

109TH CONGRESS
2^D SESSION

H. R. 5121

AN ACT

To modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes.

109TH CONGRESS
2^D SESSION

H. R. 5121

AN ACT

To modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, 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,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Expanding American Homeownership Act of 2006”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Maximum principal loan obligation.
- Sec. 4. Extension of mortgage term.
- Sec. 5. Cash investment requirement.
- Sec. 6. Temporary reinstatement of downpayment requirement in event of in-
creased defaults.
- Sec. 7. Mortgage insurance premiums.
- Sec. 8. Rehabilitation loans.
- Sec. 9. Discretionary action.
- Sec. 10. Insurance of condominiums.
- Sec. 11. Mutual Mortgage Insurance Fund.
- Sec. 12. Hawaiian home lands and Indian reservations.
- Sec. 13. Conforming and technical amendments.
- Sec. 14. Home equity conversion mortgages.
- Sec. 15. Conforming loan limit in disaster areas.
- Sec. 16. Participation of mortgage brokers and correspondent lenders.
- Sec. 17. Sense of Congress regarding technology for financial systems.
- Sec. 18. Savings provision.
- Sec. 19. Implementation.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) one of the primary missions of the Federal
9 Housing Administration (FHA) single family mort-
10 gage insurance program is to reach borrowers who
11 are underserved, or not served, by the existing con-
12 ventional mortgage marketplace;

13 (2) the FHA program has a long history of in-
14 novation, which includes pioneering the 30-year self-
15 amortizing mortgage and a safe-to-seniors reverse

1 mortgage product, both of which were once thought
2 too risky to private lenders;

3 (3) the FHA single family mortgage insurance
4 program traditionally has been a major provider of
5 mortgage insurance for home purchases;

6 (4) the FHA mortgage insurance premium
7 structure, as well as FHA's product offerings,
8 should be revised to reflect FHA's enhanced ability
9 to determine risk at the loan level and to allow FHA
10 to better respond to changes in the mortgage mar-
11 ket;

12 (5) during past recessions, including the oil-
13 patch downturns in the mid-1980s, FHA remained
14 a viable credit enhancer and was therefore instru-
15 mental in preventing a more catastrophic collapse in
16 housing markets and a greater loss of homeowner
17 equity; and

18 (6) as housing price appreciation slows and in-
19 terest rates rise, many homeowners and prospective
20 homebuyers will need the less-expensive, safer fi-
21 nancing alternative that FHA mortgage insurance
22 provides.

23 (b) PURPOSES.—The purposes of this Act are—

24 (1) to provide flexibility to FHA to allow for
25 the insurance of housing loans for low- and mod-

1 erate-income homebuyers during all economic cycles
2 in the mortgage market;

3 (2) to modernize the FHA single family mort-
4 gage insurance program by making it more reflective
5 of enhancements to loan-level risk assessments and
6 changes to the mortgage market; and

7 (3) to adjust the loan limits for the single fam-
8 ily mortgage insurance program to reflect rising
9 house prices and the increased costs associated with
10 new construction.

11 **SEC. 3. MAXIMUM PRINCIPAL LOAN OBLIGATION.**

12 Paragraph (2) of section 203(b) of the National
13 Housing Act (12 U.S.C. 1709(b)(2)) is amended—

14 (1) by striking subparagraphs (A) and (B) and
15 inserting the following new subparagraphs:

16 “(A) not to exceed the lesser of—

17 “(i) in the case of a 1-family resi-
18 dence, the median 1-family house price in
19 the area, as determined by the Secretary;
20 and in the case of a 2-, 3-, or 4-family res-
21 idence, the percentage of such median
22 price that bears the same ratio to such me-
23 dian price as the dollar amount limitation
24 in effect under section 305(a)(2) of the
25 Federal Home Loan Mortgage Corporation

1 Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or
2 4-family residence, respectively, bears to
3 the dollar amount limitation in effect
4 under such section for a 1-family resi-
5 dence; or

6 “(ii) the dollar amount limitation de-
7 termined under such section 305(a)(2) for
8 a residence of the applicable size;

9 except that the dollar amount limitation in ef-
10 fect for any area under this subparagraph may
11 not be less than the greater of (I) the dollar
12 amount limitation in effect under this section
13 for the area on October 21, 1998, or (II) 65
14 percent of the dollar limitation determined
15 under such section 305(a)(2) for a residence of
16 the applicable size; and

17 “(B) not to exceed the appraised value of
18 the property, plus any initial service charges,
19 appraisal, inspection and other fees in connec-
20 tion with the mortgage as approved by the Sec-
21 retary.”;

22 (2) in the matter after and below subparagraph
23 (B), by striking the second sentence (relating to a
24 definition of “average closing cost”) and all that fol-
25 lows through “title 38, United States Code”; and

1 (3) by striking the last undesignated paragraph
2 (relating to counseling with respect to the respon-
3 sibilities and financial management involved in
4 homeownership).

5 **SEC. 4. EXTENSION OF MORTGAGE TERM.**

6 Paragraph (3) of section 203(b) of the National
7 Housing Act (12 U.S.C. 1709(b)(3)) is amended—

8 (1) by striking “thirty-five years” and inserting
9 “forty years”; and

10 (2) by striking “(or thirty years if such mort-
11 gage is not approved for insurance prior to construc-
12 tion)”.

13 **SEC. 5. CASH INVESTMENT REQUIREMENT.**

14 Paragraph (9) of section 203(b) of the National
15 Housing Act (12 U.S.C. 1709(b)(9)) is amended by strik-
16 ing the paragraph designation and all that follows through
17 “*Provided further*, That for” and inserting the following:

18 “(9) Be executed by a mortgagor who shall
19 have paid on account of the property, in cash or its
20 equivalent, an amount, if any, as the Secretary may
21 determine based on factors determined by the Sec-
22 retary and commensurate with the likelihood of de-
23 fault. For”.

1 **SEC. 6. TEMPORARY REINSTATEMENT OF DOWNPAYMENT**
2 **REQUIREMENT IN EVENT OF INCREASED DE-**
3 **FAULTS.**

4 Section 203(b) of the National Housing Act (12
5 U.S.C. 1709(b)) is amended by adding at the end the fol-
6 lowing new paragraph:

7 “(10) EFFECT OF INCREASED DEFAULTS.—

8 “(A) ANNUAL DETERMINATION.—If, for
9 any calendar year described in subparagraph
10 (B)(i), the Secretary determines, pursuant such
11 subparagraph, that—

12 “(i) the ratio of the number of mort-
13 gage insurance claims made during such
14 calendar year on mortgages insured under
15 this section to the total number of mort-
16 gages having such insurance in force dur-
17 ing such calendar year exceeds, by 25 per-
18 cent or more, such ratio for the 12-month
19 period ending on the effective date of this
20 Act, or

21 “(ii) the ratio of the aggregate re-
22 maining principal obligation under mort-
23 gages insured under this section for which
24 an insurance claim is made during such
25 calendar year to the average, for such cal-
26 endar year, of the aggregate outstanding

1 principal obligation under mortgages so in-
2 sured exceeds, by 25 percent or more, such
3 ratio for the 12-month period ending on
4 such effective date,
5 during the 90-day period beginning upon the
6 submission of the report for such calendar year
7 under subparagraph (B)(ii) containing such de-
8 termination, the Secretary may insure a mort-
9 gage under this section only pursuant to the re-
10 quirement under subparagraph (C), and the
11 Secretary shall, not later than 60 days after
12 submission of the report containing such deter-
13 mination, submit a report to the Congress
14 under subparagraph (D) regarding mortgage
15 insurance claims during such calendar year.

16 “(B) 5 YEARS OF ANNUAL DETERMINA-
17 TIONS.—

18 “(i) IN GENERAL.—The Secretary
19 shall, for each of the 5 calendar years com-
20 mencing after the date of the enactment of
21 this Act, compare the ratios referred to in
22 subparagraph (A) and make a determina-
23 tion under such subparagraph.

24 “(ii) ANNUAL REPORT ON DE-
25 FAULTS.—Not later than 90 days after the

1 conclusion of each of the calendar years
2 described in clause (i), the Secretary shall
3 submit a report to the Congress containing
4 the determination of the Secretary under
5 such clause with respect to such calendar
6 year and setting forth the ratios referred
7 to in such clause for such calendar year.

8 “(C) REINSTATEMENT OF DOWNPAYMENT
9 REQUIREMENT.—The requirement under this
10 subparagraph is that paragraph (9) of this sub-
11 section shall apply as such paragraph was in ef-
12 fect on the day before the effective date of the
13 Expanding American Homeownership Act of
14 2006.

15 “(D) REPORTS REGARDING INCREASED
16 DEFAULT RATE.—A report under this subpara-
17 graph, as required under subparagraph (A),
18 shall contain—

19 “(i) an analysis of mortgage insurance
20 claims, made during the calendar year for
21 which the report is submitted, on mort-
22 gages insured under this section;

23 “(ii) an analysis of the reasons for the
24 increase during such calendar year in the
25 applicable ratio or ratios under subpara-

1 graph (A), including an analysis of the ex-
2 tent to which such increase is attributable
3 to the amendments made by the Expand-
4 ing American Homeownership Act of 2006;

5 “(iii) the effect of such increase on
6 the Mutual Mortgage Insurance Fund;

7 “(iv) recommendations regarding—

8 “(I) whether the Congress
9 should, to respond to such increase,
10 take legislative action (aa) to apply
11 paragraph (9) of this subsection as
12 such paragraph was in effect on the
13 day before the effective date of Ex-
14 panding American Homeownership
15 Act of 2006, (bb) to apply paragraph
16 (2)(A)(ii) by substituting ‘87 percent
17 of the dollar amount limitation’ for
18 ‘the dollar amount limitation’, or (cc)
19 both; and

20 “(II) whether such provisions
21 should be temporary or permanent,
22 and, if temporary, the period during
23 which such provisions should apply;
24 and

1 “(v) recommendations regarding any
2 other administrative, regulatory, legislative,
3 or other actions that should be taken to re-
4 spond to such increase.

5 “(E) DEFAULTS IN DISASTER AREAS NOT
6 COUNTED FOR 24 MONTHS.—In determining the
7 number of mortgage insurance claims made and
8 the aggregate remaining principal obligation
9 under mortgages for which an insurance claim
10 is made for purposes of subparagraph (A) for
11 any calendar year, the Secretary shall not take
12 into consideration any claim made during such
13 period on a mortgage on any property that is
14 located in an area for which a major disaster
15 was declared pursuant to the Robert T. Staf-
16 ford Disaster Relief and Emergency Assistance
17 Act if such claim was made during the 24-
18 month period beginning upon such declara-
19 tion.”.

20 **SEC. 7. MORTGAGE INSURANCE PREMIUMS.**

21 Section 203(c) of the National Housing Act (12
22 U.S.C. 1709(c)) is amended—

23 (1) in paragraph (2), in the matter preceding
24 subparagraph (A), by striking “Notwithstanding”

1 and inserting “Except as provided in paragraph (3)
2 and notwithstanding”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(3) FLEXIBLE RISK-BASED PREMIUMS.—

6 “(A) IN GENERAL.—For any mortgage insured
7 by the Secretary under this title that is secured by
8 a 1- to 4-family dwelling and for which the loan ap-
9 plication is received by the mortgagee on or after
10 October 1, 2006, the Secretary may establish a
11 mortgage insurance premium structure involving a
12 single premium payment collected prior to the insur-
13 ance of the mortgage or annual payments (which
14 may be collected on a periodic basis), or both, sub-
15 ject to the limitations in subparagraphs (B) and (C).
16 The rate of premium for such a mortgage may vary
17 during the mortgage term as long as the basis for
18 determining the variable rate is established before
19 the execution of the mortgage. The Secretary may
20 change a premium structure established under this
21 subparagraph but only to the extent that such
22 change is not applied to any mortgage already exe-
23 cuted.

24 “(B) MAXIMUM UP-FRONT PREMIUM
25 AMOUNTS.—For any mortgage insured under a pre-

1 mium structure established pursuant to this para-
2 graph, the amount of any single premium payment
3 authorized by subparagraph (A), if established and
4 collected prior to the insurance of the mortgage,
5 may not exceed the following amount:

6 “(i) Except as provided in clauses (ii) and
7 (iii), 3.0 percent of the amount of the original
8 insured principal obligation of the mortgage.

9 “(ii) If the mortgagor has a credit score
10 equivalent to a FICO score of 560 or more and
11 has paid on account of the property, in cash or
12 its equivalent, at least 3 percent of the Sec-
13 retary’s estimate of the cost of acquisition (ex-
14 cluding the mortgage insurance premium paid
15 at the time the mortgage is insured), 2.25 per-
16 cent of the original insured principal obligation
17 of the mortgage.

18 “(iii) If the annual premium payment is
19 equal to the maximum amount allowable under
20 clause (i) of subparagraph (C), 1.5 percent of
21 the amount of the original insured principal ob-
22 ligation of the mortgage.

23 “(C) MAXIMUM ANNUAL PREMIUM AMOUNTS.—

24 For any mortgage insured under a premium struc-
25 ture established pursuant to this paragraph, the

1 amount of any annual premium payment collected
2 may not exceed the following amount:

3 “(i) Except as provided in clauses (ii) and
4 (iii), 2.0 percent of the remaining insured prin-
5 cipal obligation of the mortgage.

6 “(ii) If the mortgagor is a mortgagor de-
7 scribed in clause (ii) of subparagraph (B), 0.55
8 percent of the remaining insured principal obli-
9 gation of the mortgage.

10 “(iii) If the single premium payment col-
11 lected at the time of insurance is equal to max-
12 imum amount allowable under clause (i) of sub-
13 paragraph (B), 1.0 percent of the remaining in-
14 sured principal obligation of the mortgage.

15 “(D) PAYMENT INCENTIVE.—Notwithstanding
16 subparagraph (C), for any mortgage insured under
17 a premium structure established pursuant to this
18 paragraph and for which the annual premium pay-
19 ment exceeds the amount set forth in subparagraph
20 (C)(ii), if during the 5-year period beginning upon
21 the time of insurance all mortgage insurance pre-
22 miums for such mortgage have been paid on a timely
23 basis, upon the expiration of such period the Sec-
24 retary shall reduce the amount of the annual pre-
25 mium payments due thereafter under such mortgage

1 to an amount equal to the amount set forth in sub-
2 paragraph (C)(ii).

3 “(E) ESTABLISHMENT AND ALTERATION OF
4 PREMIUM STRUCTURE.—A premium structure shall
5 be established or changed under subparagraph (A)
6 only by providing notice to mortgagees and to the
7 Congress, at least 30 days before the premium
8 structure is established or changed.

9 “(F) CONSIDERATIONS FOR PREMIUM STRUC-
10 TURE.—When establishing a premium structure
11 under subparagraph (A) or when changing such a
12 premium structure, the Secretary shall consider the
13 following:

14 “(i) The effect of the proposed premium
15 structure on the Secretary’s ability to meet the
16 operational goals of the Mutual Mortgage In-
17 surance Fund as provided in section 202(a).

18 “(ii) Underwriting variables.

19 “(iii) The extent to which new pricing
20 under the proposed premium structure has po-
21 tential for acceptance in the private market.

22 “(iv) The administrative capability of the
23 Secretary to administer the proposed premium
24 structure.

1 “(v) The effect of the proposed premium
2 structure on the Secretary’s ability to maintain
3 the availability of mortgage credit and provide
4 stability to mortgage markets.”.

5 **SEC. 8. REHABILITATION LOANS.**

6 Subsection (k) of section 203 of the National Hous-
7 ing Act (12 U.S.C. 1709(k)) is amended—

8 (1) in paragraph (1), by striking “on” and all
9 that follows through “1978”; and

10 (2) in paragraph (5)—

11 (A) by striking “General Insurance Fund”
12 the first place it appears and inserting “Mutual
13 Mortgage Insurance Fund”; and

14 (B) in the second sentence, by striking the
15 comma and all that follows through “General
16 Insurance Fund”.

17 **SEC. 9. DISCRETIONARY ACTION.**

18 The National Housing Act is amended—

19 (1) in subsection (e) of section 202 (12 U.S.C.
20 1708(e))—

21 (A) in paragraph (3)(B), by striking “sec-
22 tion 202(e) of the National Housing Act” and
23 inserting “this subsection”; and

24 (B) by redesignating such subsection as
25 subsection (f);

1 (2) by striking paragraph (4) of section 203(s)
2 (12 U.S.C. 1709(s)(4)) and inserting the following
3 new paragraph:

4 “(4) the Secretary of Agriculture;”; and

5 (3) by transferring subsection (s) of section 203
6 (as amended by paragraph (2) of this section) to
7 section 202, inserting such subsection after sub-
8 section (d) of section 202, and redesignating such
9 subsection as subsection (e).

10 **SEC. 10. INSURANCE OF CONDOMINIUMS.**

11 (a) IN GENERAL.—Section 234 of the National
12 Housing Act (12 U.S.C. 1715y) is amended—

13 (1) in subsection (c)—

14 (A) in the first sentence—

15 (i) by striking “and” before “(2)”;
16 and

17 (ii) by inserting before the period at
18 the end the following: “, and (3) the
19 project has a blanket mortgage insured by
20 the Secretary under subsection (d)”; and

21 (B) in clause (B) of the third sentence, by
22 striking “thirty-five years” and inserting “forty
23 years”; and

24 (2) in subsection (g), by striking “, except
25 that” and all that follows and inserting a period.

1 (b) DEFINITION OF MORTGAGE.—Section 201(a) of
2 the National Housing Act (12 U.S.C. 1707(a)) is amend-
3 ed—

4 (1) in clause (1), by striking “or” and inserting
5 a comma; and

6 (2) by inserting before the semicolon the fol-
7 lowing: “, or (c) a first mortgage given to secure the
8 unpaid purchase price of a fee interest in, or long-
9 term leasehold interest in, a one-family unit in a
10 multifamily project, including a project in which the
11 dwelling units are attached, semi-detached, or de-
12 tached, and an undivided interest in the common
13 areas and facilities which serve the project”.

14 **SEC. 11. MUTUAL MORTGAGE INSURANCE FUND.**

15 (a) IN GENERAL.—Subsection (a) of section 202 of
16 the National Housing Act (12 U.S.C. 1708(a)) is amended
17 to read as follows:

18 “(a) MUTUAL MORTGAGE INSURANCE FUND.—

19 “(1) ESTABLISHMENT.—Subject to the provi-
20 sions of the Federal Credit Reform Act of 1990,
21 there is hereby created a Mutual Mortgage Insur-
22 ance Fund (in this title referred to as the ‘Fund’),
23 which shall be used by the Secretary to carry out the
24 provisions of this title with respect to mortgages in-
25 sured under section 203. The Secretary may enter

1 into commitments to guarantee, and may guarantee,
2 such insured mortgages.

3 “(2) LIMIT ON LOAN GUARANTEES.—The au-
4 thority of the Secretary to enter into commitments
5 to guarantee such insured mortgages shall be effec-
6 tive for any fiscal year only to the extent that the
7 aggregate original principal loan amount under such
8 mortgages, any part of which is guaranteed, does
9 not exceed the amount specified in appropriations
10 Acts for such fiscal year.

11 “(3) FIDUCIARY RESPONSIBILITY.—The Sec-
12 retary has a responsibility to ensure that the Mutual
13 Mortgage Insurance Fund remains financially sound.

14 “(4) ANNUAL INDEPENDENT ACTUARIAL
15 STUDY.—The Secretary shall provide for an inde-
16 pendent actuarial study of the Fund to be conducted
17 annually, which shall analyze the financial position
18 of the Fund. The Secretary shall submit a report
19 annually to the Congress describing the results of
20 such study and assessing the financial status of the
21 Fund. The report shall recommend adjustments to
22 underwriting standards, program participation, or
23 premiums, if necessary, to ensure that the Fund re-
24 mains financially sound.

1 “(5) QUARTERLY REPORTS.—During each fiscal
2 year, the Secretary shall submit a report to the Con-
3 gress for each quarter, which shall specify for mort-
4 gages that are obligations of the Fund—

5 “(A) the cumulative volume of loan guar-
6 antee commitments that have been made during
7 such fiscal year through the end of the quarter
8 for which the report is submitted;

9 “(B) the types of loans insured, cat-
10 egorized by risk;

11 “(C) any significant changes between ac-
12 tual and projected claim and prepayment activ-
13 ity;

14 “(D) projected versus actual loss rates;
15 and

16 “(E) updated projections of the annual
17 subsidy rates to ensure that increases in risk to
18 the Fund are identified and mitigated by ad-
19 justments to underwriting standards, program
20 participation, or premiums, and the financial
21 soundness of the Fund is maintained.

22 The first quarterly report under this paragraph shall
23 be submitted on the last day of the first quarter of
24 fiscal year 2007, or upon the expiration of the 90-
25 day period beginning on the date of the enactment

1 of the Expanding American Homeownership Act of
2 2006, whichever is later.

3 “(6) ADJUSTMENT OF PREMIUMS.—If, pursu-
4 ant to the independent actuarial study of the Fund
5 required under paragraph (5), the Secretary deter-
6 mines that the Fund is not meeting the operational
7 goals established under paragraph (8) or there is a
8 substantial probability that the Fund will not main-
9 tain its established target subsidy rate, the Secretary
10 may either make programmatic adjustments under
11 section 203 as necessary to reduce the risk to the
12 Fund, or make appropriate premium adjustments.

13 “(7) OPERATIONAL GOALS.—The operational
14 goals for the Fund are—

15 “(A) to charge borrowers under loans that
16 are obligations of the Fund an appropriate pre-
17 mium for the risk that such loans pose to the
18 Fund;

19 “(B) to minimize the default risk to the
20 Fund and to homeowners;

21 “(C) to curtail the impact of adverse selec-
22 tion on the Fund; and

23 “(D) to meet the housing needs of the bor-
24 rowers that the single family mortgage insur-

1 ance program under this title is designed to
2 serve.”.

3 (b) OBLIGATIONS OF FUND.—The National Housing
4 Act is amended as follows:

5 (1) HOMEOWNERSHIP VOUCHER PROGRAM
6 MORTGAGES.—In section 203(v) (12 U.S.C.
7 1709(v))—

8 (A) by striking “Notwithstanding section
9 202 of this title, the” and inserting “The”; and

10 (B) by striking “General Insurance Fund”
11 the first place such term appears and all that
12 follows and inserting “Mutual Mortgage Insur-
13 ance Fund.”.

14 (2) HOME EQUITY CONVERSION MORTGAGES.—
15 Section 255(i)(2)(A) of the National Housing Act
16 (12 U.S.C. 1715z–20(i)(2)(A)) is amended by strik-
17 ing “General Insurance Fund” and inserting “Mu-
18 tual Mortgage Insurance Fund”.

19 (c) CONFORMING AMENDMENTS.—The National
20 Housing Act is amended—

21 (1) in section 205 (12 U.S.C. 1711), by striking
22 subsections (g) and (h); and

23 (2) in section 519(e) (12 U.S.C. 1735c(e)), by
24 striking “203(b)” and all that follows through

1 “203(i)” and inserting “203, except as determined
2 by the Secretary”.

3 **SEC. 12. HAWAIIAN HOME LANDS AND INDIAN RESERVA-**
4 **TIONS.**

5 (a) HAWAIIAN HOME LANDS.—Section 247(c) of the
6 National Housing Act (12 U.S.C. 1715z–12) is amend-
7 ed—

8 (1) by striking “General Insurance Fund estab-
9 lished in section 519” and inserting “Mutual Mort-
10 gage Insurance Fund”; and

11 (2) in the second sentence, by striking “(1) all
12 references” and all that follows through “and (2)”.

13 (b) INDIAN RESERVATIONS.—Section 248(f) of the
14 National Housing Act (12 U.S.C. 1715z–13) is amend-
15 ed—

16 (1) by striking “General Insurance Fund” the
17 first place it appears through “519” and inserting
18 “Mutual Mortgage Insurance Fund”; and

19 (2) in the second sentence, by striking “(1) all
20 references” and all that follows through “and (2)”.

21 **SEC. 13. CONFORMING AND TECHNICAL AMENDMENTS.**

22 (a) REPEALS.—The following provisions of the Na-
23 tional Housing Act are repealed:

24 (1) Subsection (i) of section 203 (12 U.S.C.
25 1709(i)).

1 (2) Subsection (o) of section 203 (12 U.S.C.
2 1709(o)).

3 (3) Subsection (p) of section 203 (12 U.S.C.
4 1709(p)).

5 (4) Subsection (q) of section 203 (12 U.S.C.
6 1709(q)).

7 (5) Section 222 (12 U.S.C. 1715m).

8 (6) Section 237 (12 U.S.C. 1715z-2).

9 (7) Section 245 (12 U.S.C. 1715z-10).

10 (b) DEFINITION OF AREA.—Section 203(u)(2)(A) of
11 the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is
12 amended by striking “shall” and all that follows and in-
13 serting “means a metropolitan statistical area as estab-
14 lished by the Office of Management and Budget;”.

15 (c) DEFINITION OF STATE.—Section 201(d) of the
16 National Housing Act (12 U.S.C. 1707(d)) is amended by
17 striking “the Trust Territory of the Pacific Islands” and
18 inserting “the Commonwealth of the Northern Mariana
19 Islands”.

20 **SEC. 14. HOME EQUITY CONVERSION MORTGAGES.**

21 (a) IN GENERAL.—Section 255 of the National
22 Housing Act (12 U.S.C. 1715z-20) is amended—

23 (1) in subsection (g)—

24 (A) by striking the first sentence; and

1 (B) by striking “established under section
2 203(b)(2)” and all that follows through “lo-
3 cated” and inserting “limitation established
4 under section 305(a)(2) of the Federal Home
5 Loan Mortgage Corporation Act for a 1-family
6 residence”;

7 (2) in subsection (i)(1)(C), by striking “limita-
8 tions” and inserting “limitation”; and

9 (3) by adding at the end the following new sub-
10 section:

11 “(n) AUTHORITY TO INSURE HOME PURCHASE
12 MORTGAGE.—

13 “(1) IN GENERAL.—Notwithstanding any other
14 provision in this section, the Secretary may insure,
15 upon application by a mortgagee, a home equity con-
16 version mortgage upon such terms and conditions as
17 the Secretary may prescribe, when the primary pur-
18 pose of the home equity conversion mortgage is to
19 enable an elderly mortgagor to purchase a 1-to 4
20 family dwelling in which the mortgagor will occupy
21 or occupies one of the units.

22 “(2) LIMITATION ON PRINCIPAL OBLIGATION.—
23 A home equity conversion mortgage insured pursu-
24 ant to paragraph (1) shall involve a principal obliga-
25 tion that does not exceed the dollar amount limita-

1 tion determined under section 305(a)(2) of the Fed-
2 eral Home Loan Mortgage Corporation Act for a
3 residence of the applicable size.”.

4 (b) MORTGAGES FOR COOPERATIVES.—Subsection
5 (b) of section 255 of the National Housing Act (12 U.S.C.
6 1715z-20(b)) is amended—

7 (1) in paragraph (4)—

8 (A) by inserting “a first or subordinate
9 mortgage or lien” before “on all stock”;

10 (B) by inserting “unit” after “dwelling”;

11 and

12 (C) by inserting “a first mortgage or first
13 lien” before “on a leasehold”; and

14 (2) in paragraph (5), by inserting “a first or
15 subordinate lien on” before “all stock”.

16 (c) STUDY REGARDING MORTGAGE INSURANCE PRE-
17 MIUMS.—The Secretary of Housing and Urban Develop-
18 ment shall conduct a study regarding mortgage insurance
19 premiums charged under the program under section 255
20 of the National Housing Act (12 U.S.C. 1715z-20) for in-
21 surance of home equity conversion mortgages to analyze
22 and determine—

23 (1) the effects of reducing the amounts of such
24 premiums from the amounts charged as of the date
25 of the enactment of this Act on—

1 (A) costs to mortgagors; and

2 (B) the financial soundness of the pro-
3 gram; and

4 (2) the feasibility and effectiveness of exempt-
5 ing, from all the requirements under the program re-
6 garding payment of mortgage insurance premiums
7 (including both up-front or annual mortgage insur-
8 ance premiums under section 203(c)(2) of such Act),
9 any mortgage insured under the program under
10 which part or all of the amount of future payments
11 made to the homeowner are used for costs of a long-
12 term care insurance contract covering the mortgagor
13 or members of the household residing in the mort-
14 gaged property.

15 Not later than the expiration of the 12-month period be-
16 ginning on the date of the enactment of this Act, the Sec-
17 retary shall submit a report to the Congress setting forth
18 the results and conclusions of the study.

19 **SEC. 15. CONFORMING LOAN LIMIT IN DISASTER AREAS.**

20 Section 203(h) of the National Housing Act (12
21 U.S.C. 1709) is amended—

22 (1) by inserting after “property” the following:
23 “plus any initial service charges, appraisal, inspec-
24 tion and other fees in connection with the mortgage
25 as approved by the Secretary,”;

1 (2) by striking the second sentence (as added
2 by chapter 7 of the Emergency Supplemental Appro-
3 priations Act of 1994 (Public Law 103–211; 108
4 Stat. 12)); and

5 (3) by adding at the end the following new sen-
6 tence: “In any case in which the single family resi-
7 dence to be insured under this subsection is within
8 a jurisdiction in which the President has declared a
9 major disaster to have occurred, the Secretary is au-
10 thorized, for a temporary period not to exceed 36
11 months from the date of such Presidential declara-
12 tion, to enter into agreements to insure a mortgage
13 which involves a principal obligation of up to 100
14 percent of the dollar limitation determined under
15 section 305(a)(2) of the Federal Home Loan Mort-
16 gage Corporation Act for a single family residence,
17 and not in excess of 100 percent of the appraised
18 value of the property plus any initial service charges,
19 appraisal, inspection and other fees in connection
20 with the mortgage as approved by the Secretary.”.

21 **SEC. 16. PARTICIPATION OF MORTGAGE BROKERS AND**
22 **CORRESPONDENT LENDERS.**

23 (a) DEFINITIONS.—

24 (1) IN GENERAL.—Section 201 of the National
25 Housing Act (12 U.S.C. 1707) is amended—

1 (A) by striking “As used in section 203 of
2 this title—” and inserting “As used in this title
3 and for purposes of participation in insurance
4 programs under this title, except as specifically
5 provided otherwise, the following definitions
6 shall apply.”;

7 (B) by striking subsection (b) and insert-
8 ing the following:

9 “(2) The term ‘mortgagee’ means any of the
10 following entities, and its successors and assigns, to
11 the extent such entity is approved by the Secretary:

12 “(A) A lender or correspondent lender,
13 who—

14 “(i) makes, underwrites, and services
15 mortgages;

16 “(ii) submits to the Secretary such fi-
17 nancial audits performed in accordance
18 with the standards for financial audits of
19 the Government Auditing Standards issued
20 by the Comptroller of the United States;

21 “(iii) meet the minimum net worth re-
22 quirement that the Secretary shall estab-
23 lish; and

24 “(iv) complies with such other re-
25 quirements as the Secretary may establish.

1 “(B) A correspondent lender who—

2 “(i) closes a mortgage in its name but
3 does not underwrite or service the mort-
4 gage;

5 “(ii) posts a surety bond, in lieu of
6 any requirement to provide audited finan-
7 cial statements or meet a minimum net
8 worth requirement, in—

9 “(I) a form satisfactory to the
10 Secretary; and

11 “(II) an amount of \$75,000, as
12 such amount is adjusted annually by
13 the Secretary (as determined under
14 regulations of the Secretary) by the
15 change for such year in the Consumer
16 Price Index for All Urban Consumers
17 published monthly by the Bureau of
18 Labor Statistics of the Department of
19 Labor; and

20 “(iii) complies with such other re-
21 quirements as the Secretary may establish.

22 “(C) A mortgage broker who—

23 “(i) closes the mortgage in the name
24 of the lender and does not make, under-
25 write, or service the mortgage;

1 “(ii) is licensed, under the laws of the
2 State in which the property that is subject
3 to the mortgage is located, to act as a
4 mortgage broker in such State;

5 “(iii) posts a surety bond in accord-
6 ance with the requirements of subpara-
7 graph (B)(ii); and

8 “(iv) complies with such other re-
9 quirements as the Secretary may establish.

10 “(3) The term ‘mortgagor’ includes the original
11 borrower under a mortgage and the successors and
12 assigns of the original borrower.”;

13 (C) in subsection (a), by redesignating
14 clauses (1) and (2) as clauses (A) and (B) re-
15 spectively; and

16 (D) by redesignating subsections (a), (c),
17 (d), (e), and (f) as paragraphs (1), (4), (5), (6),
18 and (7), respectively, and realigning such para-
19 graphs two ems from the left margin.

20 (2) MORTGAGEE REVIEW.—Section 202(c)(7) of
21 the National Housing Act (12 U.S.C. 1708(c)(7)) is
22 amended—

23 (A) in subparagraph (A), by inserting “, as
24 defined in section 201,” after “mortgagee”;

25 (B) by striking subparagraph (B); and

1 (C) by redesignating subparagraphs (C)
2 and (D) as subparagraphs (B) and (C), respec-
3 tively.

4 (3) MULTIFAMILY RENTAL HOUSING INSUR-
5 ANCE.—Section 207(a)(2) of the National Housing
6 Act (12 U.S.C. 1713(a)(2)) is amended by striking
7 “means the original lender under a mortgage, and
8 its successors and assigns, and” and inserting “has
9 the meaning given such term in section 201, except
10 that such term also”.

11 (4) WAR HOUSING INSURANCE.—Section 601(b)
12 of the National Housing Act (12 U.S.C. 1736(b)) is
13 amended by striking “includes the original lender
14 under a mortgage, and his successors and assigns
15 approved by the Secretary” and inserting “has the
16 meaning given such term in section 201”.

17 (5) ARMED SERVICES HOUSING MORTGAGE IN-
18 SURANCE.—Section 801(b) of the National Housing
19 Act (12 U.S.C. 1748(b)) is amended by striking “in-
20 cludes the original lender under a mortgage, and his
21 successors and assigns approved by the Secretary”
22 and inserting “has the meaning given such term in
23 section 201”.

24 (6) GROUP PRACTICE FACILITIES MORTGAGE
25 INSURANCE.—Section 1106(8) of the National

1 Housing Act (12 U.S.C. 1749aaa-5(8)) is amended
2 by striking “means the original lender under a mort-
3 gage, and his or its successors and assigns, and”
4 and inserting “has the meaning given such term in
5 section 201, except that such term also”.

6 (b) ELIGIBILITY FOR INSURANCE.—

7 (1) TITLE I.—Paragraph (1) of section 8(b) of
8 the National Housing Act (12 U.S.C. 1706c(b)(1))
9 is amended—

10 (A) by striking “, and be held by,”; and

11 (B) by striking “as responsible and able to
12 service the mortgage properly”.

13 (2) SINGLE FAMILY HOUSING MORTGAGE IN-
14 SURANCE.—Paragraph (1) of section 203(b) of the
15 National Housing Act (12 U.S.C. 1709(b)(1)) is
16 amended—

17 (A) by striking “, and be held by,”; and

18 (B) by striking “as responsible and able to
19 service the mortgage properly”.

20 (3) SECTION 221 MORTGAGE INSURANCE.—

21 Paragraph (1) of section 221(d) of the National
22 Housing Act (12 U.S.C. 1715l(d)(1)) is amended—

23 (A) by striking “ and be held by”; and

24 (B) by striking “as responsible and able to
25 service the mortgage properly”.

1 (4) HOME EQUITY CONVERSION MORTGAGE IN-
2 SURANCE.—Paragraph (1) of section 255(d) of the
3 National Housing Act (12 U.S.C. 1715z-20(d)(1)) is
4 amended by striking “as responsible and able to
5 service the mortgage properly”.

6 (5) WAR HOUSING MORTGAGE INSURANCE.—
7 Paragraph (1) of section 603(b) of the National
8 Housing Act (12 U.S.C. 1738(b)(1)) is amended—

9 (A) by striking “, and be held by,”; and

10 (B) by striking “as responsible and able to
11 service the mortgage properly”.

12 (6) WAR HOUSING MORTGAGE INSURANCE FOR
13 LARGE-SCALE HOUSING PROJECTS.—Paragraph (1)
14 of section 611(b) of the National Housing Act (12
15 U.S.C. 1746(b)(1)) is amended—

16 (A) by striking “ and be held by”; and

17 (B) by striking “as responsible and able to
18 service the mortgage properly”.

19 (7) GROUP PRACTICE FACILITY MORTGAGE IN-
20 SURANCE.—Section 1101(b)(2) of the National
21 Housing Act (12 U.S.C. 1749aaa(b)(2)) is amend-
22 ed—

23 (A) by striking “ and held by”; and

24 (B) by striking “as responsible and able to
25 service the mortgage properly”.

1 (8) NATIONAL DEFENSE HOUSING INSUR-
2 ANCE.—Paragraph (1) of section 903(b) of the Na-
3 tional Housing Act (12 U.S.C. 1750b(b)(1)) is
4 amended—

5 (A) by striking “, and be held by,”; and

6 (B) by striking “as responsible and able to
7 service the mortgage properly”.

8 **SEC. 17. SENSE OF CONGRESS REGARDING TECHNOLOGY**
9 **FOR FINANCIAL SYSTEMS.**

10 (a) CONGRESSIONAL FINDINGS.—The Congress finds
11 the following:

12 (1) The Government Accountability Office has
13 cited the FHA single family housing mortgage insur-
14 ance program as a “high-risk” program, with a pri-
15 mary reason being non-integrated and out-dated fi-
16 nancial management systems.

17 (2) The “Audit of the Federal Housing Admin-
18 istration’s Financial Statements for Fiscal Years
19 2004 and 2003”, conducted by the Inspector Gen-
20 eral of the Department of Housing and Urban De-
21 velopment reported as a material weakness that
22 “HUD/FHA’s automated data processing [ADP]
23 system environment must be enhanced to more effec-
24 tively support FHA’s business and budget proc-
25 esses”.

1 (3) Existing technology systems for the FHA
2 program have not been updated to meet the latest
3 standards of the Mortgage Industry Standards
4 Maintenance Organization and have numerous defi-
5 ciencies that lenders have outlined.

6 (4) Improvements to technology used in the
7 FHA program will—

8 (A) allow the FHA program to improve the
9 management of the FHA portfolio, garner
10 greater efficiencies in its operations, and lower
11 costs across the program;

12 (B) result in efficiencies and lower costs
13 for lenders participating in the program, allow-
14 ing them to better use the FHA products in ex-
15 tending homeownership opportunities to higher
16 credit risk or lower-income families, in a sound
17 manner.

18 (5) The Mutual Mortgage Insurance Fund op-
19 erates without cost to the taxpayers and generates
20 revenues for the Federal Government.

21 (b) SENSE OF CONGRESS.—It is the sense of the
22 Congress that—

23 (1) the Secretary of Housing and Urban Devel-
24 opment should use a portion of the funds received
25 from premiums paid for FHA single family housing

1 mortgage insurance that are in excess of the
2 amounts paid out in claims to substantially increase
3 the funding for technology used in such FHA pro-
4 gram;

5 (2) the goal of this investment should be to
6 bring the technology used in such FHA program to
7 the level and sophistication of the technology used in
8 the conventional mortgage lending market, or to ex-
9 ceed such level; and

10 (3) the Secretary of Housing and Urban Devel-
11 opment should report to the Congress not later than
12 180 days after the date of the enactment of this Act
13 regarding the progress the Department is making
14 toward such goal and if progress is not sufficient,
15 the resources needed to make greater progress.

16 **SEC. 18. SAVINGS PROVISION.**

17 Any mortgage insured under title II of the National
18 Housing Act before the date of enactment of this title shall
19 continue to be governed by the laws, regulations, orders,
20 and terms and conditions to which it was subject on the
21 day before the date of the enactment of this Act.

22 **SEC. 19. IMPLEMENTATION.**

23 The Secretary of Housing and Urban Development
24 shall by notice establish any additional requirements that

1 may be necessary to immediately carry out the provisions
2 of this title. The notice shall take effect upon issuance.

Passed the House of Representatives July 25, 2006.

Attest:

Clerk.