81ST CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
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# TAXATION OF PERSONAL FINANCE COMPANIES

JULY 20, 1950.—Ordered to be printed

Mr. DOUGHTON, from the committee of conference, submitted the following

## CONFERENCE REPORT

[To accompany H. R. 6073]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6073) to amend section 501 (b) (6) of the Internal Revenue Code, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

Strike out all after the enacting clause and insert the following: *That section 501 (b) (6) of the Internal Revenue Code is amended to read as follows:*

*"(6) (A) A licensed personal finance company under State supervision, 80 per centum or more of the gross income of which is lawful interest received from loans made to individuals in accordance with the provisions of applicable State law if at least 60 per centum of such gross income is lawful interest (i) received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed in principal amount the limit prescribed for small loans by such law (or, if there is no such limit, $500), and (ii) not payable in advance or compounded and computed only on unpaid balances, and if the loans to a person, who is a shareholder in such company during the taxable year by or for whom 10 per centum or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by the members of his family as defined in section 503 (a) (2)), outstanding at any time during such year do not exceed $5,000 in principal amount; and*

*"(B) A lending company, not otherwise excepted by section 501 (b), authorized to engage in the small loan business under one or more State statutes providing for the direct regulation of such business, 80 per centum or more of the gross income of which is lawful*

*interest, discount or other authorized charges (i) received from loans maturing in not more than thirty-six months made to individuals in accordance with the provisions of applicable State law, and (ii) which do not, in the case of any individual loan, exceed in the aggregate an amount equal to simple interest at the rate of 3 per centum per month not payable in advance and computed only on unpaid balances, if at least 60 per centum of the gross income is lawful interest, discount or other authorized charges received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed in principal amount the limit prescribed for small loans by such law (or, if there is no such limit, $500), and if the deductions allowed to such company under section 23 (a) (relating to expenses), other than for compensation for personal services rendered by shareholders (including members of the shareholder's family as described in section 503 (a) (2) ) constitute 15 per centum or more of its gross income, and the loans to a person, who is a shareholder in such company during the taxable year by or for whom 10 per centum or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by the members of his family as defined in section 503 (a) (2) ), outstanding at any time during such year do not exceed $5,000 in principal amount."*

*SEC. 2. That section 501 (b) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:*

*"(8) A finance company, actively and regularly engaged in the business of purchasing or discounting accounts or notes receivable or installment obligations, or making loans secured by any of the foregoing or by tangible personal property, at least 80 per centum of the gross income of which is derived from such business in accordance with the provisions of applicable State law or does not constitute personal holding company income as defined in section 502, if 60 per centum of the gross income is derived from one or more of the following classes of transactions:*

*"(A) Purchasing or discounting accounts or notes receivable, or installment obligations evidenced or secured by contracts of conditional sale, chattel mortgages, or chattel lease agreements, arising out of the sale of goods or services in the course of the transferor's trade or business;*

*"(B) Making loans, maturing in not more than thirty-six months, to, and for the business purposes of, persons engaged in trade or business, secured by—*

*"(i) accounts or notes receivable, or installment obligations, described in subparagraph (a) above;*

*"(ii) warehouse receipts, bills of lading, trust receipts, chattel mortgages, bailments, or factor's liens, covering or evidencing the borrower's inventories;*

*"(iii) a chattel mortgage on property used in the borrower's trade or business;*

*except loans to any single borrower which for more than ninety days in the taxable year of the company exceed 15 per centum of the average funds employed by the company during such taxable year;*

*"(C) Making loans, in accordance with the provisions of applicable State law, secured by chattel mortgages on tangible personal property, the original amount of each of which is not less than the limit referred to in, or prescribed by, subsection (b) (6) (A) (i),*

*and the aggregate principal amount of which owing by any one borrower to the company at any time during the taxable year of the company does not exceed $5,000; and*

*"(D) If 30 per centum or more of the gross income of the company is derived from one or more of the classes of transactions described in subparagraphs (A), (B) and (C) of this paragraph, purchasing, discounting, or lending upon the security of, installment obligations of individuals where the transferor or borrower acquired such obligations either in transactions of the classes described in subparagraphs (A) and (C) of this paragraph or as a result of loans made by such transferor or borrower in accordance with the provisions of clauses (i) and (ii) of paragraph 6 (A) or of clauses (i) and (ii) of paragraph 6 (B) of this subsection, if the funds so supplied at all times bear an agreed ratio to the unpaid balance of the assigned installment obligations, and documents evidencing such obligations are held by the company;*

*provided that the deductions allowable under subsection 23 (a) (relating to expenses), other than compensation for personal services rendered by shareholders (including members of the shareholder's family as described in section 503 (a) (2)), constitute 15 per centum or more of the gross income and that loans to a person who is a shareholder in such company during such taxable year or by for whom 10 per centum or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by members of his family as defined in section 503 (a) (2)) outstanding at any time during such year do not exceed $5,000 in principal amount."*

And the Senate agree to the same.

R. L. DOUGHTON,
W. D. MILLS,
A. SIDNEY CAMP,
WALT A. LYNCH,
DANIEL A. REED,
ROY O. WOODRUFF,
THOMAS A. JENKINS,
*Managers on the Part of the House.*

WALTER F. GEORGE,
ED C. JOHNSON,
HARRY F. BYRD,
E. D. MILLIKIN,
ROBERT A. TAFT,
*Managers on the Part of the Senate.*

## STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6073) to amend section 501 (b) (6) of the Internal Revenue Code, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

### APPLICATION OF THE SURTAX ON PERSONAL HOLDING COMPANIES TO PERSONAL FINANCE COMPANIES

The House bill amended section 501 (b) (6) of the Internal Revenue Code, relating to the application of the surtax on personal holding companies to personal finance companies. Under existing law, a licensed personal finance company under State supervision is not considered to be a personal holding company if at least 80 percent of the gross income of the company is lawful interest received from individuals, each of whose indebtedness to such company did not at any time during the taxable year exceed $300 in principal amount, if such interest is not payable in advance or compounded and is computed only on unpaid balances. The House bill modified the language of this exception to reflect changes in State laws regulating the activities of personal finance companies that have been made over the past several years and imposed a new restriction with respect to the type of loan that a personal finance company might make to a stockholder without being classified as a personal holding company.

The Senate amendment expanded the definition of personal finance companies excluded from the provisions of the surtax on personal holding companies by eliminating the requirement of licensing if the business of a loan, discount or finance company is engaged in business conducted under State supervision as permitted by one or more controlling State statutes. The limitation upon the source of income of such companies was also relaxed in certain respects.

The conference amendment also broadens the scope of the exclusion provided by the House bill, but incorporates restrictive provisions which appear adequate to prevent the use of a finance company as a device for tax avoidance. The amendment does not conflict with the basic principles underlying the other exemptions granted under section 501 (b) of the Internal Revenue Code.

R. L. Doughton,
W. D. Mills,
A. Sidney Camp,
Walt A. Lynch,
Daniel A. Reed,
Roy O. Woodruff,
Thomas A. Jenkins,
*Managers on the Part of the House.*

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