

Pub. L. 115-174, set out above, see section 2 of Pub. L. 115-174, set out as a Definitions note below.]

Pub. L. 115-174, title IV, § 401(g), May 24, 2018, 132 Stat. 1359, provided that: “Nothing in this section [amending this section and sections 248, 5325, 5326, 5331, 5345, 5363, and 5364 of this title and enacting provisions set out as notes under this section] shall be construed to—

“(1) affect the legal effect of the final rule of the Board of Governors of the Federal Reserve System entitled ‘Enhanced Prudential Standards for Bank Holding Companies and Foreign Banking Organizations’ (79 Fed. Reg. 17240 (March 27, 2014)) as applied to foreign banking organizations with total consolidated assets equal to or greater than \$100,000,000,000; or

“(2) limit the authority of the Board of Governors of the Federal Reserve System to require the establishment of an intermediate holding company under, implement enhanced prudential standards with respect to, or tailor the regulation of a foreign banking organization with total consolidated assets equal to or greater than \$100,000,000,000.”

#### SUPERVISORY STRESS TEST

Pub. L. 115-174, title IV, § 401(e), May 24, 2018, 132 Stat. 1359, provided that: “Beginning on the effective date described in subsection (d)(1) [of section 401 of Pub. L. 115-174, set out above], the Board of Governors of the Federal Reserve System shall, on a periodic basis, conduct supervisory stress tests of bank holding companies with total consolidated assets equal to or greater than \$100,000,000,000 and total consolidated assets of less than \$250,000,000,000 to evaluate whether such bank holding companies have the capital, on a total consolidated basis, necessary to absorb losses as a result of adverse economic conditions.”

[For definition of “bank holding companies” as used in section 401(e) of Pub. L. 115-174, set out above, see section 2 of Pub. L. 115-174, set out as a Definitions note below.]

#### GLOBAL SYSTEMICALLY IMPORTANT BANK HOLDING COMPANIES

Pub. L. 115-174, title IV, § 401(f), May 24, 2018, 132 Stat. 1359, provided that: “Any bank holding company, regardless of asset size, that has been identified as a global systemically important BHC under section 217.402 of title 12, Code of Federal Regulations, shall be considered a bank holding company with total consolidated assets equal to or greater than \$250,000,000,000 with respect to the application of standards or requirements under—

“(1) this section [amending this section and sections 248, 5325, 5326, 5331, 5345, 5363, and 5364 of this title and enacting provisions set out as notes under this section];

“(2) sections 116(a), 121(a), 155(d), 163(b), 164, and 165 of the Financial Stability Act of 2010 (12 U.S.C. 5326(a), 5331(a), 5345(d), 5363(b), 5364, 5365); and

“(3) paragraph (2)(A) of the second subsection (s) (relating to assessments) of section 11 of the Federal Reserve Act (12 U.S.C. 248(s)(2)(A)).”

[For definition of “bank holding company” as used in section 401(f) of Pub. L. 115-174, set out above, see section 2 of Pub. L. 115-174, set out as a Definitions note below.]

#### DEFINITIONS

Pub. L. 115-174, § 2, May 24, 2018, 132 Stat. 1297, provided that: “In this Act [see Short Title of 2018 Amendment note set out under section 1601 of Title 15, Commerce and Trade]:

“(1) APPROPRIATE FEDERAL BANKING AGENCY; COMPANY; DEPOSITORY INSTITUTION; DEPOSITORY INSTITUTION HOLDING COMPANY.—The terms ‘appropriate Federal banking agency’, ‘company’, ‘depository institution’, and ‘depository institution holding company’ have the meanings given those terms in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

“(2) BANK HOLDING COMPANY.—The term ‘bank holding company’ has the meaning given the term in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841).”

### § 5366. Early remediation requirements

#### (a) In general

The Board of Governors, in consultation with the Council and the Corporation, shall prescribe regulations establishing requirements to provide for the early remediation of financial distress of a nonbank financial company supervised by the Board of Governors or a bank holding company described in section 5365(a) of this title, except that nothing in this subsection authorizes the provision of financial assistance from the Federal Government.

#### (b) Purpose of the early remediation requirements

The purpose of the early remediation requirements under subsection (a) shall be to establish a series of specific remedial actions to be taken by a nonbank financial company supervised by the Board of Governors or a bank holding company described in section 5365(a) of this title that is experiencing increasing financial distress, in order to minimize the probability that the company will become insolvent and the potential harm of such insolvency to the financial stability of the United States.

#### (c) Remediation requirements

The regulations prescribed by the Board of Governors under subsection (a) shall—

(1) define measures of the financial condition of the company, including regulatory capital, liquidity measures, and other forward-looking indicators; and

(2) establish requirements that increase in stringency as the financial condition of the company declines, including—

(A) requirements in the initial stages of financial decline, including limits on capital distributions, acquisitions, and asset growth; and

(B) requirements at later stages of financial decline, including a capital restoration plan and capital-raising requirements, limits on transactions with affiliates, management changes, and asset sales.

(Pub. L. 111-203, title I, § 166, July 21, 2010, 124 Stat. 1432.)

### § 5367. Affiliations

#### (a) Affiliations

Nothing in this part shall be construed to require a nonbank financial company supervised by the Board of Governors, or a company that controls a nonbank financial company supervised by the Board of Governors, to conform the activities thereof to the requirements of section 1843 of this title.

#### (b) Requirement

##### (1) In general

##### (A) Board authority

If a nonbank financial company supervised by the Board of Governors conducts activities other than those that are determined to