION PROCESSES.

6 (a) STUDY.—The Comptroller of the Currency, the
7 Federal Deposit Insurance Corporation, and the Board of
8 the Governors of the Federal Reserve System shall, jointly,
9 carry out a study of—

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

14 (2) the use by the Federal Deposit Insurance
15 Corporation of the modified bidder qualification
16 process;

1 (3) the application of the Bank Holding Com-
2 pany Act of 1956 and section 10 of the Home Own-
3 ers' Loan Act to shelf charter proposals;

4 (4) whether shelf charters and modified bidder
5 qualification processes were considered or used in
6 connection with the receivership of any insured de-
7 pository institution for which the Federal Deposit
8 Insurance Corporation was appointed receiver in
9 2023;

10 (5) with respect to such receiverships, the ex-
11 tent to which greater use of shelf charters and modi-
12 fied bidder qualification processes could have—

13 (A) expanded the pool of participants in
14 the acquisition of the assets or liabilities of such
15 failed insured depository institutions;

16 (B) resulted in greater competition and di-
17 versity in market outcomes;

18 (C) protected the Deposit Insurance Fund;
19 or

20 (D) strengthened financial stability and re-
21 duced the need for any emergency determina-
22 tion by the Secretary of the Treasury under
23 section 13(c)(4)(G) of the Federal Deposit In-
24 surance Act (12 U.S.C. 1823(c)(4)(G)) with re-
25 spect to any such receivership;

1 (6) the impact of the use of shelf charters and
2 modified bidder qualification processes since Janu-
3 ary 1, 2008, including on financial stability, the
4 safety and soundness of affected insured depository
5 institutions, and the availability of financial products
6 and services provided to consumers by such institu-
7 tions; and

8 (7) any benefits and risks of private equity
9 ownership of banks through the use of shelf charters
10 and modified bidder qualification processes.

11 (b) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, the Comptroller of the Currency,
13 the Federal Deposit Insurance Corporation, and the
14 Board of the Governors of the Federal Reserve System
15 shall, jointly, submit a report to the Committee on Finan-
16 cial Services of the House of Representatives and the
17 Committee on Banking, Housing, and Urban Affairs of
18 the Senate containing—

19 (1) all findings and determinations made in car-
20 rying out the study required under subsection (a);
21 and

22 (2) an identification of statutory or regulatory
23 barriers to the use and effectiveness of shelf charters
24 and modified bidder qualification processes in the
25 resolution of failed insured depository institutions,

1 including recommendations for legislative and regu-
2 latory changes.

3 (c) DEFINITIONS.—In this section:

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

8 (2) MODIFIED BIDDER QUALIFICATION PROC-
9 ESS.—The term “modified bidder qualification proc-
10 ess” has the meaning given such term in the press
11 release of the Federal Deposit Insurance Corpora-
12 tion titled “FDIC Expands Bidder List for Troubled
13 Institutions Plan Allows Those Without a Bank
14 Charter to Participate in the Process” published No-
15 vember 26, 2008.

16 (3) SHELF CHARTER.—The term “shelf char-
17 ter” has the meaning given such term in the report
18 issued by the Comptroller of the Currency titled
19 “Activities Permissible for National Banks and Fed-
20 eral Savings Associations, Cumulative” published
21 October 2017.

