

106TH CONGRESS
1ST SESSION

H. R. 3494

To clarify that no provisions of title LXII of the Revised Statutes of the United States, the Home Owners' Loan Act, or any other Federal law have ever been intended, and may not be construed, to supersede non-discriminatory State or local laws that regulate fees and surcharges imposed by operators of automated teller machines for use of such machines.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 1999

Mr. SANDERS (for himself, Ms. PELOSI, Ms. WATERS, Mr. FILNER, Mr. KUCINICH, Mr. DEFazio, Mr. OWENS, and Mr. EVANS) introduced the following bill; which was referred to the Committee on Banking and Financial Services

A BILL

To clarify that no provisions of title LXII of the Revised Statutes of the United States, the Home Owners' Loan Act, or any other Federal law have ever been intended, and may not be construed, to supersede nondiscriminatory State or local laws that regulate fees and surcharges imposed by operators of automated teller machines for use of such machines.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “State and Local Auto-
3 mated Teller Machine Regulation Protection Act of
4 1999”.

5 **SEC. 2. FINDINGS.**

6 The Congress finds as follows:

7 (1) The Congress has often expressed, and the
8 Supreme Court of the United States has often held,
9 that national banks and Federal savings associations
10 are not immune from all State regulation.

11 (2) No Federal statute—

12 (A) authorizes any Federal banking agency
13 to preempt any State or local law relating to
14 the regulation of fees and surcharges by banks
15 or savings associations for the use of automated
16 teller machines; or

17 (B) treats any such regulation as impair-
18 ing or frustrating the ability of the banks and
19 savings associations to carry out their func-
20 tions.

21 (3) The authority to regulate the fees and sur-
22 charges imposed by banks or savings associations for
23 use of automated teller machines does not inherently
24 impair or frustrate the ability of such banks and
25 savings associations to carry out their function, to
26 the extent that such State and local regulation does

1 not discriminate against national banks and Federal
2 savings associations.

3 **SEC. 3. CLARIFICATION OF RELATIONSHIP BETWEEN FED-**
4 **ERAL AND STATE BANKING LAW WITH RE-**
5 **SPECT TO ATM FEES.**

6 (a) IN GENERAL.—No provision of title LXII of the
7 Revised Statutes of the United States, the Home Owners’
8 Loan Act, the Consumer Credit Protection Act, or any
9 other provision of Federal law shall be construed as pre-
10 empting the law of any State or political subdivision of
11 a State, or authorizing any Federal banking agency from
12 preempting the law of any State or political subdivision
13 of a State, that prohibits or limits the imposition of any
14 fee on a consumer by the person operating an electronic
15 terminal in connection with an electronic fund transfer
16 which—

17 (1) is initiated by the consumer from an elec-
18 tronic terminal operated by a person other than the
19 financial institution holding the account of the con-
20 sumer; and

21 (2) utilizes a national or regional communica-
22 tion network to effect the transaction between such
23 person and the financial institution holding the ac-
24 count of the consumer.

1 (b) RULE OF CONSTRUCTION.—Subsection (a) shall
2 not be construed as creating any inference that, absent
3 the enactment of such subsection, any provision of law re-
4 ferred to in such subsection otherwise could be construed
5 as preempting, or authorizing a Federal banking agency
6 to preempt, the applicability of any law of any State or
7 political subdivision of any State to any national bank or
8 Federal savings association with respect to any fee re-
9 ferred to in such subsection or any other matter, to the
10 extent the law does not discriminate against national
11 banks and Federal savings associations.

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