

117TH CONGRESS
1ST SESSION

H. R. 5912

To reform the regulation of industrial loan companies and their parent companies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 2021

Mr. GARCÍA of Illinois introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To reform the regulation of industrial loan companies and their parent companies, 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 “Close the ILC Loop-
5 hole Act”.

6 **SEC. 2. NEW INDUSTRIAL LOAN COMPANIES NOT ELIGIBLE**
7 **FOR THE EXEMPTION FROM THE DEFINITION**
8 **OF A BANK.**

9 (a) IN GENERAL.—Section 2(c)(2)(H) of the Bank
10 Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(H))

1 is amended by inserting after “similar institution” the fol-
 2 lowing: “which has been approved to receive deposit insur-
 3 ance from the Federal Deposit Insurance Corporation on
 4 or before September 23, 2021 (or has an application to
 5 receive deposit insurance pending before the Federal De-
 6 posit Insurance Corporation where such application was
 7 made on or before September 23, 2021, or has had such
 8 an application approved), and”.

9 (b) TREATMENT OF DEPOSIT INSURANCE APPLICA-
 10 TIONS PENDING ON SEPTEMBER 23, 2021.—

11 (1) IN GENERAL.—With respect to an industrial
 12 loan company, industrial bank, or other similar insti-
 13 tution that, on the date of enactment of this Act,
 14 has an application to receive deposit insurance pend-
 15 ing before the Federal Deposit Insurance Corpora-
 16 tion that was submitted on or before September 23,
 17 2021, the Federal Deposit Insurance Corporation—

18 (A) shall provide for a 90-day public com-
 19 ment period and a public hearing with respect
 20 to such application; and

21 (B) may only approve such application by
 22 a $\frac{2}{3}$ vote of the members of the Board of Di-
 23 rectors of the Federal Deposit Insurance Cor-
 24 poration.

1 (2) 2-YEAR DEADLINE FOR APPROVING APPLI-
2 CATION.—If the Federal Deposit Insurance Corpora-
3 tion does not approve an application described under
4 paragraph (1) before September 23, 2023, such ap-
5 plication shall be deemed to have been denied.

6 (c) AUTHORITY WITH RESPECT TO DEPOSIT INSUR-
7 ANCE APPLICATIONS GRANTED AFTER SEPTEMBER 23,
8 2021.—

9 (1) IN GENERAL.—With respect to a company
10 that has control over a covered industrial loan com-
11 pany which has been approved to receive deposit in-
12 surance from the Federal Deposit Insurance Cor-
13 poration after September 23, 2021 (the “parent
14 company”), the primary financial regulatory agency
15 of such parent company may—

16 (A) conduct such examinations of, and ob-
17 tain reports from, the parent company or any
18 subsidiary of the parent company (other than a
19 bank) as the agency determines necessary or
20 appropriate to assess the parent company’s or
21 subsidiaries’—

22 (i) financial condition;

23 (ii) systems for maintaining and con-
24 trolling financial and operating risks; and

1 (iii) transactions with depository insti-
2 tution subsidiaries of the parent company;
3 and

4 (B) impose any conditions or restrictions
5 on the parent company or any subsidiary of the
6 parent company (other than a bank), including
7 restricting or prohibiting transactions between
8 the parent company or subsidiary and any de-
9 pository institution subsidiary of the parent
10 company, if such conditions or restrictions
11 would promote the safety and soundness of the
12 parent company or any of its depository institu-
13 tion subsidiaries.

14 (2) DEFINITIONS.—In this subsection:

15 (A) COVERED INDUSTRIAL LOAN COM-
16 PANY.—The term “covered industrial loan com-
17 pany” means an industrial loan company, in-
18 dustrial bank, or other similar institution
19 that—

20 (i) on the date of the enactment of
21 this Act, is described under section
22 2(c)(2)(H) of the Bank Holding Company
23 Act of 1956; and

24 (ii) has an application to receive de-
25 posit insurance from the Federal Deposit

1 Insurance Corporation approved after Sep-
2 tember 23, 2021, and before the date of
3 enactment of this Act.

4 (B) PRIMARY FINANCIAL REGULATORY
5 AGENCY.—With respect to a company, the term
6 “primary financial regulatory agency”—

7 (i) has the meaning given that term
8 under section 2 of the Dodd-Frank Wall
9 Street Reform and Consumer Protection
10 Act; and

11 (ii) with respect to a company that
12 does not have a primary financial regu-
13 latory agency under clause (i), means the
14 Board of Governors of the Federal Reserve
15 System.

16 (C) OTHER DEFINITIONS.—The terms
17 “bank” and “depository institution” have the
18 meaning given those terms, respectively, under
19 section 2 of the Bank Holding Company Act of
20 1956.

21 **SEC. 3. SUPERVISION OF PARENT COMPANIES OF INDUS-**
22 **TRIAL LOAN COMPANIES.**

23 The Bank Holding Company Act of 1956 (12 U.S.C.
24 1841 et seq.) is amended by inserting after section 5 the
25 following:

1 **“SEC. 6. SUPERVISION OF PARENT COMPANIES OF INDUS-**
 2 **TRIAL LOAN COMPANIES.**

3 “(a) IN GENERAL.—The Board shall have the same
 4 authority to require a parent company of an industrial
 5 loan company to make reports and submit to examinations
 6 as the Board has with respect to a bank holding company.

7 “(b) PARENT COMPANY OF AN INDUSTRIAL LOAN
 8 COMPANY DEFINED.—In this section, the term ‘parent
 9 company of an industrial loan company’ means a company
 10 that has control over an entity that—

11 “(1) is an industrial loan company, industrial
 12 bank, or other similar institution; and

13 “(2) is not a bank.”.

14 **SEC. 4. CHANGE OF CONTROL.**

15 (a) IN GENERAL.—Except as provided in subsection
 16 (b), the appropriate Federal banking agency shall dis-
 17 approve a change in control, as provided in section 7(j)
 18 of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)),
 19 of an industrial loan company.

20 (b) EXCEPTIONS.—Subsection (a) shall not apply to
 21 a change in control of an industrial loan company—

22 (1) that—

23 (A) is in danger of default, as determined
 24 by the appropriate Federal banking agency;

25 (B) is the result of the acquisition of con-
 26 trol of the industrial loan company by a com-

pany that was an affiliate of the industrial loan company on September 23, 2021, through an internal corporate reorganization of a company that directly or indirectly controlled the industrial loan company on that date;

(C) results from an acquisition of voting shares of a publicly traded company that controls an industrial loan company if, after the acquisition, the acquiring shareholder (or group of shareholders acting in concert) holds less than 25 percent of any class of the voting shares of the company; or

(D) will be controlled, directly or indirectly, by a firm subject to consolidated supervision by the Board of Governors of the Federal Reserve System as a—

(i) bank holding company;

(ii) savings and loan holding company;

or

(iii) foreign bank treated as of July 1, 2020, as a bank holding company under the International Banking Act of 1978 (12 U.S.C. 3101 et seq.); and

(2) that has obtained all regulatory approvals otherwise required for such change of control under

1 any applicable Federal or State law, including sec-
 2 tion 7(j) of the Federal Deposit Insurance Act (12
 3 U.S.C. 1817(j)).

4 (c) DEFINITIONS.—In this section:

5 (1) APPROPRIATE FEDERAL BANKING AGEN-
 6 CY.—The term “appropriate Federal banking agen-
 7 cy” has the meaning given that term under section
 8 3 of the Federal Deposit Insurance Act (12 U.S.C.
 9 1813).

10 (2) INDUSTRIAL LOAN COMPANY.—The term
 11 “industrial loan company” means an industrial loan
 12 company, industrial bank, or other similar institu-
 13 tion.

14 **SEC. 5. GAO STUDY.**

15 (a) STUDY.—The Comptroller General of the United
 16 States shall carry out a study on the effects of industrial
 17 loan companies, industrial banks, and other similar insti-
 18 tutions on the U.S. economy, including the effect on com-
 19 petitiveness, market structure, and different industries.

20 (b) REPORT.—Not later than the end of the 1-year
 21 period beginning on the date of enactment of this Act, the
 22 Comptroller General shall issue a report to the Congress
 23 containing all findings and determinations made in car-
 24 rying out the study under subsection (a).

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