

(b) Depository institution and diversified savings and loan holding company

Effective on November 10, 1978, a person who serves as a management official of a company which is not a depository institution or a depository holding company and as a management official of a depository institution or a depository holding company is not prohibited from continuing to serve as a management official of that depository institution or depository holding company as a result of that company which is not a depository institution or depository holding company becoming a diversified savings and loan holding company as that term is defined in section 1730a(a)¹ of this title.

(Pub. L. 95-630, title II, §206, Nov. 10, 1978, 92 Stat. 3674; Pub. L. 97-110, title III, §302, Dec. 26, 1981, 95 Stat. 1515; Pub. L. 100-650, §§5(b)(2), 6, Nov. 10, 1988, 102 Stat. 3820, 3821; Pub. L. 103-325, title III, §338(a), Sept. 23, 1994, 108 Stat. 2235; Pub. L. 104-208, div. A, title II, §2210(b), Sept. 30, 1996, 110 Stat. 3009-410.)

REFERENCES IN TEXT

Section 1730a of this title, referred to in subsec. (b), was repealed by Pub. L. 101-73, title IV, §407, Aug. 9, 1989, 103 Stat. 363.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-208, §2210(b)(1), struck out “for a period of, subject to the requirements of subsection (c) of this section, 20 years after November 10, 1978” after “continuing to serve in that position”.

Subsec. (b). Pub. L. 104-208, §2210(b)(2), struck out at end “This subsection shall expire, subject to the requirements of subsection (c) of this section, 20 years after November 10, 1978.”

Subsec. (c). Pub. L. 104-208, §2210(b)(3), struck out subsec. (c) which related to review of existing management interlocks.

1994—Subsecs. (a), (b). Pub. L. 103-325, §338(a)(1), substituted “, subject to the requirements of subsection (c) of this section, 20 years after November 10, 1978” for “15 years after November 10, 1978”.

Subsec. (c). Pub. L. 103-325, §338(a)(2), added subsec. (c).

1988—Subsec. (a). Pub. L. 100-650, §5(b)(2), substituted “depository institutions regulatory agency” for “banking agency (as set forth in section 3207 of this title)”.

Pub. L. 100-650, §6, substituted “15 years” for “ten years”.

Subsec. (b). Pub. L. 100-650, §6, substituted “15 years” for “ten years”.

1981—Pub. L. 97-110 designated existing provisions as subsec. (a), inserted provision that a merger, acquisition, increase in total assets, establishment of one or more offices, or change in management responsibilities shall not constitute changes in circumstances which would make such service prohibited by section 3202 or 3203 of this title, and added subsec. (b).

§ 3206. Administration and enforcement

This chapter shall be administered and enforced by—

(1) the Comptroller of the Currency with respect to national banks and banks located in the District of Columbia,

(2) the Board of Governors of the Federal Reserve System with respect to State banks which are members of the Federal Reserve System, and bank holding companies,

(3) the Board of Directors of the Federal Deposit Insurance Corporation with respect to

State banks which are not members of the Federal Reserve System but the deposits of which are insured by the Federal Deposit Insurance Corporation,

(4) the Director of the Office of Thrift Supervision with respect to a savings association (the deposits of which are insured by the Federal Deposit Insurance Corporation) and savings and loan holding companies,

(5) the National Credit Union Administration with respect to credit unions the accounts of which are insured by the National Credit Union Administration, and

(6) upon referral by the agencies named in the foregoing paragraphs (1) through (5), the Attorney General shall have the authority to enforce compliance by any person with this chapter.

(Pub. L. 95-630, title II, §207, Nov. 10, 1978, 92 Stat. 3674; Pub. L. 101-73, title VII, §744(r), Aug. 9, 1989, 103 Stat. 440.)

AMENDMENTS

1989—Par. (4). Pub. L. 101-73 amended par. (4) generally. Prior to amendment, par. (4) read as follows: “the Federal Home Loan Bank Board with respect to institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, and savings and loan holding companies,”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3608 of this title.

§ 3207. Rules and regulations

Regulations to carry out this chapter, including regulations that permit service by a management official that would otherwise be prohibited by section 3202 of this title or section 3203 of this title, if such service would not result in a monopoly or substantial lessening of competition, may be prescribed by—

(1) the Comptroller of the Currency with respect to national banks and banks located in the District of Columbia,

(2) the Board of Governors of the Federal Reserve System with respect to State banks which are members of the Federal Reserve System, and bank holding companies,

(3) the Board of Directors of the Federal Deposit Insurance Corporation with respect to State banks which are not members of the Federal Reserve System but the deposits of which are insured by the Federal Deposit Insurance Corporation,

(4) the Director of the Office of Thrift Supervision with respect to institutions the accounts of which are insured by the Federal Deposit Insurance Corporation, and savings and loan holding companies, and

(5) the National Credit Union Administration with respect to credit unions the accounts of which are insured by the National Credit Union Administration.

(Pub. L. 95-630, title II, §209, Nov. 10, 1978, 92 Stat. 3675; Pub. L. 103-325, title III, §338(b), Sept. 23, 1994, 108 Stat. 2236; Pub. L. 104-208, div. A, title II, §2210(c), Sept. 30, 1996, 110 Stat. 3009-410.)

AMENDMENTS

1996—Pub. L. 104-208 redesignated subsec. (a) as entire section, in introductory provisions, substituted “Regu-

¹ See References in Text note below.

lations” for “Rules and regulations” and inserted “, including regulations that permit service by a management official that would otherwise be prohibited by section 3202 of this title or section 3203 of this title, if such service would not result in a monopoly or substantial lessening of competition,” after “chapter”, in par. (4), substituted “Director of the Office of Thrift Supervision” for “Federal Home Loan Bank Board” and “Federal Deposit Insurance Corporation” for “Federal Savings and Loan Insurance Corporation”, and struck out subsecs. (b) and (c), which related to regulatory standards, and to limited exception for management official consignment program, respectively.

1994—Pub. L. 103-325 designated existing provisions as subsec. (a), inserted heading, struck out “, including rules or regulations which permit service by a management official which would otherwise be prohibited by section 3202 or section 3203 of this title,” after “Rules and regulations to carry out this chapter” in introductory provisions, and added subsecs. (b) and (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3201 of this title.

§ 3208. Powers available to Attorney General for enforcement

(a) For the purpose of the exercise by the Attorney General of his enforcement functions under section 3206(6) of this title, all of the functions and powers of the Attorney General under the Clayton Act [15 U.S.C. 12 et seq.] are available to the Attorney General, irrespective of any jurisdictional tests in the Clayton Act, including the power to take enforcement actions in the same manner as if the violation had been a violation of the Clayton Act.

(b) All of the functions and powers of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice are available to the Attorney General or to such Assistant Attorney General to investigate possible violations under section 3206(6) of this title in the same manner as if such possible violations were possible violations of the Clayton Act [15 U.S.C. 12 et seq.].

(Pub. L. 95-630, title II, §210, as added Pub. L. 97-320, title IV, §426, Oct. 15, 1982, 96 Stat. 1524.)

REFERENCES IN TEXT

The Clayton Act, referred to in text, is act Oct. 15, 1914, ch. 323, 38 Stat. 730, as amended, which is classified generally to sections 12, 13, 14 to 19, 20, 21, and 22 to 27 of Title 15, Commerce and Trade, and sections 52 and 53 of Title 29, Labor. For further details and complete classification of this Act to the Code, see References in Text note set out under section 12 of Title 15 and Tables.

CHAPTER 34—FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

- Sec. 3301. Declaration of purpose.
- 3302. Definitions.
- 3303. Financial Institutions Examination Council.
 - (a) Establishment; composition.
 - (b) Chairmanship.
 - (c) Term of office.
 - (d) Designation of officers and employees.
 - (e) Compensation and expenses.
- 3304. Costs and expenses of Council.
- 3305. Functions of Council.
 - (a) Establishment of principles and standards.
 - (b) Making recommendations regarding supervisory matters and adequacy of supervisory tools.

- Sec. (c) Development of uniform reporting system.
- (d) Conducting schools for examiners and assistant examiners.
- (e) Affect on Federal regulatory agency research and development of new financial institutions supervisory agencies.
- (f) Annual report.
- (g) Flood insurance.
- 3306. State liaison.
- 3307. Administration.
 - (a) Authority of Chairman of Council.
 - (b) Use of personnel, services, and facilities of Federal financial institutions regulatory agencies, Federal Reserve banks, and Federal Home Loan Banks.
 - (c) Compensation, authority, and duties of officers and employees; experts and consultants.
- 3308. Access to books, accounts, records, etc., by Council.
- 3309. Risk management training.
 - (a) Seminars.
 - (b) Study of risk management training program.
- 3310. Establishment of Appraisal Subcommittee.
- 3311. Required review of regulations.
 - (a) In general.
 - (b) Process.
 - (c) Complete review.
 - (d) Regulatory response.
 - (e) Report to Congress.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 42 section 4012a.

§ 3301. Declaration of purpose

It is the purpose of this chapter to establish a Financial Institutions Examination Council which shall prescribe uniform principles and standards for the Federal examination of financial institutions by the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Federal Home Loan Bank Board, and the National Credit Union Administration and make recommendations to promote uniformity in the supervision of these financial institutions. The Council’s actions shall be designed to promote consistency in such examination and to insure progressive and vigilant supervision.

(Pub. L. 95-630, title X, §1002, Nov. 10, 1978, 92 Stat. 3694.)

EFFECTIVE DATE

Chapter effective upon the expiration of 120 days after Nov. 10, 1978, see section 2101 of Pub. L. 95-630, set out as a note under section 375b of this title.

SHORT TITLE

Section 1001 of title X of Pub. L. 95-630 provided that: “This title [enacting this chapter and amending section 67 of former Title 31, Money and Finance] may be cited as the ‘Federal Financial Institutions Examination Council Act of 1978.’”

TRANSFER OF FUNCTIONS

Federal Home Loan Bank Board abolished and functions transferred, see sections 401 to 406 of Pub. L. 101-73, set out as a note under section 1437 of this title.

§ 3302. Definitions

As used in this chapter—