

117TH CONGRESS
1ST SESSION

H. R. 2270

To amend the Bank Service Company Act to provide improvements with respect to State banking agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2021

Mr. WILLIAMS of Texas (for himself and Mr. MEEKS) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Bank Service Company Act to provide improvements with respect to State banking agencies, 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 “Bank Service Company
5 Examination Coordination Act of 2021”.

6 **SEC. 2. BANK SERVICE COMPANY ACT IMPROVEMENTS.**

7 The Bank Service Company Act (12 U.S.C. 1861 et
8 seq.) is amended—

1 (1) in section 1(b)—

2 (A) by redesignating paragraphs (2)
3 through (9) as paragraphs (3) through (10), re-
4 spectively; and

5 (B) by inserting after paragraph (1) the
6 following:

7 “(2) the term ‘State banking agency’ shall have
8 the same meaning given the term ‘State Bank Su-
9 pervisor’ under section 3 of the Federal Deposit In-
10 surance Act;”;

11 (2) in section 5(a), by inserting “, in consulta-
12 tion with the State banking agency,” after “banking
13 agency”; and

14 (3) in section 7—

15 (A) in subsection (a)—

16 (i) in the first sentence, by inserting
17 “or State banking agency” after “appro-
18 priate Federal banking agency”; and

19 (ii) in the second sentence, by striking
20 “Federal banking agency that supervises
21 any other shareholder or member” and in-
22 serting “Federal or State banking agency
23 that supervises any other shareholder or
24 member”;

25 (B) in subsection (c)—

1 (i) by inserting “or a State banking
2 agency” after “appropriate Federal bank-
3 ing agency”; and

4 (ii) by striking “such agency” each
5 place such term appears and inserting
6 “such Federal or State agency”;

7 (C) by redesignating subsection (d) as sub-
8 section (f);

9 (D) by inserting after subsection (c) the
10 following:

11 “(d) AVAILABILITY OF INFORMATION.—Information
12 obtained pursuant to the regulation and examination of
13 service providers under this section or applicable State law
14 may be furnished by and accessible to Federal and State
15 agencies to the same extent that supervisory information
16 concerning depository institutions is authorized to be fur-
17 nished to and required to be accessible by Federal and
18 State agencies under section 7(a)(2) of the Federal De-
19 posit Insurance Act (12 U.S.C. 1817(a)(2)) or State law,
20 as applicable.

21 “(e) COORDINATION WITH STATE BANKING AGEN-
22 CIES.—Where a State bank is principal shareholder or
23 principal member of a bank service company or where a
24 State bank is any other shareholder or member of the
25 bank service company, the appropriate Federal banking

1 agency, in carrying out examinations authorized by this
2 section, shall—

3 “(1) provide reasonable and timely notice to the
4 State banking agency; and

5 “(2) to the fullest extent possible, coordinate
6 and avoid duplication of examination activities, re-
7 porting requirements, and requests for informa-
8 tion.”;

9 (E) in subsection (f), as so redesignated,
10 by inserting “, in consultation with State bank-
11 ing agencies,” after “appropriate Federal bank-
12 ing agencies”; and

13 (F) by adding at the end the following:

14 “(g) **RULE OF CONSTRUCTION.**—Nothing in this sec-
15 tion shall be construed as granting authority for a State
16 banking agency to examine a bank service company where
17 no such authority exists in State law.”.

18 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

19 The budgetary effects of this Act, for the purpose of
20 complying with the Statutory Pay-As-You-Go Act of 2010,
21 shall be determined by reference to the latest statement
22 titled “Budgetary Effects of PAYGO Legislation” for this
23 Act, submitted for printing in the Congressional Record
24 by the Chairman of the House Budget Committee, pro-

- 1 vided that such statement has been submitted prior to the
- 2 vote on passage.

