

AMENDMENT TO H.R. 4173
OFFERED BY MR. MATHESON OF UTAH

Amend section 1301 of the bill to read as follows:

1 **SEC. 1301. MORATORIUM AND STUDY ON TREATMENT OF**
2 **CREDIT CARD BANKS, INDUSTRIAL LOAN**
3 **COMPANIES, AND CERTAIN OTHER COMPA-**
4 **NIES UNDER THE BANK HOLDING COMPANY**
5 **ACT OF 1956.**

6 (a) **MORATORIUM.—**

7 (1) **DEFINITIONS.—**In this subsection—

8 (A) the term “credit card bank” means an
9 institution described in section 2(c)(2)(F) of the
10 Bank Holding Company Act of 1956 (12
11 U.S.C. 1841(c)(2)(F));

12 (B) the term “trust bank” means an insti-
13 tution described in section 2(c)(2)(D) of the
14 Bank Holding Company Act of 1956 (12
15 U.S.C. 1841(c)(2)(D)); and

16 (C) the term “industrial bank” means an
17 institution described in section 2(c)(2)(H) of
18 the Bank Holding Company Act of 1956 (12
19 U.S.C. 1841(c)(2)(H)).

1 (2) MORATORIUM ON PROVISION OF DEPOSIT
2 INSURANCE.—The Corporation may not approve an
3 application for deposit insurance under section 5 of
4 the Federal Deposit Insurance Act (12 U.S.C. 1815)
5 that is received after November 10, 2009, for an in-
6 dustrial bank, a credit card bank, or a trust bank
7 that is directly or indirectly owned or controlled by
8 a commercial firm.

9 (3) CHANGE IN CONTROL.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), the appropriate Federal
12 banking agency shall disapprove a change in
13 control, as provided in section 7(j) of the Fed-
14 eral Deposit Insurance Act (12 U.S.C. 1817(j)),
15 of an industrial bank, a credit card bank, or a
16 trust bank if the change in control would result
17 in direct or indirect control of the industrial
18 bank, credit card bank, or trust bank by a com-
19 mercial firm.

20 (B) EXCEPTIONS.—Subparagraph (A)
21 shall not apply to a change in control of an in-
22 dustrial bank, credit card bank, or trust bank
23 that—

1 (i) is in danger of default, as deter-
2 mined by the appropriate Federal banking
3 agency; or

4 (ii) results from the merger or whole
5 acquisition of a commercial firm that di-
6 rectly or indirectly controls the industrial
7 bank, credit card bank, or trust bank in a
8 bona fide merger with or acquisition by an-
9 other commercial firm, as determined by
10 the appropriate Federal banking agency.

11 (4) SUNSET.—This subsection shall cease to
12 have effect 2 years after the date of enactment of
13 this Act.

14 (b) GOVERNMENT ACCOUNTABILITY OFFICE STUDY
15 OF EXCEPTIONS UNDER THE BANK HOLDING COMPANY
16 ACT OF 1956.—

17 (1) STUDY REQUIRED.—The Comptroller Gen-
18 eral of the United States shall carry out a study to
19 determine whether it is necessary, in order to
20 strengthen the safety and soundness of institutions
21 or the stability of the financial system, to eliminate
22 the exceptions under section 2 of the Bank Holding
23 Company Act of 1956 (12 U.S.C. 1841) for institu-
24 tions described in—

1 (A) section 2(a)(5)(E) of the Bank Hold-
2 ing Company Act of 1956 (12 U.S.C.
3 1841(a)(5)(E));

4 (B) section 2(a)(5)(F) of the Bank Hold-
5 ing Company Act of 1956 (12 U.S.C.
6 1841(a)(5)(F));

7 (C) section 2(c)(2)(D) of the Bank Hold-
8 ing Company Act of 1956 (12 U.S.C.
9 1841(c)(2)(D));

10 (D) section 2(c)(2)(F) of the Bank Hold-
11 ing Company Act of 1956 (12 U.S.C.
12 1841(c)(2)(F));

13 (E) section 2(c)(2)(H) of the Bank Hold-
14 ing Company Act of 1956 (12 U.S.C.
15 1841(c)(2)(H)); and

16 (F) section 2(c)(2)(B) of the Bank Hold-
17 ing Company Act of 1956 (12 U.S.C.
18 1841(c)(2)(B)).

19 (2) CONTENT OF STUDY.—

20 (A) IN GENERAL.—The study required
21 under paragraph (1), with respect to the insti-
22 tutions referenced in each of subparagraphs (A)
23 through (E) of paragraph (1), shall—

24 (i) identify each institution excepted
25 from section 2 of the Bank Holding Com-

1 pany Act of 1956 (12 U.S.C. 1841) under
2 each of the subparagraphs described in
3 subparagraphs (A) through (E) of para-
4 graph (1);

5 (ii) describe the size and location of
6 each institution described in clause (i);

7 (iii) determine whether any holding
8 company of each institution described in
9 clause (i) is a commercial firm;

10 (iv) determine whether each institu-
11 tion described in clause (i) has any affili-
12 ates engaged in primarily financial activi-
13 ties;

14 (v) identify the Federal banking agen-
15 cy responsible for the supervision of each
16 institution described in clause (i) on and
17 after the transfer date;

18 (vi) determine the adequacy of the
19 Federal bank regulatory framework appli-
20 cable to each category of institution de-
21 scribed in clause (i), including any restric-
22 tions (including limitations on affiliate
23 transactions or cross-marketing) that apply
24 to transactions between the institution, the

1 holding company of an institution, and any
2 other affiliate of an institution; and
3 (vii) evaluate the potential con-
4 sequences of subjecting the institutions de-
5 scribed in clause (i) to the requirements of
6 the Bank Holding Company Act of 1956,
7 including with respect to the availability of
8 credit, the stability of the financial system
9 and the economy, the safe and sound oper-
10 ation of each category of institution, the
11 costs to institutions and their holding com-
12 panies, and the impact on activities in
13 which such institutions, and the holding
14 companies of such institutions, may en-
15 gage.

16 (B) SAVINGS ASSOCIATIONS.—With respect
17 to institutions described in paragraph (1)(F),
18 the study required under paragraph (1) shall—

19 (i) determine the adequacy of the
20 Federal bank regulatory framework appli-
21 cable to such institutions, including any re-
22 strictions (including limitations on affiliate
23 transactions or cross-marketing) that apply
24 to transactions between such institutions,
25 the holding company of such institutions,

1 and any other affiliate of such institutions;
2 and

3 (ii) evaluate the potential con-
4 sequences of subjecting the institutions de-
5 scribed in paragraph (1)(F) to the require-
6 ments of the Bank Holding Company Act
7 of 1956, including with respect to the
8 availability of credit, the stability of the fi-
9 nancial system and the economy, the safe
10 and sound operation of such institutions,
11 the costs to institutions and their holding
12 companies, and the impact on activities in
13 which such institutions, and the holding
14 companies of such institutions, may en-
15 gage.

16 (3) REPORT.—Not later than 18 months after
17 the date of enactment of this Act, the Comptroller
18 General shall submit to the Committee on Banking,
19 Housing and Urban Affairs of the Senate and the
20 Committee on Financial Services of the House of
21 Representatives a report on the study required
22 under paragraph (1).

