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Regulatory Relief for Banks and Thrifts: Recent Legislative Proposals

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ABSTRACT

Regulatory streamlining for banks and thrifts has been an ongoing legislative interest for several years and provisions in numerous bills being considered in the 106th Congress could have that effect. In recent congressional usage, however, the term "regulatory relief" applies specifically to bills proposing changes to permit banks and thrifts to pay interest on business checking accounts and to allow the Federal Reserve to pay interest on reserves banks and thrifts maintain with it. Such bills include H.R. 1435, the Small Business Banking Regulatory Relief Act of 1999; H.R. 1585, the Depository Institution Streamlining Act of 1999; and S. 576, the Financial Regulatory Relief and Economic Efficiency Act of 1999. S. 349, the Small Business Banking Act of 1999, deals solely with business interest-checking. H.R. 1585 and S. 576 also contain several other kinds of provisions updating certain operational arrangements affecting banks and thrifts and their regulators. This report examines changes proposed in these bills. S. 576 has been reported by the Senate Banking Committee and the House Banking Subcommittee on Financial Institutions has held hearings, focusing on H.R. 1585. This report will be updated as legislative developments warrant.

Regulatory Relief for Banks and Thrifts: Recent Legislative Proposals

Summary

Regulatory streamlining for banks and thrifts has been an ongoing legislative interest for several years and is being revisited in the 106th Congress. On February 11, 1999, the Senate Banking Committee unanimously ordered reported S. 576, the Financial Regulatory Relief and Economic Efficiency Act of 1999 (FRREE). The House Banking Committee's Subcommittee on Financial Institutions held hearings May 12, 1999, focusing on H.R. 1585, the Depository Institution Regulatory Streamlining Act of 1999. H.R. 1585 and S. 576 follow along the lines of legislation considered but not finalized in the 105th Congress (H.R. 4364 and S. 1405).

H.R. 1585 and S. 576 are distinguished from other financial services bills in the 106th Congress in that in addition to provisions focused on operational concerns, they provide for the payment of interest on business checking accounts and on reserves held by depository institutions at the Federal Reserve (the Fed). H.R. 1435, the Small Business Banking Regulatory Relief Act of 1999, also proposes changes in the existing restrictions on paying interest on business checking accounts and on reserves held by banks and thrifts at the Fed. S. 349, the Small Business Banking Act of 1999 deals solely with business interest-checking.

The bills vary in specifics but share the general philosophy of reducing the regulatory burden on banks and thrifts. In the 105th Congress, during the time the predecessor bills to H.R. 1585 and S. 576 were being developed, decisions were made to omit many topics that might have been addressed, but that could have elicited strong differences of views. Therefore, the legislation is not as broad-based as some earlier regulatory relief measures. At the same time, it does address several areas of regulation perceived by many interested parties to be in need of updating and simplification.

Core provisions in the bills dealing with interest payments could have varying effects on depository institutions, their customers, and regulators. They also would affect the operation of monetary policy. Thus, debate arises about specific arrangements proposed for implementing business-interest-checking and interest payments on reserves held by banks and thrifts at the Fed.

With regard to operational changes, a number of changes in consumer protection laws which consumer groups found particularly onerous have been dropped. Consumer groups have expressed disappointment, however, that the bills do not address other areas of concern to them. Some "regulatory relief" provisions included both in regulatory relief bills and financial modernization legislation were ultimately incorporated in the Gramm-Leach-Bliley Act signed into law in November 1999 (P.L. 106-102). H.R. 1585 and S. 576 are likely to be modified accordingly.

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Regulatory Relief for Banks and Thrifts: Recent Legislative Proposals

Introduction

Regulatory streamlining for banks and thrifts has been an ongoing legislative interest for several years. This emphasis follows legislation that tightened up regulation considerably during the late 1980s and early 1990s in response to the savings-and-loan debacle and problems of commercial banks during the period. Regulatory relief provisions have been included in various laws enacted beginning in 1992. Such laws have addressed specific provisions statutorily and have instructed the bank and thrift regulators to review their implementing regulations.

Regulatory relief proposals in the 105th and 106th Congresses are distinguished from earlier legislation in two major ways. First, the current bills address interest-payment issues that had not been considered in recent years. Pending bills would permit banks and thrifts to pay interest on business checking accounts and would repeal the prohibition of the payment of interest on demand deposits. They would also permit the Federal Reserve to pay interest on reserves depository institutions maintain with it. Second, proposed changes in operational arrangements affecting banks and thrifts and their regulators are not as broad-based as in some earlier measures. Decisions have been made to omit many topics that might have been included, but that could have elicited strong differences of views. At the same time, several areas of regulation perceived by most interested parties to be in need of updating and simplification are included.

Topics covered in the legislation are examined in more detail below. Both interest-payment and operational changes appear in H.R. 1585, the Depository Institution Streamlining Act of 1999, and S. 576, the Financial Regulatory Relief and Economic Efficiency Act of 1999. H.R. 1435, the Small Business Banking Regulatory Relief Act of 1999, deals specifically with business-interest-checking and interest payments on reserves held by banks and thrifts at the Federal Reserve. S. 349, the Small Business Banking Act of 1999, deals solely with business interest-checking.

S. 576 has been unanimously reported by the Senate Banking Committee (S. Rept. 106-11) and the House Banking Subcommittee on Financial Institutions has held hearings, focusing on H.R. 1585. H.R. 1585 and S. 576 as introduced are substantially the same as the 105th Congress bills, H.R. 4364, which passed the House, and S. 1405, which was reported by the Senate Banking Committee but not considered on the Senate floor. This report will be updated as legislative developments warrant.

Characteristics of Bank and Thrift Regulation

Bank and thrift regulation exists for many different purposes: to encourage the safety and soundness of individual institutions, to ensure systemic stability, to deter concentration and encourage competition, and to provide consumer protection. Regulatory tools vary as well. In addition to the laws and regulations specifying the kinds of activities in which the institutions may engage and the institutions' structural arrangements, regulatory tools include licensing provisions, periodic examinations, reporting and disclosure requirements, and supervision by regulators, particularly of problem institutions. In recent decades, the reach of regulation broadened. The 1970s saw the enactment of much consumer legislation. Because of problems in both the thrift and the banking industries in the 1980s, new measures were enacted in the late 1980s and early 1990s to help ensure the safety and soundness of individual institutions and to strengthen system stability.

The cumulative effect of this regulatory tightening and the improved financial condition of banks and thrifts in the 1990s has led to reappraisals of some earlier actions. Modest changes were enacted in the 102nd Congress. More extensive regulatory relief measures followed in the 103rd and 104th Congresses.[1] Most proposed changes in regulatory relief legislation considered in the 105th Congress and again in the 106th Congress are considered to be modest, directed primarily at streamlining and updating regulations rather than making major policy changes.

Major elements of bills in the 105th and 106th Congresses address the issues examined in this report:

- permitting the payment of interest on business checking accounts and repealing the prohibition of the payment of interest on demand deposits,
- permitting the payment of interest on reserves depository institutions maintain with the Federal Reserve, and
- updating operational arrangements affecting both banks and thrifts and their regulators.

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[1] Regulatory relief provisions are contained in the Housing and Community Development Act of 1992, P.L. 102-550; the Riegle Community Development and Regulatory Improvement Act of 1994, P.L. 103-325; and the Economic Growth and Regulatory Paperwork Reduction Act of 1996, Division A, Title II of P.L. 104-208, the omnibus appropriations bill for FY1997.

Paying Interest on Business Checking Accounts

Issue

Provisions that would allow businesses to receive interest on their checking accounts are an example of a measure updating regulation.[2] The original reasons for banning the payment of interest on demand deposits have been largely superseded, particularly since many banks and corporate customers have found ways to circumvent the ban. Lifting the ban is seen as a way of increasing economic efficiency and simplifying business procedures. At the same time, the switch from current arrangements to direct interest payments could be costly to some banks either because of the interest payments themselves or because they would have to disband current alternative systems. Thus, proposed legislation provides for a transition period to allow participants to adapt.

Discussion

The ban on paying interest on checking accounts was instituted in the 1930s when the prohibition was considered necessary to control competition among banks. A special concern was that big city banks would take small-town deposits. Fears also existed that banks seeking business would drive up interest rates on deposit accounts, causing safety-and-soundness problems.

Since the 1970s, laws have been changed for all but business customers to allow a form of interest-bearing checking account known as NOW (negotiable order of withdrawal) accounts.[3] Large businesses have found means of economizing on cash balances so that they are minimally affected by the restriction. They have taken their business to nonbanks or arranged through certain banks for "sweep" accounts. Large and technologically sophisticated banks often offer "sweep" accounts where a customer's idle balances may be moved in and out of business checking accounts daily into interest-earning assets overnight. Small banks, however, do not necessarily have the tools readily available to them at reasonable costs to circumvent the remaining interest-checking restrictions. Their customers, therefore, may be similarly restricted.

In a report to Congress in 1996, the federal regulatory agencies recommended the lifting of the zero-interest ceiling.[4] On the other hand, some banks have been very

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[2]For a more extensive analysis, see CRS Report 98-474 E, *Payment of Interest on Demand Deposits: An Economic Analysis*, by G. Thomas Woodward.

[3]Currently, individuals, governmental units, and nonprofit organizations may hold NOW accounts. These are a form of transaction account for payments to third parties on which interest may be paid. They were developed on the state level as a way around the prohibition on interest payments for demand deposits. They were authorized in federal legislation in 1980 for individuals and nonprofit organizations nationwide and in 1982 for federal, state and local governments.

[4]"The agencies believe that this 1933 statutory prohibition against paying interest on demand deposits no longer serves a public purpose. Without statutory change however, the agencies

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much concerned about the cost effects of a possible change through lifting the ban on interest-bearing demand deposits. These could include both the interest payments and the costs of setting up to offer new types of accounts. Banks that have set up alternatives would also incur costs in disbanding them.

As an alternative to an outright repeal of the prohibition of paying interest on demand deposits, a banking group proposed that banks be permitted to offer money market deposit accounts (MMDA) on which sweeps could occur every business day. The MMDA is a type of savings account that pays interest, permits up to six preauthorized third-party withdrawals per month, and is available to businesses as well as other account holders. The MMDA modification proposed for businesses would have increased the number of permitted money transfers to 24 per month to allow businesses to transfer funds back and forth between their interest-earning and checking accounts every business day. This solution was opposed, however, by the Federal Reserve, which stated that it could cause problems for monetary control.

All the bills except for one in the current Congress have effected a compromise by providing for a transition period to allow participants to adapt. H.R. 1585 proposes that the expanded MMDA option be allowed until October 1, 2004, at which time the prohibition against interest payments on demand deposits itself would be lifted and NOW accounts for businesses would be permitted. S. 576 provides for banks to be permitted to offer interest on business checking accounts beginning January 1, 2001. H.R. 1435, the Small Business Banking Regulatory Relief Act of 1999, also contains the January 1, 2001 date. S. 349, the Small Business Banking Act of 1999, would lift the ban on interest payments immediately.

Paying Interest on Reserves at the Federal Reserve

Issue

S. 576, H.R. 1435, and H.R. 1585 in the 106th Congress, like similar bills in the 105th Congress, contain provisions permitting the Federal Reserve (Fed) to pay interest on required and excess reserves depository institutions maintain as balances at Federal Reserve Banks. The proposal has been supported by the Fed because it could induce banks to increase their reserve balances. The Fed is concerned that a continued decline in reserve balances could cause monetary control problems. The proposal to pay interest on business checking accounts is related. For banks and thrifts that maintain reserves with the Fed, the interest payments could help offset the costs of interest payments on business checking accounts.

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[4](...continued)
cannot rescind the regulatory requirement. The agencies will request Congress consider the continued need for this statutory prohibition." *Joint Report: Streamlining of Regulatory Requirements, Section 303(a)(3) of the Riegle Community Development and Regulatory Improvement Act of 1994, Submitted September 23, 1996*; Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, Office of Thrift Supervision. I-47.

The U.S. Department of the Treasury opposed the measure in the 105th Congress both because it did not see the need for the "reserves" change at the time and in light of the potential budgetary effects. Each year the Federal Reserve turns over to the government its excess income over expenditures. This net amount could be reduced to some extent as a result of the interest payments on reserves.[5] H.R. 4364 (105th Congress) proposed instead that the Fed use retained operating earnings for these payments. That approach apparently would not have been in accord with the Senate budget resolution.[6] In the 106th Congress, H.R. 1585 omits that kind of provision.

Discussion

Central to the "reserves" issue is the role of reserves in monetary control.[7] They are *the* part of the money supply generated and controlled by the government. The Fed manipulates these reserves to influence interest rates and the money supply in the nearly $9 trillion U.S. economy. Reserves at the Fed have dropped in recent years as reserve requirements have been reduced and depository institutions have become more adept at managing their reserve balances. Required reserve balances dropped from about $28 billion in late 1993 to about $7 to $8 billion in 1999.[8] As reserves grow smaller, the Fed has become increasingly concerned about its ability to continue conducting its policy using its current operating procedures.

The problem for the Fed is that with lower required reserves, the cash in the vaults of banks is enough to meet reserve requirements; thus, many banks are only holding reserves for clearing purposes. This phenomenon has the potential to increase the volatility of the federal funds interest rate. The Fed regards this volatility as serious because market participants watch the rate to gauge the stance of Fed policy. So far, there is not much evidence of a connection between federal funds rate volatility caused by thin reserves and overall economic performance.

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[5]In March 1998, the Office of Management and Budget commented on a proposal for interest payments on reserves being considered at the time and estimated the cost at some $800 billion over the five years, 1999-2003. Executive Office of the President, Office of Management and Budget. Statement of Administration Policy on H.R. 10 - Financial Services Act of 1998, March 31, 1998, 1 p. When H.R. 4364 (105th Congress) was considered in the House, the Administration reiterated its opposition to the payment of interest on reserves because of the cost. Executive Office of the President, Office of Management and Budget. Statement of Administration Policy on H.R. 4364 - Depository Institution Regulatory Streamlining Act of 1998, October 8, 1998. 1 p.

[6]March 31, 1998 Statement of Administration Policy on H.R. 10.

[7]This and the following paragraph reflect analysis contained in CRS Report 98-416 E, *Payment of Interest by the Federal Reserve to Depository Institutions: An Analysis*, by G. Thomas Woodward.

[8]Additional Views of the Federal Reserve Board on Interest on Reserves and Demand Deposits, In: Appendix to the Statement of Lawrence H. Meyer, Member, Board of Governors of the Federal Reserve System before the Subcommittee on Financial Institutions and Consumer Credit, Committee on Banking and Financial Services, United States House of Representatives, May 12, 1999, iv.

Should the decline in reserves continue and affect economic management, the Fed would have other options available to it for dealing with potential federal funds rate volatility. However the Fed has indicated that if interest payments were to be permitted on required reserves and demand deposits, then changes might not be needed "which could involve disruptions and costs to private parties as well as to the Federal Reserve."[9] The payment of interest on required reserves and on business checking accounts might not be sufficient to offset the declines. For that reason, the Fed wishes to be able to pay interest on excess reserves. The payment of interest on reserves held in excess of requirements could itself necessitate adjustments by the Fed in its monetary control process. Nonetheless, the Fed has indicated that even if not used immediately, it needs to have this additional tool available for potential developments.[10]

Operational Changes

Issue

Operational changes proposed in the 105th Congress, and again in S. 576 and H.R. 1585 in the 106th Congress, would primarily affect commercial banks, thrift institutions, and their regulators.[11] Many of the proposals would streamline regulations in instances not anticipated to have adverse consequences. Some could reduce direct costs of regulation for the parties affected, a continuing goal of regulatory relief measures.[12] A related goal is to improve services and/or cut costs for users of financial services. At the same time, interested parties continue to have questions about some of the provisions that are included, and regulators, institutions' trade associations, and consumer groups all have lists of other provisions that they would like to have added. In the 106th Congress, 1st session, there was some debate as to whether some of the operational changes proposed in regulatory relief bills should be addressed there or in other financial services legislation under consideration. Ultimately, some issues common to regulatory relief and financial modernization bills

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[9]*Ibid*, i.

[10]*Ibid*, vi.

[11]For additional information, see *The Financial Regulatory Relief and Economic Efficiency Act of 1999*, Report of the Committee on Banking, Housing, and Urban Affairs, United States Senate, to Accompany S. 576, 106th Congress, 1st Session, Report 106-11, available on the Legislative Information System [http://www.congress.gov/] (hereafter referred to as Senate Report 106-11) and the statements of witnesses at the hearing of the House Committee on Banking and Financial Services, Subcommittee on Financial Institutions and Consumer Credit, May 12, 1999, available at [http://www.house.gov/banking/51299to2.htm] (referred to hereafter as House Banking hearings).

[12]For an examination of several studies on regulatory costs completed in recent years, see *The Cost of Banking Regulation: A Review of the Evidence*, by Gregory Elliehausen, Board of Governors of the Federal Reserve System, Staff Study 171. April 1998.

were addressed in the Gramm-Leach-Bliley Act signed into law in November 1999 (P.L. 106-102).[13] H.R. 1585 and S. 576 are likely to be modified accordingly.

Discussion

Operational Changes. Both H.R. 1585 and S. 576 in the 106th Congress, and S. 1405 and H.R. 4364 in the 105th Congress, have limited the number of operational and managerial changes in order to reduce controversy. Even so, a variety of proposals have been put forward which could affect various parts of the depository institutions industry and their federal regulators. Some provisions are contained in bills introduced in both the House and the Senate; others, in only one. Many of the proposed changes address fairly technical statutory requirements. A sampling of these provisions follows.

Some provisions would update thrift regulations and, in some cases, make them more consistent with regulations for banks. Representative provisions in the House and Senate bills would provide expanded community development investment authority for thrifts, would repeal a thrift dividend notice requirement, would reduce regulatory requirements for thrift investments in service companies, and would remove a prohibition on a savings and loan holding company (SLHC) acquiring a non-controlling interest in another SLHC or thrift. S. 576 would also repeal a savings association liquidity provision dating from 1950 and would eliminate a thrift multi-state multiple holding company restriction imposed on SLHCs.[14]

Other provisions would affect regulation of national banks. For example, both H.R. 1585 and S. 576 would accord more flexibility to national banks in composing their boards of directors, would expedite procedures for certain national bank corporate reorganizations, and would clarify that national banks may acquire their own stock for certain corporate purposes. Both bills would ease capital requirements for bank purchases of mortgage servicing rights, but not abolish them.

An important provision in H.R. 1585 affecting the federal bank regulators is the proposed "Bank Examination Report Parity Act." This is intended to allow banks to share information with bank examiners for supervisory purposes while maintaining the confidentiality of the information as appropriate. It is considered to be a "safety and soundness" measure since it could aid bank regulators in their examinations process.

Some provisions would affect both banks and thrifts and their regulators. A provision in both bills on which views differ would require the federal banking agencies to continue progress in simplification of "call report" information they require from regulated institutions.[15] At the House Banking hearings, regulators

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[13] For a summary of that Act, see CRS Report RL30375, *Major Financial Services Legislation, The Gramm-Leach-Bliley Act (P.L. 106-102): An Overview*, by F. Jean Wells and William Jackson.

[14] Explanations of such provisions are provided in S. Report 106-11, pp. 12-13.

[15] Call reports consist of financial information regulated financial institutions are required to

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generally argued that they were supportive of the goals of this kind of provision and were making progress in modernizing the call report process without additional legislation; regulated institutions expressed support for this kind of measure to speed up the process.

A provision in H.R. 1585 which received comment both "pro and con" at the House Banking hearings would prohibit "accrual to insiders of economic benefits from credit union conversions." This provision addresses situations when credit unions may be changing to another form of charter for the purpose of switching to stock ownership. Debate reflects competitive concerns among various segments of the depository institutions industry. Such concerns were addressed in legislation in the last Congress that resulted in P.L. 105-219.[16]

Consumer Issues. While regulators and trade associations representing various types of depository institutions have expressed different views on various aspects of the proposed bills, most notable have been the comments of consumer groups.[17] As the regulatory relief bills have been developed, they have had concerns about proposals to cut back consumer protection laws and have identified other topics they would like to see addressed. Many of the proposals addressing consumer laws discussed in the 105th Congress were subsequently modified or eliminated and have not been reintroduced in the 106th Congress. Proposals remaining in S. 576 make certain changes in the Fair Debt Collection Practices Act and the Truth-in-Lending Act, and provisions in H.R. 1585 make some other changes in the Truth-in-Lending Act. Changes in the Community Reinvestment Act are addressed primarily in other legislation.[18]

Proposed changes to the Fair Debt Collection Practices Act (FDCPA) in S. 576 are explained in Senate Report 106-11 as clarifying the law with regard to unfair practices and the verification period of the Act, and addressing the current conflict in law between the Higher Education Act and the FDCPA.[19] In the House Banking hearings, the National Consumer Law Center expressed concerns, not about the provisions in S. 576, but about the possibility of other FDCPA changes being put back into the legislation.

Commenting on the Truth-in-Lending Act changes in S. 576 at the House Banking hearings, consumer groups did not express opposition to these proposals;

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[15](...continued)
submit periodically to the agencies which regulate them.

[16]See CRS Report 98-933 E, *Credit Union Membership Access Act: Background and Issues*, by Pauline H. Smale.

[17]See testimony of Consumers Union, the National Consumer Law Center, and the Consumer Federation of America in the House Banking hearings.

[18]The Community Reinvestment Act requires that banks and thrifts meet the credit needs of all segments of their communities, including low-and-moderate-income neighborhoods. For additional background, see CRS Report RS20197, *Community Reinvestment Act: Regulation and Legislation*, by William D. Jackson.

[19]Senate Report 106-11, pp. 9-10.

Consumers Union did suggest some modifications. These changes would simplify the disclosures required at the end of radio and television advertisements for consumer credit. Basic rate information would continue to be provided, as well as a toll free number for more detailed information on request. The National Consumer Law Center also suggested modifications to the provisions in H.R. 1585 simplifying consumer credit disclosures for open-end, variable-rate, home-secured loans. This kind of simplification is in effect now for comparable closed-end variable-rate loans; however, the National Consumer Law Center argued that open-end credit is more complicated than closed-end credit and needs to be looked at separately.[20] Other areas one or more of the consumer groups testified at the House Banking hearings they would like to see addressed ranged from requiring banks to offer affordable banking accounts (basic banking) to increasing the caps on transactions covered by the Truth-in-Lending Act and the Consumer Leasing Act, to prohibiting the use of the "Rule of 78s" in certain loan calculations.[21]

Proposals both to expand and limit the Community Reinvestment Act (CRA) are controversial, but CRA is not an issue generally addressed in H.R. 1585 and S. 576. During its markup of H.R. 4364 (105th Congress), the House Subcommittee on Financial Institutions and Consumer Credit of the House Banking Committee added a provision to exempt banks with less than $250 million in assets from the CRA. That provision was removed before the bill was considered on the floor and does not appear in H.R. 1585 as introduced. In the 106th Congress, the only CRA provision in regulatory relief legislation was adopted in the Senate Banking Committee markup on S. 576. That would provide credit card banks more flexibility in meeting CRA requirements by counting loans to low- and moderate-income people.[22]

Regulatory Relief vs. Other Financial Services Legislation. In the 106th Congress, 1st session, questions were raised about whether some operational provisions and related proposals belonged in the legislation popularly known as regulatory relief legislation or in financial modernization legislation. Categorization is sometimes difficult since most financial services legislation has regulatory implications, and many provisions in freestanding legislation affecting financial services could be characterized as providing "regulatory relief." Placement sometimes involves decisions about how to balance provisions in bills affecting many parts of the financial services industry. Ultimately provisions were adopted in P.L. 106-102 addressing "'limited-purpose bank' relief," the "Savings Association Insurance Fund 'Special Reserve,'" and "'plain English' regulations." S. 576 and H.R. 1585 are likely

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[20]Open-end credit may be added to or paid down at any time according to the terms of the borrowing agreement whereas closed-end credit is for a predetermined amount with a fixed repayment schedule.

[21] The Rule of 78s is one way of calculating the interest to be rebated when an installment loan is paid off before maturity.

[22]For information on other legislation in the 106th Congress affecting CRA, see CRS Report RS20197, *Community Reinvestment Act: Regulation and Legislation*, by William D. Jackson.

to be modified accordingly.[23] Tax issues important to banks and thrifts come under the rubric of "regulatory relief;" however, these kinds of provisions are handled in separate tax legislation.

Conclusion

Topics addressed in regulatory relief measures have been limited in attempts to avoid issue areas that elicit strong differences of view. At the same time, questions remain about some aspects of the bills. With regard to the interest-payment provisions, interested parties have raised various questions about the specific ways in which the changes might be implemented. With regard to operational changes, consumer groups have been particularly active. A number of changes in consumer protection laws which consumer groups found particularly onerous were dropped in the 105th Congress and have not been reinstated. Consumer groups have expressed disappointment, however, that the bills do not address other topics on their legislative agendas. Provisions in pending bills addressing issues covered in P.L. 106-102, enacted in the 106th Congress, 1st session, are likely to be modified accordingly.

[23]For a detailed exposition of provisions in P.L. 106-10, see the *Managers' Joint Explanatory Statement of the Committee on Conference* (H. Rept. 106-434, pp. 151-188, or Congressional Record, November 2, 1999, vol. 145, no. 152, H11255-11303).