

From: News
Sent: Wednesday, October 15, 2008 4:18 PM
To: Souder, Elizabeth
Subject: Treasury Issues Notice and Request for Comment



News from [Husch Blackwell Sanders](#)

Yesterday, the Treasury Department released a notice and request for public comment on its program to guarantee the timely payment of principal and interest on troubled assets originated or issued prior to March 14, 2008 as mandated in Section 102 of the Emergency Economic Stabilization Act ("EESA"). The deadline for receiving comments is October 28, 2008.

As part of the program authorized by the EESA, the Secretary is required to establish and collect premiums from participating financial institutions by category or class of asset. The Secretary is permitted to provide for variations in premium rates based on the credit risk associated with the particular troubled asset being guaranteed. The premiums collected must be adequate to cover anticipated claims based on actuarial analysis, and must ensure that taxpayers are fully protected.

The notice sets forth several specific questions on which the department seeks input concerning the program including:

- The basic structure, operation and administration of the program;
- The types of assets to be covered and manner in which their eligibility should be determined;
- Key issues, conditions, triggers, and administrative procedures for paying out on the guarantee;
- Transferability rules or limitations that should be associated with the guarantee;
- Risks to the government associated with creating, operating and administering the program;
- Key elements and standards for setting premiums;
- Eligibility criteria for participating institutions;
- Legal, regulatory and accounting issues raised by the program; and
- Identification of preferences for this program over the trouble asset purchase program or vice versa.

Additional information and details about this notice are available [here](#).

Additional information is also available through the firm's website at the following address:

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If you have any questions concerning the matters discussed above, would like additional information, or are interested in submitting comments, please contact your Husch Blackwell Sanders attorney or one of the attorneys listed below:

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