

110TH CONGRESS  
2D SESSION

# S. 2791

To address the foreclosure crisis and to revitalize neighborhoods, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, MARCH 13), 2008

Mr. VOINOVICH introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To address the foreclosure crisis and to revitalize neighborhoods, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting America’s  
5 Homeowners Act of 2008”.

1 **SEC. 2. DISCHARGE OF INDEBTEDNESS ON PRINCIPAL RES-**  
2 **IDENCE EXCLUDED FROM GROSS INCOME EX-**  
3 **TENSION.**

4 Subparagraph (E) of section 108(a)(1) of the Inter-  
5 nal Revenue Code of 1986 is amended by striking “Janu-  
6 ary 1, 2010” and inserting “January 1, 2011”.

7 **SEC. 3. TEMPORARY MORATORIUM OF PREPAYMENT PEN-**  
8 **ALTIES FOR ALL MORTGAGE PRODUCTS.**

9 (a) **IN GENERAL.**—Notwithstanding any other provi-  
10 sion of law, beginning on the date of enactment of this  
11 Act and ending on December 31, 2009, the terms of any  
12 home mortgage loan that require that a consumer must  
13 pay a prepayment penalty for paying all or part of the  
14 outstanding principal on such loan before the date on  
15 which the principal is due under the terms of the loan  
16 agreement shall not be valid.

17 (b) **DEFINITIONS.**—In this section, the following defi-  
18 nitions shall apply:

19 (1) **CONSUMER; CREDIT.**—The terms “con-  
20 sumer” and “credit” have the same meaning as in  
21 section 103 of the Truth in Lending Act (15 U.S.C.  
22 1602).

23 (2) **HOME MORTGAGE LOAN.**—The term “home  
24 mortgage loan” means any consumer credit trans-  
25 action in which a security interest, including any  
26 such interest arising by operation of law, is or will

1 be retained or acquired in any real property located  
2 within the United States which is or, upon the com-  
3 pletion of the transaction, will be used as the prin-  
4 ciple residence of the consumer.

5 **SEC. 4. ASSISTANCE FOR MORTGAGE FORECLOSURE COUN-**  
6 **SELING.**

7 (a) **EXPEDITIOUS DISTRIBUTION OF FUNDS AL-**  
8 **READY PROVIDED.**—Upon certification by the Neighbor-  
9 hood Reinvestment Corporation under paragraph (4)  
10 under the second undesignated paragraph (beginning with  
11 the phrase “For an additional amount”) under the head-  
12 ing “Neighborhood Reinvestment Corporation—Payment  
13 to the Neighborhood Reinvestment Corporation” of Public  
14 Law 110–161 that Housing and Urban Development or  
15 Neighborhood Reinvestment Corporation-approved coun-  
16 seling intermediaries and State Housing Finance Agencies  
17 have the need for additional portions of the \$180,000,000  
18 provided therein for mortgage foreclosure mitigation ac-  
19 tivities in States and areas with high rates of mortgage  
20 foreclosures, defaults, or related activities beyond the ini-  
21 tial awards, and the expertise to use such funds effectively,  
22 the Neighborhood Reinvestment Corporation shall expedi-  
23 tiously continue to award such funds as need and expertise  
24 is shown.

1 (b) ADDITIONAL FUNDING.—There are appropriated  
 2 out of any money in the Treasury not otherwise appro-  
 3 priated for the fiscal year 2008, for an additional amount  
 4 for the “Neighborhood Reinvestment Corporation—Pay-  
 5 ment to the Neighborhood Reinvestment Corporation”  
 6 \$200,000,000, to remain available until expended, for  
 7 foreclosure mitigation activities under the terms and con-  
 8 ditions contained in the second undesignated paragraph  
 9 (beginning with the phrase “For an additional amount”)  
 10 under the heading “Neighborhood Reinvestment Corpora-  
 11 tion—Payment to the Neighborhood Reinvestment Cor-  
 12 poration” of Public Law 110–161.

13 **SEC. 5. ASSISTANCE FOR THE REDEVELOPMENT OF ABAN-**  
 14 **DONED AND FORECLOSED HOMES.**

15 (a) DIRECT APPROPRIATIONS.—There are appro-  
 16 priated out of any money in the Treasury not otherwise  
 17 appropriated for the fiscal year 2008, \$1,000,000,000, to  
 18 remain available until expended, for assistance to States  
 19 and units of general local government (as such terms are  
 20 defined in section 102 of the Housing and Community De-  
 21 velopment Act of 1974 (42 U.S.C. 5302)) for the redev-  
 22 opment of abandoned and foreclosed homes.

23 (b) ALLOCATION OF APPROPRIATED AMOUNTS.—

24 (1) IN GENERAL.—The amounts appropriated  
 25 or otherwise made available to States and units of

1 general local government under this section shall be  
2 allocated based on a funding formula established by  
3 the Secretary of Housing and Urban Development.

4 (2) FORMULA TO BE DEVISED SWIFTLY.—The  
5 funding formula required under paragraph (1) shall  
6 be established not later than 60 days after the date  
7 of enactment of this Act.

8 (3) CRITERIA.—The funding formula required  
9 under paragraph (1) shall ensure that any amounts  
10 appropriated or otherwise made available under this  
11 section are allocated to States and units of general  
12 local government with the greatest need, as such  
13 need is determined in the discretion of the Secretary  
14 of Housing and Urban Development based on the  
15 following factors:

16 (A) The number and percentage of home  
17 foreclosures in each State or unit of general  
18 local government.

19 (B) The number and percentage of aban-  
20 doned homes in each State or unit of general  
21 local government.

22 (4) DISTRIBUTION.—Amounts appropriated or  
23 otherwise made available to States and units of gen-  
24 eral local government under this section shall be dis-  
25 tributed according to the funding formula required

1 under paragraph (1) not later than 30 days after  
2 the establishment of such formula.

3 (c) USE OF FUNDS.—

4 (1) IN GENERAL.—Any State or unit of general  
5 local government that receives amounts pursuant to  
6 this section shall, not later than 18 months after the  
7 receipt of such amounts, use such amounts to rede-  
8 velop abandoned and foreclosed homes.

9 (2) PRIORITY.—Any State or unit of general  
10 local government that receives amounts pursuant to  
11 this section shall in distributing such amounts give  
12 priority emphasis and consideration to those metro-  
13 politan areas, metropolitan cities, urban areas, rural  
14 areas, low- and moderate-income areas, and other  
15 areas with the greatest need, including those with  
16 the greatest percentage of abandoned and foreclosed  
17 homes.

18 (3) ELIGIBLE USES.—

19 (A) IN GENERAL.—Amounts made avail-  
20 able under this section may be used to—

21 (i) make grants, loans, and other fi-  
22 nancing mechanisms to community devel-  
23 opment financial institutions (as such term  
24 is defined under section 103(5) of the  
25 Community Development Banking and Fi-

1 nancial Institutions Act of 1994 (12  
2 U.S.C. 4702(5))), national intermediaries,  
3 and nonprofit housing or community devel-  
4 opment organizations and others to pur-  
5 chase and rehabilitate homes that have  
6 been abandoned or foreclosed upon, in  
7 order to sell, rent, or redevelop such  
8 homes;

9 (ii) establish financing mechanisms  
10 for redevelopment of foreclosed upon  
11 homes, including such mechanisms as soft-  
12 seconds, loan loss reserves, and shared-  
13 equity loans for low- and moderate-income  
14 homebuyers;

15 (iii) purchase and rehabilitate homes  
16 that have been abandoned or foreclosed  
17 upon, in order to sell, rent, or redevelop  
18 such homes;

19 (iv) establish land banks for homes  
20 that have been foreclosed upon; and

21 (v) demolish blighted structures.

22 (B) LIMITATION.—Any funds used under  
23 this section for the purchase of an abandoned  
24 or foreclosed upon home shall be at a discount  
25 from cost equal to or less than the current mar-

1           ket appraised value of the home, taking into ac-  
2           count its current condition, and such discount  
3           appraisal shall ensure that purchasers are pay-  
4           ing below-market value for the homes as part of  
5           a broader neighborhood stabilization strategy.

6           (d) **RULE OF CONSTRUCTION.**—Amounts appro-  
7           priated or otherwise made available to States and units  
8           of general local government under this section shall be  
9           treated as though such funds were community develop-  
10          ment block grant funds under title I of the Housing and  
11          Community Development Act of 1974.

12          (e) **WAIVER AUTHORITY.**—In administering any  
13          amounts appropriated or otherwise made available under  
14          this section, the Secretary of Housing and Urban Develop-  
15          ment may waive, or specify alternative requirements for,  
16          any provision of any statute or regulation that the Sec-  
17          retary administers in connection with the obligation by the  
18          Secretary or the use by the recipient of such funds (except  
19          for requirements related to fair housing, nondiscrimina-  
20          tion, labor standards, and the environment), in order to  
21          expedite or facilitate the use of such funds.

22          (f) **PERIODIC AUDITS.**—In consultation with the Sec-  
23          retary of Housing and Urban Development, the Comp-  
24          troller General of the United States shall conduct periodic  
25          audits to ensure that funds appropriated, made available,

1 or otherwise distributed under this title are being used in  
2 a manner consistent with the criteria provided in this title.

3 (g) ACROSS-THE-BOARD RESCISSIONS IN NON-DE-  
4 FENSE, NON-HOMELAND-SECURITY DISCRETIONARY  
5 SPENDING FOR FISCAL YEAR 2009.—

6 (1) ACROSS-THE-BOARD RESCISSIONS.—There  
7 is hereby rescinded an amount equal to 0.25 percent  
8 of—

9 (A) the budget authority provided (or obli-  
10 gation limitation imposed) for fiscal year 2009  
11 for any non-defense, non-homeland-security dis-  
12 cretionary account in any fiscal year 2009 ap-  
13 propriation Act;

14 (B) the budget authority provided in any  
15 advance appropriation for fiscal year 2009 for  
16 any non-defense, non-homeland-security discre-  
17 tionary account in any prior fiscal year appro-  
18 priation Act; and

19 (C) the contract authority provided in fis-  
20 cal year 2009 for any program that is subject  
21 to a limitation contained in any fiscal year  
22 2009 appropriation Act for any non-defense,  
23 non-homeland-security discretionary account.

24 (2) NON-DEFENSE, NON-HOMELAND-SECURITY  
25 DISCRETIONARY ACCOUNT.—For purposes of para-

1 graph (1), the term “non-defense, non-homeland se-  
2 curity discretionary account” means any discre-  
3 tionary account, other than—

4 (A) any account included in a Department  
5 of Defense Appropriations Act;

6 (B) any account included in a Department  
7 of Homeland Security Appropriations Act;

8 (C) any account of the Department of De-  
9 fense included in a Military Quality of Life and  
10 Veterans Affairs Appropriations Act; or

11 (D) any account for Department of Energy  
12 defense activities included in an Energy and  
13 Water Development Appropriations Act.

14 (3) PROPORTIONATE APPLICATION.—Any re-  
15 seission made by paragraph (1) shall be applied pro-  
16 portionately—

17 (A) to each discretionary account and each  
18 item of budget authority described in such  
19 paragraph; and

20 (B) within each such account and item, to  
21 each program, project, and activity (with pro-  
22 grams, projects, and activities as delineated in  
23 the appropriation Act or accompanying reports  
24 for the relevant fiscal year covering such ac-  
25 count or item, or for accounts and items not in-

1           cluded in appropriation Acts, as delineated in  
2           the most recently submitted President’s budg-  
3           et).

4           (4) **SUBSEQUENT APPROPRIATION LAWS.**—In  
5           the case of any fiscal year 2009 appropriation Act  
6           enacted after the enactment of this subsection, any  
7           rescission required by paragraph (1) shall take effect  
8           immediately after the enactment of such Act.

9           **SEC. 6. ENHANCED MORTGAGE LOAN DISCLOSURES.**

10          (a) **IN GENERAL.**—The Truth In Lending Act (15  
11          U.S.C. 1601 et seq.) is amended by inserting after section  
12          129 the following new section:

13          **“SEC. 129A. ENHANCED MORTGAGE LOAN DISCLOSURES.**

14          “(a) **DEFINITIONS.**—As used in this section, the term  
15          ‘home mortgage loan’ means any consumer credit trans-  
16          action in which a security interest is or will be retained  
17          or acquired in any real property located in the United  
18          States which is or, upon completion of the transaction, will  
19          be used as the principle residence of the consumer.

20          “(b) **DISCLOSURES FOR MORTGAGE LOANS.**—

21                  “(1) **IN GENERAL.**—Subject to the rules of the  
22          Board, with respect to a home mortgage loan, the  
23          creditor shall disclose to the consumer, in addition  
24          to any other disclosures required under this title, a  
25          good faith estimate of—

1           “(A) the amount of the loan;

2           “(B) the term of the loan;

3           “(C) the annual percentage rate of interest  
4 for the loan if such rate is fixed;

5           “(D) the annual percentage rate of interest  
6 for the loan if such rate is variable, provided  
7 that for such a variable rate the creditor also  
8 discloses—

9                 “(i) the initial interest rate;

10                “(ii) the duration of the initial inter-  
11 est rate;

12                “(iii) the date on which the interest  
13 rate will be adjusted or reset;

14                “(iv) the fully indexed rate (expressed  
15 as an estimate of the interest rate after it  
16 is adjusted or reset); and

17                “(v) an estimate of the maximum pos-  
18 sible applicable annual percentage rate of  
19 interest, including language expressing  
20 that if there is no maximum rate, the ap-  
21 plicable State usury rate shall be disclosed;

22           “(E) any prepayment fees or penalties that  
23 may be imposed with respect to the loan, in-  
24 cluding—

1           “(i) the amount of such fee or pen-  
2           alty; and

3           “(ii) a brief description, in plain  
4           English, of the circumstances or events  
5           which would trigger the imposition of the  
6           prepayment fee or penalty;

7           “(F) any balloon payment that may be re-  
8           quired with respect to the loan, including—

9           “(i) the date on which the balloon  
10          payment is due, and the estimated amount  
11          of the balloon payment; and

12          “(ii) a brief statement, in plain  
13          English, that a balloon payment mortgage  
14          does not fully pay off the loan, that a large  
15          balloon payment of the remaining principal  
16          will be required at the end of the loan  
17          term, and that many borrowers must se-  
18          cure another loan to make the balloon pay-  
19          ment;

20          “(G) whether or not the creditor automati-  
21          cally provides for the escrow of taxes and insur-  
22          ance; and

23          “(H) the total settlement costs, including  
24          if the consumer shall be required to maintain  
25          private mortgage insurance or take out a subor-

1           dinate lien mortgage or deed of trust (also re-  
2           ferred to as a ‘piggyback loan’) on the real  
3           property securing the loan to cover the cost of  
4           acquiring the property.

5           “(2) RANGE FOR ESTIMATE.—The disclosure  
6           required under paragraph (1)(H) of the good faith  
7           estimate of the total settlement costs of a home  
8           mortgage loan shall indicate whether such estimated  
9           costs are or are not guaranteed to come within 10  
10          percent of the actual final settlement costs related to  
11          the loan, subject to approval of such terms by the  
12          consumer and the appraisal of the real property se-  
13          curing the loan.

14          “(c) TIMING OF DISCLOSURES.—The disclosures re-  
15          quired by this section shall be provided to the consumer  
16          at the time of approval of the home mortgage loan, but  
17          in no case later than 7 days before the date on which the  
18          home mortgage loan is consummated.

19          “(d) FORMAT.—The disclosures required by this sec-  
20          tion shall be presented to the consumer—

21                  “(1) in plain English;

22                  “(2) to the extent possible, as a 1-page, single  
23          document; and

1           “(3) when provided in conjunction with or at  
2           the same time as other required written disclosures,  
3           as the first of such documents.

4           “(e) TOLERANCES FOR ACCURACY.—The provisions  
5           of section 106(f), relating to tolerances for accuracy, and  
6           any rules of the Board issued under that subsection, shall  
7           apply to disclosures required under this section.”.

8           (b) AMENDMENT TO REAL ESTATE SETTLEMENT  
9           PROCEDURES.—Section 4 of the Real Estate Settlement  
10          Procedures Act of 1974 (12 U.S.C. 2603) is amended by  
11          adding at the end the following:

12          “(c) TRUTH IN LENDING ACT DISCLOSURES.—The  
13          form required under section 129A of the Truth in Lending  
14          Act shall be provided to the borrower at the time of settle-  
15          ment by the person conducting the settlement, in addition  
16          to any other disclosures required by this Act. In no case  
17          may a federally related mortgage loan be consummated  
18          if such form has not been provided to the borrower, both  
19          at the time of the approval of the loan, in accordance with  
20          that section 129A, and at settlement.”.

21          **SEC. 7. CALCULATION OF FINANCE CHARGE AND APR.**

22          (a) CALCULATION OF FINANCE CHARGE.—Section  
23          106 of the Truth in Lending Act (15 U.S.C. 1605) is  
24          amended—

1           (1) in subsection (a), by adding at the end of  
2 the last sentence the following:

3                   “(F) Settlement costs.”;

4           (2) by striking subsection (e); and

5           (3) by redesignating subsection (f) as sub-  
6 section (e).

7           (b) CALCULATION OF APR.—Section 107 of the  
8 Truth in Lending Act (15 U.S.C. 1606) is amending by  
9 adding at the end the following:

10           “(f) EXTENSIONS OF CREDIT SECURED BY AN IN-  
11 TEREST IN REAL PROPERTY.—In the case of any exten-  
12 sion of credit secured by an interest in real property, the  
13 annual percentage rate applicable to such extension of  
14 credit shall include any settlement costs applicable in the  
15 determination of the finance charge in connection with  
16 such extension of credit.”.

17 **SEC. 8. REGISTRATION OF GSES UNDER SECURITIES LAWS.**

18           (a) FANNIE MAE.—

19                   (1) MORTGAGE-BACKED SECURITIES.—Section  
20 304(d) of the Federal National Mortgage Associa-  
21 tion Charter Act (12 U.S.C. 1719(d)) is amended by  
22 striking the fourth sentence and inserting the fol-  
23 lowing: “Securities issued by the corporation under  
24 this subsection shall not be exempt securities for  
25 purposes of the Securities Act of 1933.”.

1           (2) SUBORDINATE OBLIGATIONS.—Section  
2           304(e) of the Federal National Mortgage Association  
3           Charter Act (12 U.S.C. 1719(e)) is amended by  
4           striking the fourth sentence and inserting the fol-  
5           lowing: “Obligations issued by the corporation under  
6           this subsection shall not be exempt securities for  
7           purposes of the Securities Act of 1933.”.

8           (3) SECURITIES.—Section 311 of the Federal  
9           National Mortgage Association Charter Act (12  
10          U.S.C. 1723c) is amended—

11           (A) in the section heading, by striking “AS-  
12          SOCIATION”;

13           (B) by inserting “(a) IN GENERAL.—”  
14          after “SEC. 311.”;

15           (C) in the second sentence, by inserting  
16          “by the Association” after “issued”; and

17           (D) by adding at the end the following:

18          “(b) TREATMENT OF CORPORATION SECURITIES.—

19           “(1) IN GENERAL.—Any stock, obligations, se-  
20          curities, participations, or other instruments issued  
21          or guaranteed by the corporation pursuant to this  
22          title shall not be exempt securities for purposes of  
23          the Securities Act of 1933.

24           “(2) EXEMPTION FOR APPROVED SELLERS.—

25          Notwithstanding any other provision of this title or

1 the Securities Act of 1933, transactions involving  
2 the initial disposition by an approved seller of pooled  
3 certificates that are acquired by that seller from the  
4 corporation upon the initial issuance of the pooled  
5 certificates shall be deemed to be transactions by a  
6 person other than an issuer, underwriter, or dealer  
7 for purposes of the Securities Act of 1933.

8 “(3) DEFINITIONS.—For purposes of this sub-  
9 section, the following definitions shall apply:

10 “(A) APPROVED SELLER.—The term ‘ap-  
11 proved seller’ means an institution approved by  
12 the corporation to sell mortgage loans to the  
13 corporation in exchange for pooled certificates.

14 “(B) POOLED CERTIFICATES.—The term  
15 ‘pooled certificates’ means single class mort-  
16 gage-backed securities guaranteed by the cor-  
17 poration that have been issued by the corpora-  
18 tion directly to the approved seller in exchange  
19 for the mortgage loans underlying such mort-  
20 gage-backed securities.

21 “(4) MORTGAGE RELATED SECURITIES.—A sin-  
22 gle class mortgage-backed security guaranteed by  
23 the corporation that has been issued by the corpora-  
24 tion directly to the approved seller in exchange for  
25 the mortgage loans underlying such mortgage-

1 backed securities or directly by the corporation for  
2 cash shall be deemed to be a mortgage related secu-  
3 rity, as defined in section 3(a) of the Securities Ex-  
4 change Act of 1934.”.

5 (b) FREDDIE MAC.—Section 306(g) of the Federal  
6 Home Loan Mortgage Corporation Act (12 U.S.C.  
7 1455(g)) is amended to read as follows:

8 “(g) TREATMENT OF SECURITIES.—

9 “(1) IN GENERAL.—Any securities issued or  
10 guaranteed by the Corporation shall not be exempt  
11 securities for purposes of the Securities Act of 1933.

12 “(2) EXEMPTION FOR APPROVED SELLERS.—  
13 Notwithstanding any other provision of this title or  
14 the Securities Act of 1933, transactions involving  
15 the initial disposition by an approved seller of pooled  
16 certificates that are acquired by that seller from the  
17 Corporation upon the initial issuance of the pooled  
18 certificates shall be deemed to be transactions by a  
19 person other than an issuer, underwriter, or dealer  
20 for purposes of the Securities Act of 1933.

21 “(3) DEFINITIONS.—For purposes of this sub-  
22 section, the following definitions shall apply:

23 “(A) APPROVED SELLER.—The term ‘ap-  
24 proved seller’ means an institution approved by

1 the Corporation to sell mortgage loans to the  
2 Corporation in exchange for pooled certificates.

3 “(B) POOLED CERTIFICATES.—The term  
4 ‘pooled certificates’ means single class mort-  
5 gage-backed securities guaranteed by the Cor-  
6 poration that have been issued by the Corpora-  
7 tion directly to the approved seller in exchange  
8 for the mortgage loans underlying such mort-  
9 gage-backed securities.”.

10 (c) LIMITATION ON FEES.—Section 6(b)(2) of the  
11 Securities Act of 1933 (15 U.S.C. 77f(b)(2)) is amended  
12 by adding at the end the following: “Notwithstanding any  
13 other provision of this title, no applicant, or group of affili-  
14 ated applicants that does not include any investment com-  
15 pany registered under the Investment Company Act of  
16 1940, filing a registration statement subject to a fee shall  
17 be required in any fiscal year with respect to all registra-  
18 tion statements filed by such applicant in such fiscal year  
19 to pay an aggregate amount in fees to the Commission  
20 pursuant to this subsection in an amount that exceeds 5  
21 percent of the target offsetting collection amount for such  
22 fiscal year. Fees paid in connection with registration state-  
23 ments relating to business combinations shall not be in-  
24 cluded in calculating the total fees paid by any such appli-  
25 cant.”.

1 (d) NO EFFECT ON OTHER LAW.—Nothing in this  
2 section or the amendments made by this section shall be  
3 construed to affect any exemption from the provisions of  
4 the Trust Indenture Act of 1939 provided to the Federal  
5 National Mortgage Association or the Federal Home Loan  
6 Mortgage Corporation.

7 (e) REGULATIONS.—The Securities and Exchange  
8 Commission may issue such regulations as may be nec-  
9 essary or appropriate to carry out this section and the  
10 amendments made by this section.

11 (f) ESTABLISHMENT OF FINANCIAL COUNSELING  
12 AND FORECLOSURE PREVENTION FUND.—

13 (1) ESTABLISHMENT.—There is established in  
14 the Securities and Exchange Commission a Finan-  
15 cial Counseling and Foreclosure Prevention Fund (in  
16 this subsection referred to as the “Fund”), which  
17 shall be used by the Commission to provide assist-  
18 ance to the Neighborhood Reinvestment Corporation  
19 to make grants to counseling intermediaries ap-  
20 proved by the Department of Housing and Urban  
21 Development or the Neighborhood Reinvestment  
22 Corporation to provide mortgage foreclosure mitiga-  
23 tion assistance primarily to States and areas with  
24 high rates of defaults and foreclosures, as authorized

1 by the Neighborhood Reinvestment Corporation Act  
2 (42 U.S.C. 8101–8107).

3 (2) DEPOSITS.—The Fund established under  
4 subsection (a) shall consist of any registration fees  
5 paid by the Federal National Mortgage Association  
6 or the Federal Home Loan Mortgage Corporation to  
7 the Securities and Exchange Commission pursuant  
8 to section 6 of the Securities Act of 1933 (15 U.S.C.  
9 77f).

10 (3) MANAGEMENT OF FUND.—The Fund shall  
11 be administered and managed by the Securities and  
12 Exchange Commission, which shall establish reason-  
13 able and prudent criteria for the management and  
14 operation of any amounts in the Fund.

○