IB

Union Calendar No. 317

119TH CONGRESS
1ST SESSION

H. R. 5262

[Report No. 119–365]

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

SEPTEMBER 10, 2025

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

NOVEMBER 4, 2025

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on September 10, 2025]

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bank Competition Modernization Act".

SEC. 2. COMPETITIVE FACTOR CONSIDERATIONS.

(a) IN GENERAL.—Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended—

(1) in paragraph (4)(C)—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(iii) the proposed merger transaction would result in an entity with less than $10,000,000,000 in assets."; and

(2) by adding at the end the following:

"(14) FOR MERGER TRANSACTIONS RESULTING IN INSTITUTIONS WITH LESS THAN $10,000,000,000 IN ASSETS.—

"(A) IN GENERAL.—Notwithstanding paragraph (5), if a proposed merger transaction would result in an institution with less than $10,000,000,000 in as-

sets, then the responsible agency shall not consider whether such merger transaction would—

"(i) result in a monopoly, or would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States; and

"(ii) have the effect in any section of the country of substantially lessening competition, tending to create a monopoly, or in any other manner restraining trade.

"(B) THRESHOLD ADJUSTMENT.—

"(i) IN GENERAL.—At the end of each year for which the nominal gross domestic product of the United States increases (a 'covered year'), the Corporation shall adjust the dollar figures described in subparagraph (A) and paragraph (4)(C)(iii) by a percentage equal to the percentage increase (if any) between—

"(I) the nominal gross domestic product of the United States for the year, during the preceding 5 years, with respect to which the nominal gross domestic product of the United States was the highest; and

"(II) the nominal gross domestic product of the United States for the covered year.

"(ii) DETERMINATION OF GDP.—In this paragraph, the Corporation shall use nominal gross domestic product statistics determined by the Bureau of Economic Analysis.".

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

"(8) FOR PROPOSED TRANSACTIONS RESULTING IN COMPANIES WITH LESS THAN $10,000,000,000 IN ASSETS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), if a proposed acquisition, merger, or consolidation under this section would result in a company with less than $10,000,000,000 in assets, then the Board shall not consider whether such acquisition, merger, or consolidation would—

"(i) result in a monopoly, or would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States; and

"(ii) have the effect in any section of the country of substantially lessening competition, tending to create a monopoly, or in any other manner restraining trade.

"(B) THRESHOLD ADJUSTMENT.—

"(i) IN GENERAL.—At the end of each year for which the nominal gross domestic product of the United States increases (a 'covered year'), the Board shall adjust the dollar figure described in subparagraph (A) by a percentage equal to the percentage increase (if any) between—

"(I) the nominal gross domestic product of the United States for the year, during the preceding 5 years, with respect to which the nominal gross domestic product of the United States was the highest; and

"(II) the nominal gross domestic product of the United States for the covered year.

"(ii) DETERMINATION OF GDP.—In this paragraph, the Board shall use nominal gross domestic product statistics deter-

mined by the Bureau of Economic Analysis.''.

(c) FOR SAVINGS AND LOAN HOLDING COMPANIES.—Section 10(e) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)) is amended by adding at the end the following:

''(8) FOR PROPOSED TRANSACTIONS RESULTING IN COMPANIES WITH LESS THAN $10,000,000,000 IN ASSETS.—

''(A) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) of paragraph (2), if a proposed transaction under this section would result in a company with less than $10,000,000,000 in assets, then the Board shall not consider whether the transaction would—

''(i) result in a monopoly, or would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the savings and loan business in any part of the United States; and

''(ii) have the effect in any section of the country of substantially lessening competition, tending to create a monopoly, or in any other manner restraining trade.

''(B) THRESHOLD ADJUSTMENT.—

“(i) In general.—At the end of each year for which the nominal gross domestic product of the United States increases (a ‘covered year’), the Board shall adjust the dollar figure described in subparagraph (A) by a percentage equal to the percentage increase (if any) between—

“(I) the nominal gross domestic product of the United States for the year, during the preceding 5 years, with respect to which the nominal gross domestic product of the United States was the highest; and

“(II) the nominal gross domestic product of the United States for the covered year.

“(ii) Determination of GDP.—In this paragraph, the Board shall use nominal gross domestic product statistics determined by the Bureau of Economic Analysis.”.

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