Entry Restriction and Shadow Banking

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AND it is hereby further enacted by the Authority aforesaid That during the Continuance of the said Corporation of the Governor and Company of the Bank of England it shall not be lawful for any Body Politick or Corporate whatsoever erected or to be erected (other than the said Governor and Company of the Bank of England) or for any other Persons whatsoever united or to be united in Covenants or Partnership exceeding the Number of Six Persons in that Part of Great Britain called England to borrow owe or take up any Sum or Sums of Money on their Bills or Notes payable at Demand or at any less Time than Six Months from the borrowing thereof
I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall not be lawful for any person, association of persons, or body corporate, from and after the first day of August next, to keep any office of deposit for the purpose of discounting promissory notes, or for carrying on any kind of banking business or operations, which incorporated banks are authorised by law to carry on, or issue any bills or promissory notes, as private bankers, unless thereunto specially authorised by law:

*as amended 1818
SEC. 19. That every person, firm, association other than national bank associations, and every corporation, State bank, or State banking association, shall pay a tax of ten per centum on the amount of their own notes used for circulation and paid out by them.
(a) After the expiration of one year after June 16, 1933, it shall be unlawful—

(2) For any person, firm, corporation, association, business trust, or other similar organization to engage, to any extent whatever with others than his or its officers, agents or employees, in the business of receiving deposits subject to check or to repayment upon presentation of a pass book, certificate of deposit, or other evidence of debt, or upon request of the depositor, unless such person, firm, corporation, association, business trust, or other similar organization (A) shall be incorporated under, and authorized to engage in such business by, the laws of the United States or of any State, Territory, or District, and subjected, by the laws of the United States, or of the State, Territory, or District wherein located, to examination and regulation, or (B)
Policy Justifications for Entry Restriction

- Stability (regulation/supervision)
- Monetary control
- Cabining seigniorage
The term “deposit” means—

(1) the unpaid balance of money or its equivalent received or held by a bank or savings association in the usual course of business and for which it has given or is obligated to give credit, either conditionally or unconditionally, to a commercial, checking, savings, time, or thrift account, or which is evidenced by its certificate of deposit, thrift certificate, investment certificate, certificate of indebtedness, or other similar name, or a check or draft drawn against a deposit account and certified by the bank or savings association, or a letter of credit or a traveler’s check on which the bank or savings association is primarily liable: Provided, That, without limiting the generality of the term “money or its equivalent”, any such account or instrument must be regarded as evidencing the receipt of the equivalent of money when credited or issued in exchange for checks or drafts or for a promissory note upon which the person obtaining any such credit or instrument is primarily or secondarily liable, or for a charge against a deposit account, or in settlement of checks, drafts, or other instruments forwarded to such bank or savings association for collection.
It is patent from the quoted statutory language that a depositor is only a creditor of his depository (a debtor in the case of an authorized overdraft, which incumbrances he must liquidate by a "deposit"). It is equally patent that one who invests in a money market fund is an owner pro tanto of the fund.

Inasmuch as investors in a money market fund are, in our view, owners of the fund and not mere depositors, we perceive no violation of section 21(a), Glass-Steagall Act, supra, in ...
Money Creation Today (and “Shadow” Banking)

• Truism: commercial banks create money (transaction accounts)

• Increasingly recognized: “shadow banking system” creates money too

• The short-term liabilities of shadow banks – deposit substitutes – serve a distinctly monetary function (longer-term securities don’t)

• “Cash equivalents,” “near monies,” monetary aggregates, “money market”
Not a New Concept

• Simons (1934): “short-term debts ... are ... closely akin to money”

• Keynes (1936) suggested 3 month maturity cutoff between money and bonds

• Hicks (1946): short-term debt instruments “very close substitutes” for money, have “moneyness”

• Friedman & Schwartz (1970): “moneyness”
Gross Private Money-Claims Outstanding

Annualized Growth
'95 - '07  12.2%
'07 - '13  (2.7)%

- MMF shares - institutional
- MMF shares - retail
- Uninsured deposits
- Eurodollars (estimated)
- Sec. lending collateral IOUs
- Nonfinancial commercial paper
- Financial commercial paper
- Asset-backed commercial paper
- Repurchase agrmts. ("repo")
Private Money-Claims as % of Total
Grave Threat to Real Economy

• Bagehot (1873): “Of the many millions in Lombard street, infinitely the greater proportion is held by bankers or others on short notice or on demand .... If any large fraction of that money really was demanded, our banking system and our industrial system too would be in great danger.”

• Simons (1936): “The economy becomes exposed to catastrophic disturbances as soon as short-term borrowing develops on a large scale.”

• Gorton (2010): “Quiet Period”
MORGAN RICKS

The Money Problem
RETHINKING FINANCIAL REGULATION
Modernizing Entry Restriction

• Would say: can’t use “money creation” funding model without a bank charter

• This funding model (broad money issuance) would be the privilege that a bank charter conveys

• Need to specify precise contours

• Defining money creation functionally rather than formalistically
Advantages

• Stability (regulation/supervision)

• Monetary control

• Cabining seigniorage
Advantages (cont’d)

• Too Big To Fail

• Scale back/simplify other forms of financial stability regulation
Objections

• Regulatory arbitrage

• Moral hazard

• Costliness (costs of capital, economic growth)

• Are short-term funding panics really the main problem?

• Other alternatives (e.g., margin requirements, LOLR)
Appendix
BBB-rated Corporate Bond Spreads

Panic-related spikes

Change in U.S. Employment in Postwar Recessions

Other Postwar Recessions

Great Recession
Selected Sources of Financing for Top 25 US Nonfinancial Public Companies

- Equity (Market Value): $4,390 bn
- Long-Term Debt: $595 bn
- Commercial Paper: $81 bn
### Top 50 Non-Gov’t Borrowers from Prime MMFs (May ‘12)

<table>
<thead>
<tr>
<th>Rank</th>
<th>Issuer</th>
<th>May 2012 (USD billions)</th>
<th>Percent of MMF Assets</th>
<th>Rank</th>
<th>Issuer</th>
<th>May 2012 (USD billions)</th>
<th>Percent of MMF Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Barclays Bank</td>
<td>56.8</td>
<td>3.99%</td>
<td>26</td>
<td>HSBC</td>
<td>17.4</td>
<td>1.22%</td>
</tr>
<tr>
<td>2</td>
<td>Deutsche Bank AG</td>
<td>52.1</td>
<td>3.66%</td>
<td>27</td>
<td>DnB NOR Bank ASA</td>
<td>15.8</td>
<td>1.11%</td>
</tr>
<tr>
<td>3</td>
<td>Bank of Tokyo-Mitsubishi UFJ Ltd</td>
<td>45.4</td>
<td>3.19%</td>
<td>28</td>
<td>BNP Paribas</td>
<td>15.2</td>
<td>1.07%</td>
</tr>
<tr>
<td>4</td>
<td>Bank of Nova Scotia</td>
<td>42.9</td>
<td>3.01%</td>
<td>29</td>
<td>Skandinaviska Enskilda Banken AB</td>
<td>14.5</td>
<td>1.02%</td>
</tr>
<tr>
<td>5</td>
<td>Sumitomo Mitsui Banking Co</td>
<td>42.6</td>
<td>2.99%</td>
<td>30</td>
<td>Canadian Imperial Bank of Commerce</td>
<td>14.1</td>
<td>0.99%</td>
</tr>
<tr>
<td>6</td>
<td>National Australia Bank Ltd</td>
<td>41.4</td>
<td>2.91%</td>
<td>31</td>
<td>Australia &amp; New Zealand Banking Group Ltd</td>
<td>13.7</td>
<td>0.96%</td>
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<tr>
<td>7</td>
<td>JP Morgan</td>
<td>40.4</td>
<td>2.84%</td>
<td>32</td>
<td>Credit Agricole</td>
<td>13.4</td>
<td>0.94%</td>
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<tr>
<td>8</td>
<td>Credit Suisse</td>
<td>40.2</td>
<td>2.82%</td>
<td>33</td>
<td>Straight-A Funding LLC</td>
<td>11.6</td>
<td>0.81%</td>
</tr>
<tr>
<td>9</td>
<td>RBC</td>
<td>37.8</td>
<td>2.66%</td>
<td>34</td>
<td>FMS Wertmanagement</td>
<td>11.4</td>
<td>0.80%</td>
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<tr>
<td>10</td>
<td>Rabobank</td>
<td>37.6</td>
<td>2.65%</td>
<td>35</td>
<td>ABN Amro Bank</td>
<td>10.4</td>
<td>0.73%</td>
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<tr>
<td>11</td>
<td>Bank of America</td>
<td>37.1</td>
<td>2.60%</td>
<td>36</td>
<td>Norinchukin Bank</td>
<td>10.3</td>
<td>0.72%</td>
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<tr>
<td>12</td>
<td>Westpac Banking Co</td>
<td>28.9</td>
<td>2.03%</td>
<td>37</td>
<td>Lloyds TSB Bank PLC</td>
<td>9.6</td>
<td>0.68%</td>
</tr>
<tr>
<td>13</td>
<td>Citi</td>
<td>28.5</td>
<td>2.00%</td>
<td>38</td>
<td>Toyota Motor Credit</td>
<td>9.2</td>
<td>0.64%</td>
</tr>
<tr>
<td>14</td>
<td>ING Bank</td>
<td>25.8</td>
<td>1.81%</td>
<td>39</td>
<td>State Street</td>
<td>9.1</td>
<td>0.64%</td>
</tr>
<tr>
<td>15</td>
<td>Mizuho Corporate Bank Ltd</td>
<td>25.7</td>
<td>1.81%</td>
<td>40</td>
<td>Wells Fargo</td>
<td>8.9</td>
<td>0.62%</td>
</tr>
<tr>
<td>16</td>
<td>RBS</td>
<td>23.5</td>
<td>1.65%</td>
<td>41</td>
<td>Natixis</td>
<td>7.7</td>
<td>0.54%</td>
</tr>
<tr>
<td>17</td>
<td>General Electric Capital Corp.</td>
<td>22.9</td>
<td>1.61%</td>
<td>42</td>
<td>NRW.Bank</td>
<td>6.6</td>
<td>0.46%</td>
</tr>
<tr>
<td>18</td>
<td>Bank of Montreal</td>
<td>22.0</td>
<td>1.59%</td>
<td>43</td>
<td>Morgan Stanley</td>
<td>6.3</td>
<td>0.44%</td>
</tr>
<tr>
<td>19</td>
<td>Svenska Handelsbanken</td>
<td>22.4</td>
<td>1.57%</td>
<td>44</td>
<td>Nestle</td>
<td>6.2</td>
<td>0.43%</td>
</tr>
<tr>
<td>20</td>
<td>Commonwealth Bank of Australia</td>
<td>21.6</td>
<td>1.52%</td>
<td>45</td>
<td>MetLife Insurance Company</td>
<td>5.5</td>
<td>0.39%</td>
</tr>
<tr>
<td>21</td>
<td>Toronto-Dominion Bank</td>
<td>20.9</td>
<td>1.47%</td>
<td>46</td>
<td>US Bank</td>
<td>5.2</td>
<td>0.36%</td>
</tr>
<tr>
<td>22</td>
<td>UBS AG</td>
<td>20.1</td>
<td>1.41%</td>
<td>47</td>
<td>Swedbank AB</td>
<td>4.9</td>
<td>0.34%</td>
</tr>
<tr>
<td>23</td>
<td>Societe Generale</td>
<td>19.6</td>
<td>1.38%</td>
<td>48</td>
<td>Coca-Cola Co</td>
<td>4.5</td>
<td>0.31%</td>
</tr>
<tr>
<td>24</td>
<td>Nordea Bank</td>
<td>19.4</td>
<td>1.36%</td>
<td>49</td>
<td>Branch Banking &amp; Trust Co</td>
<td>4.3</td>
<td>0.30%</td>
</tr>
<tr>
<td>25</td>
<td>Goldman Sachs</td>
<td>17.5</td>
<td>1.23%</td>
<td>50</td>
<td>Overseas-Chinese Banking Co</td>
<td>4.1</td>
<td>0.29%</td>
</tr>
</tbody>
</table>

Source: Sam Hanson, David Scharfstein, and Adi Sunderam, “An Evaluation of Money Market Fund Reform Proposals” (May 2014)
The Money Premium on Short-Term Treasuries

Weeks to maturity

0 5 10 15 20 25

0.00% 0.10% 0.20% 0.30% 0.40% 0.50% 0.60% 0.70%

The chart shows the money premium on short-term Treasuries over different weeks to maturity. The premium increases as the maturity increases, indicating a higher demand for short-term securities as a hedge against interest rate risk.
The Run: Prime Institutional MMF Shares Outstanding

1 Aug. '07    Bear    Lehman
Short-Term Funding Spreads

1 Aug. '07  Bear  Lehman

3 month  6 month
CDS-Bond Basis (High Grade Corporate)
CDS-Bond Basis and Job Losses

Monthly Change in US Employment (left axis)

CDS-Bond Basis (right axis)
Peak to Trough Analysis – Macro Indicators

Note: “Real GDP Smoothed” is three-month centered moving average of monthly GDP series from Macroeconomic Advisers
Japan’s Inferred Output Gap

- RGDP/Working Age Pop.
- "Potential"

Output gap

Panic
Bond vs. Stock Returns
US Real Estate Prices

![Graph showing US Real Estate Prices from 2002 to 2013 for Residential and Commercial properties. The graph indicates a peak in 2007 for both categories, with a downward trend from 2008 to 2009 followed by a recovery until 2013.]
## Leveraged Lending Mirrors Sub-Prime

<table>
<thead>
<tr>
<th>Sub-Prime</th>
<th>LBOs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Higher LTVs</td>
<td>Higher Debt / EBITDA</td>
</tr>
<tr>
<td>I/O, Negative amortizing loans</td>
<td>Covenant lite &amp; PIK toggle notes</td>
</tr>
<tr>
<td>Cash-out Re-fi</td>
<td>Dividend Re-Cap</td>
</tr>
<tr>
<td>“Liar” loans, limited</td>
<td>Credit for “pro forma” cost</td>
</tr>
<tr>
<td>documentation</td>
<td>savings</td>
</tr>
<tr>
<td>0% down</td>
<td>Lenders providing equity bridges</td>
</tr>
<tr>
<td>Home Appreciation</td>
<td>Purchase multiple expansion</td>
</tr>
</tbody>
</table>
Commercial Real Estate Mirrors Sub-Prime / LBO

- Loan-to-Values of > 100%
- Negative debt service coverage
- Non-recourse financing on projected NOI in years 5 & 6
- Dividend Yield on U.S. Real Estate Index declining from high of ~8.0% in September 2002 to 2.8% today
- Credit market supported by CMBS and CDO bid