

AMENDMENT TO H.R. 4173

OFFERED BY MR. LOJAN

Page 255, after line 2, insert the following new section (and conform the table of contents accordingly):

1 **Sec. 1316. Nationwide Deposit Cap For Interstate Acquisitions**

2 (a) AMENDMENTS TO THE BANK HOLDING COMPANY ACT OF 1956—

3 (1) CONCENTRATION LIMIT FOR BANK HOLDING

4 COMPANIES—Section 3(d)(2)(A) of the Bank Holding Company Act (12 USC

5 1842(d)(2)(A)) is amended by striking “paragraph (1)(A)” and inserting

6 “subsection (a) of this section”

7 (2) REMOVAL OF NONBANK SAVINGS ASSOCIATION

8 PROVISION IN LIGHT OF BEING DEFINED AS A BANK—Section 4 of the

9 Bank Holding Company Act is amended by striking subsection (i) and insert the

10 following new subsection:

11 “(i) [Repealed.]”

12 “(b) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT—

13 (1) IN GENERAL— Section 18(c) of the Federal Deposit Insurance Act (12

14 U.S.C 1828(c)) is amended—

15 (A) by redesignating paragraph (12) as paragraph (13); and

16 (B) by inserting after paragraph (11), the following new paragraph:

1 ‘(12) NATIONWIDE DEPOSIT CAP—The responsible
2 agency may not approve an application for an interstate merger
3 transaction if the resulting insured depository institution (including
4 all insured depository institutions which are affiliates of the
5 resulting insured depository institution), upon consummation of the
6 transaction, would control more than 10 percent of the total
7 amount of deposits of insured depository institutions in the United
8 States.’

9 (2) PARALLEL REQUIREMENT— Section 44(b)(2) of the Federal
10 Deposit Insurance Act (12 USC 1831u(b)(2)(A)) is amended to read as
11 follows:

12 ‘(A) NATIONWIDE CONCENTRATION LIMITS—The
13 responsible agency may not approve an application for an
14 interstate merger transaction involving two or more insured
15 depository institutions if the resulting insured depository institution
16 (including all insured depository institutions which are affiliates of
17 such institution), upon consummation of the transaction would
18 control more than 10 percent of the total amount of deposits of
19 insured depository institutions in the United States.’

20 (c) AMENDMENTS TO THE HOME OWNERS’ LOAN ACT.—Section
21 10(e)(2) of the Home Owners’ Loan Act (12 U.S.C. § 1467a(e)(2)) is amended—

22 (1) by striking “or” at the end of subparagraph (C);

1 (2) by striking the period at the end of subparagraph (D), the
2 following new subparagraph:

3 “(E) in the case of an application involving an interstate
4 acquisition, if the applicant (including all insured depository
5 institutions which are affiliates of the applicant) controls, or upon
6 consummation of the acquisition for which such application is filed
7 would control, more than 10 percent of the total amount of deposits
8 of insured depository institutions in the United States.”.