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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Deposit Insurance Act, the Bank Holding Company Act of 1956, and the Home Owners' Loan Act to require the consideration of certain entities and factors when evaluating proposed acquisitions, mergers, consolidations, assumptions of liabilities, or transfers of assets, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Federal Deposit Insurance Act, the Bank Holding Company Act of 1956, and the Home Owners' Loan Act to require the consideration of certain entities and factors when evaluating proposed acquisitions, mergers, consolidations, assumptions of liabilities, or transfers of assets, 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 Competition
3 Modernization Act”.

4 **SEC. 2. COMPETITIVE FACTOR CONSIDERATIONS.**

5 (a) IN GENERAL.—Section 18(c) of the Federal De-
6 posit Insurance Act (12 U.S.C. 1828(c)) is amended—

7 (1) in paragraph (4)—

8 (A) in subparagraph (C)—

9 (i) in clause (i), by striking “or” at
10 the end’;

11 (ii) in clause (ii), by striking the pe-
12 riod at the end and inserting “; or”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(iii) if the proposed acquisition,
16 merger, consolidation, assumption of liabil-
17 ities, or transfer of assets under this sec-
18 tion would result in an entity with less
19 than \$10,000,000,000 in assets.”; and

20 (B) by adding at the end the following:

21 “(D) CONSIDERATIONS.—When compiling
22 a report on competitive factors relative to in-
23 sured depository institutions under this para-
24 graph at the request of the responsible agency,
25 the Attorney General shall consider the banking

1 products and services offered by the following
2 types of entities, including loans and deposits:

3 “(i) Depository institutions, as such
4 term is defined in section 3(c) of the Fed-
5 eral Deposit Insurance Act (12 U.S.C.
6 1813(c)).

7 “(ii) Depository institution holding
8 companies, as such term is defined in sec-
9 tion 3(w) of the Federal Deposit Insurance
10 Act (12 U.S.C. 1813(w)).

11 “(iii) Industrial loan companies, in-
12 dustrial banks, or other similar institu-
13 tions, as such term is defined in section
14 2(c) of the Bank Holding Company Act
15 (12 U.S.C. 1841(c)).

16 “(iv) Entities chartered and operating
17 under the Farm Credit Act of 1971.

18 “(v) Nonbank financial companies, as
19 such term is defined in section 102 of the
20 Financial Stability Act of 2010.

21 “(vi) Insured credit unions and non-
22 insured credit unions, as such terms are
23 defined in section 101 of the Federal Cred-
24 it Union Act.”; and

25 (2) by adding at the end the following:

1 “(14) FOR PROPOSED TRANSACTIONS RESULT-
2 ING IN ENTITIES WITH LESS THAN \$10,000,000,000 IN
3 ASSETS.—If a proposed acquisition, merger, consoli-
4 dation, assumption of liabilities, or transfer of assets
5 under this section would result in an entity with less
6 than \$10,000,000,000 in assets, then the responsible
7 agency shall find that such acquisition, merger, con-
8 solidation, assumption of liabilities, or transfer of as-
9 sets would not—

10 “(A) result in a monopoly, or be in fur-
11 therance of any combination or conspiracy to
12 monopolize or to attempt to monopolize the
13 business of banking in any part of the United
14 States; and

15 “(B) have the effect in any section of the
16 country of substantially to lessening competi-
17 tion, tending to create a monopoly, or in any
18 other manner restraining trade.”.

19 (b) FOR BANK HOLDING COMPANIES.—Section 3(c)
20 of the Bank Holding Company Act of 1956 (12 U.S.C.
21 1842(c)) is amended by adding at the end the following:

22 “(8) CONSIDERATIONS WITH RESPECT TO COM-
23 PETITIVE FACTORS.—When evaluating competitive
24 factors relative to a proposed acquisition, merger,
25 consolidation, assumption of liabilities, or transfer of

1 assets, under paragraph (1), the Board shall con-
2 sider the banking products and services offered by
3 the following types of entities, including loans and
4 deposits:

5 “(A) Depository institutions, as such term
6 is defined in section 3(c) of the Federal Deposit
7 Insurance Act (12 U.S.C. 1813(c)).

8 “(B) Depository institution holding compa-
9 nies, as such term is defined in section 3(w) of
10 the Federal Deposit Insurance Act (12 U.S.C.
11 1813(w)).

12 “(C) Industrial loan companies, industrial
13 banks, or other similar institutions, as such
14 term is defined in section 2(c) of the Bank
15 Holding Company Act (12 U.S.C. 1841(c)).

16 “(D) Entities chartered and operating
17 under the Farm Credit Act of 1971.

18 “(E) Nonbank financial companies, as
19 such term is defined in section 102 of the Fi-
20 nancial Stability Act of 2010.

21 “(F) Insured credit unions and noninsured
22 credit unions, as such terms are defined in sec-
23 tion 101 of the Federal Credit Union Act.

24 “(9) FOR PROPOSED TRANSACTIONS RESULT-
25 ING IN ENTITIES WITH LESS THAN \$10,000,000,000 IN

1 ASSETS.—If a proposed acquisition, merger, consoli-
2 dation, assumption of liabilities, or transfer of assets
3 under this section would result in an entity with less
4 than \$10,000,000,000 in assets, then the Board
5 shall find that such acquisition, merger, consolida-
6 tion, assumption of liabilities, or transfer of assets
7 would not—

8 “(A) result in a monopoly, or be in fur-
9 therance of any combination or conspiracy to
10 monopolize or to attempt to monopolize the
11 business of banking in any part of the United
12 States; and

13 “(B) have the effect in any section of the
14 country of substantially to lessening competi-
15 tion, tending to create a monopoly, or in any
16 other manner restraining trade.”.

17 (c) FOR SAVINGS ASSOCIATIONS.—Section 10(e)(2)
18 of the Home Owners’ Loan Act is amended by adding at
19 the end the following:

20 “(8) CONSIDERATIONS WITH RESPECT TO COM-
21 PETITIVE FACTORS.—When evaluating competitive
22 factors relative to a proposed acquisition, merger,
23 consolidation, assumption of liabilities, or transfer of
24 assets, under paragraph (1), the Board shall con-
25 sider the banking products and services offered by

1 the following types of entities, including loans and
2 deposits:

3 “(A) Depository institutions, as such term
4 is defined in section 3(c) of the Federal Deposit
5 Insurance Act (12 U.S.C. 1813(c)).

6 “(B) Depository institution holding compa-
7 nies, as such term is defined in section 3(w) of
8 the Federal Deposit Insurance Act (12 U.S.C.
9 1813(w)).

10 “(C) Industrial loan companies, industrial
11 banks, or other similar institutions, as such
12 term is defined in section 2(c) of the Bank
13 Holding Company Act (12 U.S.C. 1841(c)).

14 “(D) Entities chartered and operating
15 under the Farm Credit Act of 1971.

16 “(E) Nonbank financial companies, as
17 such term is defined in section 102 of the Fi-
18 nancial Stability Act of 2010.

19 “(F) Insured credit unions and noninsured
20 credit unions, as such terms are defined in sec-
21 tion 101 of the Federal Credit Union Act.

22 “(9) FOR PROPOSED TRANSACTIONS RESULT-
23 ING IN ENTITIES WITH LESS THAN \$10,000,000,000 IN
24 ASSETS.—If a proposed acquisition, merger, consoli-
25 dation, assumption of liabilities, or transfer of assets

1 under this section would result in an entity with less
2 than \$10,000,000,000 in assets, then the Board
3 shall find that such acquisition, merger, consolida-
4 tion, assumption of liabilities, or transfer of assets
5 would not—

6 “(A) result in a monopoly, or be in fur-
7 therance of any combination or conspiracy to
8 monopolize or to attempt to monopolize the
9 business of banking in any part of the United
10 States; and

11 “(B) have the effect in any section of the
12 country of substantially to lessening competi-
13 tion, tending to create a monopoly, or in any
14 other manner restraining trade.”.