

and not as part of the Federal Deposit Insurance Act which comprises this chapter.

#### AMENDMENTS

1999—Subsec. (e)(4). Pub. L. 106-102 inserted before period at end “and any branch of a bank controlled by an out-of-State bank holding company (as defined in section 1841(o)(7) of this title)”.

#### EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-102 effective 120 days after Nov. 12, 1999, see section 161 of Pub. L. 106-102, set out as a note under section 24 of this title.

### CHAPTER 17—BANK HOLDING COMPANIES

Sec.

1841. Definitions.
1842. Acquisition of bank shares or assets.
- (a) Prior approval of Board as necessary; exceptions; disposition, time extension; subsequent approval or disposition upon disapproval.
  - (b) Application for approval; notice to Comptroller of Currency or State authority; views and recommendations; disapproval; hearing; order of Board; nonaction deemed grant of application; procedure in emergencies or probable failures requiring immediate Board action and orders.
  - (c) Factors for consideration by Board.
  - (d) Interstate banking.
  - (e) Insured depository institution.
  - (f) Repealed.
  - (g) Mutual bank holding company.
1843. Interests in nonbanking organizations.
- (a) Ownership or control of voting shares of any company not a bank; engagement in activities other than banking.
  - (b) Statement purporting to represent shares of any company except a bank or bank holding company.
  - (c) Exemptions.
  - (d) Exemption of company controlling one bank prior to July 1, 1968.
  - (e) Divestiture of nonexempt shares.
  - (f) Certain companies not treated as bank holding companies.
  - (g) Limitations on certain banks.
  - (h) Tying provisions.
  - (i) Acquisition of savings associations.
  - (j) Notice procedures for nonbanking activities.
  - (k) Engaging in activities that are financial in nature.
    - (l) Conditions for engaging in expanded financial activities.
  - (m) Provisions applicable to financial holding companies that fail to meet certain requirements.
  - (n) Authority to retain limited non-financial activities and affiliations.
  - (o) Regulation of certain financial holding companies.
1844. Administration.
- (a) Registration of bank holding company.
  - (b) Regulations and orders.
  - (c) Reports and examinations.
  - (d) Reports to the Congress; recommendations.
  - (e) Termination of activities or ownership or control of nonbank subsidiaries constituting serious risk.
  - (f) Powers of Board respecting applications, examinations, or other proceedings.

Sec.

- (g) Authority of State insurance regulator and the Securities and Exchange Commission.
1845. Repealed.
1846. Reservation of rights to States.
- (a) In general.
  - (b) State taxation authority not affected.
1847. Penalties.
- (a) Criminal penalty.
  - (b) Civil money penalty.
  - (c) Notice under this section after separation from service.
  - (d) Penalty for failure to make reports.
1848. Judicial review.
- 1848a. Limitation on rulemaking, prudential, supervisory, and enforcement authority of the Board.
- (a) Limitation on direct action.
  - (b) Limitation on indirect action.
  - (c) Actions specifically authorized.
  - (d) Functionally regulated subsidiary defined.
1849. Saving provision.
- (a) General rule.
  - (b) Antitrust review.
  - (c) Antitrust proceedings; Board and State banking agency as party; representation by counsel.
  - (d) Treatment of merger transactions consummated prior or subsequent to May 9, 1956, and not in litigation prior to July 1, 1966.
  - (e) Antitrust litigation; substantive law applicable to proceedings pending on or after July 1, 1966, with respect to merger transactions.
  - (f) “Antitrust laws” defined.
1850. Acquisition of subsidiary and tying arrangement; Federal Reserve Board proceedings; application for authorization; competitor as party in interest and person aggrieved; judicial review.

### § 1841. Definitions

(a)(1) Except as provided in paragraph (5) of this subsection, “bank holding company” means any company which has control over any bank or over any company that is or becomes a bank holding company by virtue of this chapter.

(2) Any company has control over a bank or over any company if—

(A) the company directly or indirectly or acting through one or more other persons owns, controls, or has power to vote 25 per centum or more of any class of voting securities of the bank or company;

(B) the company controls in any manner the election of a majority of the directors or trustees of the bank or company; or

(C) the Board determines, after notice and opportunity for hearing, that the company directly or indirectly exercises a controlling influence over the management or policies of the bank or company.

(3) For the purposes of any proceeding under paragraph (2)(C) of this subsection, there is a presumption that any company which directly or indirectly owns, controls, or has power to vote less than 5 per centum of any class of voting securities of a given bank or company does not have control over that bank or company.

(4) In any administrative or judicial proceeding under this chapter, other than a proceeding under paragraph (2)(C) of this subsection, a com-