

111TH CONGRESS
1ST SESSION

S. 928

To enhance disclosures regarding the use of funds under the Troubled Asset Relief Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2009

Mr. PRYOR (for himself and Mr. CORKER) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To enhance disclosures regarding the use of funds under the Troubled Asset Relief Program, 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 “TARP Accountability
5 Act of 2009”.

6 **SEC. 2. ENHANCED REPORTING ON USE OF TARP FUNDS.**

7 Section 105 of the Emergency Economic Stabilization
8 Act of 2008 (12 U.S.C. 5215(a)) is amended—

9 (1) in subsection (a)—

1 (A) in paragraph (2), by striking “and” at
 2 the end;

3 (B) in paragraph (3), by striking the pe-
 4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(4) a detailed report on the use of capital in-
 7 vestments by each financial institution, including—

8 “(A) a narrative response, in a form and
 9 on a date to be established by the Secretary,
 10 specifically outlining, with respect to the finan-
 11 cial institution—

12 “(i) the original intended use of the
 13 TARP funds;

14 “(ii) whether the TARP funds are
 15 segregated from other institutional funds;

16 “(iii) the actual use of the TARP
 17 funds to date;

18 “(iv) the amount of TARP funds re-
 19 tained for the purpose of recapitalization;
 20 and

21 “(v) the expected use of the remainder
 22 of the TARP funds;

23 “(B) information compiled by the Sec-
 24 retary under subsection (b); and

1 “(C) a report, in a form and on a date to
 2 be established by the Secretary, on the compli-
 3 ance by the financial institution with the re-
 4 strictions on dividends, stock repurchases, and
 5 executive compensation under the Security Pur-
 6 chase Agreement and executive compensation
 7 guidelines of the Department of Treasury.”;

8 (2) by redesignating subsections (b) through (e)
 9 as subsections (c) through (f), respectively; and

10 (3) by inserting after subsection (a) the fol-
 11 lowing:

12 “(b) INFORMATION PROVIDED BY FINANCIAL INSTI-
 13 TUTIONS.—

14 “(1) IN GENERAL.—For purposes of the report
 15 of the Secretary required by subsection (a)(4), finan-
 16 cial institutions assisted under this title shall provide
 17 to the Secretary the information required by para-
 18 graph (2), at such times and in such manner as the
 19 Secretary shall establish.

20 “(2) INFORMATION REQUIRED.—Information
 21 required by this paragraph is—

22 “(A) for those financial institutions receiv-
 23 ing \$1,000,000,000 or more from the Capital
 24 Purchase Program established by the Secretary
 25 (or any successor thereto), a monthly lending

1 and intermediation snapshot, as of a date to be
2 established by the Secretary, which shall in-
3 clude—

4 “(i) quantitative information, as well
5 as commentary, to explain changes in lend-
6 ing levels for each category on consumer
7 lending, including first mortgages, home
8 equity lines of credit, open end credit plans
9 (as that term is defined in section 103 of
10 the Truth in Lending Act (15 U.S.C.
11 1602)), and other consumer lending;

12 “(ii) quantitative information, as well
13 as commentary, to explain changes in lend-
14 ing levels for each category on commercial
15 lending, including commercial and indus-
16 trial (C&I) lending and real estate;

17 “(iii) quantitative information, as well
18 as commentary, to explain changes in lend-
19 ing levels for each category on other lend-
20 ing activities, including mortgage-backed
21 securities, asset-backed securities, and
22 other secured lending; and

23 “(iv) a narrative report of the inter-
24 mediation activity during the reporting pe-
25 riod, including a general commentary on

1 the lending environment, loan demand, any
2 changes in lending standards and terms,
3 and any other intermediation activity; and
4 “(B) for those financial institutions receiv-
5 ing less than \$1,000,000,000 from the Capital
6 Purchase Program established by the Secretary
7 (or any successor thereto), a lending and inter-
8 mediation snapshot, as of a date to be estab-
9 lished by the Secretary, but not more frequently
10 than once every 90 days, including the informa-
11 tion described in clauses (i) through (iv) of sub-
12 paragraph (A).

13 “(3) CERTIFICATION REQUIRED.—The informa-
14 tion submitted to the Secretary under this sub-
15 section shall be signed by a duly authorized senior
16 executive officer of the financial institution, includ-
17 ing a statement certifying the accuracy of all state-
18 ments, representations, and supporting information
19 provided, and such certifications shall be included in
20 the reports submitted by the Secretary under sub-
21 section (a)(4).”.

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