



United States House of Representatives
One Hundred Eighteenth Congress
Committee on Financial Services
2129 Rayburn House Office Building
Washington, DC 20515

December 16, 2024

The Honorable Martin J. Gruenberg
Chairman
Federal Deposit Insurance Corporation
550 17th Street NW
Washington, D.C. 20552

Dear Chairman Gruenberg:

We write to reiterate requests made to the Federal Deposit Insurance Corporation (FDIC) by the House Committee on Financial Services (Committee) to preserve information and refrain from partisan rulemaking as a new administration enters. During the 118th Congress, the Committee initiated investigations into the FDIC's supervisory role in the March 2023 bank failures, the toxic workplace culture, and inter-agency coordination with the Federal Reserve, Office of the Comptroller of Currency, and the Securities and Exchange Commission on digital asset custody, among others.¹ To date, the FDIC has failed to provide fulsome responses to the Committee's requests. Therefore, please produce the entirety of the requested materials as soon as possible but no later than January 2, 2025. The Committee's investigations are consistent with its obligation pursuant to Article I of the Constitution to conduct oversight over the application, administration, and execution of relevant laws, and to ensure federal agencies are properly organizing and operating under those same laws.²

Furthermore, this letter serves as an instruction to the FDIC to preserve all existing and future documents, communications, and other information, including electronic information and metadata, that are or may be responsive to a congressional inquiry, request, investigation, or subpoena that may be initiated or otherwise undertaken by a committee of Congress or any other investigative entity.

For purposes of this request, "preserve" means securing and maintaining the integrity of all relevant documents, communications, and other information, including electronic information and metadata, by taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, mutation, or negligent or reckless handling that could render the information incomplete or inaccessible. This includes preserving all compilations of documents that have already been gathered in response to

¹ *The Federal Regulators' Response to Recent Bank Failures: Hearing Before the H. Comm. on Financial Services*, 118th Cong. (2023); *Oversight of the FDIC's Failed Leadership and Toxic Workplace Culture: Hearing Before the H. Comm. on Financial Services*, 118th Cong. (2024); Letter from Patrick McHenry, et. al, Chairman, H. Comm. on Financial Services, to Martin J. Gruenberg, Chairman, Fed. Deposit Insurance Corp. (Sept. 23, 2024).

² Rule X 2(b)(1)(A-D), Rules of the House of Representatives, 118th Cong. (2023).

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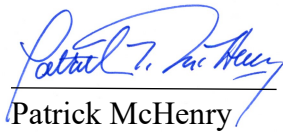
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requests. Please advise in writing as to how you will ensure all records relevant to the enclosed matters will be preserved, as soon as possible, but no later than December 31, 2024.

Additionally, this letter cautions the FDIC against finalizing partisan rulemaking over the next several weeks. The Congressional Review Act (CRA) authorizes Congress to disapprove rulemakings, including those finalized toward the end of the Congress. The financial system, its institutions, consumers, and the FDIC itself do not benefit from last-minute partisan rulemaking attempts. Thus, we encourage you to refrain from additional rulemaking.

Sincerely,



Patrick McHenry
Chairman



French Hill
Chairman-Designate

Enclosure

OUTSTANDING REQUESTS

September 23, 2024

1. All non-public records and communications between FDIC, the SEC, Federal Reserve, and OCC related to the Interagency Statement on Crypto-Asset Custody Services and the related request for information (RFI) regarding crypto-asset custody ancillary activities;
2. All non-public records and communications between the FDIC, SEC, Federal Reserve, and OCC related to the need for additional guidance or regulation related to digital asset custody;
3. 3. All FDIC internal communications referring or related to the Interagency Statement on Crypto-Asset Custody Services and the related RFI;
4. 4. All FDIC internal communications referring or related to the SEC, Federal Reserve, or OCC's regulatory treatment of digital asset custody prior to March 31, 2022; and
5. 5. All FDIC internal communications referring or related to the interagency "policy sprints" and the decision to cease involvement in the interagency workstreams focused on crypto assets, between February 4, 2022, and the release of the Joint Statement on Crypto-Asset Risks to Banking Organizations on January 3, 2023.

October 9, 2024

1. Transcripts of all internal video messages from Chair Gruenberg to FDIC employees since November 1, 2023.
2. All documents and communications, including but not limited to Microsoft Teams messages produced to Cleary Gottlieb Steen & Hamilton LLP, that refer to the virtual meeting on November 5, 2020, as mentioned on page 93 of the Cleary Gottlieb report.
3. All documents and communications, including but not limited to Microsoft Teams messages produced to Cleary Gottlieb Steen & Hamilton LLP, that refer to the virtual meeting on May 19, 2023, as mentioned on page 94 of the Cleary Gottlieb report.
4. Any FDIC Resolution and attached appendices, proposed or approved by the Board of Directors, referring or relating to the implementation of the Cleary Gottlieb report recommendations.
5. All documents and communications transmitted via the FDIC Board Distribution list serve on September 16, 2024, referring or relating to the Board meeting on September 17, 2024, including but not limited to Resolutions offered by Vice-Chairman Hill and Director Chopra.

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6. The legal justification for conducting a closed session of the Board Meeting on September 17, 2024, with respect to matters on the “Oversight of Culture Transformation Efforts.”; and
7. The legal justification for considering the “counter proposal” offered by Director Chopra, in the closed session of the Board Meeting on September 17, 2024, with only 12 hours' notice.

October 29, 2024

1. Any documents provided to asset management firms related to the proposed amendments to the CBCA in question, including the letters and term sheets sent to such firms on August 2, 2024 and October 4, 2024, respectively.