

Troubled Asset Relief Program (TARP): Implementation and Status

(name redacted)

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Summary

The Troubled Asset Relief Program (TARP) was created by the Emergency Economic Stabilization Act (EESA; P.L. 110-343) in October 2008. EESA was enacted to address an ongoing financial crisis that reached near-panic proportions in September 2008. The act granted the Secretary of the Treasury authority to either purchase or insure up to \$700 billion in troubled assets owned by financial institutions. This authority was granted for up to two years from the date of enactment and was very broad. In particular, the definitions of both “troubled asset” and “financial institution” allowed the Secretary wide leeway in deciding what assets might be purchased or guaranteed and what might qualify as a financial firm.

The financial crisis grew out of an unprecedented housing boom that turned into a housing bust. Much of the lending for housing during the boom was based on asset-backed securities that used the repayment of housing loans as the basis of these securities. As housing prices fell and mortgage defaults increased, these securities became illiquid and fell sharply in value, causing capital losses for firms holding them. Uncertainty about future losses reduced many firms’ access to private liquidity, with the loss in liquidity being catastrophic in some cases. September 2008 saw the government takeover of Fannie Mae and Freddie Mac, the bankruptcy of Lehman Brothers, and the near collapse of American International Group (AIG), which was saved only by an \$85 billion loan from the Federal Reserve. There was widespread lack of trust in the financial markets as participants were unsure which firms might be holding so-called toxic assets that might now be worth much less than previously estimated, thus making these firms unreliable counterparties in financial transactions. This uncertainty prevented firms from accessing credit markets to meet their liquidity needs.

As EESA moved through Congress, most attention was focused on the idea of the government purchasing mortgage-related toxic assets, thus alleviating the widespread uncertainty and suspicion by cleaning up bank balance sheets. The initial TARP Capital Purchase Program, however, directly added capital onto banks’ balance sheets through preferred share purchases rather than removing assets that had become liabilities through purchasing mortgage-related assets. Several other TARP programs followed, including an asset guarantee program; programs designed to spur consumer and business lending; financial support for companies such as AIG, GM, and Chrysler; and programs to aid homeowners at risk of foreclosure. Eventually, the Public-Private Investment Program resulted in the purchase of some mortgage-related assets, but this remained a relatively small part of TARP. Most TARP programs are now closed.

With the immediate crisis subsiding through 2009, congressional attention to financial services turned largely to consider broad regulatory changes. The resulting Dodd-Frank Wall Street Reform and Consumer Protection Act (P.L. 111-203) amended TARP’s authority, including (1) reduction of the overall amount to \$475 billion; (2) removal of the ability to reuse TARP funds that had been repaid; and (3) removal of the authority to create new TARP programs or initiatives. The original TARP authority to purchase new assets or enter into new contracts expired on October 3, 2010. Outlays under the existing contracts, however, may continue through the life of these contracts. Overall budget-cost estimates for TARP have decreased significantly since the passage of EESA, with the most recent Congressional Budget Office estimates foreseeing \$27 billion in costs and Office of Management and Budget estimates foreseeing \$39 billion in costs. Most of these costs are from aid for homeowners, for the insurer AIG, and for U.S. automakers. The assistance to banks is generally showing a gain for the government. In the 113th Congress,

oversight of TARP has continued, including a hearing held by a subcommittee of the House Committee on Oversight and Government Reform.

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Introduction

The Troubled Asset Relief Program (TARP) was created by the Emergency Economic Stabilization Act¹ (EESA; P.L. 110-343) enacted on October 3, 2008. EESA was passed by Congress and signed by President George W. Bush to address an ongoing financial crisis that reached near-panic proportions in September 2008.

Financial turmoil began in August 2007 when asset-backed securities, particularly those backed by subprime mortgages, suddenly became illiquid and fell sharply in value as an unprecedented housing boom turned to a housing bust. The Federal Reserve (Fed) stepped in with emergency measures to restore liquidity, temporarily calming markets. Losses in mortgage markets, however, continued and spilled into other markets. Financial firms eventually wrote down many of these losses, depleting their capital. Uncertainty about future losses on illiquid and complex assets led to some firms having reduced access to private liquidity, with the loss in liquidity being catastrophic in some cases.

September 2008 saw the government takeover of Fannie Mae and Freddie Mac, the bankruptcy of Lehman Brothers, and the near collapse of AIG, which was averted with an \$85 billion loan from the Fed. There was widespread unwillingness to lend in the financial markets because participants were unsure which firms might be holding so-called toxic assets now worth much less than previously estimated, thus making these firms unreliable counterparties in financial transactions.

EESA authorized the Secretary of the Treasury (hereinafter “the Secretary”) to either purchase or insure up to \$700 billion in troubled assets owned by financial firms. EESA granted this authority for a maximum of two years from the date of enactment, meaning it expired on October 3, 2010. The general concept was that by removing such assets from the financial system, confidence in counterparties could be restored and the system could resume functioning. This authority granted in EESA was very broad. In particular, the definitions of both “troubled assets” and “financial institutions” allowed the Secretary wide latitude in deciding what assets might be purchased or guaranteed and what might qualify as a financial institution.² EESA also included a number of oversight mechanisms³ and reporting requirements.⁴ EESA was later amended to strengthen its executive compensation requirements⁵ and to reduce the authorized amount to \$475 billion.⁶

¹ P.L. 110-343; 12 U.S.C. 5311 *et seq.*

² The definition for financial institution gives examples, such as banks and credit unions, but specifically does not limit the definition to the types of firms named. The definition of troubled asset includes “any financial instrument” determined by the Secretary, in consultation with the Chairman of the Fed, the purchase of which would promote financial stability.

³ See CRS Report R40099, *The Special Inspector General for the Troubled Asset Relief Program (SIGTARP)*, by (name redacted).

⁴ Treasury publishes their TARP reports at <http://www.treasury.gov/initiatives/financial-stability/reports/Pages/default.aspx>. This report will make use of many of these TARP reports. Monthly overall reports are required under Section 105(a) of EESA and will be referenced hereinafter as, for example, the “December 2010 TARP 105(a) Report.” Monthly reports on dividends and interest accrued to TARP will be referenced hereinafter as, for example, the “December 2010 TARP Dividends and Interest Report.” These reports are typically published 10 days after the month in question. Treasury also is required to publish a “TARP Transactions Report” detailing TARP transactions shortly after they occur. In 2011, Treasury began to publish a “Daily TARP Update” as well.

⁵ P.L. 111-5; see CRS Report R40540, *Executive Compensation Limits in Selected Federal Laws*, by (name redacted) and (name redacted).

This report provides a brief outline of the programs created under TARP, changes made by Congress, and a summary of the current status and estimated costs of the program. It also provides an **Appendix** that contains detailed discussions of the individual TARP programs.

TARP Programs

Treasury reacted quickly after the enactment of EESA, announcing the TARP Capital Purchase Program on October 14, 2008, and several other programs followed. These programs can be broadly broken down into Bank Support Programs, Credit Market Programs, Other Investment Programs, and Housing Programs, with several programs under each heading:

Bank Support Programs

- **Capital Purchase Program (CPP).** The CPP did not purchase the mortgage-backed securities that were seen as toxic to the system. Instead, it purchased preferred shares in banks.⁷ The resulting addition of capital, it was hoped, would allow banks to overcome the effect of the toxic assets while those assets remained on bank balance sheets. The CPP is now closed with no additional disbursements possible under the current program. Of the approximately \$205 billion disbursed, \$1.1 billion remains outstanding, \$4.9 billion has been written off or recognized as a loss, and \$26.95 billion in income has been received.⁸
- **Targeted Investment Program (TIP).** This program provided for exceptional preferred share purchases and was used only for Citigroup and Bank of America. TIP is closed, with all \$40 billion in disbursed funds repaid and \$4.4 billion in income received.
- **Asset Guarantee Program (AGP).** The AGP, required by Section 102 of EESA, provided guarantees that were also part of the exceptional assistance to Citigroup and Bank of America. This program is closed, with the \$5 billion in extended guarantees canceled, no funds actually disbursed, and \$3.4 billion in income received.
- **Community Development Capital Initiative (CDCI).** The CDCI provided for lower dividend rates on preferred share purchases from banks that target their lending to low-income, underserved communities and small businesses. Many participants in the CDCI converted into the program from the CPP. The CDCI is closed with no additional disbursements possible under the current program. Of the \$0.57 billion disbursed, \$0.47 billion is still outstanding, \$0.01 billion has been written off or recognized as a loss, and \$0.04 in income has been received.

(...continued)

⁶ P.L. 111-203.

⁷ Preferred stock is an equity instrument, but it does not confer any control over the company and typically has a set dividend rate to be paid by the company; it is similar economically to debt but accounted for as equity.

⁸ All amounts disbursed, outstanding, and recognized as a loss from the U.S. Treasury's Daily TARP Update for August 15, 2014.

Credit Market Programs

- **Public-Private Investment Program (PPIP).** This program provided funds and guarantees for purchases of mortgage-related securities from bank balance sheets. Purchases and management of the securities was done by private investors who have provided capital to invest along with TARP funds. The PPIP is closed with all of the \$18.6 billion in disbursed funds having been repaid and \$3.85 billion in income received.
- **Term Asset-Backed Securities Loan Facility (TALF).** The TALF program was operated by the Federal Reserve to support the asset-backed security market,⁹ with TARP funds committed to support the program and absorb initial losses. \$0.1 billion in funds were disbursed to cover expenses, but no funds were disbursed to cover losses. While TALF loans extend to 2015, in January 2013 the earnings from the program were deemed sufficient to cover any possible future losses. Thus, the TARP commitment was canceled and the disbursement of \$0.1 billion was repaid. Treasury received \$0.59 billion in income due to TALF.
- **Section 7(a) Securities Purchase Program.** This program supported the Small Business Administration's (SBA's) Section 7(a) loan program through purchases of pooled SBA guaranteed securities to increase credit availability for small businesses. It is now closed with \$0.36 billion repaid out of the \$0.37 billion in disbursed funds and \$0.01 billion in income received.

Other Programs

- **AIG Assistance (Systemically Significant Failing Institution Program).**¹⁰ TARP preferred share purchases supplemented and ultimately supplanted assistance to AIG previously provided by the Federal Reserve. The final AIG assistance restructuring occurred in January 2011 with the Treasury's peak disbursement equaling \$67.84 billion and the government's ownership totaling 92% of AIG's common equity. Treasury sold its equity over time, with the final equity sold in December 2012. In total, Treasury recognized \$13.5 billion in losses from the TARP portion of AIG assistance and received \$0.96 billion in income.¹¹
- **Automobile Industry Support.**¹² This program initially provided loans to support General Motors (GM) and Chrysler and later included preferred share purchases from the auto financing company GMAC (now renamed Ally Financial) and a loan for Chrysler Financial. The program ultimately resulted in

⁹ For more information, see CRS Report RL34427, *Financial Turmoil: Federal Reserve Policy Responses*, by (name redacted).

¹⁰ For more detailed information on AIG, see CRS Report R42953, *Government Assistance for AIG: Summary and Cost*, by (name redacted).

¹¹ Approximately one-third of government equity holdings resulted from the Federal Reserve, not from TARP, so the proceeds from sales of this equity are not recognized as accruing to TARP.

¹² For more information, see CRS Report R41978, *The Role of TARP Assistance in the Restructuring of General Motors*, by (name redacted) and (name redacted); CRS Report R41940, *TARP Assistance for Chrysler: Restructuring and Repayment Issues*, by (name redacted) and (name redacted); and CRS Report RL34427, *Financial Turmoil: Federal Reserve Policy Responses*, by (name redacted) and (name redacted).

majority government ownership of both GM (60.8%) and GMAC/Ally Financial (74%) and minority government ownership of Chrysler (9.9%).

The U.S. government's ownership stake in GM was sold to GM itself and to the public between December 2010 and December 2013. The ownership stake in Chrysler was sold to Fiat in May 2011. Most of the stake in GMAC/Ally Financial has been sold over time and currently stands at 16%, with Treasury planning to sell additional shares.¹³ The current total outstanding support to the auto industry is \$2.1 billion of the \$79.7 billion in disbursed funds, with \$15.9 billion in recognized losses and \$7.0 billion in income received. No new disbursements are possible under the current program.

Housing Programs¹⁴

These programs are unlike the other TARP programs in that they do not result in valuable assets or income in return for TARP funding. All housing programs remain open under the contracts previously agreed to, and substantial funds remain to be disbursed:

- **Home Affordable Modification Program (HAMP).** HAMP pays mortgage servicers if they modify mortgages to reduce the financial burden on homeowners. A total of \$29.8 billion in disbursements is possible under the program, with \$8.8 billion disbursed.
- **Hardest Hit Fund (HHF).** HHF provides aid to state housing finance agency programs in states that have high unemployment rates or experienced the steepest declines in home prices. Eighteen states and the District of Columbia are participating in HHF. Of a possible \$7.6 billion, \$4.2 billion has been disbursed.
- **Federal Housing Administration (FHA) Short Refinance.** This program promotes refinancing of mortgages on “underwater” properties, those on which the mortgage balance is greater than the current value of the house, if lenders agree to forgive some of the principal balance owed on the mortgages. Of a possible \$1.0 billion, \$0.06 billion has been disbursed.

Current Status and Future of TARP

As detailed above, until October 3, 2010, the Secretary had the authority to purchase or insure nearly any financial asset under the programs in place on June 25, 2010. While this authority has expired, the legal contracts entered into under the previous authority may still be in force. Thus, TARP funds may still flow from Treasury in the future. The only programs with a significant gap between legal commitments and actual amount disbursed, and the potential to grow in the future, are the housing support programs. **Table 1** presents figures reported by Treasury for obligated and actually disbursed TARP funds.

¹³ U.S. Treasury, “Treasury Announces Plan to Sell Additional Ally Financial Common Stock,” press release, August 14, 2014, <http://www.treasury.gov/press-center/press-releases/Pages/jl2608.aspx>.

¹⁴ For more information, see CRS Report R40210, *Preserving Homeownership: Foreclosure Prevention Initiatives*, by (name redacted).

Table 1. Outlay of TARP Funds
(\$ in billions)

TARP Program	Obligated Amount	Actual Disbursements
Bank Support Programs	\$250.46	\$245.10
Credit Market Programs	\$19.22	\$19.09
AIG	\$67.84	\$67.84
Auto Industry Financing Program	\$79.69	\$79.69
Housing Support	\$38.45	\$13.06
Totals	\$456.56	\$424.78

Source: August 15, 2014, Daily TARP Update.

Note: Figures may not sum due to rounding.

Although the total amount of assets held or insured under TARP was initially capped at \$700 billion, and the program was widely reported as a “\$700 billion bailout,”¹⁵ the actual net cost of TARP was never likely to approach \$700 billion. Unlike most government programs, where funds are simply expended, TARP funds were generally used in ways that resulted in either the holding of assets by the government or in some form of income accruing to the government. The incoming receipts from TARP outlays have taken several forms, including

- funds from the sale of previously purchased assets,
- repayment of principal from loans,
- premium payments for insured assets,
- dividend and interest payments from assets and loans, and
- proceeds from the sale of warrants issued by companies that sold assets to TARP.

Table 2 summarizes these incoming revenues from TARP. According to EESA, revenues and proceeds from the sale of troubled assets, or from warrants and senior debt instruments, “shall be paid into the general fund of the Treasury for reduction of the public debt.”¹⁶ This statutory language does not specifically address the dividends paid on the preferred stock held by Treasury. Legislation (H.R. 678) to require that dividends fall under EESA requirements was introduced, but not enacted, in the 112th Congress.

¹⁵ See, for example, “7 Questions about the \$700 Billion Bailout,” *Time*, September 24, 2008, <http://www.time.com/time/politics/article/0,8599,1843941,00.html> and “Administration Is Seeking \$700 Billion for Wall Street,” *New York Times*, September 20, 2008, p. A1.

¹⁶ P.L. 110-343, Section 106 (d).

Table 2. Incoming TARP Funds

(\$ in billions)

TARP Program	Asset Sales/Repayment of Loan Principal	Dividends and Interest	Warrant Proceeds	Capital Gains/Other Income	Total
Bank Support Programs	\$239.08	\$15.81	\$9.45	\$10.28	\$274.63
Credit Market Programs	\$19.09	\$1.24	\$0	\$3.28	\$23.60
AIG	\$54.35	\$0.64	\$0.03	\$0.29	\$55.31
Auto Industry Financing Program	\$61.66	\$5.63	\$0	\$1.40	\$68.69
Housing Support	N/A	N/A	N/A	N/A	N/A
Totals	\$374.17	\$23.32	\$9.48	\$15.25	\$422.22

Source: August 15, 2014, Daily TARP Update.

Notes: Totals may not sum due to rounding. Housing support programs result in no assets to be sold and no other income.

Table 3 summarizes TARP funds that have been disbursed but not repaid. Most of these funds are classified by Treasury as “outstanding.” This does not mean, however, that the recipient of these funds is obligated to repay them, as is typically the case with, for example, a loan that is outstanding from a bank to a borrower. Most of the outstanding TARP funds are embodied in assets, such as common stock, that recipients are not obligated to repay; instead, Treasury is expected to sell these assets at a future date and hopefully recoup the funds that were disbursed. TARP funds that are classified as a recognized loss, or as written off, are typically cases where either the asset sales were not sufficient to repay the initial TARP disbursement or a TARP recipient has failed and thus is unable repay the funds.

Table 3. TARP Funds Outstanding or Lost

(\$ in billions)

TARP Program	Amount Outstanding	Recognized Loss/ Written Off
Bank Support Programs	\$1.12	\$4.91
Credit Market Programs	\$0	\$0
AIG	\$0	\$13.48
Auto Industry Financing Program	\$2.12	\$15.91
Housing Support	N/A	N/A
Totals	\$3.25	\$34.31

Source: August 15, 2014, Daily TARP Update.

Notes: Totals may not sum due to rounding. Housing support programs result in no assets to be sold or other income.

The Costs of TARP

In arriving at an overall cost to the government of TARP, or any similar program, it is important to account for the difference in time between initial outlay of funds and the receipt of any income. Some TARP contracts run for many years, and the difference in value between a dollar in 2008 and 2013, for example, could be significant. To compare dollar values over time, economists use present value calculations that reduce costs or income in the future relative to the present by a discount rate. Present value calculations can be very sensitive to the rate used if the amount of time involved is large. In preparing the budget cost estimates for TARP, the Office of Management and Budget (OMB) and the Congressional Budget Office (CBO) are directed by Section 123 of EESA to adjust their estimates by current market borrowing rates, as opposed to the borrowing rate paid by Treasury. Using market rates instead of government borrowing rates increases the net calculated cost of these investments and is meant to better represent the true economic costs of the programs. The cost estimates for TARP have fallen dramatically since the program was started. For example, in March 2009, CBO estimated a \$356 billion budgetary cost for TARP. This number fell to \$109 billion in March 2010, and the latest CBO estimate is for a total budgetary cost of \$21 billion.¹⁷

The various programs under TARP have had very different estimated costs. In general, the bank support programs and credit market support programs have produced gains for the government. The losses in TARP are primarily accruing from the support for AIG, the automakers, and housing.

Table 4 below summarizes recent detailed estimates of TARP's cost from CBO and OMB. The largest difference between the OMB and CBO estimates is in the amounts expected to be disbursed for the housing support programs. The CBO estimates are also made following the OMB estimates and thus use more current market data.

The cost estimates of TARP are sensitive to financial markets and the state of the economy. The program's ultimate cost has depended largely on recouping value from the financial assets held in TARP. The assets resulting from bank support programs, including warrants and both preferred and common shares, have turned out to be relatively valuable. Thus, the estimates show an overall gain from these programs as the increases in asset values outweigh any losses from defaults. In the case of the automaker support, however, the estimates indicate that the assets held by the government through TARP ultimately will not return enough to recoup the TARP funds put into the companies, as was the case with the assistance for AIG.

¹⁷ Congressional Budget Office, *Director's Blog*, April 17, 2009, <http://cbo.gov/publication/24884>; *Report on the Troubled Asset Relief Program*, March 17, 2010, and May 23, 2013, <http://cbo.gov/sites/default/files/cbofiles/ftpdocs/112xx/doc11227/03-17-tarp.pdf> and http://cbo.gov/sites/default/files/cbofiles/attachments/44256_TARP.pdf.

Table 4. Detailed Cost/Gain Estimates for TARP

(\$ in billions; gain(+)/loss(-))

TARP Program	OMB (Data from Nov. 2013)	CBO (Data from Mar. 2014)
Capital Purchase Program	\$16	\$17
Targeted Investment Program/Asset Guarantee Program	\$8	\$8
Community Development Capital Initiative	\$0	\$0
Term Asset-backed Lending Facility	\$1	\$1
Public-Private Investment Program	\$2	\$3
SBA 7(a) Securities	\$0	\$0
AIG	-\$15	-\$15
Auto Industry Financing Program	-\$14	-\$14
Housing Support	-\$37	-\$26
Totals	-\$39	-27

Sources: CBO, *Report on the Troubled Asset Relief Program—April 2014*; OMB, *Budget of the United States Government, Fiscal Year 2015: Analytical Perspectives*, March 10, 2014.

Notes: Totals may not sum due to rounding. Figures marked “\$0” are rounded from between -\$500 million and +\$500 million. AIG also received assistance through the Federal Reserve, which resulted in substantial asset holdings and income. These cost estimates do not include gains resulting from this assistance.

The 113th Congress and TARP

In addition to the numerous oversight mechanisms in the original statute, Congress has continued to directly oversee various aspects of TARP through committee hearings, with the House Committee on Oversight and Government Reform creating a subcommittee specifically focused on TARP and financial services during the 112th Congress. In the 113th Congress, the House Committee on Oversight and Government Reform’s Subcommittee on Economic Growth, Job Creation, and Regulatory Affairs held a hearing on February 26, 2013, entitled “Bailout Rewards: The Treasury Department’s Continued Approval of Excessive Pay for Executives at Taxpayer-Funded Companies.”

Ownership of Private Companies

Government ownership of common equity in private companies was not a general goal of EESA although it was expected that the government would be compensated for the assistance given to companies under TARP. In some cases, this compensation has resulted in government holdings of common stock in amounts that typically would result in the government having a controlling interest in these companies. The government, however, has generally exercised little of the ownership control inherent in these large stakes. Common equity in companies has typically been accepted in return for TARP assistance in order to strengthen the companies’ capital positions going forward. Such equity also provides a potential financial upside to the taxpayers if firms have a strong recovery, but it has a potential downside if firms do not recover strongly.

Outstanding outlays, such as loans, that have been converted to common equity are no longer directly owed by the company to the government.

In the case of Citigroup, which converted \$25 billion of preferred shares into common shares, the outcome for the government was positive as the share price rose after the conversion, resulting in approximately \$6.85 billion in capital gains for taxpayers. Ownership of Chrysler and GM equity, however, turned out less positively for the government, with a total of \$2.93 billion in realized losses on Chrysler and a realized a loss of \$11.16 billion on GM following the final sales of equity holdings. The ownership of AIG equity through TARP resulted in the government realizing a \$13.48 billion loss, though this TARP equity loss was offset by a \$17.55 billion gain from AIG equity holdings originating with the Federal Reserve. To date, Treasury has realized \$1.82 billion in losses from equity holdings in GMAC/Ally Financial, with 16% of the company's equity yet to be sold. In all of these cases, however, the government also recouped funds through other means, such as dividends and interest payments, which offset the losses to varying degrees.

Table 5 summarizes the current status of government ownership in large financial institutions.

Table 5. Companies with Large Government Common Ownership Stakes
(\$ in billions)

Company	Current Government Ownership Share	Total TARP Assistance Received ^a	Amount Recouped by Treasury ^b	Equity Losses(-) or Gains(+)	Total Outstanding Outlays ^c
AIG	0%	\$67.8	\$55.3	-\$13.5	\$0
GM	0%	\$50.2	\$39.8	-\$11.2	\$0
GMAC/Ally Financial	16%	\$17.2	\$17.8	-\$1.8	\$2.1
Chrysler	0%	\$10.9	\$9.6	-\$2.9	\$0
Citigroup	0%	\$45 cash; \$5 guarantee	\$57.0	\$6.85	\$0

Sources: August 15, 2014, TARP Daily Update, Various TARP 105(a) Reports, TARP Dividend and Interest Reports, and U.S. Treasury press releases.

- Some of these companies received commitments for funds greater than the reported amounts or other TARP assistance. These figures are actual dollars received by, or spent on behalf of, companies. In the case of GM and Chrysler, this includes before, during, and after their bankruptcies and also includes amounts that went to support third-party suppliers to GM and Chrysler.
- Includes recoupment through bankruptcy proceeds, repayments, interest, dividends, and fees.
- Includes outlays converted to common equity and thus not currently owed by the company to the government.

TARP and the Dodd-Frank Act¹⁸

Unlike EESA, which was a temporary response to the immediate financial crisis, the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act; P.L. 111-203) was a broad bill that permanently changed many parts of the U.S. financial regulatory system. The act included a relatively short amendment to EESA in Title XIII, entitled the Pay It Back Act. Section 1302 of Dodd-Frank made three primary changes to EESA:

- reduced the overall authorization to purchase from nearly \$700 billion¹⁹ to \$475 billion;
- removed the implicit authority for the Secretary to reuse TARP funds when TARP assets are sold;²⁰ and
- limited the authorities under the act to programs or initiatives initiated prior to June 25, 2010.

As of June 30, 2010, Treasury reported that it planned to spend approximately \$537 billion on the various programs, with \$491 billion committed under signed contracts and \$385 billion actually disbursed.²¹ The July 21, 2010, enactment of the \$475 billion limit in the Dodd-Frank Act thus required Treasury to reduce the amounts planned for TARP by more than \$60 billion and the legal commitments under TARP by more than \$16 billion. CBO scored the TARP changes in the Dodd-Frank Act as resulting in a decrease in direct spending of \$11 billion in 2010.²² The TARP changes reported by Treasury following the Dodd-Frank Act appear below in **Table 6**.

Under the broad authorities granted by EESA, Treasury could unilaterally change the planned program allocations. Following the Dodd-Frank Act, this authority was limited to the difference between the total of Treasury's plans and the total of the signed contracts, approximately \$21 billion as of July 31, 2010.

¹⁸ P.L. 111-203, see CRS Report R41350, *The Dodd-Frank Wall Street Reform and Consumer Protection Act: Background and Summary*, coordinated by (name redacted).

¹⁹ The initial \$700 billion had been reduced by \$1.26 billion in P.L. 111-22.

²⁰ Section 115(a)(3) of EESA limits the Secretary's authority to purchase or guarantee assets to \$700 billion "outstanding at any one time." While the interpretation was never subject to determination by the courts, this language can be read to allow total purchase of assets beyond \$700 billion if assets are sold before additional purchases are made. Section 1302 of Dodd-Frank removed the phrase "outstanding at any one time."

²¹ June 2010 TARP 105(a) Report.

²² Congressional Budget Office, *CBO Estimate of the Net Deficit Effects of H.R. 4173, the Dodd-Frank Wall Street Reform and Consumer Protection Act*, June 29, 2010.

Table 6. TARP Changes Following the Dodd-Frank Act

(\$ in billions)

TARP Program	Planned Allocation Prior to Dodd-Frank	Change Following Dodd-Frank	Planned Allocation July 31, 2010	Legal Commitments July 31, 2010
Capital Purchase Program	\$204.9	\$0.0	\$204.9	\$204.9
Targeted Investment Program	\$40.0	\$0.0	\$40.0	\$40
Asset Guarantee Program	\$5.0	\$0.0	\$5.0	\$5.0
AIG (Systemically Significant Failing Institutions)	\$69.8	\$0.0	\$69.8	\$69.8
Term Asset-Backed Securities Program	\$20.0	-\$15.7	\$4.3	\$4.3
SBA Section 7(a)	\$1.0	-\$0.6	\$0.4	
Community Development Capital Initiative	\$0.8	\$0.0	\$0.8	\$1.0 ^a
Small Business Lending Fund	\$30	-\$30.0 ^b	\$0.0	\$0.0
Public Private Investment Program	\$30.4	-\$7.9	\$22.4	\$22.4
Automotive Industry Financing Program	\$84.8	-\$3.1	\$81.8	\$81.8
Housing/HAMP	\$48.7	-\$3.1	\$45.6 ^c	\$30.25
Totals	\$535.5	-60.5	\$475.0	\$454

Source: July 2010 TARP 105(a) Report.

Notes: Figures may not add due to rounding.

- a. Treasury's reporting did not separate the legal commitments for the two programs.
- b. The Administration proposed creating a similar fund outside of TARP. See CRS Report R41385, *Small Business Legislation During the 111th Congress*, by (name redacted) and (name redacted).
- c. This \$45.6 billion was reduced by Treasury to \$38.5 billion after Dodd-Frank was passed.

Appendix. Details of TARP Programs

Bank Support Programs

Capital Purchase Program and Capital Assistance Program

Under the Capital Purchase Program (CPP), \$125 billion in capital was immediately provided to the nine largest banks (which became eight after a merger), with up to another \$125 billion reserved for smaller banks that might wish to apply for funds through their primary federal banking regulator. This capital was provided in the form of preferred share purchases by TARP under contracts between the Treasury and banks. The initial contracts with the largest banks prevented these banks from exiting the program for three years. The contracts included dividend payments to be made on the preferred shares outstanding and the granting of warrants to the government. By the end of 2008, the CPP had 214 participating banks with approximately \$172.5 billion in share purchases outstanding.

The Obama Administration and the 111th Congress implemented changes to the CPP. EESA was amended, placing additional restrictions on participating banks in existing CPP contracts but also allowing for early repayment and withdrawal from the program without financial penalty.²³ With the advent of more stringent executive compensation restrictions for TARP recipients, many banks began to repay, or attempt to repay, TARP funds. According to Treasury reports, by June 30, 2009, \$70.1 billion of \$203.2 billion CPP funds had been repaid; by December 31, 2009, \$121.9 billion of \$204.9 billion had been repaid; and by December 31, 2010, \$167.93 billion of \$204.9 billion had been repaid.

The new Administration also announced a review of the banking system, in which the largest participants were subject to stress tests to assess the adequacy of their capital levels. Satisfactory performance in the stress test was one regulatory requirement for large firms that wished to repay TARP funds. Large firms that appeared too fragile in the stress test would be required to raise additional capital, and the firms would have the option of raising that capital privately or from the government through a new Capital Assistance Program. No funding was provided through the Capital Assistance Program, although GMAC, formerly General Motors' financing arm, received funding to meet stress test requirements through the Automotive Industry Financing Program (see discussion under "U.S. Automakers Assistance" section below). In addition, Citigroup, one of the initial eight large banks receiving TARP funds, agreed with the government to convert its TARP preferred shares into common equity to meet stress test requirements (see discussion of Citigroup below).

CPP profits stem from dividend payments, warrants received from recipients, and capital gains in limited cases when shares are sold for more than face value (the standard CPP shares are resold at face value). Losses stem from failure to repay in part or full. The ultimate profitability of the program will be determined by the balance between the two.

Another source of CPP profits is the proceeds from the warrants received from the companies. Treasury has not generally exercised warrants to take common stock in CPP recipients. Following

²³ Title VII of the American Recovery and Reinvestment Act of 2009 (P.L. 111-5; 123 Stat. 115).

the contracts initially agreed upon, Treasury has allowed institutions to purchase their warrants directly upon repayment of preferred shares, as long as both sides can reach an acceptable price. To reach an initial offering price, Treasury is using complex option pricing models to price the warrants that require assumptions to be made about future prices and interest rates. Since these pricing models are by their nature uncertain, some critics urge Treasury to auction the warrants on the open market (allowing the issuing firm to bid as well) to ensure that Treasury receives a fair price for them. Open auctions have been used, but only when an agreement between Treasury and the firms cannot be reached.

CPP earns income from dividends with a rate of 5% for the first five years and 9% thereafter. (For S-Corp banks,²⁴ the dividend rate is 7.7% for the first five years and 13.8% thereafter.)

Realized losses to date on the CPP preferred shares have been relatively small. As of August 15, 2014, Treasury reported \$4.9 billion in write-offs and realized losses from the CPP. The majority of this amount was due to the failure of CIT Group, which had \$2.3 billion in TARP shares outstanding when it failed.

Table A-1 below summarizes the CPP, including current and peak asset holdings, losses or gains, and conditions of the program.

Table A-1. Capital Purchase Program

U.S. Treasury				Terms and Conditions		
Latest Asset Holdings	Asset Holdings at Peak	Total Income	Realized Losses(-)	Dividend Rate	Warrants	Expiration Date
\$0.66 billion	\$198.8 billion (March 2009)	\$26.95 billion	-\$4.9 billion	5% for first 5 years, 9% thereafter ^a	15% of preferred shares (5% immediately exercised for privately held banks)	Preferred Shares outstanding until repaid. No new contracts/modifications after October 3, 2010.

Source: August 15, 2014, Daily TARP Update; July 2014 TARP 105(a) Report; CBO, *Report on the Troubled Asset Relief Program—April 2014*; Various TARP Transactions Reports.

Notes: Data include preferred shares to Citigroup and Bank of America under CPP, which are also detailed in sections on assistance to those companies below. The amount disbursed, approximately \$205 billion, is greater than the \$198.8 billion of peak asset holdings because some repayments occurred prior to disbursement of the full amount.

a. For S-Corp banks, the dividend rate is 7.7% for the first five years and 13.8% thereafter.

Community Development Capital Initiative

The Community Development Capital Initiative (CDCI) operated somewhat like the CPP in that it purchased preferred shares from financial institutions; in some cases institutions were permitted

²⁴ According to the IRS, “S corporations are corporations that elect to pass corporate income, losses, deductions, and credits through to their shareholders for federal tax purposes.” See the IRS website at <http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/S-Corporations>.

to convert previous CPP preferred shares to CDCI preferred shares. The program was specifically focused on institutions that serve low-income, underserved communities and small businesses. Treasury purchased preferred shares from institutions that qualified for the CDCI up to an amount equal to 5% of the institutions' risk-weighted assets for banks and thrifts or 3.5% of total assets for credit unions. These preferred shares pay an initial dividend rate of 2%, which will increase to 9% after eight years. Unlike the CPP, no warrants in the financial institutions were included. Purchases under the program were completed in September of 2010 with approximately \$210 million new shares purchased. In addition, approximately \$360 million of shares were converted from CPP shares.

Table A-2. Community Development Capital Initiative

U.S. Treasury				Terms and Conditions		
Latest Asset Holdings	Asset Holdings at Peak	Total Income	Realized Losses(-)	Interest/Dividend Rate	Warrants	Expiration Date
\$0.47 billion	\$0.57 billion (Sept. 2012)	\$0.04 billion	-\$0.01 billion	2% (9% after 8 years)	None	No new purchases after October 2010.

Source: August 15, 2014, TARP Daily Update; December 2013 TARP 105(a) Report.

Note: Of the disbursed funds, \$210 million are new shares and \$360 million are shares transferred from CPP.

Targeted Investment Program and Asset Guarantee Program

The Targeted Investment Program (TIP) and the Asset Guarantee Program (AGP) were only used as part of a package to aid two large banks, Citigroup and Bank of America, which were also large recipients of CPP funds. The combined assistance for these banks is addressed below.

Citigroup (CPP/TIP/AGP)

On November, 23, 2008, the Treasury, Federal Reserve, and FDIC announced a joint intervention in Citigroup, which had previously been a recipient of \$25 billion in TARP Capital Purchase Program funding, to “[support] financial stability.”²⁵ This exceptional intervention consisted of an additional \$20 billion purchase of preferred shares through the TIP and a government guarantee for a pool of \$306 billion in Citigroup assets (reduced to \$301 billion when the guarantee was finalized on January 16, 2009) through the AGP, the FDIC, and the Federal Reserve. Citigroup paid the federal government a fee for the guarantee in the form of \$4 billion in trust preferred securities paying an 8% dividend rate. Treasury also received warrants in both of these transactions.

On February 27, 2009, Citigroup and Treasury officials agreed that the Treasury Department would convert \$25 billion of its TARP CPP investment in Citigroup preferred stock into Citigroup common stock and cancel the warrants taken by Treasury under the CPP. After this conversion, the U.S. government owned approximately 33.6% (7.7 million shares) of Citigroup common

²⁵ U.S. Treasury, “Joint Statement by Treasury, Federal Reserve, and FDIC on Citigroup,” press release hp-1287, November 23, 2008.

stock. The conversion of preferred shares to common stock worsened the government's priority on Citigroup's assets in the event of liquidation but improved certain capital ratios for the company and relieved it of the obligation to pay dividends to the government, as it had previously with the preferred shares. The conversion exposed the government to more potential risk as well as to potential reward. The government's preferred shares could only be redeemed at par value, regardless of the performance of the company, while the government's holdings of common stock rose and fell in value based on the market valuation of the company.

In December 2009, Citigroup and Treasury reached an agreement to repay the outstanding \$20 billion in preferred securities and to cancel the asset guarantee. As part of this agreement, Treasury agreed to cancel \$1.8 billion worth of the \$4 billion in trust preferred securities originally paid as a fee for the guarantee. Citigroup repurchased the outstanding AGP trust preferred securities on September 30, 2009. While the asset guarantee was in place, no losses were claimed and no federal funds were paid out.

In April 2010, Treasury began selling its common share holdings in Citigroup. The shares were sold in tranches through 2010, with a total of 4.1 million shares being sold by the end of September 2010. Treasury announced the completion of the sales early in December 2010. The average sales price for the Treasury shares was \$4.14 per share compared with an initial conversion price of \$3.25 per share. The gain from the common stock sales was approximately \$6.9 billion, along with approximately \$2.2 billion from the sales of the remaining trust preferred securities granted as a fee from the AGP, \$2.9 billion in interest and dividends, and \$54 million from the sale of warrants for a total nominal gain (i.e., not discounted for market risk) from the Citigroup intervention of \$12.1 billion.²⁶

Table A-3 summarizes the assistance for Citigroup through the CPP, TIP, and AGP, including current and peak asset holdings, losses or gains, and conditions of the program.

Table A-3. Citigroup Support (CPP/TIP/AGP)

Program	U.S. Treasury				Terms and Conditions			
	Latest Asset Holdings/ Guarantees	Asset Holdings/ Guarantees at Peak	Total Income	Realized Losses(-)	Dividend/Fee	Warrants Issued	Subsequent Conversion/ Amendment	Expiration Date
Capital Purchase Program	\$0	\$25 billion	\$7.8 billion	None	Preferred: 5% dividend for first 5 years, 9% thereafter; common: none	210 million with a strike price of \$17.85 per share	Converted preferred shares to common stock, subsequently sold for \$31.9 billion.	None, shares outstanding until sold or repurchased.

²⁶ U.S. Treasury, "Taxpayers Receive \$10.5 Billion in Proceeds Today From Final Sale of Treasury Department Citigroup Common Stock," press release, December 10, 2010, http://www.financialstability.gov/latest/pr_12102010.html, and TARP Transactions Report, January 26, 2011.

Program	U.S. Treasury				Terms and Conditions			
	Latest Asset Holdings/ Guarantees	Asset Holdings/ Guarantees at Peak	Total Income	Realized Losses(-)	Dividend/Fee	Warrants Issued	Subsequent Conversion/ Amendment	Expiration Date
Targeted Investment Program	\$0	\$20 billion trust preferred securities (until Dec. 2009)	\$1.8 billion	None	8% dividend	188.5 million with a strike price of \$10.61	Converted preferred shares to trust preferred securities.	None, shares or securities outstanding until sold or repurchased.
Asset Guarantee Program	\$0	\$301 billion (up to \$244.8 billion of losses borne by Fed, Treasury and FDIC) (until Dec. 2009)	\$3.9 billion;	None	Following termination, \$2.2 billion in trust preferred securities with 8% dividend	66.5 million with a strike price of \$10.61 per share	\$1.8 billion canceled upon termination of Asset Guarantee.	Nov. 2018 (residential assets)/Nov. 2013 (non-residential assets)

Sources: August 15, 2014, Daily TARP Update; October 2011 TARP 105(a) Report; October 2011 TARP Dividends and Interest Report; SIGTARP, *Extraordinary Financial Assistance Provided to Citigroup, Inc.*, January 13, 2011; U.S. Treasury press release, December 10, 2010.

Note: Assistance to Citigroup through CPP is also included in the CPP Table.

Bank of America (CPP/TIP/AGP)

On January 16, 2009, the Treasury, Federal Reserve, and FDIC announced a joint intervention in Bank of America, which had previously been a recipient of \$25 billion in TARP Capital Purchase Program funds,²⁷ “as part of its commitment to support financial market stability.”²⁸ This exceptional assistance included the purchase of an additional \$20 billion of Bank of America preferred shares through the TARP Targeted Investment Program²⁹ and a joint guarantee on a pool of up to \$118 billion of Bank of America’s assets (largely acquired through its merger with Merrill Lynch) through the TARP Asset Guarantee Program, the FDIC, and the Federal Reserve. Bank of America was to pay the federal government a fee for the guarantee in the form of \$4 billion in preferred stock with an 8% dividend rate and warrants to purchase common stock worth \$2.4 billion at the time of the agreement.

Although the asset guarantee was announced in January 2009, a final agreement was never signed. On September 21, 2009, Bank of America announced that it had negotiated a \$425 million termination fee that allowed it to withdraw from the AGP, canceling the warrants and preferred shares issued for the program.

²⁷ As part of this transaction, the government received warrants for 121,792,790 shares with a strike price of \$30.79.

²⁸ U.S. Treasury, “Treasury, Federal Reserve, and the FDIC Provide Assistance to Bank of America,” press release hp1356, January 16, 2009.

²⁹ As part of this transaction, the government received warrants for 150,375,940 shares with a strike price of \$13.30.

On December 9, 2009, Treasury announced that Bank of America had repurchased the \$45 billion in preferred stock previously purchased under TARP. The warrants issued under the CPP and the TIP were sold at auction by the government in March 2010 for approximately \$1.6 billion. No government assistance to Bank of America remains outstanding.

Table A-4 summarizes the support for Bank of America through the CPP, TIP, and AGP, including current and peak asset holdings, losses or gains, and conditions of the support.

Table A-4. Bank of America Support (CPP/TIP/AGP)

Program	U.S. Treasury				Terms and Conditions		
	Latest Asset Holdings/ Guarantees	Asset Holdings/ Guarantees at Peak	Total Income	Realized Losses(-)	Dividend Rate/Fee	Warrants	Expiration Date
Capital Purchase Program	\$0	\$25 billion (until Dec. 2009) ^a	\$1.6 billion	None	5% for first 5 years, 9% thereafter	121,792,790 warrants sold for \$0.3 billion.	None, shares outstanding until repurchased.
Targeted Investment Program	\$0	\$20 billion (until Dec. 2009)	\$2.7 billion	None	8%	150,375,940 warrants sold for \$1.2 billion	None, shares outstanding until repurchased.
Asset Guarantee Program	\$0	\$118 billion (up to \$97.2 billion of losses borne by Fed, Treasury and FDIC) (never finalized)	\$425 million termination fee	None	N/A	N/A	Jan. 2019 (residential assets)/Jan. 2014 (non-residential assets).

Source: August 15, 2014, Daily TARP Update; October 2011 TARP 105(a) Report; October 2011 TARP Dividends and Interest Report; Congressional Budget Office, *Budget and Economic Outlook*, January 2010; SIGTARP, *Quarterly Report to Congress*, January 30, 2010; OMB, *Analytical Perspectives, FY2011 President's Budget*, Table 4-7; February 2010.

Notes: Assistance to Bank of America through CPP is also included in the CPP Table.

- a. Of the \$25 billion of preferred shares, \$10 billion were originally issued by Merrill Lynch, which subsequently merged with Bank of America.

Credit Market Programs

Public Private Investment Program

On March 23, 2009, Treasury announced the Public Private Investment Program (PPIP). PPIP as envisioned consisted of two asset purchase programs designed to leverage private funds with government funds to remove troubled assets from bank balance sheets. Perhaps closer to the original conception of TARP than other TARP programs, PPIP dedicated TARP resources as equity to (1) acquire troubled loans in a fund partially guaranteed by the FDIC and (2) acquire

troubled securities in a fund designed to be used with loans from the Federal Reserve's TALF program or TARP. Both funds would match TARP money with private investment, and profits or losses would be shared between the government and the private investors. Unlike the original conception of TARP, private investors would choose the assets to purchase and manage the funds and the day-to-day disposition of assets. The legacy loan portion of PPIP never advanced past a single pilot sale reported by the FDIC on September 30, 2009.³⁰ Treasury originally envisioned assets purchases through PPIP would be as high as \$1 trillion (using as much as \$200 billion in TARP funds), but a maximum of \$22.4 billion was committed to the legacy securities portion of the program.

The PPIP *Legacy Securities Program* was designed to deal with existing mortgage-related securities on bank balance sheets. Private investment fund managers applied to Treasury to pre-qualify to raise funds to participate in the program. Approved fund managers that raised private equity capital received matching Treasury capital and an additional loan to the fund that matched the private capital (thus, for example, a fund that raised \$100 had a total of \$300 available to invest). In addition to this basic transaction, Treasury had the discretion to allow another matching loan so that a fund raising \$100 could have made a total of \$400 available for investment. The funds were to be used to invest in non-agency MBS that were originally rated AAA. (Agency MBS refers to loans issued by GSEs, such as Fannie Mae and Freddie Mac, and non-agency MBS refers to mortgage-related securities issued by private financial institutions, such as investment banks.)

Nine funds were prequalified by Treasury in June 2009. In early January 2010, however, one of the funds reached a liquidation agreement with Treasury and was wound down.³¹ By March 31, 2013, another five of the funds had been effectively wound down and all \$18.6 billion of the disbursed funds had been returned.³²

Table A-5. Public Private Investment Program (PPIP)

Program	U.S. Treasury				Terms and Conditions		
	Latest Asset Holdings/ Guaranteed	Asset Holdings/ Guaranteed at Peak	Total Income	Realized Losses(-)	Interest/ Dividend Rate	Warrants	Expiration Date
Legacy Securities	\$0	\$16.1 billion (Nov. 2011)	\$3.85 billion	None	LIBOR plus "applicable margin"	Yes (amount unspecified)	10 years from creation of fund.

Sources: August 15, 2014, Daily TARP Update; November 2011 TARP 105(a) Report; U.S. Treasury, *Legacy Securities Public-Private Investment Program Update*, May 8, 2013; Congressional Oversight Panel September 2009 Oversight Report; SIGTARP, *Quarterly Report to Congress*, January 30, 2010; CBO, *Report on the Troubled Asset Relief Program—May 2013*.

³⁰ Federal Deposit Insurance Corporation, "Legacy Loans Program—Winning Bidder Announced in Pilot Sale," press release, September 16, 2009, <http://www.fdic.gov/news/news/press/2009/pr09172.html>. FDIC reports seven other public-private partnership transactions since 2008, but classifies only the September 2009 transaction as a PPIP transaction.

³¹ December 2009 TARP 105(a) Report, pp. 15, 30-32.

³² U.S. Treasury, *Legacy Securities Public-Private Investment Program Update*, May 8, 2013, p. 3, available at <http://www.treasury.gov/initiatives/financial-stability/reports/Documents/PPIP%20Report%20033113%20Final.pdf>.

Term Asset-Backed Securities Loan Facility

The Term Asset-Backed Securities Loan Facility (TALF) is a Fed program to assist the asset-backed security market, with TARP acting as a backstop in case of any losses. TALF was designed so that income accrues to the Fed with possible losses and some expenses accruing to Treasury. Initial obligation of TARP funds to support TALF was \$4.0 billion, with \$0.1 billion disbursed. The TARP commitment was reduced to \$1.4 billion in June 2012 and canceled in January 2013 because the fees that had accrued from the program at that time were greater than the amount of TALF loans still outstanding.³³ The initial \$0.1 billion in disbursements from TARP have been repaid.

Table A-6. Term Asset-Backed Securities Loan Facility

Program	U.S. Treasury				Terms and Conditions		
	Current Funds Disbursed/ Guaranteed	Funds Disbursed/ Guaranteed at Peak	Total Income	Realized Losses(-)	Interest/ Dividend Rate	Warrants	Expiration Date
TALF	\$0	\$0.1 billion	\$0.6 billion	None	N/A	None	No new purchases after June 30, 2010.

Sources: August 15, 2014, Daily TARP Update; Federal Reserve Bank of New York.

Section 7(a) Securities Purchase Program

This program supported the Small Business Administration's (SBA's) Section 7(a) loan program through purchasing pooled SBA guaranteed securities backed by private loans to small businesses.³⁴ Beginning in March 2010, Treasury purchased a total of \$368 million in securities guaranteed by the SBA. Purchases ended in October 2010 with the expiration of the TARP authority, and all securities have been sold or matured.

Table A-7. Section 7(a) Securities Purchase Program

Program	U.S. Treasury				Terms and Conditions		
	Latest Asset Holdings	Asset Holdings at Peak	Total Income	Realized Losses(-)	Interest/ Dividend Rate	Warrants	Expiration Date
Section 7(a) Securities	\$0	\$0.37 billion	\$0.01 billion	Less than \$10 million	Floating	None	No new purchases after Oct. 2010.

³³ See <http://www.federalreserve.gov/newsevents/press/monetary/20130115b.htm>.

³⁴ For additional information on this program, see CRS Report R41146, *Small Business Administration 7(a) Loan Guaranty Program*, by (name redacted).

Sources: August 15, 2014, Daily TARP Update; September 2012 TARP 105(a) Report; SIG TARP Quarterly Report to Congress, April 25, 2012.

U.S. Automaker Assistance³⁵

In addition to financial firms, nonfinancial firms also sought support under TARP, most notably U.S. automobile manufacturers.³⁶ While EESA specifically authorized the Secretary of the Treasury to purchase troubled assets from “financial firms,” the legislative definition of this term did not mention manufacturing companies.³⁷ After specific legislation for the automakers failed to clear Congress,³⁸ the Bush Administration turned to TARP for funding.

On December 19, 2008, the Bush Administration announced it was providing support through TARP to General Motors and Chrysler under the Automotive Industry Financing Program (AIFP). The initial package included up to \$13.4 billion in a secured loan to GM and \$4 billion in a secured loan to Chrysler. In addition, \$884 million was lent to GM for its participation in a rights offering by GMAC as GM’s former financing arm was becoming a bank holding company. On December 29, 2008, Treasury announced that GMAC also was to receive a \$5 billion capital injection through preferred share purchases.

After January 21, 2009, the Obama Administration continued assistance for the automakers, including support for the automaker warranties under the AIFP (so that consumers would not be discouraged from purchasing cars during the restructuring) and for third-party suppliers to the automakers (the Automotive Supplier Support Program). Additional loans for GM and Chrysler were made before and during the two companies’ bankruptcies, and GMAC received additional capital through preferred share purchases as well. At the end of 2009, GM had received approximately \$50.2 billion in direct loans and indirect support; Chrysler had received \$10.9 billion in loans and indirect support; GMAC had received \$17.2 billion in preferred equity purchases and loans; and Chrysler Financial had received \$1.5 billion in loans. Some of this assistance is still owed by the companies, some has been repaid, and some has been converted into common equity in the company receiving assistance.

³⁵ This section was prepared with the assistance of (name redacted), CRS specialist in Industrial Organization and Business. For a comprehensive analysis of federal financial assistance to U.S. automakers, see CRS Report R41940, *TARP Assistance for Chrysler: Restructuring and Repayment Issues*, by (name redacted) and (name redacted); CRS Report R41846, *Government Assistance for GMAC/Ally Financial: Unwinding the Government Stake*, by (name redacted) and (name redacted); and CRS Report R41978, *The Role of TARP Assistance in the Restructuring of General Motors*, by (name redacted) and (name redacted). Statistics in the section are taken from Congressional Oversight Panel September Oversight Report: *The Use of TARP Funds in the Support and Reorganization of the Domestic Automotive Industry*, September 9, 2009, available at <http://cop.senate.gov/documents/cop-090909-report.pdf> and from various reports and contracts posted by the U.S. Treasury at <http://www.treasury.gov/initiatives/financial-stability/investment-programs/aifp/Pages/autoprogram.aspx>.

³⁶ See, for example, Statement by Secretary of the Treasury Henry Paulson in U.S. Congress, House Committee on Financial Services, *Oversight of Implementation of the Emergency Economic Stabilization Act of 2008 and of Government Lending and Insurance Facilities: Impact on the Economy and Credit Availability*, 110th Cong., 2nd sess., November 18, 2008.

³⁷ P.L. 110-343, Division A, Section 3.

³⁸ In December 2008, the House of Representatives passed H.R. 7321, authorizing the use of certain Department of Energy funds as bridge loans to GM and Chrysler. Passed by a vote of 237-170, the bill was not acted upon in the Senate.

As of August 15, 2014, TARP support for the auto industry totaled approximately \$79.7 billion disbursed, with \$61.7 billion repaid and \$7.0 billion in income. Approximately \$15.9 billion has been written off or taken as a realized loss and \$2.1 billion of assistance is outstanding. The assistance outstanding takes the form of government ownership of 16% of the common equity in Ally Financial (formerly GMAC). All other assistance has either been repaid or recognized as lost.

The most recent OMB cost estimates of assistance to the auto industry made with November 2013 data are for a lifetime cost of \$14 billion; CBO also estimated the cost to be \$14 billion as of March 2014.

Table A-8 summarizes the support for the automakers, including current and peak asset holdings or loan amounts, losses or gains, and conditions of the assistance.

Table A-8. Government Support for the Auto Industry

Beneficiary/ Program	U.S. Treasury				Terms and Conditions		
	Latest Asset Holdings	Total Assistance at Peak	Total Income	Realized Losses(-)	Dividend/ Interest Rate	Subsequent Conversion	Expiration Date
General Motors	\$0	\$50.2 billion combined loans (not including \$884 million loan for GMAC rights offering)	\$0.76 billion	-\$11.2 billion	LIBOR + 5%	Loan converted into 60.8 % of common equity and preferred stock	January 2015 (new GM loan); December 2011 (old GM loan)
GMAC/Ally Financial	\$2.1 billion (16% of common equity)	\$16.3 billion preferred equity and \$884 million loan through GM.	\$4.60 billion	\$0	9%	Loan and preferred shares converted into 73.8% of common equity	No expiration
Chrysler	\$0	\$10.9 billion loan; (\$2.1 billion never drawn)	\$1.6 billion	-\$2.9 billion	LIBOR + 7.9%; LIBOR + 3%; LIBOR + 5%	9.9% of common equity	June 2017 (new Chrysler loan); January 2012 (old Chrysler loan)
Chrysler Financial	\$0	\$1.5 billion loan	\$7 million	None		None	January 2014

Sources: August 15, 2014, Daily TARP Update; May 2013 TARP 105(a) Report; September 2012 TARP Dividends and Interest Report; Congressional Oversight Panel, *September 2009 Oversight Report*; CBO, *Report on the Troubled Asset Relief Program—April 2014*; SIGTARP, *Quarterly Report to Congress*, September 30, 2010.

Note: LIBOR = London Interbank Offered Rate.

American International Group

In the fall of 2008, American International Group (AIG) was a federally chartered thrift holding company regulated by the Office of Thrift Supervision (OTS) at the holding company level, with a broad range of businesses, primarily insurance subsidiaries, which are state-chartered and state-regulated.³⁹ Facing losses on various operations, AIG experienced a significant decline in its stock price and downgrades from the major credit rating agencies. These downgrades led to immediate demands for significant amounts of collateral (approximately \$14 billion to \$15 billion in collateral payments, according to contemporary press reports).⁴⁰ As financial demands on the company mounted, bankruptcy appeared a possibility, as had occurred with Lehman Brothers on September 15, 2008. Many feared that AIG was “too big to fail” due to the potential for widespread disruption to financial markets resulting from such a failure.

On September 16, 2008 (prior to the existence of TARP), the Fed announced that it was taking action to support AIG in the form of a secured two-year line of credit with a value of up to \$85 billion and a high interest rate. In addition, the government received warrants to purchase up to 79.9% of the equity in AIG. On October 8, 2008, the Fed announced that it would lend AIG up to an additional \$37.8 billion against securities held by its insurance subsidiaries. In October 2008, AIG also announced that it had applied to the Fed’s general Commercial Paper Funding Facility (CPFF) and was approved to borrow up to \$20.9 billion at the facility’s standard terms.

In early November 2008 (following the creation of TARP), financial support for AIG was restructured. The restructured financial support consisted of (1) reducing the size of the Fed loan to up to \$60 billion, with the term lengthened to five years and the interest rate reduced by 5.5%; (2) purchasing of \$40 billion in preferred shares through TARP; and (3) replacing the \$37.8 billion loan with up to \$52.5 billion total in asset purchases by the Fed through two Limited Liability Corporations (LLCs) known as Maiden Lane II and Maiden Lane III. The 79.9% equity position of the government in AIG remained essentially unchanged after the restructuring of the intervention.

In March 2009, the assistance was restructured further through (1) a partial payback of the Fed loan through a swap of debt for equity in two AIG subsidiaries worth approximately \$25 billion, reducing the maximum to \$35 billion; and (2) commitments for additional future TARP purchases of up to \$29.8 billion in preferred shares at AIG’s discretion and the conversion of existing shares into shares with optional dividend payments.⁴¹ The Maiden Lane LLCs continued operating under the previous terms, with the actual loans extended to the LLCs totaling \$43.9 billion of the possible \$52.5 billion at their peak. AIG’s access to the CPFF had been reduced to \$15.9 billion in January 2009 due to a ratings agency downgrade. AIG continued to access this facility until it expired in February 2010.

³⁹ For a comprehensive analysis of federal assistance to AIG, see CRS Report R40438, *Federal Government Assistance for American International Group (AIG)*, by (name redacted).

⁴⁰ See, for example, “U.S. to Take Over AIG in \$85 Billion Bailout; Central Banks Inject Cash as Credit Dries Up,” *Wall Street Journal*, September 17, 2008, pp. A1-A6.

⁴¹ AIG issued \$1.6 billion of additional preferred shares to the government in recognition of accrued, unpaid dividends on the initial \$40 billion in assistance. AIG has not paid dividends since the conversion to optional dividends, with a total of \$6.7 billion in missed dividend payments as of September 30, 2010, according to the Special Inspector General for TARP, http://www.sigtar.gov/reports/congress/2010/October2010_Quarterly_Report_to_Congress.pdf. These missed payments gave Treasury the right to appoint two directors to AIG’s board.

In September 2010, AIG and the government announced another restructuring of the government's assistance. This restructuring closed on January 14, 2011. The expressed goal was to simplify the government's interest in AIG and provide for a path for the divestment of the government's stake in the company. The plan called for (1) ending the Fed's involvement with AIG through loan repayment and transfer of the Fed's equity interests to the Treasury and (2) converting the government's \$49.1 billion in existing preferred shares into common shares, which could then be sold to the public over time. The specific steps involved several interlocking transactions, including the initial public offering (IPO) of a large AIG subsidiary, the sale of several other AIG subsidiaries, and the use of up to approximately \$20 billion in TARP funds to transfer equity interests from the Fed to Treasury. Once these transactions closed, Treasury held 92% of AIG's common equity (1.66 billion shares) and equity interests in AIG's subsidiaries worth approximately \$20.3 billion.

Treasury sold the AIG equity over time and completed the sales in December 2012. All of the Federal Reserve loans have been repaid, and the assets held in the Maiden Lane LLCs have been sold. The last government-held assets relating to the AIG intervention were TARP warrants that were sold in January 2013.

Table A-9 summarizes the support received by AIG from both TARP and the Fed, including current and peak asset holdings, losses or gains, and conditions of the support.

Table A-9. AIG Support

Federal Government					Terms and Conditions			
Program	Latest Asset Holdings	Asset Holdings at Peak	Total Income	Realized Losses(-)	Dividend/ Interest Rate	Warrants/ Equity Interests	Subsequent Conversion	Expiration Date
TARP Systemically Significant Failing Institutions	\$0	\$67.8 billion (Jan. 2011)	\$0.96 billion	-\$13.48 billion	10% (dividends paid at AIG's discretion)	Warrants for 2% of common shares	\$49.1 billion ^a converted to AIG common equity; \$20.3 billion converted subsidiary equity	Mar. 2014
Fed Loan to AIG	\$0	\$90.3 billion loan (Oct. 2008)	\$8.2 billion in interest; \$17.55 billion equity holding	None	3 month LIBOR+3%	Warrants for 79.9% (later reduced to 77.9%) of common shares	Reduced balance by \$25 billion in exchange for equity in life insurance subsidiaries	Sept. 2013
Fed Loan for Troubled Asset Purchases	\$0	\$43.8 billion loans to purchase assets (Dec. 2008)	\$9.5 billion	None	LIBOR+1%	None	N/A	None

Program	Federal Government				Terms and Conditions			
	Latest Asset Holdings	Asset Holdings at Peak	Total Income	Realized Losses(-)	Dividend/ Interest Rate	Warrants/ Equity Interests	Subsequent Conversion	Expiration Date
Fed Commercial Paper Funding Facility	\$0	\$16.1 billion (Jan. 2009)	\$0.4 billion	None	Overnight index swap (OIS) rate+1%; OIS+3%	None	N/A	Feb. 2010

Sources: August 15, 2014, TARP Daily Update; May 2013 TARP 105(a) Report; Federal Reserve, statistical release H.4.1, *Factors Affecting Reserve Balances of Depository Institutions and Condition Statement of Federal Reserve Banks*, various dates; Federal Reserve Bank of New York, "Actions Related to AIG," <http://www.newyorkfed.org/aboutthefed/aig/index.html>; CBO, *Report on the Troubled Asset Relief Program—May 2013*; SIGTARP, *Quarterly Report to Congress*, September 30, 2010; U.S. Treasury Office of Financial Stability, *Agency Financial Report Fiscal Year 2010*, November 2010; AIG website, "What AIG Owes the U.S. Government," September 30, 2010; CRS Calculations with Fed data.

Notes: LIBOR = London Interbank Offered Rate.

- a. Includes \$1.6 billion in additional preferred shares issued in return for previous conversion of shares paying a mandatory dividend to shares paying an optional dividend.

TARP Housing Assistance Programs⁴²

One criticism leveled at TARP in the program's early stages related to its focus on assisting financial institutions, thus providing only indirect assistance to individual homeowners facing foreclosure. Sections 103, 109, and 110 of EESA specifically embody congressional intent that homeowners be aided under TARP. Treasury ultimately created several programs addressing this criticism. Unlike other TARP programs that have resulted in asset purchases that may eventually return some funds to the government, the housing assistance programs have no mechanism for returning funds. Some \$50 billion of TARP funding was initially planned for housing assistance efforts. Expected outlays under these programs have been counted as 100% spending with no expected financial return to the government. The amount of spending on these programs, however, has been relatively low, and the programs have been further criticized as ineffective at helping homeowners.⁴³

Home Affordable Modification Program

In March 2009, the TARP Home Affordable Modification Program (HAMP) was announced.⁴⁴ Through HAMP, the government provides financial incentives to participating mortgage servicers that provide loan modifications to eligible troubled borrowers to reduce the borrowers' monthly

⁴² For additional detail on these and other housing assistance efforts, see CRS Report R40210, *Preserving Homeownership: Foreclosure Prevention Initiatives*, by (name redacted); portions of this section are based on this report.

⁴³ See, for example, testimony by Neil Barofsky, the Special Inspector General for TARP, before the House Committee on Oversight and Government Reform, January 26, 2011, available at <http://oversight.house.gov/wp-content/uploads/2012/01/Testimony.Barofsky.SIGTARP.012611.pdf>.

⁴⁴ HAMP is part of the Administration's broader Making Home Affordable Program, which also includes a program to encourage refinancing of underwater mortgages backed by Fannie Mae and Freddie Mac. Funding for that program is not through TARP.

mortgage payments to no more than 31% of their monthly income. Servicers receive an upfront incentive payment for each successful permanent loan modification and a “pay-for-success” payment for up to three years if the borrower remains current after the modification. The borrower can also receive a “pay-for-success” incentive payment (in the form of principal reduction) for up to five years if he or she remains current after the modification is finalized. Investors receive a payment cost-share incentive (that is, the government will pay half the cost of reducing the monthly mortgage payment from 38% to 31% of monthly income), and can receive incentive payments for loans modified before a borrower becomes delinquent. Mortgage modifications can be made under HAMP until December 31, 2016.⁴⁵

The Administration originally estimated that HAMP would cost \$75 billion. Of this amount, \$50 billion was to come from TARP funds and \$25 billion was to come from Fannie Mae and Freddie Mac for the costs of modifying mortgages that those entities owned or guaranteed.⁴⁶ Over time, Treasury has revised downward its estimate of the amount of TARP funds that will be used for HAMP, with some of these funds used for the other TARP housing assistance programs. As of August 15, 2014, a total of \$29.8 billion is obligated for HAMP, with \$8.8 billion disbursed.

Hardest Hit Fund

On February 19, 2010, the Obama Administration announced that it would make funding available to the housing finance agencies (HFAs) of five states that had experienced the greatest declines in home prices. The states could use these funds to create their own foreclosure prevention programs based on local conditions, as long as the programs they created met the TARP objectives and were approved by Treasury.⁴⁷ This program is known as the Hardest Hit Fund (HHF), and several additional rounds of funding, with different criteria for choosing the states, have been announced since its inception, bringing the total number of states receiving funds to 18 plus the District of Columbia. State HFAs must expend the funds by December 31, 2017. The funding comes from the TARP funds that Treasury initially set aside for HAMP. After all of the rounds of funding, the total amount of funding allocated to HHF is \$7.6 billion. Of this amount, \$4.2 billion had been disbursed as of August 15, 2014.

FHA Short Refinance Program

On March 26, 2010, the Administration announced a new Federal Housing Administration Short Refinance Program for homeowners who owe more than their homes are worth. Detailed program guidance was released on August 6, 2010.⁴⁸ Under the program, certain homeowners who are current on their mortgages but owe more than their homes are worth may be able to refinance into new, FHA-insured mortgages for an amount lower than the home’s current value. The original lender will accept the proceeds of the new loan as payment in full on the original mortgage; the new lender will have FHA insurance on the new loan; and the homeowner will have a first mortgage balance that is below the current value of the home, thereby providing some equity in

⁴⁵ See http://www.makinghomeaffordable.gov/about-mha/latest-news/Pages/pr_06262014.aspx.

⁴⁶ November 2010 TARP 105(a) Report.

⁴⁷ Information on each state’s Hardest Hit Fund programs is available at <http://www.treasury.gov/initiatives/financial-stability/TARP-Programs/housing/hhf/Pages/default.aspx>.

⁴⁸ FHA Mortgagee Letter 2010-23, “FHA Refinance of Borrowers in Negative Equity Positions,” August 6, 2010, available at <http://www.hud.gov/offices/adm/hudclips/letters/mortgagee/>.

the home. Homeowners must be current on their mortgages to qualify for this program. Further, the balance on the first mortgage loan must be reduced by at least 10%. This program is voluntary for lenders and borrowers, and borrowers with mortgages already insured by FHA are not eligible.

The FHA Short Refinance Program began on September 7, 2010, and is to be available until December 31, 2014. As of August 15, 2014, Treasury has obligated \$1.03 billion of the TARP funds originally set aside for HAMP to help pay for the cost of this program, a reduction from the original amount of \$8.1 billion. Of this \$1.03 billion, \$0.06 billion has been disbursed.

Author Contact Information

(name redacted)
Specialist in Financial Economics
[redacted]@crs.loc.gov, 7-....

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