

(except the Corporation) shall use the term “Federal Home Loan Mortgage Corporation”, or any combination of words including the words “Federal”, and “Home Loan”, and “Mortgage”, as a name or part thereof under which any individual or organization does any business, but this sentence shall not make unlawful the use of any name under which business is being done on July 24, 1970. No individual or organization shall use or display (1) any sign, device, or insigne prescribed or approved by the Corporation for use or display by the Corporation or by members of the Federal home loan banks, (2) any copy, reproduction, or colorable imitation of any such sign, device, or insigne, or (3) any sign, device, or insigne reasonably calculated to convey the impression that it is a sign, device, or insigne used by the Corporation or prescribed or approved by the Corporation, contrary to regulations of the Corporation prohibiting, or limiting or restricting, such use or display by such individual or organization. An organization violating this subsection shall for each violation be punished by a fine of not more than \$10,000. An officer or member of an organization participating or knowingly acquiescing in any violation of this subsection shall be punished by a fine of not more than \$5,000 or imprisonment for not more than one year, or both. An individual violating this subsection shall for each violation be punished as set forth in the sentence next preceding this sentence.

(Pub. L. 91-351, title III, §308, July 24, 1970, 84 Stat. 456; Pub. L. 98-479, title II, §204(h), Oct. 17, 1984, 98 Stat. 2233; Pub. L. 101-73, title VII, §731(k), Aug. 9, 1989, 103 Stat. 435.)

AMENDMENTS

1989—Pub. L. 101-73 struck out subsection (a) designation before “Except as expressly”, and struck out subsecs. (b) to (f) relating to applicability of criminal provisions of title 18, and defining terms construing such applicability.

1984—Subsec. (f). Pub. L. 98-479 substituted “United States” for “United States Code” before “, except in a territorial sense”.

§ 1458. Territorial applicability

Notwithstanding any other law, this chapter shall be applicable to the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(Pub. L. 91-351, title III, §309, July 24, 1970, 84 Stat. 457.)

§ 1459. Separability

Notwithstanding any other evidences of the intention of Congress, it is hereby declared to be the controlling intent of Congress that if any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of this chapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

(Pub. L. 91-351, title III, §310, July 24, 1970, 84 Stat. 457; Pub. L. 101-73, title VII, §731(l), Aug. 9, 1989, 103 Stat. 435.)

AMENDMENTS

1989—Pub. L. 101-73 amended section catchline and struck out first sentence which read as follows: “Except as otherwise provided in this chapter, or as otherwise provided by the Corporation or by laws hereafter enacted by the Congress expressly in limitation of provisions of this chapter, the powers and functions of the Corporation and of the Board of Directors shall be exercisable, and the provisions of this chapter shall be applicable and effective, without regard to any other law.”

CHAPTER 12—SAVINGS ASSOCIATIONS

- Sec.
- 1461. Short title.
- 1462. Definitions.
- 1462a. Director of Office of Thrift Supervision.
 - (a) Establishment of Office.
 - (b) Establishment of position of Director.
 - (c) Appointment; term.
 - (d) Prohibition on financial interests.
 - (e) Powers of Director.
 - (f) State homestead provisions.
 - (g) Annual report required.
 - (h) Staff.
 - (i) Funding through assessments.
 - (j) GAO audit.
- 1463. Supervision of savings associations.
 - (a) Federal savings associations.
 - (b) Accounting and disclosure.
 - (c) Stringency of standards.
 - (d) Investment of certain funds in accounts of savings associations.
 - (e) Participation by savings associations in lotteries and related activities.
 - (f) Federally related mortgage loan disclosures.
 - (g) Preemption of State usury laws.
 - (h) Form and maturity of securities.
- 1464. Federal savings associations.
 - (a) In general.
 - (b) Deposits and related powers.
 - (c) Loans and investments.
 - (d) Regulatory authority.
 - (e) Character and responsibility.
 - (f) Federal home loan bank membership.
 - (g) Repealed.
 - (h) Discriminatory State and local taxation prohibited.
 - (i) Conversions.
 - (j) Repealed.
 - (k) Depository of public money.
 - (l) Retirement accounts.
 - (m) Branching.
 - (n) Trusts.
 - (o) Conversion of State savings banks.
 - (p) Conversions.
 - (q) Tying arrangements.
 - (r) Out-of-State branches.
 - (s) Minimum capital requirements.
 - (t) Capital standards.
 - (u) Limits on loans to one borrower.
 - (v) Reports of condition.
 - (w) Forfeiture of franchise for money laundering or cash transaction reporting offenses.
- 1465. Liquid asset requirements.
 - (a) In general.
 - (b) Maintenance of account.
 - (c) Calculation.
 - (d) Deficiency assessments.
 - (e) Reduction or suspension.
 - (f) Regulating authority.
- 1466. Applicability.
- 1466a. District associations.
 - (a) In general.
 - (b) Additional powers.
 - (c) Charter amendments.
 - (d) Limitation.

- Sec.
1467. Examination fees.
- (a) Examination of savings associations.
 - (b) Examination of affiliates.
 - (c) Assessment against association in case of affiliate's refusal to pay.
 - (d) Civil money penalty for affiliate's refusal to cooperate.
 - (e) Regulations.
 - (f) Collection through FDIC or Federal home loan banks.
 - (g) Costs of other examinations.
 - (h) Additional information.
 - (i) Treatment of examination assessments.
 - (j) Processing fee.
 - (k) Fees for examinations and supervisory activities.
 - (l) Working capital.
 - (m) Use of funds.
- 1467a. Regulation of holding companies.
- (a) Definitions.
 - (b) Registration and examination.
 - (c) Holding company activities.
 - (d) Transactions with affiliates.
 - (e) Acquisitions.
 - (f) Declaration of dividend.
 - (g) Administration and enforcement.
 - (h) Prohibited acts.
 - (i) Penalties.
 - (j) Judicial review.
 - (k) Savings clause.
 - (l) Treatment of FDIC insured State savings banks and cooperative banks as savings associations.
- (m) Qualified thrift lender test.
- (n) Tying restrictions.
- (o) Mutual holding companies.
- (p) Holding company activities constituting serious risk to subsidiary savings association.
- (q) Qualified stock issuance by undercapitalized savings associations or holding companies.
- (r) Penalty for failure to provide timely and accurate reports.
- (s) Mergers, consolidations, and other acquisitions authorized.
1468. Transactions with affiliates; extensions of credit to executive officers, directors, and principal shareholders.
- (a) Affiliate transactions.
 - (b) Extensions of credit to executive officers, directors, and principal shareholders.
 - (c) Administrative enforcement.
- 1468a. Advertising.
- 1468b. Powers of examiners.
- 1468c. Separability.
1469. Authority to invest in State housing corporations.
1470. Federal supervision of insured institutions, State member and nonmember banks; access to information; definitions.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1441a, 1831k, 1843, 3204, 3401 of this title; title 18 section 433; title 41 section 22.

§ 1461. Short title

This chapter may be cited as the "Home Owners' Loan Act."

(June 13, 1933, ch. 64, § 1, 48 Stat. 128; Aug. 9, 1989, Pub. L. 101-73, title III, § 301, 103 Stat. 277.)

AMENDMENTS

1989—Pub. L. 101-73 amended section generally, striking out "of 1933" after "Act".

EFFECTIVE DATE OF 1989 AMENDMENT

Section 305(c) of Pub. L. 101-73 provided that: "The amendments made by section 301 [amending this chapter] relating to civil penalties shall apply with respect to violations committed and activities engaged in after the date of the enactment of this Act [Aug. 9, 1989], except that the increased maximum civil penalties of \$5,000 and \$25,000 per violation or per day may apply to such violations or activities committed or engaged in before such date with respect to an institution if such violations or activities—

"(1) are not already subject to a notice issued by the appropriate Federal banking agency or the Board (initiating an administrative proceeding); and

"(2) occurred after the completion of the last report of examination of the institution by the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act [12 U.S.C. 1813]) occurring before the date of the enactment of this Act."

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-242, title IV, § 436, Dec. 19, 1991, 105 Stat. 2381, provided that: "This subtitle [subtitle G (§§ 436-441) of title IV of Pub. L. 102-242, amending sections 1464 and 1467a of this title] may be cited as the 'Qualified Thrift Lender Reform Act of 1991'."

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-320, title III, § 301, Oct. 15, 1982, 96 Stat. 1496, provided that: "This title [enacting section 1701j-3 of this title, amending sections 1425a, 1426, 1428a, 1430, 1464, 1725, 1730a, 1841, and 3503 of this title, enacting provisions set out as a note under section 3503 of this title, and repealing provisions set out as a note under section 461 of this title] may be cited as the 'Thrift Institutions Restructuring Act'."

§ 1462. Definitions

For purposes of this chapter—

(1) Director

The term "Director" means the Director of the Office of Thrift Supervision.

(2) Corporation

The term "Corporation" means the Federal Deposit Insurance Corporation.

(3) Office

The term "Office" means the Office of Thrift Supervision.

(4) Savings association

The term "savings association" means a savings association, as defined in section 3 of the Federal Deposit Insurance Act [12 U.S.C. 1813], the deposits of which are insured by the Corporation.

(5) Federal savings association

The term "Federal savings association" means a Federal savings association or a Federal savings bank chartered under section 1464 of this title.

(6) National bank

The term "national bank" has the same meaning as in section 3 of the Federal Deposit Insurance Act [12 U.S.C. 1813].

(7) Federal banking agencies

The term "Federal banking agencies" means the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.