

5) GROUNDS FOR APPOINTING CONSERVATOR OR RECEIVER.--The grounds for appointing a conservator or receiver (which may be the Corporation) for any insured depository institution are as follows:

(A) ASSETS INSUFFICIENT FOR OBLIGATIONS.--The institution's assets are less than the institution's obligations to its creditors and others, including members of the institution.

(B) SUBSTANTIAL DISSIPATION.--Substantial dissipation of assets or earnings due to--

(i) any violation of any statute or regulation; or

(ii) any unsafe or unsound practice.

(C) UNSAFE OR UNSOUND CONDITION.--An unsafe or unsound condition to transact business.

(D) CEASE AND DESIST ORDERS.--Any willful violation of a cease-and-desist order which has become final.

(E) CONCEALMENT.--Any concealment of the institution's books, papers, records, or assets, or any refusal to submit the institution's books, papers, records, or affairs for inspection to any examiner or to any lawful agent of the appropriate Federal banking agency or State bank or savings association supervisor.

(F) INABILITY TO MEET OBLIGATIONS.--The institution is likely to be unable to pay its obligations or meet its depositors' demands in the normal course of business.

(G) LOSSES.--The institution has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the institution to become adequately capitalized (as defined in section 38(b)) without Federal assistance.

(H) VIOLATIONS OF LAW.--Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to--

(i) cause insolvency or substantial dissipation of assets or earnings;

(ii) weaken the institution's condition; or

(iii) otherwise seriously prejudice the interests of the institution's depositors or the deposit insurance fund.

(I) CONSENT.--The institution, by resolution of its board of directors or its shareholders or members, consents to the appointment.

(J) CESSATION OF INSURED STATUS.--The institution ceases to be an insured institution.

(K) UNDERCAPITALIZATION.--The institution is undercapitalized (as defined in [section 38\(b\)](#)), and--

(i) has no reasonable prospect of becoming adequately capitalized (as defined in that section);

(ii) fails to become adequately capitalized when required to do so under [section 38\(f\)\(2\)\(A\)](#);

(iii) fails to submit a capital restoration plan acceptable to that agency within the time prescribed under [section 38\(e\)\(2\)\(D\)](#); or

(iv) materially fails to implement a capital restoration plan submitted and accepted under section 38(e)(2).

(L) THE INSTITUTION.--

(i) is critically undercapitalized, as defined in section 38(b); or

(ii) otherwise has substantially insufficient capital.

(M) MONEY LAUNDERING OFFENSE.--The Attorney General notifies the appropriate Federal banking agency or the Corporation in writing that the insured depository institution has been found guilty of a criminal offense under [section 1956](#) or [1957 of title 18](#), United States Code, or [section 5322](#) or [5324 of title 31](#), United States Code.