

**AMENDMENT TO H.R. 3639, AS REPORTED  
OFFERED BY MR. TIERNEY OF MASSACHUSETTS**

Page 7, after line 18, insert the following new section:

1 **SEC. 4. REASONABLE TRANSACTION FEES ON OPEN END**  
2 **CONSUMER CREDIT PLANS.**

3 Section 102 of the Credit Card Accountability Re-  
4 sponsibility and Disclosure Act of 2009 is amended by  
5 adding at the end the following new subsection:

6 “(c) REASONABLE TRANSACTION FEES.—

7 “(1) IN GENERAL.—Chapter 3 of the Truth in  
8 Lending Act (15 U.S.C. 1661 et seq.) is amended by  
9 inserting after section 150 (as added by section  
10 109(a)) the end the following: new section:

11 “**§ 151. Reasonable transaction fees on open end con-**  
12 **sumer credit plans**

13 “(a) IN GENERAL.—Effective at the end of the 7-  
14 month period beginning on the date of the enactment of  
15 the Expedited CARD Reform for Consumers Act of 2009,  
16 the amount of any transaction fee or charge that a card  
17 issuer may impose with respect to a credit card account  
18 under an open end consumer credit plan in connection  
19 with any consumer transaction the credit card company

1 processes, including any cash advance fee, balance trans-  
2 fer fee, foreign transaction fee or any other transaction  
3 fee, shall be reasonable and proportional to the cost to  
4 the card issuer for processing that transaction.

5       “(b) RULEMAKING REQUIRED.—The Board, in con-  
6 sultation with the Comptroller of the Currency, the Board  
7 of Directors of the Federal Deposit Insurance Corpora-  
8 tion, the Director of the Office of Thrift Supervision, and  
9 the National Credit Union Administration Board, shall  
10 prescribe regulations in final form by the end of the 7-  
11 month period beginning on the date of the enactment of  
12 the Expedited CARD Reform for Consumers Act of 2009,  
13 to establish standards for assessing whether the amount  
14 of any transaction fee or charge described under sub-  
15 section (a) is reasonable and proportional to the cost to  
16 the credit card company for processing that fee.

17       “(c) FACTORS FOR CONSIDERATION.—In pre-  
18 scribing regulations under this section, the Board shall  
19 consider—

20               “(1) the cost incurred by the creditor for proc-  
21 essing the specific transaction;

22               “(2) the significance of the cost of the trans-  
23 action fee to the consumer;

24               “(3) the fairness of the imposition of the fee  
25 to the cardholder; and

1           “(4) such other factors as the Board may de-  
2           termine to be necessary or appropriate.

3           “(d) DIFFERENTIATION PERMITTED.—In pre-  
4           scribing regulations under this section, the Board may es-  
5           tablish different standards for different types of fees and  
6           charges, as appropriate.

7           “(e) SAFE HARBOR RULE AUTHORIZED.—The  
8           Board, in consultation with the Comptroller of the Cur-  
9           rency, the Board of Directors of the Federal Deposit In-  
10          surance Corporation, the Director of the Office of Thrift  
11          Supervision, and the National Credit Union Administra-  
12          tion Board, may prescribe regulations to provide an  
13          amount for any transaction fee or charge described under  
14          subsection (a) that is presumed to be reasonable and pro-  
15          portional to the cost to the credit card issuer for proc-  
16          essing that transaction.’.

17          “(2) CLERICAL AMENDMENT.—The table of  
18          sections for chapter 3 of the Truth in Lending Act  
19          is amended by inserting after the item relating to  
20          section 150 (as added by section 109(b)) the fol-  
21          lowing new item:

    “‘151. Reasonable transaction fees on open end consumer credit plans.’.

