

determines that holding an open hearing would be contrary to the public interest.

(i) *Decision of Administrative Law Judge.* After each hearing, the Administrative Law Judge shall issue an initial decision and serve the initial decision on the GSE, the Secretary, any other parties, and the General Counsel of the Department.

(j) *Review of initial decision*—(1) *At the Secretary's discretion.* The Secretary, in the Secretary's discretion, may review any initial decision.

(2) *Requested by a party.* Any party may file within 15 days after receipt of the initial decision a notice of appeal to the Secretary seeking review of an initial decision. The Secretary shall decide within 30 days after receipt of a notice of appeal whether to review or to decline review of the initial decision.

(k) *Final decision.* (1) The initial decision will become the final decision of the Department unless the Secretary or the Secretary's designee issues a final decision within 90 days after the initial decision is served on the Secretary. The Secretary by written notice to the parties may extend such 90 day period for an additional 30 days.

(2) *Issuance of final decision by Secretary.* The Secretary or the Secretary's designee may review any finding of fact, conclusion of law, or order contained in the initial decision of the Administrative Law Judge and may issue a final decision in the proceeding. Any decision shall include findings of fact upon which the decision is predicated. The Secretary or the Secretary's designee may affirm, modify, or set aside, in whole or in part, the initial decision or may remand the initial decision for further proceedings. The final decision shall be served on all parties and the Administrative Law Judge.

(l) *Decisions on remand.* If the initial decision is remanded for further proceedings, the Administrative Law Judge shall issue an initial decision on remand within 60 days of the date of issuance of the final decision, unless it is impractical to do so.

(m) *Modification.* The Secretary or the Secretary's designee may at any time, modify, terminate, or set aside any order, upon such notice and in such manner as the Secretary or designee considers proper. When a petition for judicial review is timely filed as provided in § 81.87, and after the Secretary has filed the record in the proceeding with the court, the Secretary or designee may modify, terminate, or set aside any such order with permission of the court.

#### § 81.85 Public disclosure of final orders and agreements.

(a) *General.* The Secretary shall make available to the public:

(1) Any written agreement or other written statement for which a violation may be redressed by the Secretary, or any modification to or termination of such agreement or statement, unless the Secretary, in the Secretary's discretion, determines that public disclosure would be contrary to the public interest, or determines under paragraph (b) of this section that public disclosure would seriously threaten the GSE's financial health or security;

(2) Any order that is issued with respect to any administrative enforcement proceeding initiated by the Secretary under this subpart and that has become final in accordance with §§ 81.84 and 81.87; and

(3) Any modification to or termination of any final order made public pursuant to this section.

(b) *Delay of public disclosure under exceptional circumstances.* If the Secretary makes a determination in writing that the public disclosure of any final order pursuant to paragraph (a)(1) of this section would seriously threaten a GSE's financial soundness, the Secretary may delay the public disclosure of such order for a reasonable time.

(c) *Documents filed under seal in public enforcement hearings.* The Secretary may file any document or part thereof under seal in any hearing under this subpart if the Secretary determines in writing that disclosure thereof would be contrary to the public interest.

(d) *Retention of documents.* The Secretary shall keep and maintain a record, for not less than 6 years, of all documents described in paragraph (a) of this section and all enforcement agreements and other supervisory actions and supporting documents issued with respect to, or in connection with, any enforcement proceeding initiated by the Secretary under this subpart.

(e) *Disclosures to Congress.* This section shall not be construed to authorize the withholding, or to prohibit the disclosure, of any information to the Congress or any committee or subcommittee thereof.

#### § 81.86 Enforcement and jurisdiction.

(a) *Enforcement.* If a GSE fails to comply with a final decision, the Secretary may request the Attorney General of the United States to bring an action in the United States District Court for the District of Columbia for the enforcement of the notice or order. Such court has the jurisdiction and power to

order and require compliance with such notice or order.

(b) *Limitation on jurisdiction.* Except as otherwise provided in sections 1341–49 of the Act, no court has jurisdiction to affect, by injunction or otherwise, the issuance or enforcement of any notice or order under §§ 81.82 or 81.83, or to review, modify, suspend, terminate, or set aside any such notice or order.

(c) *Other relief.* The Secretary may obtain such other relief as may be available, including attorney fees and other expenses, in connection with the action.

(d) *Interest.* In the case of civil money penalties, interest on and other charges for any unpaid penalty may be assessed in accordance with 31 U.S.C. 3717.

#### § 81.87 Judicial review.

(a) *Commencement.* A GSE may obtain review of any final order issued under § 81.84 by filing in the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the date of service of such order, a written petition praying that the order of the Secretary be modified, terminated, or set aside. The clerk of the court shall transmit a copy of the petition to the Secretary and the Chief Docket Clerk, Office of Administrative Law Judges.

(b) *Filing of record.* Upon receiving a copy of a petition, the Chief Docket Clerk, Office of Administrative Law Judges, shall file in the court the record in the proceeding, as provided in 28 U.S.C. 2112.

(c) *Jurisdiction.* Upon the filing of a petition, such court shall have jurisdiction, which upon the filing of the record by the Secretary shall be exclusive (except as provided in § 81.84(l)), to affirm, modify, terminate, or set aside, in whole or in part, the order of the Secretary.

(d) *Review.* Review of such proceedings shall be governed by chapter 7 of title 5, United States Code.

(e) *Order To pay penalty.* Such court has the authority in any such review to order payment of any penalty imposed by the Secretary under this subpart.

(f) *No automatic stay.* The commencement of proceedings for judicial review under this section shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Secretary.

#### Subpart H—Book-Entry Procedures

##### § 81.91 Definition of terms.

In this subpart, unless the context otherwise requires or indicates:

Book-entry GSE security means a GSE security in the form of an entry made as