

April 1, 2011

**AMERICANS  
for TAX REFORM**

RE: Support Delaying Debit Card Price Controls, S. 575/H.R. 1081

Dear Member of Congress,

We the undersigned organizations and individuals – together representing millions of Americans – urge your support of S. 575 and H.R. 1081 or any effort to delay and further study burdensome price controls on debit card transactions. As groups committed to free-market principles and property rights – and strongly opposed to price controls – we believe these regulations will profoundly alter the market for debit cards by imposing enormous costs on consumers and forcing smaller banks and card issuers to eliminate services or exit the market altogether.

The Federal Reserve, authorized under Section 1075 (the Durbin Amendment) of the ill-conceived Dodd-Frank financial reform act, is poised to cap the interchange fee paid by merchants for debit card transactions at 12 cents – an over 70 percent drop from current average levels. Such draconian price controls will inevitably push the cost of utilizing debit cards onto consumers and card issuers.

Consumers and seniors on fixed incomes will likely bear the brunt of these regulations directly, as card issuers struggle to cover the cost of artificially low price controls on interchange fees. For card holders, this means higher fees, fewer card rewards, the elimination of banking services such as “free checking,” or otherwise. Simultaneously, banks – and particularly smaller card issuers – will be forced to determine whether offering some consumer services is more costly than it is worthwhile. As is the outcome with all price controls, the Fed’s implementation of Section 1075 rules would reduce debit card offerings, severely dampening a burgeoning and highly convenient service for consumers.

The Fed has interpreted the Durbin Amendment to mean that card issuers can’t even price services to cover their fixed and even variable costs. For this reason, New York University law professor Richard Epstein contends that these price controls likely violate both the Due Process and Takings Clauses of the 5<sup>th</sup> Amendment, as they require banks and credit unions to abide by explicitly below-cost price controls and deprive them of their property rights to a return on capital invested.

After Section 1075 was hastily inserted into the Dodd-Frank Act with little time for review, S. 575/H.R. 1081 takes the responsible step of further studying the impact of such regulations before they are implemented. Already, the Government Accountability Office found that when similar transaction fee caps were enacted in Australia, the cost was passed onto consumers in the form of reduced rewards and higher annual fees for payment card holders. Contrary to



Independent  
Women's  
Forum



AMERICANS FOR PROSPERITY



Human Events



the rhetoric of price control proponents, none of the savings merchants received in Australia were passed onto consumers.

We urge you to support S. 575 and H.R. 1081, sponsored by Senators Jon Tester (D-MT), Bob Corker (R-TN), and Pat Toomey (R-PA) and Reps. Shelley Moore Capito (R-WV) and Debbie Wasserman Shultz (D-FL), to put a much needed time-out on interchange fee price controls. These regulations are likely to devastate consumers and card issuers. We believe at the very least they warrant a significant delay and an in-depth review.

Sincerely,



Grover Norquist  
President  
Americans for Tax Reform

Chris Chocola  
President  
Club for Growth



John Berlau  
Director, Center for Investors &  
Entrepreneurs  
Competitive Enterprise Institute

Seton Motley  
President  
Less Government



James Martin  
Chairman  
60 Plus Association

Karen Kerrigan  
President & CEO  
Small Business & Entrepreneurship  
Council

Carrie Lukas  
Executive Director  
Independent Women's Forum

Colin A. Hanna  
President  
Let Freedom Ring

James V DeLong  
VP & Senior Analyst  
Convergence Law Institute

Tim Lee  
Vice President, Legal & Public  
Affairs  
Center for Individual Freedom

Kelsey Zahourek  
Executive Director  
Property Rights Alliance

Clarke R. Wise  
Legislative Coordinator  
CNP Action, Inc.



Eli Lehrer\*  
Vice President  
The Heartland Institute

Duane Parde  
President  
National Taxpayers Union



Chuck Muth  
President  
Citizen Outreach

Jim Backlin  
Vice President, Legislative Affairs  
Christian Coalition of America



Morton Blackwell  
Chairman  
Weyrich Lunch

Lewis K. Uhler  
President  
National Tax Limitation Committee



Terry Campo  
Acting Chairman  
Illinois Alliance for Growth

Tom Winter  
Editor-In-Chief  
Human Events

Richard Falknor\*  
Chairman  
Maryland Center-Right Coalition

Don Feder  
Former syndicated columnist  
President, Don Feder Associates



Phil Kerpen  
Vice President for Policy  
Americans for Prosperity

Peter Ferrara  
Distinguished Economist

Dick Patten  
President  
American Family Business Institute

Wayne Brough  
Vice President for Research and  
Chief Economist  
FreedomWorks

C. Preston Noell III  
President  
Tradition, Family, Property, Inc.

Laura Lee Adams  
Chairman  
Utah Center/Right Coalition

Jack Wheeler  
President  
Freedom Research Foundation

Myron Ebell  
President  
Freedom Action

Richard Viguerie  
Chairman  
ConservativeHQ.com

Lisa Miller  
Organizer  
Tea Party WDC

\* Title for identification purposes only.