

108TH CONGRESS
1ST SESSION

H. R. 2022

To extend the registration and reporting requirements of the Federal securities laws to certain housing-related Government-sponsored enterprises, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2003

Mr. SHAYS (for himself and Mr. MARKEY) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To extend the registration and reporting requirements of the Federal securities laws to certain housing-related Government-sponsored enterprises, 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 “Leave No Securities
5 Behind Act”.

6 **SEC. 2. REGISTRATION OF SECURITIES.**

7 (a) FANNIE MAE.—

1 (1) MORTGAGE-BACKED SECURITIES.—Section
2 304(d) of the Federal National Mortgage Associa-
3 tion Charter Act (12 U.S.C. 1719(d)) is amended by
4 striking the fourth sentence and inserting the fol-
5 lowing new sentence: “Securities issued by the cor-
6 poration under this subsection shall not be exempt
7 securities within the meaning of the laws adminis-
8 tered by the Securities and Exchange Commission.”

9 (2) SUBORDINATE OBLIGATIONS.—Section
10 304(e) of the Federal National Mortgage Association
11 Charter Act (12 U.S.C. 1719(e)) is amended by
12 striking the fourth sentence and inserting the fol-
13 lowing new sentence: “Obligations issued by the cor-
14 poration under this subsection shall not be exempt
15 securities within the meaning of the laws adminis-
16 tered by the Securities and Exchange Commission.”

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

20 (A) in the section header, by striking “AS-
21 SOCIATION”;

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

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

1 (D) by adding at the end the following new
2 subsection:

3 “(b) TREATMENT OF CORPORATION SECURITIES.—

4 “(1) IN GENERAL.—Any stock, obligations, se-
5 curities, participations, or other instruments issued
6 or guaranteed by the corporation pursuant to this
7 title shall not be exempt securities within the mean-
8 ing of the laws administered by the Securities and
9 Exchange Commission.

10 “(2) EXEMPTION FOR APPROVED SELLERS.—

11 Notwithstanding any other provision of this title or
12 the Securities Act of 1933, transactions involving
13 the initial disposition by an approved seller of pooled
14 certificates that are acquired by that seller from the
15 corporation upon the initial issuance of the pooled
16 certificates shall be deemed to be transactions by a
17 person other than an issuer, underwriter, or dealer
18 within the meaning of the laws administered by the
19 Securities and Exchange Commission.

20 “(3) DEFINITIONS.—For purposes of this sub-
21 section:

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

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

8 “(4) MORTGAGE RELATED SECURITIES.—A sin-
9 gle class mortgage-backed security guaranteed by
10 the corporation that has been issued by the Corpora-
11 tion directly to the approved seller in exchange for
12 the mortgage loans underlying such mortgage-
13 backed securities or directly by the corporation for
14 cash shall be deemed to be a mortgage related secu-
15 rity as defined in section 3(a) of the Securities Ex-
16 change Act of 1934.”.

17 (b) FREDDIE MAC.—Subsection (g) of section 306 of
18 the Federal Home Loan Mortgage Corporation Act (12
19 U.S.C. 1455(g)) is amended to read as follows:

20 “(g) TREATMENT OF SECURITIES.—

21 “(1) IN GENERAL.—Any securities issued or
22 guaranteed by the Corporation shall not be exempt
23 securities within the meaning of the laws adminis-
24 tered by the Securities and Exchange Commission.”.

1 “(2) EXEMPTION FOR APPROVED SELLERS.—

2 Notwithstanding any other provision of this title or
3 the Securities Act of 1933, transactions involving
4 the initial disposition by an approved seller of pooled
5 certificates that are acquired by that seller from the
6 Corporation upon the initial issuance of the pooled
7 certificates shall be deemed to be transactions by a
8 person other than as an issuer, underwriter, or deal-
9 er within the meaning of the laws administered by
10 the Securities and Exchange Commission.

11 “(3) DEFINITIONS.—For purposes of this sub-
12 section:

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

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

24 (c) REGULATIONS.—The Securities and Exchange
25 Commission may issue any regulations as may be nec-

1 essary or appropriate to carry out the purposes of this
2 section and the amendments made by this section.

3 (d) EFFECTIVE DATE.—The amendments under this
4 section shall be made upon the expiration of the 180-day
5 period beginning on the date of the enactment of this Act,
6 but shall apply only with respect to fiscal years of the Fed-
7 eral National Mortgage Association and the Federal Home
8 Loan Mortgage Corporation that begin after the expira-
9 tion of such 180-day period.

10 **SEC. 3. LIMITATION ON REGISTRATION FEES.**

11 (a) IN GENERAL.—Section 6(b)(2) of the Securities
12 Act of 1933 (15 U.S.C. 77f(b)(2)) is amended by adding
13 at the end the following new sentence: “Notwithstanding
14 any other provision of this title, no applicant, or group
15 of affiliated applicants that do not include any investment
16 company registered under the Investment Company Act
17 of 1940, filing a registration statement subject to a fee
18 shall be required in any fiscal year with respect to all reg-
19 istration statements filed by such applicant in such fiscal
20 year to pay an aggregate amount in fees to the Commis-
21 sion pursuant to subsection (b) in excess of five percent
22 of the target offsetting collection amount for such fiscal
23 year. Fees paid in connection with registration statements
24 relating to business combinations shall not be included in
25 calculating the total fees paid by any applicant.”.

1 (b) EFFECTIVE DATE.—The amendment under sub-
2 section (a) shall be made and shall apply upon the expira-
3 tion of the 180-day period beginning on the date of the
4 enactment of this Act.

