

ICBA Summary

May 29, 2009

Provision	Current Regulation Z (Truth in Lending) Provisions <small>Note: Provisions may be superseded by Credit CARD Act of 2009</small>	Current Regulation AA (Unfair or Deceptive Acts or Practices) Provisions <small>Note: Provisions may be superseded by Credit CARD Act of 2009</small>	Credit Card Accountability Responsibility & Disclosure Act of 2009 or Credit CARD Act of 2009 Enacted May 22, 2009
Effective Date	<ul style="list-style-type: none"> July 1, 2010 	<ul style="list-style-type: none"> July 1, 2010 	<ul style="list-style-type: none"> February 22, 2010 except as specified in the new law
Consumer Notification of Change in Terms	<ul style="list-style-type: none"> Requires card issuers to provide a 45-day advance notice prior to a change in any term required to be disclosed in the account-opening summary table. Requires card issuers to provide 45 days' advance notice before interest rate increases due to consumer's delinquency or default or as a penalty. If a changed term is one that must be provided in the account opening summary table, then creditors must provide that change in a summary table in the change-in-terms notice. If a notice enclosed with a periodic statement discusses a change to a term that must be disclosed in the account-opening summary table, or announces that a penalty rate will be imposed on the account, then a table summarizing the impending change must appear on the front of the periodic statement, but is not required to be on the first page. 	<ul style="list-style-type: none"> Allows interest rate increases after account is open for one year if credit issuer complies with Regulation Z 45-day advance notice requirement. 	<ul style="list-style-type: none"> Requires written notice to consumer of increase in APR or any significant change, as determined by the Federal Reserve, no later than 45 days prior to the change taking effect. Notice shall contain explanation to the consumer of how to cancel the account before the effective date of the change. Cancellation or closure of an account may not trigger obligations to immediately repay the account or be considered a default. Effective date: August 20, 2009.
Limitations on Treatment of Existing Balances	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> Prohibits interest rate increases on existing balances unless expressly permitted below: <ul style="list-style-type: none"> The expiration of a specified period if the increased rate is also disclosed at account opening. The rate is an indexed variable rate. After account is open for one year if financial institution complies with the Regulation Z 45-day advance notice requirement (limitation does not apply to accounts opened prior to July 1, 2010). The credit card account is more than 30 days delinquent. A decreased rate may revert to pre-existing rate if consumer fails to abide by workout arrangement terms. 	<ul style="list-style-type: none"> Prohibits increase in any APR, fee, or finance charge applicable to any outstanding balance with the following exceptions: <ul style="list-style-type: none"> Expiration of promotional rate if issuer has disclosed the period and non-promotional rate. For a variable rate card, a change in a variable rate linked to an index. Workout or temporary hardship arrangements. Consumer does not meet a minimum payment for 60 days, in which case issuer must: <ul style="list-style-type: none"> Provide written explanation for the increase and state the increase shall not last more than 6 months if payments are received on time during that period. Terminate the increase in less than 6 months.
Reduction in Interest Rates	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> Requires creditors who increase APRs based on a credit score, market conditions or other factors to: <ul style="list-style-type: none"> Develop methodologies based on these factors. At least once every 6 months review these accounts based on these factors. If the review shows improved conditions, reduce the APRs. Provide a written notice stating reasons for the increase. Final rules become effective on August 22, 2010.

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Restriction on Rate Changes for New Cards	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> Unless there is a promotion, a variable rate or default, issuers cannot increase interest rate within first year of account opening. 	<ul style="list-style-type: none"> Issuer may not increase rates within the first year of account opening.
Double-Cycle Billing	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> Prohibits double -cycle billing when this results in more interest charges. 	<ul style="list-style-type: none"> Prohibits interest charges due to double- cycle billing.
Over-the-Limit Fees	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> Prohibits creditors from charging over-the-limit fees unless the cardholder expressly permits the creditor to complete transactions in excess of their credit limit. Creditors must send consumers a notice of any over-the-limit fee before an election can be made. If the consumer elects to be charged an over-the-limit fee, the creditor must provide notice of their right to revoke the election in the periodic statement that includes notice of the imposition of the over-the-limit fee. Over- the-limit fees may be imposed only once during a billing cycle and only once in each of the 2 subsequent billing cycles.
Limit on Fees Related to Method of Payment	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> Prohibits creditors from charging a fee for card payments, whether by mail, telephone or electronic transfer, except for live services to make expedited payments.
Penalty Fees	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> Requires penalty fees to be reasonable and proportional to the omission or violation. The Federal Reserve, OCC, FDIC, OTS and NCUA must issue final rules to establish standards for these fees. This provision is effective August 22, 2010.
Use of the Term “Fixed Rate”	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> Prohibits use of this term unless it is referring to an APR or interest rate that will not change or vary for any reason over the period specified in the terms of the account. 	<ul style="list-style-type: none"> Prohibits use of this term unless it is referring to an APR or interest rate that will not change or vary for any reason over the period specified in the terms of the account.
Crediting of Payments	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> When different APRs apply to different balances, requires creditors to allocate amounts paid in excess of the minimum payment either by applying the entire amount first to the balance with the highest APR or by splitting the amount pro rata among balances. Does not limit an issuer's ability to determine the amount of the required minimum periodic payment or how that payment is allocated. 	<ul style="list-style-type: none"> Requires payments in excess of the minimum to be applied first to the credit card balance with the highest interest rate. If a creditor makes a material change in their mailing address or procedures for handling payments and this change causes a delay in the crediting of a payment made during 60 days following the date of the change, the creditor may not impose any late fee or finance charge for a late payment.
Initial Account Fees	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> Prohibits creditors from financing security deposits or fees for the issuance of credit if during the first year after account opening, those deposits or fees take up the majority of the available credit on the account. Security deposits and fees exceeding 25% of the credit limit must be spread over no less than the first 6 months, rather than charged as a lump sum during the first billing cycle. 	<ul style="list-style-type: none"> Prohibits fees (other than late fees, over –the- limit fees or insufficient funds fees) in the first year of the account in excess of 25% of the total amount of credit authorized under the account if the fees are taken from the credit made available under the account.

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Due Dates	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> Payment due dates must be the same day every month (or the next business day if the date falls on a holiday or weekend).
Late Payments/ Payment Cut-off Times and Due Dates for Mailing Payments	<ul style="list-style-type: none"> Provides a safe harbor that mailed payments received after 5 p.m. can be applied to the account the next day. Deems payments received on the next business day timely if the creditor does not receive and accept mail on the due date. 	<ul style="list-style-type: none"> Prohibits creditors from treating a payment as late unless consumers provided a reasonable amount of time to make that payment. Safe harbor allows creditors to comply by adopting reasonable procedures designed to ensure periodic statements are mailed 21 days before the payment due date. 	<ul style="list-style-type: none"> Payments cannot be considered late and finance charges cannot be imposed unless the credit card statements are mailed to the consumer no later than 21 days before the payment due date. <u>Provision applies to all open-end lines of credit, including Home Equity Lines of Credit. Provision is effective August 20, 2009.</u> Creditors charging late fees must disclose in a conspicuous location on the billing statement the date on which the payment is due or, if different, the date on which a late payment fee will be charged, together with the amount of the late payment fee. Creditors must disclose conspicuously on periodic statements any APR increases due to late payment close to the payment deadline disclosure. Requires payments at local branches be credited same day.
Consideration of Ability to Repay	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> Prohibits a creditor from issuing a credit card to any consumer or to increase any credit limit on an account unless the ability of the consumer to make the required payments under the terms of the account is considered.

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Minimum Payment and Payoff Timing Disclosures	<ul style="list-style-type: none"> • Requires periodic statement to disclose that making only the minimum payment will increase the interest rate and the time it takes to repay the balance. • Requires periodic statement to include a hypothetical example of how long it would take to pay a specified balance in full if only minimum payments are made. • Requires periodic statement to include a toll-free telephone number for consumers to obtain an estimate of the time it would take to repay their actual account balance using only the minimum payment. • Federal Reserve must establish and maintain, for two years, a toll-free telephone number for bank credit card issuers with assets of \$250 million or less. • The FTC must maintain a similar toll-free telephone number for use by customers of creditors that are not depository institutions. • Cost estimate will be based on generic repayment schedule created by the Federal Reserve. • Card issuers may set up a toll-free telephone number to provide the actual number of months it will take consumers to repay their outstanding balance instead of providing an estimate based on the Federal Reserve's table. Card issuers exercising this option do not need to include hypothetical example on periodic statements, but must disclose the warning statement and the toll-free number. • Alternatively, the actual repayment disclosure may be provided on the periodic statement, and if so, there is no need to disclose the warning, hypothetical example or toll-free telephone number on the periodic statement, or to maintain a toll-free telephone number to provide the actual repayment disclosure. 	<ul style="list-style-type: none"> • No similar provisions 	<ul style="list-style-type: none"> • Requires a written statement on the periodic statement that says "Minimum Payment Warning: Making only the minimum payment will increase the amount of interest you pay and the time it takes to repay your balance" or such similar statement. • Requires disclosure of the period of time (number of months) it would take to pay off the card balance if only the minimum monthly payments are made. • Requires disclosure of the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months if no further advances are made, and the total cost to the consumer, including interest and principal payments. • Requires disclosure of a toll-free telephone number where the consumer may receive information about accessing credit counseling and debt management. • These disclosures must be provided in table form.

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Application/Solicitation Disclosures	<ul style="list-style-type: none"> Establishes new format and content requirements for summary table of account terms, including type size, use of boldface type for certain key terms, placement of information and use of cross references. Requires summary table to include specific actions that trigger penalty APRs, the rate that will apply and the circumstances under which the penalty rate will expire or, if true, the fact that the penalty rate could apply indefinitely. Requires summary table to include fees for late payment, exceeding credit limit, returned payments, cash advances and balance transfers. Requires usage of the term "penalty APR" instead of "default rate". Requires disclosure of returned-payment fees, required credit insurance, debt suspension or debt cancellation fees and foreign transaction fees. Variable APR information must be stated as a single phrase indicating the APR varies "with the market," along was a reference to the type of index, such as "Prime." Requires use of heading "How to Avoid Paying Interest on Purchases" on the row which describes the grace period offered on all purchases and the phrase "Paying Interest" if a grace period is not offered on all purchases. 	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> No similar provisions
Account-Opening Disclosures	<ul style="list-style-type: none"> Requires a table summarizing key account terms at account opening substantially similar to applications/solicitations table, but more detailed. Requires disclosure on whether there is a grace period for all account features. Allows card issuers the option of providing more specific and inclusive account opening table at application in lieu of table required at application/solicitation. Requires summary table disclosure at account opening of interest, minimum charges, transaction fees, annual fees and penalty fees such as a late payment fee. Permits card issuers to disclose other less critical charges orally or in writing before consumer agrees to or becomes obligated to pay a charge. Requires disclosure of expedited payment and expedited delivery fees. 	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> No similar provisions

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Periodic Statements	<ul style="list-style-type: none"> Requires grouping of all fees together with a separate itemization of interest charges by transaction type, without regard to whether the charges are finance charges, other charges or neither. Requires identification of interest charges by type (i.e., interest on purchases or interest on balance transfers) and fees (i.e., cash advance or late payment fees). Requires disclosure of total fees and total interest imposed during the cycle and year to date. Removes "effective APR" disclosure requirement. Requires payment due date disclosure on the front of periodic statement, and in close proximity to the due date, the amount of late payment fee and penalty APR that could be triggered by a late payment. 	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> No similar provisions
Internet Posting of Credit Card Agreements	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> Requires credit card issuers to post credit card agreements on an Internet web site and provide those agreements to the Federal Reserve for posting. Requires the Federal Reserve to establish and maintain on its public website a central repository of the consumer credit card agreements received from creditors (does not include individually negotiated workout agreements).
Higher - Rate Credit Cards (Fees to issue card are 15% or more of the minimum credit limit)	<ul style="list-style-type: none"> Requires application/solicitation summary table to include an example of amount of available credit the consumer would have after paying the fees or security deposit if the consumer receives only the minimum credit limit. Requires a consumer notice at account opening regarding the right to reject a plan when fees have been charged but the consumer has not used the plan. 	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> No similar provisions
Balance Computation Method	<ul style="list-style-type: none"> Card issuers must place the name of the balance computation method outside of the application/solicitation disclosure table so it does not detract from the other cost information. 	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> No similar provision
Advertising Provisions	<ul style="list-style-type: none"> Advertisements stating a periodic payment amount for an open-end credit plan must also state, in equal prominence to the periodic payment amount, the time period required to pay the balance and the total number of payments if only periodic payments are made. Permits an advertisement to refer to a rate as "fixed" if it states the time period the rate will be fixed and that the rate will not increase during that period. If a time period is not specified, the advertisement may refer to a rate as "fixed" only if the rate will not change while the plan is open. 	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> No similar provisions

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Convenience Checks	<ul style="list-style-type: none"> • Requires disclosure of the following key terms in a summary table on the front page containing checks that access credit card accounts: <ul style="list-style-type: none"> ○ any discounted initial rate, and when that rate will expire, if applicable; ○ the type of rate that will apply to checks after expiration of any discounted initial rate and the applicable APR; ○ applicable check transaction fees; ○ whether a grace period applies to checks, and if one does not apply, that interest will be charged immediately; and ○ the date by which the checks must be used in order to receive any discounted initial rate offered on the checks. 	<ul style="list-style-type: none"> • No similar provisions 	<ul style="list-style-type: none"> • No similar provisions
Billing Error Resolution	<ul style="list-style-type: none"> • Requires completion of billing error investigation within two billing cycles. • Prohibits reversal of credits if card issuer later determines that an error did not occur after expiration of the billing error resolution timeframe. 	<ul style="list-style-type: none"> • No similar provisions 	<ul style="list-style-type: none"> • No similar provisions
Credit Reports	<ul style="list-style-type: none"> • No similar provisions 	<ul style="list-style-type: none"> • No similar provisions 	<ul style="list-style-type: none"> • Requires print ads for a free credit report to prominently disclose that free credit reports are available under Federal law at "AnnualCreditReport.com". • Requires TV ads for free credit reports to state, "This is not the free credit report provided for by Federal law." • Effective February 22, 2010.

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Underage Consumers	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> Prohibits creditors from extending credit cards or open - end credit plans to individuals under 21 years of age unless they have obtained an application that contains the signature of a parent, guardian of other individual 21 years or older who will take responsibility for the debt, or proof that the applicant has an independent means of repaying the credit extended. Limits prescreened offers of credit to consumers under 21. Prohibits increases in the credit limit on accounts of individuals under 21 years of age where a parent, guardian, spouse or other individual is jointly liable unless the individual who is jointly liable approves the increase. Prohibits certain credit card marketing for students and increases transparency of affinity arrangements between credit card companies and universities. Prohibits creditors from offering a student at a university any tangible item to induce the student to apply for an open-end credit plan if the offer is made on the campus or near the campus or at an event sponsored by a college or university. Requires creditors to submit to the Federal Reserve an annual report containing the terms and conditions of all business, marketing and promotional agreements and college affinity card agreements they have with colleges or universities or college alumni associations with respect to any college student credit card issued to a college student at that institution. Initial report due by February 22, 2010. The Federal Reserve must submit an annual report with this information to Congress and make it available to the public. Requires the Comptroller of the Currency to conduct a study on the marketing practices of creditors to determine the impact that college affinity card agreements and college student card agreements have on credit card debt. The findings of this study shall be submitted to Congress with any recommendations.
Bank Secrecy Act Regulations	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> Requires Treasury, in consultation with Department of Homeland Security, to issue final rules regarding the sale, issuance, redemption or international transport of stored value cards.

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Gift Cards	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> Requires all gift cards to have at least a five-year life span and eliminates the ability to charge fees or have declining values for cards unless there is no activity on the card for 12 months, the fees are disclosed to the consumer and the issuer or vendor of the card informs the purchaser of the charge or fee before the card is purchased. Gifts cards must not have expiration dates unless the expiration date is not earlier than 5 years after the date the card was issued or the date on which funds were last loaded to the gift card.
GAO Study on Credit Usage and Interchange Fees	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> Requires the GAO to conduct a study on the use of credit by consumers and interchange fees and their effects on consumers and merchants. No later than November 22, 2010, the GAO shall submit a report to Congress with a detailed summary of the findings and conclusions of the study, together with any recommendations for legislative or administrative action.
Federal Reserve Reporting on Consumer Credit Card Market & Federal Banking Agency Reporting on Credit Card Enforcement Actions	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> No similar provisions 	<ul style="list-style-type: none"> Requires the Federal Reserve to conduct a review every 2 years of the consumer credit card market and propose new or revised regulations as deemed necessary. Requires the Federal Reserve to report to Congress every 2 years on the status of its most recent review and its efforts to address issues identified by the review. Requires the Federal banking agencies to provide to the Federal Reserve information about the enforcement activities of the agencies regarding compliance with credit card laws by creditors. This information will also be submitted to Congress.
Timely Estate Settlement	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> Requires the Federal Reserve, in consultation with the FTC, to issue regulations establishing procedures for ensuring estate administrators can resolve deceased credit cardholder balances in a timely manner.
Report to Congress on Card Limits & Interest Rates	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> Requires the Federal banking agencies and the FTC to report to Congress in 2012 regarding the extent creditors have reduced card limits or raised interest rates and to provide recommendations for any regulatory or statutory changes that may be needed to restrict or prevent such practices.
Federal Reserve Review of Small Business Credit Card Programs	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> Requires the Federal Reserve to conduct a review of small business (businesses with less than 50 employees) credit card programs and usage by February 22, 2010. This information must also be submitted to Congress along with any recommendations for providing protections for small business credit card plans.

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Small Business Information Security Task Force	<ul style="list-style-type: none"> • No similar provision 	<ul style="list-style-type: none"> • No similar provision 	<ul style="list-style-type: none"> • Requires the Small Business Administration, in conjunction with the Department of Homeland Security, to establish a task force to address small business information technology security needs and to help small businesses prevent the loss of credit card data.
Emergency PIN Technology Report	<ul style="list-style-type: none"> • No similar provision 	<ul style="list-style-type: none"> • No similar provision 	<ul style="list-style-type: none"> • Requires the Federal Trade Commission, in conjunction with the Department of Justice, to submit a report to Congress by February 22, 2010, on the cost-effectiveness of ATM technology that enables a consumer under duress to alert local enforcement regarding an incident at an ATM.
GAO Report on Marketing of Products with Credit Offers	<ul style="list-style-type: none"> • No similar provision 	<ul style="list-style-type: none"> • No similar provision 	<ul style="list-style-type: none"> • Requires the GAO to report to Congress on the terms, conditions, marketing and value to consumers of products marketed in conjunction with credit card offers – debt suspension agreements, debt cancellation agreements and credit insurance products – by December 31, 2010.