

Board of Governors of the Federal Reserve System

Regulation X Borrowers of Securities Credit

12 CFR 224; as amended effective April 1, 1998



Regulation X

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Section

- 224.1 Authority, purpose, and scope
- 224.2 Definitions
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\$100,000 in purpose credit obtained outside the United States; and
(3) any borrower who is exempt by order upon terms and conditions set by the Board.

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SECTION 224.1—Authority, Purpose, and Scope

(a) *Authority and purpose.* Regulation X (this part*) is issued by the Board of Governors of the Federal Reserve System (the Board) under the Securities Exchange Act of 1934, as amended (the act) (15 USC 78a et seq.). This part implements section 7(f) of the act (15 USC 78g(f)), the purpose of which is to require that credit obtained within or outside the United States complies with the limitations of the Board's Margin Regulations T and U (12 CFR 220 and 221, respectively).

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(b) *Scope and exemptions.* The act and this part apply the Board's margin regulations to United States persons and foreign persons controlled by or acting on behalf of or in conjunction with United States persons (hereinafter borrowers), who obtain credit outside the United States to purchase or carry United States securities, or within the United States to purchase or carry any securities (both types of credit are hereinafter referred to as purpose credit). The following borrowers are exempt from the act and this part:

- (1) any borrower who obtains purpose credit within the United States, unless the borrower willfully causes the credit to be extended in contravention of Regulation T or U;
- (2) any borrower whose permanent residence is outside the United States and who does not obtain or have outstanding, during any calendar year, a total of more than

SECTION 224.2—Definitions

The terms used in this part have the meanings given to them in sections 3(a) and 7(f) of the act, and in Regulations G, T, and U. Section 7(f) of the act contains the following definitions:

(a) "United States person" includes a person which is organized or exists under the laws of any state or, in the case of a natural person, a citizen or resident of the United States; a domestic estate; or a trust in which one or more of the foregoing persons has a cumulative direct or indirect beneficial interest in excess of 50 per centum of the value of the trust.

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(b) "United States security" means a security (other than an exempted security) issued by a person incorporated under the laws of any state, or whose principal place of business is within a state.

(c) "Foreign person controlled by a United States person" includes any noncorporate entity in which United States persons directly or indirectly have more than a 50 per centum beneficial interest, and any corporation in which one or more United States persons, directly or indirectly, own stock possessing more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock.

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SECTION 224.3—Margin Regulations to Be Applied by Nonexempted Borrowers

(a) *Credit transactions outside the United*

* Code of Federal Regulations, title 12, chapter II, part 224.

States. No borrower shall obtain purpose credit from outside the United States unless it conforms to the following margin regulations:

- (1) Regulation T (12 CFR 220) if the credit is obtained from a foreign branch of a broker-dealer;
- (2) Regulation U (12 CFR 221) if the credit is obtained from a foreign branch of a bank, except for the requirement of a purpose statement (12 CFR 221.3(b) and (c)); and
- (3) Regulation U, as it applies to nonbank lenders, if the credit is obtained from any

other lender outside the United States, except for the requirement of a purpose statement (12 CFR 221.3(c)(1)(ii) and (c)(2)(ii)).

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(b) *Credit transactions within the United States.* Any borrower who willfully causes credit to be extended in contravention of Regulations T and U (12 CFR 220 and 221), and who, therefore, is not exempted by section 224.1(b)(1) of this part, must conform the credit to the margin regulation that applies to the lender.