§ 1611. Criminal liability for willful and knowing violation

Whoever willfully and knowingly
(1) gives false or inaccurate information or fails to provide information which he is re-
quired to disclose under the provisions of this subchapter or any regulation issued there-
under,
(2) uses any chart or table authorized by the
Bureau under section 1606 of this title in such a manner as to consistently unders-
take the annual percentage rate determined under section
1606(a)(1)(A) of this title, or
(3) otherwise fails to comply with any re-
quirement imposed under this subchapter,
shall be fined not more than $5,000 or imprisoned
not more than one year, or both.

151; Pub. L. 93–495, title III, §307(b), Oct. 28, 1974,
88 Stat. 1516; Pub. L. 96–221, title VI, §609, Mar.
31, 1980, 94 Stat. 173; Pub. L. 100–583, §4, Nov. 3,
Pub. L. 111–203, title X, §1100A(2), July 21, 2010,
124 Stat. 2107.)

REFERENCES IN TEXT

Section 1602(aa) of this title, referred to in subsec.
(b), was redesignated section 1602(bb) of this title by
Stat. 2107.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111–203 substituted “Bu-
reau” for “Board” wherever appearing.
1994—Subsec. (a)(2), Pub. L. 103–325, §152(e)(2)(B),
which directed the amendment of par. (2) by inserting
“and such State-required disclosure may not be made
in lieu of the disclosures applicable to certain mort-
gages under section 1639 of this title” before period,
was executed by making the insertion before period at
end of par. (2), to reflect the probable intent of Con-
gress.
Subsec. (b). Pub. L. 103–325, §152(e)(2)(C), substituted
“Except as provided in section 1639 of this title, this
subchapter” for “This subchapter” and inserted at end
“provisions of section 1639 of this title do not annul,
alter, or affect the applicability of the laws of
any State or exempt any person subject to the provi-
sions of section 1639 of this title from complying with
the laws of any State, with respect to the requirements
for mortgages referred to in section 1602(aa) of this
title, except to the extent that those State laws are in-
consistent with any provisions of section 1639 of this
title, and then only to the extent of the inconsistency.’’. 
‘‘Except as provided in subsection (e), this part’’ for
‘‘This part’’.
1980—Subsec. (a). Pub. L. 96–221 designated existing
provisions as par. (1), substituted provisions respecting
the effect of this part and parts B and C of this sub-
chapter, and procedures applicable for determination,
for provisions respecting the effect of this subchapter,
and added par. (2).
section 1666e of this title.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111–203 effective on the des-
ignated transfer date, see section 1100H of Pub. L.
111–203, set out as a note under section 552a of Title 5,
Government Organization and Employees.

§ 1612. Effect on government agencies

(a) Consultation requirements respecting compli-
ance of credit instruments issued to partici-
pating creditor

Any department or agency of the United
States which administers a credit program in
which it extends, insures, or guarantees con-
sumer credit and in which it provides instru-
ments to a creditor which contain any disclo-
sures required by this subchapter shall, prior to
the issuance or continued use of such instru-
ments, consult with the Bureau to assure that
such instruments comply with this subchapter.

(b) Inapplicability of Federal civil or criminal
penalties to Federal, State, and local agen-
cies

No civil or criminal penalty provided under
this subchapter, for any violation thereof may be
imposed upon the United States or any depart-
ment or agency thereof, or upon any State or
political subdivision thereof, or any agency of
any State or political subdivision.

(c) Inapplicability of Federal civil or criminal
penalties to participating creditor where vio-
ating instrument issued by United States

A creditor participating in a credit program
administered, insured, or guaranteed by any de-
partment or agency or the United States shall
not be held liable for a civil or criminal penalty
under this subchapter in any case in which the
violation results from the use of an instrument
required by any such department or agency.

(d) Applicability of State penalties to violations
by participating creditor

A creditor participating in a credit program
administered, insured, or guaranteed by any de-
partment or agency of the United States shall
not be held liable for a civil or criminal penalty
under the laws of any State (other than laws de-
termined under section 1610 of this title to be in-
consistent with this title) for any technical
or procedural failure, such as a failure to