

is subject to a licensing system established by the Director under section 5107 of this title, if the Director finds, on the record after notice and opportunity for hearing, that such loan originator has violated or failed to comply with any requirement of this chapter or any regulation prescribed by the Director under this chapter or order issued under subsection (c).

(2) Maximum amount of penalty

The maximum amount of penalty for each act or omission described in paragraph (1) shall be \$25,000.

(Pub. L. 110-289, div. A, title V, §1514, July 30, 2008, 122 Stat. 2821; Pub. L. 111-203, title X, §1100(3), (9), July 21, 2010, 124 Stat. 2106, 2107.)

AMENDMENTS

Pub. L. 111-203 substituted “by the Bureau” for “under HUD backup licensing system” in section catchline and “Director” for “Secretary” wherever appearing in text.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

§ 5114. State examination authority

In addition to any authority allowed under State law a State licensing agency shall have the authority to conduct investigations and examinations as follows:

(1) For the purposes of investigating violations or complaints arising under this chapter, or for the purposes of examination, the State licensing agency may review, investigate, or examine any loan originator licensed or required to be licensed under this chapter, as often as necessary in order to carry out the purposes of this chapter.

(2) Each such loan originator shall make available upon request to the State licensing agency the books and records relating to the operations of such originator. The State licensing agency may have access to such books and records and interview the officers, principals, loan originators, employees, independent contractors, agents, and customers of the licensee concerning their business.

(3) The authority of this section shall remain in effect, whether such a loan originator acts or claims to act under any licensing or registration law of such State, or claims to act without such authority.

(4) No person subject to investigation or examination under this section may knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

(Pub. L. 110-289, div. A, title V, §1515, July 30, 2008, 122 Stat. 2823.)

§ 5115. Reports and recommendations to Congress

(a) Annual reports

Not later than 1 year after July 30, 2008, and annually thereafter, the Director shall submit a

report to Congress on the effectiveness of the provisions of this chapter, including legislative recommendations, if any, for strengthening consumer protections, enhancing examination standards, streamlining communication between all stakeholders involved in residential mortgage loan origination and processing, and establishing performance based bonding requirements for mortgage originators or institutions that employ such brokers.

(b) Legislative recommendations

Not later than 6 months after July 30, 2008, the Director shall make recommendations to Congress on legislative reforms to the Real Estate Settlement Procedures Act of 1974 [12 U.S.C. 2601 et seq.], that the Director deems appropriate to promote more transparent disclosures, allowing consumers to better shop and compare mortgage loan terms and settlement costs.

(Pub. L. 110-289, div. A, title V, §1516, July 30, 2008, 122 Stat. 2824; Pub. L. 111-203, title X, §1100(3), July 21, 2010, 124 Stat. 2106.)

REFERENCES IN TEXT

The Real Estate Settlement Procedures Act of 1974, referred to in subsec. (b), is Pub. L. 93-533, Dec. 22, 1974, 88 Stat. 1724, which is classified principally to chapter 27 (§2601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

AMENDMENTS

2010—Pub. L. 111-203 substituted “Director” for “Secretary” wherever appearing.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

§ 5116. Study and reports on defaults and foreclosures

(a) Study required

The Director shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as is available.

(b) Preliminary report to Congress

Not later than 6 months after July 30, 2008, the Director shall submit to Congress a preliminary report regarding the study required by this section.

(c) Final report to Congress

Not later than 12 months after July 30, 2008, the Director shall submit to Congress a final report regarding the results of the study required by this section, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to provide targeted assistance to populations with the highest risk of potential default or foreclosure.

(Pub. L. 110-289, div. A, title V, §1517, July 30, 2008, 122 Stat. 2824; Pub. L. 111-203, title X, §1100(3), July 21, 2010, 124 Stat. 2106.)

AMENDMENTS

2010—Pub. L. 111-203 substituted “Director” for “Secretary” wherever appearing.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

**CHAPTER 52—EMERGENCY ECONOMIC
STABILIZATION**

Sec.

5201. Purposes.
5202. Definitions.

**SUBCHAPTER I—TROUBLED ASSETS RELIEF
PROGRAM**

5211. Purchases of troubled assets.
5212. Insurance of troubled assets.
5213. Considerations.
5214. Financial Stability Oversight Board.
5215. Reports.
5216. Rights; management; sale of troubled assets; revenues and sale proceeds.
5217. Contracting procedures.
5218. Conflicts of interest.
5219. Foreclosure mitigation efforts.
5219a. Home Affordable Modification Program guidelines.
5219b. Public availability of information of Making Home Affordable Program.
5220. Assistance to homeowners.
5220a. Application of GSE conforming loan limit to mortgages assisted with TARP funds.
5220b. Multifamily mortgage resolution program.
5221. Executive compensation and corporate governance.
5222. Coordination with foreign authorities and central banks.
5223. Minimization of long-term costs and maximization of benefits for taxpayers.
5224. Market transparency.
5225. Graduated authorization to purchase.
5226. Oversight and audits.
5227. Study and report on margin authority.
5228. Funding.
5229. Judicial review and related matters.
5230. Termination of authority.
5231. Special Inspector General for the Troubled Asset Relief Program.
5231a. Public-Private Investment Program; additional appropriations for the Special Inspector General for the Troubled Asset Relief Program.
5232. Credit reform.
5233. Congressional Oversight Panel.
5234. Cooperation with the FBI.
5235. Disclosures on exercise of loan authority.
5236. Exchange Stabilization Fund reimbursement.
5237. Authority to suspend mark-to-market accounting.
5238. Study on mark-to-market accounting.
5239. Recoupment.
5240. Preservation of authority.
5241. Temporary increase in deposit and share insurance coverage.

SUBCHAPTER II—BUDGET-RELATED PROVISIONS

5251. Information for congressional support agencies.
5252. Reports by the Office of Management and Budget and the Congressional Budget Office.
5253. Emergency treatment.

SUBCHAPTER III—TAX PROVISIONS

5261. Gain or loss from sale or exchange of certain preferred stock.

(1) to immediately provide authority and facilities that the Secretary of the Treasury can use to restore liquidity and stability to the financial system of the United States; and

(2) to ensure that such authority and such facilities are used in a manner that—

(A) protects home values, college funds, retirement accounts, and life savings;

(B) preserves homeownership and promotes jobs and economic growth;

(C) maximizes overall returns to the taxpayers of the United States; and

(D) provides public accountability for the exercise of such authority.

(Pub. L. 110-343, div. A, §2, Oct. 3, 2008, 122 Stat. 3766.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act” and was translated as reading “this division”, meaning div. A of Pub. L. 110-343, Oct. 3, 2008, 122 Stat. 3765, known as the Emergency Economic Stabilization Act of 2008, to reflect the probable intent of Congress. For complete classification of division A to the Code, see Short Title note set out below and Tables.

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-203, title XIII, §1301, July 21, 2010, 124 Stat. 2133, provided that: “This title [amending sections 1431, 1455, 1719, 5216, and 5225 of this title and enacting provisions set out as a note under section 1455 of this title] may be cited as the ‘Pay It Back Act’.”

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111-22, div. A, §1(a), May 20, 2009, 123 Stat. 1632, provided that: “This division [enacting sections 1715z-25, 1735f-10, 1790e, 5220a, and 5231a of this title, amending sections 1708, 1710, 1715u, 1715z-20, 1715z-23, 1715z-24, 1735f-14, 1782, 1783, 1817, 1823, 1824, 5221, 5225, 5226, 5233, and 5241 of this title, sections 1639a, 1640, and 1641 of Title 15, Commerce and Trade, section 714 of Title 31, Money and Finance, section 3703 of Title 38, Veterans’ Benefits, and sections 1437f and 1472 of Title 42, The Public Health and Welfare, repealing section 1735f-10 of this title, enacting provisions set out as notes under this section, sections 1708, 1715u, and 5220 of this title, section 1639a of Title 15, section 3703 of Title 38, and sections 1437f, 1472, and 5301 of Title 42, amending provisions set out as a note under section 5301 of Title 42, and repealing provisions set out as notes under this section and section 5220 of this title] may be cited as the ‘Helping Families Save Their Homes Act of 2009’.”

Pub. L. 111-22, div. A, title VII, §701, May 20, 2009, 123 Stat. 1660, provided that: “This title [amending section 1437f of Title 42, The Public Health and Welfare, enacting provisions set out as notes under section 5220 of this title and section 1437f of Title 42, and repealing provisions set out as notes under this section and section 5220 of this title] may be cited as the ‘Protecting Tenants at Foreclosure Act of 2009’.”

[Section 701 of Pub. L. 111-22, set out above, repealed Dec. 31, 2014, see section 704 of Pub. L. 111-22, set out as a Termination Date of 2009 Amendment note under section 1437f of Title 42, The Public Health and Welfare.]

Pub. L. 111-15, §1, Apr. 24, 2009, 123 Stat. 1603, provided that: “This Act [amending section 5231 of this title and enacting provisions set out as a note under section 11 of the Inspector General Act of 1978, Pub. L. 95-452, set out in the Appendix to Title 5, Government Organization and Employees] may be cited as the ‘Special Inspector General for the Troubled Asset Relief Program Act of 2009’.”

SHORT TITLE

Pub. L. 110-343, div. A, §1(a), Oct. 3, 2008, 122 Stat. 3765, provided that: “This division [enacting this chap-

§ 5201. Purposes

The purposes of this chapter are—