

105TH CONGRESS  
1ST SESSION

# S. 885

To amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 11, 1997

Mr. D'AMATO (for himself, Mr. KERRY, Mrs. BOXER, Mr. BRYAN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, and Mr. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair ATM Fees for  
5 Consumers Act”.

6 **SEC. 2. DEFINITION.**

7 Section 903 of the Electronic Fund Transfer Act (15  
8 U.S.C. 1693a) is amended—

1           (1) in paragraph (10), by striking “and” at the  
2           end;

3           (2) in paragraph (11), by striking the period at  
4           the end and inserting a semicolon; and

5           (3) by adding at the end the following new  
6           paragraphs:

7           “(12) the term ‘electronic terminal surcharge’  
8           means a transaction fee assessed by a financial insti-  
9           tution that is the owner or operator of the electronic  
10          terminal; and

11          “(13) the term ‘electronic banking network’  
12          means a communications system linking financial in-  
13          stitutions through electronic terminals.”.

14   **SEC. 3. CERTAIN FEES PROHIBITED.**

15          Section 905 of the Electronic Fund Transfer Act (12  
16   U.S.C. 1693c) is amended by adding at the end the follow-  
17   ing new subsection:

18          “(d) **LIMITATION ON FEES.**—With respect to a trans-  
19   action conducted at an electronic terminal, an electronic  
20   terminal surcharge may not be assessed against a  
21   consumer if the transaction—

22          “(1) does not relate to or affect an account held  
23          by the consumer with the financial institution that  
24          is the owner or operator of the electronic terminal;  
25          and

- 1           “(2) is conducted through a national or regional
- 2           electronic banking network.”.

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