

[DISCUSSION DRAFT]

119TH CONGRESS
1ST SESSION

H. R. _____

To require the Comptroller General of the United States to study the use of commitments and conditions in connection with insured depository institution merger applications by Federal depository institution regulatory agencies to ensure they align with statutory requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To require the Comptroller General of the United States to study the use of commitments and conditions in connection with insured depository institution merger applications by Federal depository institution regulatory agencies to ensure they align with statutory requirements, 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 “Merger Agreement Ap-
5 provals Clarity and Predictability Act”.

1 **SEC. 2. GAO STUDY ON USE OF COMMITMENTS AND CONDI-**
2 **TIONS IN CONNECTION WITH INSURED DE-**
3 **POSITORY INSTITUTION MERGER APPLICA-**
4 **TIONS.**

5 (a) STUDY.—The Comptroller General of the United
6 States shall carry out a study on the use of commitments
7 and conditions by Federal depository institution regu-
8 latory agencies in connection with insured depository insti-
9 tution merger applications. The study shall—

10 (1) include an evaluation of relevant quantifi-
11 able metrics; and

12 (2) review the extent to which the use of com-
13 mitments and conditions has aligned with statutory
14 requirements, including a review of whether the use
15 of commitments and conditions has been influenced
16 by extrastatutory issues or considerations.

17 (b) REPORT.—Not later than 6 months after the date
18 of enactment of this Act, the Comptroller General shall
19 issue a report to Congress containing all findings and de-
20 terminations made in carrying out the study required
21 under subsection (a).

22 (c) DEFINITIONS.—In this section:

23 (1) APPLICATION.—The term “application”
24 means an application, notice, or other similar re-
25 quest for permission submitted to a Federal deposi-
26 tory institution regulatory agency.

1 (2) FEDERAL DEPOSITORY INSTITUTION REGU-
2 LATORY AGENCY.—The term “Federal depository in-
3 stitution regulatory agency” means the Board of
4 Governors of the Federal Reserve System, the
5 Comptroller of the Currency, the Federal Deposit
6 Insurance Corporation, and the National Credit
7 Union Administration Board.

8 (3) INSURED DEPOSITORY INSTITUTION.—The
9 term “insured depository institution”—

10 (A) has the meaning given that term in
11 section 3 of the Federal Deposit Insurance Act
12 (12 U.S.C. 1813); and

13 (B) means an insured credit union, as de-
14 fined in section 101 of the Federal Credit
15 Union Act (12 U.S.C. 1752).

16 (4) INSURED DEPOSITORY INSTITUTION MERG-
17 ER APPLICATION.—The term “insured depository in-
18 stitution merger application” means an application
19 with respect to the acquisition of an insured deposi-
20 tory institution, its equity interests, its assets, or its
21 deposits under—

22 (A) section 10(e) of the Home Owners’
23 Loan Act (12 U.S.C. 1467a(e));

24 (B) section 205(b) of the Federal Credit
25 Union Act (12 U.S.C. 1785(b));

1 (C) section 7(j) of the Federal Deposit In-
2 surance Act (12 U.S.C. 1817(j));

3 (D) section 18(c)(2) of the Federal De-
4 posit Insurance Act (12 U.S.C. 1828(c)(2));

5 (E) section 3 of the Bank Holding Com-
6 pany Act of 1956 (12 U.S.C. 1842); and

7 (F) section 4 of the Bank Holding Com-
8 pany Act of 1956 (12 U.S.C. 1843).