

(2) take such record into account in its evaluation of an application for a deposit facility by such institution.

**(b) Majority-owned institutions**

In assessing and taking into account, under subsection (a), the record of a nonminority-owned and nonwomen-owned financial institution, the appropriate Federal financial supervisory agency may consider as a factor capital investment, loan participation, and other ventures undertaken by the institution in cooperation with minority- and women-owned financial institutions and low-income credit unions provided that these activities help meet the credit needs of local communities in which such institutions and credit unions are chartered.

**(c) Financial holding company requirement**

**(1) In general**

An election by a bank holding company to become a financial holding company under section 1843 of this title shall not be effective if—

(A) the Board finds that, as of the date the declaration of such election and the certification is filed by such holding company under section 1843(l)(1)(C)<sup>1</sup> of this title, not all of the subsidiary insured depository institutions of the bank holding company had achieved a rating of “satisfactory record of meeting community credit needs”, or better, at the most recent examination of each such institution; and

(B) the Board notifies the company of such finding before the end of the 30-day period beginning on such date.

**(2) Limited exclusions for newly acquired insured depository institutions**

Any insured depository institution acquired by a bank holding company during the 12-month period preceding the date of the submission to the Board of the declaration and certification under section 1843(l)(1)(C)<sup>1</sup> of this title may be excluded for purposes of paragraph (1) during the 12-month period beginning on the date of such acquisition if—

(A) the bank holding company has submitted an affirmative plan to the appropriate Federal financial supervisory agency to take such action as may be necessary in order for such institution to achieve a rating of “satisfactory record of meeting community credit needs”, or better, at the next examination of the institution; and

(B) the plan has been accepted by such agency.

**(3) Definitions**

For purposes of this subsection, the following definitions shall apply:

**(A) Bank holding company; financial holding company**

The terms “bank holding company” and “financial holding company” have the meanings given those terms in section 1841 of this title.

**(B) Board**

The term “Board” means the Board of Governors of the Federal Reserve System.

**(C) Insured depository institution**

The term “insured depository institution” has the meaning given the term in section 1813(c) of this title.

**(d) Low-cost education loans**

In assessing and taking into account, under subsection (a), the record of a financial institution, the appropriate Federal financial supervisory agency shall consider, as a factor, low-cost education loans provided by the financial institution to low-income borrowers.

(Pub. L. 95–128, title VIII, §804, Oct. 12, 1977, 91 Stat. 1148; Pub. L. 102–550, title IX, §909(1), Oct. 28, 1992, 106 Stat. 3874; Pub. L. 106–102, title I, §103(b), Nov. 12, 1999, 113 Stat. 1350; Pub. L. 110–315, title X, §1031(a), Aug. 14, 2008, 122 Stat. 3488.)

REFERENCES IN TEXT

Section 1843(l)(1)(C) of this title, referred to in subsec. (c)(1)(A), (2), was redesignated section 1843(l)(1)(D) of this title by Pub. L. 111–203, title VI, §606(a)(2), July 21, 2010, 124 Stat. 1607.

AMENDMENTS

2008—Subsec. (d). Pub. L. 110–315 added subsec. (d).

1999—Subsec. (c). Pub. L. 106–102 added subsec. (c).

1992—Pub. L. 102–550 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

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.

REGULATIONS

Pub. L. 110–315, title X, §1031(b), Aug. 14, 2008, 122 Stat. 3488, provided that: “Not later than 1 year after the date of enactment of this Act [Aug. 14, 2008], each appropriate Federal financial supervisory agency shall issue rules in final form to implement section 804(d) of the Community Reinvestment Act of 1977 [12 U.S.C. 2903(d)], as added by this section.”

**§ 2904. Report to Congress**

Each appropriate Federal financial supervisory agency shall include in its annual report to the Congress a section outlining the actions it has taken to carry out its responsibilities under this chapter.

(Pub. L. 95–128, title VIII, §805, Oct. 12, 1977, 91 Stat. 1148.)

**§ 2905. Regulations**

Regulations to carry out the purposes of this chapter shall be published by each appropriate Federal financial supervisory agency, except that the Comptroller of the Currency shall prescribe regulations applicable to savings associations and the Board of Governors shall prescribe regulations applicable to insured State member banks, bank holding companies and savings and loan holding companies,<sup>1</sup> and shall take effect no later than 390 days after October 12, 1977.

(Pub. L. 95–128, title VIII, §806, Oct. 12, 1977, 91 Stat. 1148; Pub. L. 111–203, title III, §358(2), July 21, 2010, 124 Stat. 1548.)

AMENDMENTS

2010—Pub. L. 111–203 inserted “, except that the Comptroller of the Currency shall prescribe regulations

<sup>1</sup> See References in Text note below.

<sup>1</sup> So in original.