

HR 384

TARP Reform and Accountability Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Finance and Financial Sector

Introduced: Jan 9, 2009

Current Status: Received in the Senate and Read twice and referred to the Committee on Finance.

Latest Action: Received in the Senate and Read twice and referred to the Committee on Finance. (Jan 22, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/384>

Sponsor

Name: Rep. Frank, Barney [D-MA-4]

Party: Democratic • **State:** MA • **Chamber:** House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Finance Committee	Senate	Referred To	Jan 22, 2009
Financial Services Committee	House	Referred To	Jan 9, 2009
Judiciary Committee	House	Referred To	Jan 9, 2009
Ways and Means Committee	House	Referred To	Jan 9, 2009

Subjects & Policy Tags

Policy Area:

Finance and Financial Sector

Related Bills

Bill	Relationship	Last Action
111 HRES 62	Procedurally related	Jan 15, 2009: Motion to reconsider laid on the table Agreed to without objection.
111 HRES 53	Procedurally related	Jan 14, 2009: Motion to reconsider laid on the table Agreed to without objection.

TARP Reform and Accountability Act of 2009 - Amends the Emergency Economic Stabilization Act of 2008 (EESA) to direct the Secretary of the Treasury to require specified depository institutions under the Troubled Asset Relief Program (TARP) to report periodically on their use of TARP assistance.

Requires the Secretary to incorporate within the TARP assistance agreement how the funds are to be used and the benchmarks an institution must meet in using such funds.

Requires federal banking regulatory agencies to examine annually the use of TARP funds made by the deposit institutions.

Prohibits the use of TARP funds by a TARP-assisted institution for mergers or acquisitions unless such a transaction: (1) will reduce risk to the taxpayer; or (2) could have been consummated without such funds.

Sets forth executive compensation and corporate governance requirements.

Amends the Federal Deposit Insurance Act (FDIA) to require that reports of condition submitted by federally-assisted deposit institutions include the amount of any increase or decrease in new lending attributable to TARP investment or assistance.

Amends the Act to condition TARP assistance to a depository institution upon its issuance to the Secretary of common stock warrants.

Instructs the Secretary to make TARP available funds to smaller community financial institutions.

Increases the size of the Financial Stability Oversight Board and authorizes it to overturn by a 2/3 vote any policy determination made by the Secretary.

Conditions TARP assistance upon development of a Board-approved foreclosure mitigation and implementation plan.

Cites circumstances in which a servicer shall not be: (1) liable for entering into a loan modification or workout plan with respect to any mortgage that meets specified criteria; (2) limited in the ability to modify mortgages, the number of mortgages that can be modified, the frequency of loan modifications, or the range of permissible modifications; or (3) obligated to repurchase loans or otherwise make payments to the securitization vehicle on account of a modification, workout, or other loss mitigation plan for residential mortgages that constitute a part or all of the mortgages in the securitization vehicle.

Directs the President to designate officers from the Executive Branch (President's designees) to implement specified purposes, including the restructuring necessary to achieve the long-term financial viability of domestic automobile manufacturers.

Requires the President's designees to: (1) authorize and direct the disbursement of bridge loans to, or to enter into commitments for lines of credit for, each automobile manufacturer that submitted a loan request and a plan to Congress on December 2, 2008; and (2) determine measures to assess the progress of each eligible automobile manufacturer toward transforming such plan into a restructuring plan.

Conditions such bridge loans upon an eligible automobile manufacturer's issuance of common stock warrants to the

President's designee.

Subjects bridge loan recipients to specified standards for executive compensation and corporate governance.

Grants the Comptroller General oversight authority over the President's designee.

Makes it the duty of the Special Inspector General to audit and investigate the President's designee.

Requires the President's designee to report to Congress within five days of making any such bridge loan.

Authorizes the Secretary to establish or support: (1) facilities for the availability of consumer loans, including vehicle and student loans; (2) state and local governments, and other issuers of municipal securities, experiencing difficulty accessing financing in the capital markets (including direct purchases and credit enhancement); and (3) facilities to support the availability of commercial real estate loans, including asset-backed securities.

Amends the National Housing Act to revise the HOPE for Homeowners Program to: (1) revise requirements governing insured mortgages and premium payments; (2) authorize the Program's Board of Directors to establish a payment to the servicer of the existing senior mortgage for every loan insured under the Program; and (3) instruct the Secretary to fund increased credit subsidy costs.

Instructs the Secretary to implement a program to stimulate demand for home purchases and to reduce unsold inventories of residential properties, ensuring the availability of affordable interest rates on mortgages made for the purchase of one- to four-family residential properties.

Amends the FDIA and the Federal Credit Union Act to make permanent the increase in the standard maximum deposit insurance amount from \$100,000 to \$250,000.

Revises requirements for systemic risk special assessments (to recover any loss to the Deposit Insurance Fund arising from actions taken or assistance provided with respect to an insured depository institution) to include assessments on depository institution holding companies.

Actions Timeline

- **Jan 22, 2009:** Received in the Senate and Read twice and referred to the Committee on Finance.
- **Jan 21, 2009:** Considered as unfinished business. (consideration: CR H407-412)
- **Jan 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 62, the Committee of the Whole proceeded with 10 minutes of debate on the Myrick amendment.
- **Jan 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 62, the Committee of the Whole proceeded with 10 minutes of debate on the Frank (MA) amendment.
- **Jan 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 62, the Committee of the Whole proceeded with 10 minutes of debate on the Flake amendment.
- **Jan 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 62, the Committee of the Whole proceeded with 10 minutes of debate on the Hinchey amendment.
- **Jan 21, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Hinchey amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Hinchey demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jan 21, 2009:** Committee of the Whole House on the state of the Union rises leaving H.R. 384 as unfinished business.
- **Jan 21, 2009:** Considered as unfinished business. (consideration: CR H412-419)
- **Jan 21, 2009:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Jan 21, 2009:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 384.
- **Jan 21, 2009:** The previous question was ordered pursuant to the rule. (consideration: CR H413)
- **Jan 21, 2009:** Mr. Gohmert moved to recommit with instructions to Financial Services. (consideration: CR H413-415; text: CR H413-414)
- **Jan 21, 2009:** Mr. Frank (MA) raised a point of order against the motion to recommit with instructions. Mr. Frank stated that the provisions of the motion to recommit exceed the scope of the bill and the motion to recommit is therefore, not germane. Sustained by the Chair.
- **Jan 21, 2009:** Point of order sustained against the motion to recommit with instructions.
- **Jan 21, 2009:** Mr. Gohmert appealed the ruling of the chair. The question was then put on sustaining the ruling of the chair. (consideration: CR H414)
- **Jan 21, 2009:** Mr. Frank (MA) moved to table appeal of the ruling of the chair.
- **Jan 21, 2009:** On motion to table appeal of the ruling of the chair Agreed to by recorded vote: 251 - 176 (Roll no. 24).
- **Jan 21, 2009:** Mr. Barrett (SC) moved to recommit with instructions to Financial Services. (consideration: CR H415-418; text: CR H415)
- **Jan 21, 2009:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Barrett (SC) motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment pertaining to provisions dealing with Title I- TARP Termination and Full Repayment Plan.
- **Jan 21, 2009:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H417)
- **Jan 21, 2009:** On motion to recommit with instructions Failed by the Yeas and Nays: 199 - 228 (Roll no. 25).
- **Jan 21, 2009:** Passed/agreed to in House: On passage Passed by recorded vote: 260 - 166 (Roll no. 26).
- **Jan 21, 2009:** On passage Passed by recorded vote: 260 - 166 (Roll no. 26).
- **Jan 21, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 21, 2009:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 384.
- **Jan 15, 2009:** Rule H. Res. 62 passed House.
- **Jan 15, 2009:** Considered as unfinished business. (consideration: CR H335-367; text of measure as introduced: CR H335-343)
- **Jan 15, 2009:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Jan 15, 2009:** DEBATE - Pursuant to the provisions of H.Res. 62, the Committee of the Whole proceeded with 40 minutes of debate on the Frank amendment.
- **Jan 15, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Frank amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Frank

demanding a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.

- **Jan 15, 2009:** DEBATE - Pursuant to the provisions of H.Res. 62, the Committee of the Whole proceeded with 10 minutes of debate on the Matsui amendment.
- **Jan 15, 2009:** DEBATE - Pursuant to the provisions of H. Res. 62, the Committee of the Whole proceeded with ten minutes of debate on the Hensarling amendment.
- **Jan 15, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Hensarling amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Hensarling demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jan 15, 2009:** The Committee of the Whole rose informally to receive a message from the President.
- **Jan 15, 2009:** Subsequently, the Committee resumed its sitting.
- **Jan 15, 2009:** DEBATE - Pursuant to the provisions of H. Res. 62, the Committee of the Whole proceeded with ten minutes of debate on the Holt amendment.
- **Jan 15, 2009:** Mr. Holt asked unanimous consent to modify his amendment. Objection was heard.
- **Jan 15, 2009:** DEBATE - Pursuant to the provisions of H. Res. 62 the Committee of the Whole proceeded with ten minutes of debate on the Bachmann amendment.
- **Jan 15, 2009:** POSTPONED PROCEEDINGS - At the conclusion of the Bachmann amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Bachmann demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jan 15, 2009:** DEBATE - Pursuant to the provisions of H. Res. 62, the Committee of the Whole proceeded with ten minutes of debate on the Patrick Murphy amendment.
- **Jan 15, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Patrick Murphy amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Patrick Murphy demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jan 15, 2009:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on adoption of amendments which were debated earlier and on which further proceedings had been postponed.
- **Jan 15, 2009:** Committee of the Whole House on the state of the Union rises leaving H.R. 384 as unfinished business.
- **Jan 14, 2009:** Rule H. Res. 53 passed House.
- **Jan 14, 2009:** Considered under the provisions of rule H. Res. 53. (consideration: CR H282-290)
- **Jan 14, 2009:** Rule provides for consideration of H.R. 384 with 2 hours of general debate. Measure will be considered read. Bill is closed to amendments. The resolution waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI. The resolution provides that the Committee of the Whole shall rise without motion after general debate and that no further consideration of the bill shall occur except pursuant to a subsequent order of the House.
- **Jan 14, 2009:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 53 and Rule XVIII.
- **Jan 14, 2009:** The Speaker designated the Honorable John T. Salazar to act as Chairman of the Committee.
- **Jan 14, 2009:** GENERAL DEBATE - The Committee of the Whole proceeded with two hour of general debate on H.R. 384.
- **Jan 14, 2009:** Mr. Frank (MA) moved that the Committee rise.
- **Jan 14, 2009:** On motion that the Committee rise Agreed to by voice vote.
- **Jan 14, 2009:** Considered as unfinished business. (consideration: CR H290-299)
- **Jan 14, 2009:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Jan 14, 2009:** GENERAL DEBATE - The Committee of the Whole resumed general debate on H.R. 384.
- **Jan 14, 2009:** Rules Committee Resolution H. Res. 62 Reported to House. Rule provides for consideration of H.R. 384. Measure will be considered read. Specified amendments are in order. The resolution provides for further consideration of H.R. 384 with no further general debate.
- **Jan 14, 2009:** Committee of the Whole House on the state of the Union rises leaving H.R. 384 as unfinished business.
- **Jan 13, 2009:** Rules Committee Resolution H. Res. 53 Reported to House. Rule provides for consideration of H.R. 384 with 2 hours of general debate. Measure will be considered read. Bill is closed to amendments. The resolution waives

all points of order against consideration of the bill except those arising under clause 9 of rule XXI. The resolution provides that the Committee of the Whole shall rise without motion after general debate and that no further consideration of the bill shall occur except pursuant to a subsequent order of the House.

- **Jan 9, 2009:** Introduced in House
- **Jan 9, 2009:** Referred to House Financial Services
- **Jan 9, 2009:** Referred to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Jan 9, 2009:** Referred to House Ways and Means
- **Jan 9, 2009:** Referred to House Judiciary