

this section to all or a portion of the gain or loss from a sale or exchange in any case where—

(1) an applicable financial institution sells or exchanges applicable preferred stock after September 6, 2008, which the applicable financial institution did not hold on such date, but the basis of which in the hands of the applicable financial institution at the time of the sale or exchange is the same as the basis in the hands of the person which held such stock on such date, or

(2) the applicable financial institution is a partner in a partnership which—

(A) held such stock on September 6, 2008, and later sold or exchanged such stock, or

(B) sold or exchanged such stock during the period described in subsection (b)(2)(B).

(e) Regulatory authority

The Secretary of the Treasury or the Secretary's delegate may prescribe such guidance, rules, or regulations as are necessary to carry out the purposes of this section.

(f) Effective date

This section shall apply to sales or exchanges occurring after December 31, 2007, in taxable years ending after such date.

(Pub. L. 110-343, div. A, title III, §301, Oct. 3, 2008, 122 Stat. 3802.)

REFERENCES IN TEXT

The Federal National Mortgage Association Charter Act, referred to in subsec. (b)(1)(A), is title III of act June 27, 1934, ch. 847, 48 Stat. 1252, which is classified generally to subchapter III (§1716 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1716 of this title and Tables.

The Federal Home Loan Mortgage Corporation Act, referred to in subsec. (b)(1)(B), is title III of Pub. L. 91-351, July 24, 1970, 84 Stat. 451, which is classified generally to chapter 11A (§1451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title and Statement of Purpose note set out under section 1451 of this title and Tables.

CHAPTER 53—WALL STREET REFORM AND CONSUMER PROTECTION

Sec.	
5301.	Definitions.
5302.	Severability.
5303.	Antitrust savings clause.

SUBCHAPTER I—FINANCIAL STABILITY

5311. Definitions.

PART A—FINANCIAL STABILITY OVERSIGHT COUNCIL

5321.	Financial Stability Oversight Council established.
5322.	Council authority.
5323.	Authority to require supervision and regulation of certain nonbank financial companies.
5324.	Registration of nonbank financial companies supervised by the Board of Governors.
5325.	Enhanced supervision and prudential standards for nonbank financial companies supervised by the Board of Governors and certain bank holding companies.
5326.	Reports.
5327.	Treatment of certain companies that cease to be bank holding companies.
5328.	Council funding.
5329.	Resolution of supervisory jurisdictional disputes among member agencies.

Sec.	
5330.	Additional standards applicable to activities or practices for financial stability purposes.
5331.	Mitigation of risks to financial stability.
5332.	GAO audit of Council.
5333.	Study of the effects of size and complexity of financial institutions on capital market efficiency and economic growth.

PART B—OFFICE OF FINANCIAL RESEARCH

5341.	Definitions.
5342.	Office of Financial Research established.
5343.	Purpose and duties of the Office.
5344.	Organizational structure; responsibilities of primary programmatic units.
5345.	Funding.
5346.	Transition oversight.

PART C—ADDITIONAL BOARD OF GOVERNORS AUTHORITY FOR CERTAIN NONBANK FINANCIAL COMPANIES AND BANK HOLDING COMPANIES

5361.	Reports by and examinations of nonbank financial companies by the Board of Governors.
5362.	Enforcement.
5363.	Acquisitions.
5364.	Prohibition against management interlocks between certain financial companies.
5365.	Enhanced supervision and prudential standards for nonbank financial companies supervised by the Board of Governors and certain bank holding companies.
5366.	Early remediation requirements.
5367.	Affiliations.
5368.	Regulations.
5369.	Avoiding duplication.
5370.	Safe harbor.
5371.	Leverage and risk-based capital requirements.
5372.	Rule of construction.
5373.	International policy coordination.
5374.	Rule of construction.

SUBCHAPTER II—ORDERLY LIQUIDATION AUTHORITY

5381.	Definitions.
5382.	Judicial review.
5383.	Systemic risk determination.
5384.	Orderly liquidation of covered financial companies.
5385.	Orderly liquidation of covered brokers and dealers.
5386.	Mandatory terms and conditions for all orderly liquidation actions.
5387.	Directors not liable for acquiescing in appointment of receiver.
5388.	Dismissal and exclusion of other actions.
5389.	Rulemaking; non-conflicting law.
5390.	Powers and duties of the Corporation.
5391.	Inspector General reviews.
5392.	Prohibition of circumvention and prevention of conflicts of interest.
5393.	Ban on certain activities by senior executives and directors.
5394.	Prohibition on taxpayer funding.

SUBCHAPTER III—TRANSFER OF POWERS TO THE COMPTROLLER OF THE CURRENCY, THE CORPORATION, AND THE BOARD OF GOVERNORS

5401.	Purposes.
5402.	Definition.

PART A—TRANSFER OF POWERS AND DUTIES

5411.	Transfer date.
5412.	Powers and duties transferred.
5413.	Abolishment.
5414.	Savings provisions.
5415.	References in Federal law to Federal banking agencies.

- Sec. 5416. Contracting and leasing authority.
- PART B—TRANSITIONAL PROVISIONS
- 5431. Interim use of funds, personnel, and property of the Office of Thrift Supervision.
- 5432. Transfer of employees.
- 5433. Property transferred.
- 5434. Funds transferred.
- 5435. Disposition of affairs.
- 5436. Continuation of services.
- 5437. Implementation plan and reports.
- PART C—OTHER MATTERS
- 5451. Branching.
- 5452. Office of Minority and Women Inclusion.
- SUBCHAPTER IV—PAYMENT, CLEARING, AND SETTLEMENT SUPERVISION
- 5461. Findings and purposes.
- 5462. Definitions.
- 5463. Designation of systemic importance.
- 5464. Standards for systemically important financial market utilities and payment, clearing, or settlement activities.
- 5465. Operations of designated financial market utilities.
- 5466. Examination of and enforcement actions against designated financial market utilities.
- 5467. Examination of and enforcement actions against financial institutions subject to standards for designated activities.
- 5468. Requests for information, reports, or records.
- 5469. Rulemaking.
- 5470. Other authority.
- 5471. Consultation.
- 5472. Common framework for designated clearing entity risk management.
- SUBCHAPTER V—BUREAU OF CONSUMER FINANCIAL PROTECTION
- 5481. Definitions.
- PART A—BUREAU OF CONSUMER FINANCIAL PROTECTION
- 5491. Establishment of the Bureau of Consumer Financial Protection.
- 5492. Executive and administrative powers.
- 5493. Administration.
- 5494. Consumer Advisory Board.
- 5495. Coordination.
- 5496. Appearances before and reports to Congress.
- 5496a. Annual audits.
- 5496b. GAO study of financial regulations.
- 5497. Funding; penalties and fines.
- PART B—GENERAL POWERS OF THE BUREAU
- 5511. Purpose, objectives, and functions.
- 5512. Rulemaking authority.
- 5513. Review of Bureau regulations.
- 5514. Supervision of nondepository covered persons.
- 5515. Supervision of very large banks, savings associations, and credit unions.
- 5516. Other banks, savings associations, and credit unions.
- 5517. Limitations on authorities of the Bureau; preservation of authorities.
- 5518. Authority to restrict mandatory pre-dispute arbitration.
- 5519. Exclusion for auto dealers.
- PART C—SPECIFIC BUREAU AUTHORITIES
- 5531. Prohibiting unfair, deceptive, or abusive acts or practices.
- 5532. Disclosures.
- 5533. Consumer rights to access information.
- 5534. Response to consumer complaints and inquiries.

- Sec. 5535. Private Education Loan Ombudsman.
- 5536. Prohibited acts.
- 5537. Senior investor protections.
- 5538. Mortgage loans; rulemaking procedures; enforcement.
- PART D—PRESERVATION OF STATE LAW
- 5551. Relation to State law.
- 5552. Preservation of enforcement powers of States.
- 5553. Preservation of existing contracts.
- PART E—ENFORCEMENT POWERS
- 5561. Definitions.
- 5562. Investigations and administrative discovery.
- 5563. Hearings and adjudication proceedings.
- 5564. Litigation authority.
- 5565. Relief available.
- 5566. Referrals for criminal proceedings.
- 5567. Employee protection.
- PART F—TRANSFER OF FUNCTIONS AND PERSONNEL; TRANSITIONAL PROVISIONS
- 5581. Transfer of consumer financial protection functions.
- 5582. Designated transfer date.
- 5583. Savings provisions.
- 5584. Transfer of certain personnel.
- 5585. Incidental transfers.
- 5586. Interim authority of the Secretary.
- 5587. Transition oversight.
- PART G—REGULATORY IMPROVEMENTS
- 5601. Remittance transfers.
- 5602. Reverse mortgage study and regulations.
- 5603. Review, report, and program with respect to exchange facilitators.
- SUBCHAPTER VI—FEDERAL RESERVE SYSTEM PROVISIONS
- 5611. Liquidity event determination.
- 5612. Emergency financial stabilization.
- 5613. Additional related matters.
- 5614. Exercise of Federal Reserve authority.
- SUBCHAPTER VII—IMPROVING ACCESS TO MAINSTREAM FINANCIAL INSTITUTIONS
- 5621. Purpose.
- 5622. Definitions.
- 5623. Expanded access to mainstream financial institutions.
- 5624. Low-cost alternatives to small dollar loans.
- 5625. Procedural provisions.
- 5626. Authorization of appropriations.
- 5627. Regulations.
- 5628. Evaluation and reports to Congress.
- SUBCHAPTER VIII—MISCELLANEOUS
- 5641. Enhanced compensation structure reporting.

§ 5301. Definitions

As used in this Act, the following definitions shall apply, except as the context otherwise requires or as otherwise specifically provided in this Act:

(1) Affiliate

The term “affiliate” has the same meaning as in section 1813 of this title.

(2) Appropriate Federal banking agency

On and after the transfer date, the term “appropriate Federal banking agency” has the same meaning as in section 1813(q) of this title, as amended by title III.¹

¹ See References in Text note below.