

HR 5546

Credit Card Fair Fee Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Mar 6, 2008

Current Status: Placed on the Union Calendar, Calendar No. 588.

Latest Action: Placed on the Union Calendar, Calendar No. 588. (Oct 3, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/5546>

Sponsor

Name: Rep. Conyers, John, Jr. [D-MI-14]

Party: Democratic • **State:** MI • **Chamber:** House

Cosponsors (45 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Boozman, John [R-AR-3]	R · AR		Mar 6, 2008
Rep. Cannon, Chris [R-UT-3]	R · UT		Mar 6, 2008
Rep. Delahunt, William D. [D-MA-10]	D · MA		Mar 6, 2008
Rep. Gohmert, Louie [R-TX-1]	R · TX		Mar 6, 2008
Rep. Hall, Ralph M. [R-TX-4]	R · TX		Mar 6, 2008
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Mar 6, 2008
Rep. Peterson, John E. [R-PA-5]	R · PA		Mar 6, 2008
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Mar 6, 2008
Rep. Shuster, Bill [R-PA-9]	R · PA		Mar 6, 2008
Rep. Sullivan, John [R-OK-1]	R · OK		Mar 6, 2008
Rep. Weiner, Anthony D. [D-NY-9]	D · NY		Mar 6, 2008
Rep. Welch, Peter [D-VT-At Large]	D · VT		Mar 6, 2008
Rep. Wilson, Joe [R-SC-2]	R · SC		Mar 6, 2008
Rep. Carney, Christopher P. [D-PA-10]	D · PA		Mar 12, 2008
Rep. Ellison, Keith [D-MN-5]	D · MN		Apr 2, 2008
Rep. Johnson, Eddie Bernice [D-TX-30]	D · TX		Apr 3, 2008
Rep. McCollum, Betty [D-MN-4]	D · MN		Apr 8, 2008
Rep. Yarmuth, John A. [D-KY-3]	D · KY		Apr 9, 2008
Rep. Shuler, Heath [D-NC-11]	D · NC		Apr 10, 2008
Rep. Whitfield, Ed [R-KY-1]	R · KY		Apr 10, 2008
Rep. English, Phil [R-PA-3]	R · PA		Apr 15, 2008
Rep. Wamp, Zach [R-TN-3]	R · TN		Apr 17, 2008
Rep. Carnahan, Russ [D-MO-3]	D · MO		Apr 22, 2008
Rep. Marshall, Jim [D-GA-8]	D · GA		Apr 22, 2008
Rep. Porter, Jon C. [R-NV-3]	R · NV		Apr 22, 2008
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		Apr 22, 2008
Rep. Allen, Thomas H. [D-ME-1]	D · ME		Apr 29, 2008
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Apr 29, 2008
Rep. Kagen, Steve [D-WI-8]	D · WI		Apr 30, 2008
Rep. Gonzalez, Charles A. [D-TX-20]	D · TX		May 13, 2008
Rep. McNerney, Jerry [D-CA-11]	D · CA		May 13, 2008
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		May 15, 2008
Rep. Baird, Brian [D-WA-3]	D · WA		May 19, 2008
Rep. Melancon, Charlie [D-LA-3]	D · LA		May 19, 2008
Rep. Davis, David [R-TN-1]	R · TN		Jun 3, 2008
Rep. King, Steve [R-IA-5]	R · IA		Jun 4, 2008
Rep. Inslee, Jay [D-WA-1]	D · WA		Jun 5, 2008
Rep. Jackson, Jesse L., Jr. [D-IL-2]	D · IL		Jun 12, 2008
Rep. Visclosky, Peter J. [D-IN-1]	D · IN		Jun 19, 2008
Rep. Hoekstra, Peter [R-MI-2]	R · MI		Jul 17, 2008
Rep. Rahall, Nick J., II [D-WV-3]	D · WV		Jul 17, 2008

Cosponsor	Party / State	Role	Date Joined
Rep. Bishop, Sanford D., Jr. [D-GA-2]	D · GA		Jul 23, 2008
Rep. Fattah, Chaka [D-PA-2]	D · PA		Jul 23, 2008
Rep. Klein, Ron [D-FL-22]	D · FL		Jul 30, 2008
Rep. Stupak, Bart [D-MI-1]	D · MI		Sep 8, 2008

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Oct 3, 2008

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
110 S 3086	Related bill	Jun 5, 2008: Read twice and referred to the Committee on the Judiciary.

Credit Card Fair Fee Act of 2008 - (Sec. 2) Sets forth a limited antitrust immunity to providers of covered electronic payment systems and merchants for negotiation of access rates and terms. Authorizes providers of a single covered electronic payment system (e.g. Visa or Mastercharge credit cards) and merchants to jointly negotiate and agree upon rates and terms for access to such system.

Authorizes such providers to jointly determine the proportionate division among themselves of paid access fees.

Denies such immunity during any period in which such a provider or merchant is engaged in any unlawful boycott.

Requires the rates and terms of a voluntarily negotiated access agreement to be the same for all merchants and participating providers, regardless of their respective category or volume of transactions.

Requires the negotiating parties to file with the Antitrust Division of the Department of Justice a schedule for negotiations within one month following enactment of this Act. Directs the Antitrust Division to issue such a schedule, and inform the negotiating parties, if they fail to file a schedule before the deadline.

Requires issuers, acquirers, owners, and merchants to make specified disclosures regarding itemized costs and access agreements.

Requires a representative of the Antitrust Division to attend all negotiation sessions conducted under the authority of this Act.

Requires the negotiating parties to file jointly with the Antitrust Division any voluntarily negotiated access agreement that affects any market in the United States or elsewhere, including the various components of the interchange fee, and a description of how access fees that merchants pay are allocated among financial institutions and how they are spent.

Directs the Antitrust Division to report to certain congressional committees on: (1) the negotiations conducted under this Act during the first six months after its enactment; and (2) if a voluntarily negotiated agreement is reached, whether such access rates and terms will have an adverse effect on competition, and how such rates compare with access rates and terms in current use in other countries.

(Sec. 3) Declares that nothing in this Act shall limit the ability of acquirers or issuers that are regulated by the National Credit Union Administration or that, together with affiliates, have assets of less than \$1 billion, to opt out of negotiations under this Act.

(Sec. 4) Requires agreements reached pursuant to the limited antitrust immunity under this Act to provide that: (1) when any fees that a merchant is charged for access to a covered electronic payment system are reduced, the merchant shall pass the benefits on to customers or employees; and (2) when any fees that a financial institution collects for access to a covered electronic payment system are increased, the institution shall pass those benefits on to its customers or employees.

Actions Timeline

- **Oct 3, 2008:** Reported (Amended) by the Committee on Judiciary. H. Rept. 110-913.
- **Oct 3, 2008:** Placed on the Union Calendar, Calendar No. 588.
- **Jul 16, 2008:** Committee Consideration and Mark-up Session Held.
- **Jul 16, 2008:** Ordered to be Reported (Amended) by the Yeas and Nays: 19 - 16.
- **May 15, 2008:** Hearing Held by the Task Force on Competition Policy and Antitrust Laws.
- **Mar 6, 2008:** Introduced in House
- **Mar 6, 2008:** Sponsor introductory remarks on measure. (CR E318-319)
- **Mar 6, 2008:** Referred to the House Committee on the Judiciary.