

ernors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act [12 U.S.C. 611 et seq.] or an uninsured State member bank; and

(3) any reference to an “insured depository institution” or “depository institution” shall refer to an uninsured national bank, an uninsured Federal branch or Federal agency, a corporation chartered under section 25A of the Federal Reserve Act [12 U.S.C. 611 et seq.], or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 4422¹ of this title.

(b) Liability

The liability of a receiver or conservator of an uninsured national bank, uninsured Federal branch or agency, a corporation chartered under section 25A of the Federal Reserve Act [12 U.S.C. 611 et seq.], or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 4422¹ of this title, shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act [12 U.S.C. 1821(e)].

(c) Regulatory authority

(1) In general

The Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency and the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act [12 U.S.C. 611 et seq.], or an uninsured State member bank that operates, or operates as, a multilateral clearing organization pursuant to section 4422¹ of this title, in consultation with the Federal Deposit Insurance Corporation, may each promulgate regulations solely to implement this section.

(2) Specific requirement

In promulgating regulations, limited solely to implementing paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act [12 U.S.C. 1821(e)], the Comptroller of the Currency and the Board of Governors of the Federal Reserve System each shall ensure that the regulations generally are consistent with the regulations and policies of the Federal Deposit Insurance Corporation adopted pursuant to the Federal Deposit Insurance Act [12 U.S.C. 1811 et seq.].

(d) Definitions

For purposes of this section, the terms “Federal branch”, “Federal agency”, and “foreign bank” have the same meanings as in section 3101 of this title.

(Pub. L. 102-242, title IV, §407, as added Pub. L. 109-8, title IX, §906(d)(2), Apr. 20, 2005, 119 Stat. 169.)

REFERENCES IN TEXT

Section 25A of the Federal Reserve Act, referred to in subsecs. (a), (b), and (c)(1), popularly known as the Edge Act, is classified to subchapter II (§611 et seq.) of chap-

ter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 611 of this title and Tables.

Section 4422 of this title, referred to in subsecs. (a) to (c)(1), was repealed by Pub. L. 111-203, title VII, §740, July 21, 2010, 124 Stat. 1729.

Section 11(e)(8)(D) of such Act, referred to in subsec. (a)(2), probably means section 11(e)(8)(D) of the Federal Deposit Insurance Act, which is classified to section 1821(e)(8)(D) of this title.

The Federal Deposit Insurance Act, referred to in subsec. (c)(2), is act Sept. 21, 1950, ch. 967, §2. 64 Stat. 873, which is classified generally to chapter 16 (§1811 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1811 of this title and Tables.

PRIOR PROVISIONS

A prior section 407 of Pub. L. 102-242 was renumbered section 407A and is classified to section 4407 of this title.

EFFECTIVE DATE

Section effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as an Effective Date of 2005 Amendment note under section 101 of Title 11.

§ 4407. National emergencies

The provisions of this chapter may not be construed to limit the authority of the President under the Trading With the Enemy Act (50 U.S.C. App. 1 et seq.) or the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(Pub. L. 102-242, title IV, §407A, formerly §407, Dec. 19, 1991, 105 Stat. 2375; renumbered §407A, Pub. L. 109-8, title IX, §906(d)(1), Apr. 20, 2005, 119 Stat. 169.)

REFERENCES IN TEXT

The Trading With the Enemy Act, referred to in text, is act Oct. 6, 1917, ch. 106, 40 Stat. 411, as amended, which is classified to sections 1 to 6, 7 to 39 and 41 to 44 of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see Tables.

The International Emergency Economic Powers Act, referred to in text, is Pub. L. 95-223, title II, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

SUBCHAPTER II—MULTILATERAL CLEARING ORGANIZATIONS

§§ 4421, 4422. Repealed. Pub. L. 111-203, title VII, § 740, July 21, 2010, 124 Stat. 1729

Section 4421, Pub. L. 102-242, title IV, §408, as added Pub. L. 106-554, §1(a)(5) [title I, §112(a)(3)], Dec. 21, 2000, 114 Stat. 2763, 2763A-391; amended Pub. L. 111-203, title VII, §749(i), July 21, 2010, 124 Stat. 1748, defined terms used in this subchapter.

Section 4422, Pub. L. 102-242, title IV, §409, as added Pub. L. 106-554, §1(a)(5) [title I, §112(a)(3)], Dec. 21, 2000, 114 Stat. 2763, 2763A-392, related to multilateral clearing organizations.

EFFECTIVE DATE OF REPEAL

Repeal effective on the later of 360 days after July 21, 2010, or, to the extent a provision of subtitle A

(§§711–754) of title VII of Pub. L. 111–203 requires a rule-making, not less than 60 days after publication of the final rule or regulation implementing such provision of subtitle A, see section 754 of Pub. L. 111–203, set out as an Effective Date of 2010 note under section 1a of Title 7, Agriculture.

CHAPTER 46—GOVERNMENT SPONSORED ENTERPRISES

Sec.
4501. Congressional findings.
4502. Definitions.
4503. Protection of taxpayers against liability.
SUBCHAPTER I—SUPERVISION AND REGULATION OF ENTERPRISES

PART A—FINANCIAL SAFETY AND SOUNDNESS
REGULATOR

4511. Establishment of the Federal Housing Finance Agency.
4512. Director.
4513. Duties and authorities of Director.
4513a. Federal Housing Finance Oversight Board.
4513b. Prudential management and operations standards.
4514. Authority to require reports by regulated entities.
4514a. Study and reports on guarantee fees.
4515. Personnel.
4516. Funding.
4517. Examinations.
4518. Prohibition and withholding of executive compensation.
4518a. Limitation on bonuses to executives of Fannie Mae and Freddie Mac.
4519. Authority to provide for review of regulated entities.
4520. Minority and women inclusion; diversity requirements.
4521. Annual reports by Director.
4522. Public disclosure of final orders and agreements.
4523. Limitation on subsequent employment.
4524. Audits by GAO.
4525. Information, records, and meetings.
4526. Regulations and orders.

PART B—ADDITIONAL AUTHORITIES OF THE DIRECTOR

SUBPART 1—GENERAL AUTHORITY

4541. Prior approval authority for products.
4542. Housing Price Index.
4543. Public access to mortgage information.
4544. Annual housing report.
4545. Fair housing.
4546. Prohibition of public disclosure of proprietary information.
4547. Enterprise guarantee fees.
4548. Repealed.

SUBPART 2—HOUSING GOALS

4561. Establishment of housing goals.
4562. Single-family housing goals.
4563. Multifamily special affordable housing goal.
4564. Discretionary adjustment of housing goals.
4565. Duty to serve underserved markets and other requirements.
4566. Monitoring and enforcing compliance with housing goals.
4567. Affordable housing allocations.
4568. Housing Trust Fund.
4569. Capital Magnet Fund.

SUBPART 3—ENFORCEMENT

4581. Cease and desist proceedings.
4582. Hearings.
4583. Judicial review.
4584. Enforcement and jurisdiction.

Sec.
4585. Civil money penalties.
4586. Public disclosure of final orders and agreements.
4587. Notice of service.
4588. Subpoena authority.
4589. Repealed.

PART C—MISCELLANEOUS PROVISIONS

4601. Review of underwriting guidelines.
4602. Studies of effects of privatization of FNMA and FHLMC.
4603. Transition.

SUBCHAPTER II—REQUIRED CAPITAL LEVELS FOR REGULATED ENTITIES, SPECIAL ENFORCEMENT POWERS, AND REVIEWS OF ASSETS AND LIABILITIES

4611. Risk-based capital levels for regulated entities.
4612. Minimum capital levels.
4613. Critical capital levels.
4614. Capital classifications.
4615. Supervisory actions applicable to undercapitalized regulated entities.
4616. Supervisory actions applicable to significantly undercapitalized regulated entities.
4617. Authority over critically undercapitalized regulated entities.
4618. Notice of classification and enforcement action.
4619 to 4621. Repealed.
4622. Capital restoration plans.
4623. Judicial review of Director action.
4624. Reviews of enterprise assets and liabilities.

SUBCHAPTER III—ENFORCEMENT PROVISIONS

4631. Cease-and-desist proceedings.
4632. Temporary cease-and-desist orders.
4633. Hearings.
4634. Judicial review.
4635. Enforcement and jurisdiction.
4636. Civil money penalties.
4636a. Removal and prohibition authority.
4636b. Criminal penalty.
4637. Notice after separation from service.
4638. Private rights of action.
4639. Public disclosure of final orders and agreements.
4640. Notice of service.
4641. Subpoena authority.
4642. Reporting of fraudulent loans.

§ 4501. Congressional findings

The Congress finds that—

(1) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (referred to in this section collectively as the “enterprises”), and the Federal Home Loan Banks (referred to in this section as the “Banks”), have important public missions that are reflected in the statutes and charter Acts establishing the Banks and the enterprises;

(2) because the continued ability of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to accomplish their public missions is important to providing housing in the United States and the health of the Nation’s economy, more effective Federal regulation is needed to reduce the risk of failure of the enterprises;

(3) considering the current operating procedures of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Banks,