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November 14, 2011

The Honorable Timothy Geithner  
Secretary  
U.S. Department of Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, D.C. 20220

RE: FR 2011-23235, Financial Access Activities; Comment Request (Comment on Potential Activities)

Dear Secretary Geithner,

The Pew Health Group Financial Security Portfolio is engaged in research related to the financial access activities that fall within the scope of the Office of Financial Education and Financial Access (OFEFA). This team has conducted extensive research on the financial habits and patterns of low- and moderate-income households, the terms and conditions of checking accounts, and the structure and usage of small dollar loans. This research can inform Treasury's prioritization of financial access activities.

To the extent that Treasury wants to promote access by low- and moderate-income households to the financial mainstream, we urge OFEFA to pursue the following three strategies:

1. Ensure that accounts associated with financial access activities are safe and useful for consumers by promoting direct deposit, prohibiting harmful practices, and facilitating sufficient disclosures.
2. Maximize the impact of financial access resources by prohibiting accounts with short-term credit lines in association with the office's activities.
3. Measure outcomes by considering net movement into and out of banking and comprehensive account usage.

We appreciate the Department of Treasury taking comments on its potential activities. Based on our research and analysis, we submit the following comments.

Sincerely,

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The design and implementation of a program to promote access to mainstream financial institutions—as authorized under the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010—is an opportunity for Treasury to provide leadership in supporting efforts to bring low- and moderate-income households into safe and affordable banking relationships. By identifying characteristics of successful financial access initiatives and features of the products offered in conjunction with these programs, Treasury can advance the financial capability of American households through safe financial products.

Based on work at the Pew Health Group on financial services usage and the structure of particular banking products, we urge the Office of Financial Education and Financial Access (OFEFA) to design a program of financial access activities leveraging Treasury’s leadership to promote safe and affordable checking accounts, effectively promoting access to the financial mainstream and free from harmful practices.

**1. OFEFA should support policies in financial access campaigns that promote direct deposit into a bank account and use of designated safe and affordable accounts.**

Pew research indicates that low-income households face barriers to banking at each step of the way.<sup>1</sup> These families struggle to open a bank account, keep those accounts open in times of economic distress, and fully and effectively utilize banking services.

In a survey of low-income Los Angeles households during the initial phase of Bank on LA—the local Los Angeles effort to move the working poor into the financial mainstream—Pew found that slightly more households closed their bank accounts than opened a bank account during a 12-month period. This survey made several key findings about why people remain without a bank account, why people close their bank accounts, and household awareness of local financial access activities.

- Among all households without a bank account, half indicated that they could not meet the minimum opening balance requirement.
- Across the households in our survey, only 15 percent of those who are employed and 11 percent of those who receive public assistance are paid via direct deposit into a bank account.
- An additional 38 percent of benefits recipients are paid via electronic benefits transfer to a card not tied to a checking account.
- One-third of those who ended their banking relationships cited hidden and unexpected fees and another 27 percent cited lack of funds or the loss of a job.
- More than half of unbanked respondents in our survey had received some sort of literature about opening a bank account, but only 9 percent were aware of Bank on LA by name.<sup>2</sup>

Based on our research among low-income households in Los Angeles, we encourage OFEFA to design its programmatic activities under Section 1204 to specifically target promotion of direct deposit into a federally insured depository account and to clearly brand designated banking products.

Direct deposit into a bank account can alleviate the burden of monthly fees and minimum opening balance requirements, making checking accounts more affordable to open and to maintain. While safer than cash and more convenient than paper checks, prepaid payroll and benefits cards do not offer the same opportunities to build savings and credit as direct deposit into a bank account. OFEFA can support the adoption of direct deposit among low-income households by urging employers—beginning with state and local governments—and government benefits offices to promote direct deposit use by employees and benefits recipients. Additionally, OFEFA and the local initiatives that it supports can

encourage workforce placement programs to partner with financial access campaigns to introduce bank accounts, along with direct deposit, as people become employed.

Clear branding of endorsed banking products can help consumers select the best account for their financial services needs. Where partnerships are encouraging households to join banking, but those new entrants do not ask for the designated accounts or those accounts are not sufficiently safe, efforts to move low-income households into the financial mainstream may be undermined by bank accounts with hidden and unexpected fees.

A number of additional campaign characteristics may bolster the success of local financial access initiatives. Findings from our survey of Los Angeles households during the launch of Bank on LA are reported in *Slipping Behind: Low Income Los Angeles Households Drift Further from the Financial Mainstream*, available at [www.pewtrusts.org/safebanking](http://www.pewtrusts.org/safebanking).

## **2. Model checking accounts should contain terms and conditions that provide safe and affordable access to all Americans.**

A checking account is the most basic and necessary financial product for American consumers. Nine out of 10 Americans have a checking account, making it the most widely used financial services product in the United States.<sup>3</sup> Checking accounts provide a secure way for Americans to collect earnings and make payments, and for many, they serve as the entry to the financial mainstream, where savings and credit products are available.

There have been government-backed efforts in the past to create and implement checking accounts that provide a safe way for consumers to store their funds and manage their transactions. In early 2011, the Federal Deposit Insurance Corporation (FDIC) started a pilot program with the goal of providing a model safe checking account.<sup>4</sup> This model has been used by several banks across the country, including large institutions such as Citibank.<sup>5</sup> The model account has several features designed to prevent accountholders from falling victim to fees that are common in many standard checking accounts.<sup>6</sup> Specifically, the FDIC model account does not contain any fees that are out of proportion with the cost of providing the service.

It is important that accounts that are designed to bring consumers into the financial mainstream and prevent customers from falling into financial distress have features that prevent hidden, unexpected, and costly fees. In April 2011, the Safe Checking Project published a report entitled *Hidden Risks: The Case for Safe and Transparent Checking Accounts* that studied the accounts offered online by the 10 largest banks by deposit volume and included policies that should be applied to all checking accounts. While these proposals are not an exhaustive list of necessary account features, they are imperative to any effort to protect consumers. In this report we recommend that policy makers make the following mandatory:

- Information on important checking account terms in a disclosure box
- Complete disclosure of all overdraft options;
- Reasonable and proportional overdraft fees; and
- The posting of deposits and withdrawals in a neutral manner such as chronological order.

We also recommend that the Consumer Financial Protection Bureau examine the prevalence of dispute resolution clauses in checking account agreements and fee shifting provisions in them. In addition, we

suggest that check hold periods should be reduced to as short a time as technology allows.<sup>7</sup> Our research shows that most large banks already provide funds in an expedited fashion.<sup>8</sup>

Pew's research found that the median length of bank disclosures for key checking account policies and fee information was 111 pages. In addition, the banks we studied often used different names for the same fee or service; put the information in different documents, different media (Web or hard copy), or different locations in a document; and did not summarize or collect key information anywhere. A disclosure box is necessary so consumers can understand and compare accounts.

Accountholders are not provided full information about the respective costs of overdraft options. All 10 of the banks in the study, for at least some transactions, offered programs—"overdraft penalty plans"—in which the bank covers overdrafts for a set per-overdraft charge. There often are cheaper alternatives to these products, but banks are not required to provide full information about all overdraft options available. Banks should provide consumers with comprehensive information about all overdraft options, including not signing up for any overdraft services.

Bank overdraft penalty fees are disproportionate to the size of the median overdraft amount. Overdraft fees will cost American consumers an estimated \$38 billion in 2011—an all-time high.<sup>9</sup> The median overdraft amount is \$36, yet the median overdraft penalty fee is \$35.<sup>10</sup> In addition, the majority of checking accounts charged an extended overdraft fee after a median of seven days if the fees and principal were not paid. The median extended overdraft fee was \$25. These fees should be limited to a reasonable and proportional amount compared to the cost of the bank to provide the service.

Overdraft penalty fees are imposed each time a withdrawal is posted to an account with insufficient funds to cover it at that moment. Banks can maximize the number of times an account "goes negative" by reordering deposits and withdrawals to reduce the account balance as quickly as possible. Posting withdrawals before deposits and posting withdrawals from largest to smallest have the effect of maximizing overdrafts. Banks should not set their policies in order to maximize fees. Rather, posting order should be neutral and allow customers to understand and track their account balances.

These recommendations are not onerous on financial institutions, are generally supported by the public by overwhelming margins, and are being adopted voluntarily by some banks and credit unions. The Safe Checking Project intends to publish another report in 2012 detailing how the fees and terms at the largest banks have changed in the past year. Since we first collected our data in October of 2010, several banks have ended the practice of reordering deposits from largest to smallest, at least for some types of transactions. In addition, two of the largest credit unions in America, Pentagon Federal Credit Union and North Carolina State Employees Credit Union, have begun using a disclosure box based on our consumer-tested model.<sup>11</sup> OFEFA should ensure that all checking accounts it supports include these basic protections.

In addition to providing a fair and transparent fee structure, accounts recognized through OFEFA's activities should be available on terms that make opening such accounts more accessible to low-income households. In Los Angeles, we found that half of all unbanked households reported that they did not have a bank account because they believed that they could not meet the required minimum opening balance.<sup>12</sup> Fourteen percent of unbanked households believed that they could not provide the necessary identification to open a bank account, despite banks having the authority to accept certain forms of identification issued by foreign governments.<sup>13</sup> Drawing from these findings, we urge OFEFA to include outreach on both the required opening balance—a median \$50 in California (from six of the ten largest banks that do business in the states) and \$100 nationwide (from the ten largest banks in the country)—

and the acceptance by some banks of certain forms of foreign identification, including the Mexican Matrícula Consular.<sup>14</sup> OFEFA can use its leadership in the financial access field to encourage banks to make available accounts with low minimum opening balance requirements, alternative strategies to meeting those requirements, and acceptance of authorized foreign identification.

**3. OFEFA should promote the use of simple and effective disclosures by creating an online tool that allows financial institutions to easily publish their terms and fees.**

It is very important that financial institutions disclose all of their terms and fees in a way that consumers can understand. Currently, important provisions are often very difficult to find on financial institutions' Web pages. In many cases, the information is simply not available. The Internet has the potential to allow consumers to compare content from many sources quickly and effectively. Unfortunately, if information is not available or is overly difficult to access, prospective accountholders will generally remain uninformed and may not choose the product that best meets their needs.

The proposed disclosure box, available at [www.pewtrust.org/safechecking](http://www.pewtrust.org/safechecking), will allow for comparison between various financial institutions. The effect of this will be a more informed public and reduced confusion about checking account terms and fees. This greater transparency could also result in more competition for accountholders, greater innovation, and lower prices. Institutions with lower fees and more favorable terms will more often be selected by consumers if it is possible for them to compare accounts.

While clear disclosure is a huge benefit, it is even better if it can be executed easily and without unnecessary burdens. While innovation is often a net positive, it may carry implementation costs. As was mentioned above, Pentagon Federal Credit Union and North Carolina State Employees Credit Union have recently posted their terms and fees online in a format very similar to our disclosure box. This is a great start, but in order to achieve widespread adoption of the disclosure box, it needs to be widely promoted. We are not in a position to encourage the use of a simple disclosure box as broadly as could be achieved by OFEFA through its financial access activities.

To maximize the number of institutions that will use the disclosure box, OFEFA should create a web-based tool that financial institutions can easily download from regulatory Web sites that would allow them to disclose their fees and terms in an easy to understand format. In addition, OFEFA should initiate a promotional campaign that will encourage all financial institutions to adopt the disclosure box. We believe that given the chance, many banks and credit unions would voluntarily use a program that provides clear disclosures if it were offered through an online application. We would welcome the opportunity to work with OFEFA to achieve this goal.

**4. OFEFA should encourage mainstream financial institutions to provide a comprehensive suite of products at competitive and transparent prices.**

Pew research finds that low-income households need particular financial products that often are not available from or marketed by mainstream financial institutions.<sup>15</sup> Commonly used financial services among low-income households in Los Angeles include remittances, money orders, check cashing, and bill pay services.<sup>16</sup> Looking beyond the structure of the bank account itself, this research indicates that banks could provide more revenue-generating services to customers by offering a comprehensive suite of products at competitive and transparent prices.

In our Los Angeles study, Pew found that 31 percent of low-income households with a bank account conducted some of their financial transactions outside of the bank.<sup>17</sup> Nearly one-third of these households report relying on alternative financial services providers because they are concerned about liquidity—how soon after depositing a check an account holder can access their funds—and an additional 38 percent prefer to leave the bank to conduct financial business because alternative financial services providers enable customers to purchase several services at one time.<sup>18</sup> All of these transactions could be included within the banking relationship. Similarly, through our initial conversations with payday loan borrowers, we have heard concerns about liquidity and access to savings mechanisms and credit building products.

Banks can retain and recruit customers by offering low-cost and safe credit and savings tools. OFEFA can encourage such an offering by banks by including these tools and financial products used by low-income households within its framework for financial access activities.

**5. Any non-depository tools offered in conjunction with financial access activities should be subject to the same federal safety standards as corollary depository products.**

While the prepaid product industry is growing rapidly, many aspects of the industry are unsupervised and may pose risks to consumers through hidden and unexpected fees.<sup>19</sup> In addition, federal protections for prepaid cards lag behind protections for checking accounts.<sup>20</sup> To address gaps in knowledge about the prepaid market, Pew is currently reviewing prepaid cards and other alternatives to traditional checking accounts with a focus on what new consumer safeguards may be appropriate.

The Direct Express prepaid card for recipients of federal payments offers one model for attaching consumer protections to emerging checking account alternatives. Under Treasury regulations, prepaid cards on which federal payments are received must provide FDIC insurance to the individual account holder and may not include a line of credit triggering automatic repayment upon deposit onto the card.<sup>21</sup>

Consumers who use prepaid cards to meet their financial services needs should be afforded the same protections as those who use a traditional transaction account. If OFEFA permits the promotion of non-depository tools, such as prepaid cards, in conjunction with designated financial access campaigns, Treasury must first consider the safety standards.

**6. OFEFA should discourage or prohibit accounts with short-term credit lines in association with its financial access activities until Treasury has made research-based determinations about the safety of such products.**

Low- and moderate-income households have short term credit needs that may be best addressed by mainstream financial institutions, but there are clear safety problems with the deposit-related credit products currently on the market. Deposit-related credit products, like payday loans, are short-term, high-cost loans providing immediate access to small sums of money where “full repayment is typically required during a single deposit cycle.”<sup>22</sup> The loans raise several barriers to borrower ability to repay, including lack of predictability when borrowers do not expect to rollover the loan or take consecutive advances and an inability of the consumer to actually retire the debt when faced with the same expenditure needs the following month, compounded by the fees associated with high-cost borrowing.<sup>23</sup>

Anecdotal evidence suggests—and we believe—that more financial institutions are developing payday products.<sup>24</sup> Currently, at least three major banks—Fifth Third, US Bank, and Wells Fargo—and a number of regional banks have payday or “deposit advance” products.<sup>25</sup> The rise of bank payday offerings makes it especially important that OFEFA consider now how to shield consumers from the problems identified with deposit advance products.

In its June 2011 proposed Guidance on Deposit-Related Consumer Credit Products, the Office of the Comptroller of the Currency (OCC) articulated the core issues surrounding short-term credit products associated with depository accounts.<sup>26</sup> Concerns with bank payday lending practices include promotion of routine use and undue reliance on deposit advances by consumers, requirements of full repayment of the loan out of a single deposit into the associated checking account, lack of disclosure of alternative credit products that may be available to borrowers, efforts to “steer” recipients of public benefits toward deposit advances, and violations of the legal prohibition against unfair and deceptive acts and practices.

Further, according to data from the FINRA Investor Education Foundation’s State-by-State Financial Capability Survey, 13 percent of people who have used a payday loan in the past five years do not have a checking account.<sup>27</sup> This figure is especially striking because a checking account is a prerequisite for obtaining a payday loan: all of these borrowers had a checking account at the time that they took out the payday loan. Additionally, 42 percent of FINRA respondents who have used a payday loan and currently do not have a bank account report that they do not have an account because the bank did not allow them to open an account. This is significantly higher than the 26 percent of the overall unbanked population reporting that they were unable to open an account.<sup>28</sup> These figures indicate that payday loan usage may adversely affect a borrower’s ability to bank. Any short-term credit products, therefore, should be discouraged until research on the structure of the products provides the basis for identifying safer forms of credit.

As Treasury identifies safe and sound short-term, small dollar loans to meet the credit needs of low- and moderate-income consumers, we urge OFEFA to make proper, research-based determinations about the effects of loan structuring and how the expectations of a reasonable borrower measure up to the reality of the borrower’s experience, particularly concerning the period of indebtedness, affect on bankability, and the total cost of taking the deposit advance loan.

As part of our research on small dollar loans, in initial conversations with these borrowers, we have heard an apparent demand for safe products that provide access to credit, enable borrowers to build positive credit history, and promote savings. Deposit advance products currently on the market do not fulfill this need both because these products may not build credit history and for the reasons identified in the OCC’s guidance.<sup>29</sup> Further research is needed to determine the structure of safe credit products. Until this research is available, OFEFA should discourage or prohibit accounts with short-term credit features in association with its programs.

The Pew Safe Small Dollar Loans Research Project is currently conducting research on borrower experiences with payday loans, including deposit advance products, and potential solutions to improve the market for small-dollar, short-term credit. As this research advances, we would be happy to discuss our research agenda and findings.

**7. In measuring the success of financial access initiatives, OFEFA should consider net movement into and out of banking and whether households are using their bank accounts to meet the full range of financial services needs.**

In Los Angeles, Pew found that more people in our survey neighborhoods left banking than joined banking over a 12-month span. Between the two phases of our longitudinal survey, 13 percent of respondents who had been banked in Phase I dropped their accounts and 8 percent of respondents who had been unbanked in Phase I opened checking accounts.<sup>30</sup> These figures indicate a strong need to address barriers faced by low-income communities to maintaining a bank account as well as the barriers to getting one. Thus, to accurately measure the impact of financial access activities, OFEFA should develop metrics related to account maintenance as well as to account enrollment.

Additionally, our findings on banked customers supplementing their banking relationships with alternative financial services suggest that financial access should be measured not only by whether a household has a bank account, but also by whether the household uses that account to meet their full range of financial services needs. An accurate portrait of household institutional preferences and strategies for managing money can illuminate market and policy opportunities to meet household financial services needs.

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We thank Treasury for the opportunity to comment on the design of OFEFA's financial access activities and look forward to continuing to work with you as the activities are designed, implemented, and administered. As always, we are available to discuss these comments or any other aspect of our work at any time.

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<sup>1</sup> Pew Health Group, "Slipping Behind: Low-Income Los Angeles Households Drift Further from the Financial Mainstream" (October 2011), available at

[www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Safe\\_Banking\\_Opportunities\\_Project/Slipping%20Behind.pdf](http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Safe_Banking_Opportunities_Project/Slipping%20Behind.pdf).

<sup>2</sup> Id.

<sup>3</sup> Brian K. Bucks, Arthur B. Kennickell, Traci L. Mach & Kevin B. Moore, "Changes in U.S. Family Finances from 2004 to 2007: Evidence from the Survey of Consumer Finances," Federal Reserve Board Division of Research and Statistics, (February 2009), available at [www.federalreserve.gov/econresdata/scf/files/2007\\_scf09.pdf](http://www.federalreserve.gov/econresdata/scf/files/2007_scf09.pdf).

<sup>4</sup> "FDIC Model Safe Accounts Pilot" (January 2011), available at [www.fdic.gov/consumers/template/](http://www.fdic.gov/consumers/template/).

<sup>5</sup> "FDIC Model Safe Accounts Pilot Banks" (November 2010), available at [www.fdic.gov/consumers/template/banks.html](http://www.fdic.gov/consumers/template/banks.html).

<sup>6</sup> "FDIC Model Safe Accounts Template," available at [www.fdic.gov/consumers/template/template.pdf](http://www.fdic.gov/consumers/template/template.pdf). See also, Pew Health Group, "Hidden Risks: The Case for Safe and Transparent Checking Accounts" (April 2011), available at [www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Safe\\_Checking\\_in\\_the\\_Electronic\\_Age/Pew\\_Report\\_HiddenRisks.pdf](http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Safe_Checking_in_the_Electronic_Age/Pew_Report_HiddenRisks.pdf).

<sup>7</sup> Pew Health Group, "Comment on Availability of Funds and Collection of Checks" (May 2011), available at [www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Safe\\_Checking\\_in\\_the\\_Electronic\\_Age/Federal%20Reserve%20Comment%20Final%20Letter\\_v2.pdf](http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Safe_Checking_in_the_Electronic_Age/Federal%20Reserve%20Comment%20Final%20Letter_v2.pdf)

<sup>8</sup> Id.

<sup>9</sup> Moebs Services, "Overdraft Fee Revenue Drops to 2008 Levels for Banks and Credit Unions" (September 2010), available at [www.moebs.com/Pressreleases/tabid/58/ctl/Details/mid/380/ItemID/193/Default.aspx](http://www.moebs.com/Pressreleases/tabid/58/ctl/Details/mid/380/ItemID/193/Default.aspx).

Federal Deposit Insurance Corporation, "Study of Bank Overdraft Programs" (November 2008), available at [www.fdic.gov/bank/analytical/overdraft/FDIC138\\_Report\\_Final\\_v508.pdf](http://www.fdic.gov/bank/analytical/overdraft/FDIC138_Report_Final_v508.pdf) (\$36 median overdraft amount).

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<sup>11</sup> SECU *Checking Account Fees and Terms* (November 2011), available at [www.ncsecu.org/PDF/DepositAccounts/CheckingAccountFeesandTerms.pdf](http://www.ncsecu.org/PDF/DepositAccounts/CheckingAccountFeesandTerms.pdf); PenFed *Complete Access Checking Overview* (November 2011), available at [www.penfed.org/pdf/accountsforms/1015.pdf](http://www.penfed.org/pdf/accountsforms/1015.pdf).

<sup>12</sup> Pew Health Group, “Slipping Behind: Low-Income Los Angeles Households Drift Further from the Financial Mainstream.”

<sup>13</sup> Id.

<sup>14</sup> Pew Health Group, “Hidden Risks: The Case for Safe and Transparent Checking Accounts.”

<sup>15</sup> Pew Health Group, “Slipping Behind: Low-Income Los Angeles Households Drift Further from the Financial Mainstream.”

<sup>16</sup> Id.

<sup>17</sup> Id.

<sup>18</sup> Id.

<sup>19</sup> Research by MasterCard predicts that the total market for network-branded prepaid cards will be \$385 billion in 2015 (Philip Keitel, “Federal Regulation of the Prepaid Industry: Costs, Benefits, and Changing Industry Dynamics,” Federal Reserve Bank of Philadelphia (April 2010), available at [www.philadelphiafed.org/payment-cards-center/events/conferences/2011/C2011-Federal-Regulation-of-Prepaid-Card-Industry.pdf](http://www.philadelphiafed.org/payment-cards-center/events/conferences/2011/C2011-Federal-Regulation-of-Prepaid-Card-Industry.pdf)). The National Consumer Law Center has identified numerous fees associated with prepaid cards used by states for unemployment compensation payments (National Consumer Law Center, “Unemployment Compensation Prepaid Cards: States Can Deal Workers a Winning Hand by Discarding Junk Fees” (May 2011), available at [www.nclc.org/images/pdf/pr-reports/uc-prepaid-card-report.pdf](http://www.nclc.org/images/pdf/pr-reports/uc-prepaid-card-report.pdf)).

<sup>20</sup> Regulation E, 12 C.F.R. § 205. See also, Gail Hillebrand, “Before the Grand Rethinking: Five Things to do Today with Payments Law and Ten Principles to Guide New Payment Products and New Payments Law,” 83 Chi.-Kent L. Rev. 769 (2008).

<sup>21</sup> 75 Fed. Reg. 80315, “Department of the Treasury Fiscal Service Management of Federal Disbursements.”

<sup>22</sup> 76 Fed. Reg. 33409, “Office of the Comptroller of the Currency Guidance on Deposit-Related Credit Products.”

<sup>23</sup> Uriah King and Leslie Parrish, “Payday Loans, Inc.: Short on Credit, Long on Debt,” Center for Responsible Lending, (March 2011), available at [www.responsiblelending.org/payday-lending/research-analysis/payday-loan-inc.pdf](http://www.responsiblelending.org/payday-lending/research-analysis/payday-loan-inc.pdf).

<sup>24</sup> See, National Consumer Law Center, “300% Bank Payday Loans Spreading” (August 2011), available at [www.nclc.org/images/pdf/banking\\_and\\_payment\\_systems/ib\\_bank\\_payday\\_spreading.pdf](http://www.nclc.org/images/pdf/banking_and_payment_systems/ib_bank_payday_spreading.pdf).

<sup>25</sup> For product information, see the following bank websites. *Fifth Third Easy Advance*, information available at [www.53.com/site/personal-banking/account-management-services/early-access.html](http://www.53.com/site/personal-banking/account-management-services/early-access.html). *US Bank Checking Account Advance*, information available at [www.usbank.com/checking/caa/index.html](http://www.usbank.com/checking/caa/index.html). *Wells Fargo Direct Deposit Advance*, information available at [www.wellsfargo.com/checking/direct-deposit-advance/index](http://www.wellsfargo.com/checking/direct-deposit-advance/index). *Guaranty Bank Easy Advance*, information available at [www.guarantybanking.com/easyadvance.aspx](http://www.guarantybanking.com/easyadvance.aspx). *Regions Ready Advance*, information available at [www.regions.com/personal\\_banking/ready\\_advance.rf](http://www.regions.com/personal_banking/ready_advance.rf).

<sup>26</sup> 76 Fed. Reg. 33409, “Office of the Comptroller of the Currency Guidance on Deposit-Related Credit Products.”

<sup>27</sup> Pew Health Group analysis of FINRA Investor Education Foundation’s State-by-State Financial Capability Survey data. Data files and survey materials available at [www.finrafoundation.org/programs/p123306](http://www.finrafoundation.org/programs/p123306).

<sup>28</sup> Id.

<sup>29</sup> See, National Consumer Law Center, “300% Bank Payday Loans Spreading.”

<sup>30</sup> Pew Health Group, “Slipping Behind: Low-Income Los Angeles Households Drift Further from the Financial Mainstream.”