

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3556
OFFERED BY M . Lynch**

In title I, add at the end the following:

1 **SEC. 102. CONCENTRATION LIMIT EXCEPTIONS ONLY**
2 **AVAILABLE WHEN NO OTHER QUALIFYING**
3 **BIDS.**

4 (a) NATIONWIDE CONCENTRATION LIMIT WITH RE-
5 SPECT TO DEPOSITS.—Section 44(e) of the Federal De-
6 posit Insurance Act (12 U.S.C. 1831u(e)) is amended by
7 adding at the end the following: “Notwithstanding the pre-
8 vious sentence, if the responsible agency receives more
9 than one application under subsection (a)(1) for approval
10 of a merger transaction involving the acquisition of the
11 same bank in default or in danger of default or with re-
12 spect to which the Corporation provides assistance under
13 section 13(c), the responsible agency may only approve
14 such an application without regard to subsection (b)(2)(A)
15 if none of the other applications can be approved in com-
16 pliance with subsection (b)(2)(A).”.

17 (b) CONCENTRATION LIMIT WITH RESPECT TO CON-
18 SOLIDATED LIABILITIES.—Section 14(c) of the Bank

1 Holding Company Act of 1956 (12 U.S.C. 1852(c)) is
2 amended—

3 (1) by redesignating paragraphs (1), (2), and
4 (3) as subparagraphs (A), (B), and (C) (and adjust-
5 ing the margins accordingly);

6 (2) by striking “With the” and inserting the
7 following:

8 “(1) IN GENERAL.—With the”; and

9 (3) by adding at the end the following:

10 “(2) LIMITATION.—If the Board receives more
11 than one application for an acquisition of a bank in
12 default or in danger of default or with respect to
13 which the Federal Deposit Insurance Corporation
14 provides assistance under section 13(c) of the Fed-
15 eral Deposit Insurance Act, the Board may only give
16 consent under paragraph (1) to waive the concentra-
17 tion limit if none of the other applications can be ap-
18 proved without such consent.”.

