

119TH CONGRESS  
2D SESSION

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To amend the Electronic Fund Transfer Act to require the Board of Governors of the Federal Reserve system to prescribe regulations relating to network competition in credit card transactions, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. MARSHALL (for himself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To amend the Electronic Fund Transfer Act to require the Board of Governors of the Federal Reserve system to prescribe regulations relating to network competition in credit card transactions, 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 “Credit Card Competi-  
5       tion Act of 2026”.

**1 SEC. 2. COMPETITION IN CREDIT CARD TRANSACTIONS.**

2 (a) IN GENERAL.—Section 921 of the Electronic  
3 Fund Transfer Act (15 U.S.C. 1693o–2) is amended—

4 (1) in subsection (b)—

5 (A) by redesignating paragraphs (2), (3),  
6 and (4) as paragraphs (3), (4), and (5), respec-  
7 tively; and

8 (B) by inserting after paragraph (1) the  
9 following:

10 “(2) COMPETITION IN CREDIT CARD TRANS-  
11 ACTIONS.—

12 “(A) NO EXCLUSIVE NETWORK.—

13 “(i) IN GENERAL.—Not later than 1  
14 year after the date of enactment of the  
15 Credit Card Competition Act of 2026, the  
16 Board shall prescribe regulations providing  
17 that a covered card issuer or payment card  
18 network shall not directly or through any  
19 agent, processor, or licensed member of a  
20 payment card network, by contract, re-  
21 quirement, condition, penalty, technological  
22 specification, or otherwise, restrict, on any  
23 credit card issued by a covered card issuer,  
24 the number of payment card networks on  
25 which an electronic credit transaction may  
26 be processed to—



1                             “(I) IN GENERAL.—The Board,  
2                             not later than 3 years after the date  
3                             on which the regulations prescribed  
4                             under clause (i) take effect, and not  
5                             less frequently than once every 3  
6                             years thereafter, shall determine  
7                             whether the 2 networks identified  
8                             under clause (i)(III) have changed, as  
9                             compared with the most recent such  
10                            determination by the Board.

11                            “(II) EFFECT OF DETERMINA-  
12                            TION.—If the Board, under subclause  
13                            (I), determines that the 2 networks  
14                            described in clause (i)(III) have  
15                            changed (as compared with the most  
16                            recent such determination by the  
17                            Board), clause (i)(III) shall no longer  
18                            have any force or effect.

19                            “(B) NO ROUTING RESTRICTIONS.—Not  
20                            later than 1 year after the date of enactment of  
21                            the Credit Card Competition Act of 2026, the  
22                            Board shall prescribe regulations providing that  
23                            a covered card issuer or payment card network  
24                            shall not—

1                     “(i) directly or through any agent,  
2                     processor, or licensed member of the net-  
3                     work, by contract, requirement, condition,  
4                     penalty, or otherwise—

5                     “(I) inhibit the ability of any per-  
6                     son who accepts credit cards for pay-  
7                     ments to direct the routing of elec-  
8                     tronic credit transactions for proc-  
9                     essing over any payment card network  
10                    that—

11                    “(aa) may process such  
12                    transactions; and

13                    “(bb) is not on the list es-  
14                    tablished and updated by the  
15                    Board under subparagraph (D);

16                    “(II) require any person who ac-  
17                    cepts credit cards for payments to ex-  
18                    clusively use, for transactions associ-  
19                    ated with a particular credit card, an  
20                    authentication, tokenization, or other  
21                    security technology that cannot be  
22                    used by all of the payment card net-  
23                    works that may process electronic  
24                    credit transactions for that particular  
25                    credit card; or

1                         “(III) inhibit the ability of an-  
2                         other payment card network to handle  
3                         or process electronic credit trans-  
4                         actions using an authentication,  
5                         tokenization, or other security tech-  
6                         nology for the processing of those  
7                         electronic credit transactions; or  
8                         “(ii) impose any penalty or disadvan-  
9                         tage, financial or otherwise, on any person  
10                         for—  
11                         “(I) choosing to direct the rout-  
12                         ing of an electronic credit transaction  
13                         over any payment card network on  
14                         which the electronic credit transaction  
15                         may be processed; or  
16                         “(II) failing to ensure that a cer-  
17                         tain number, or aggregate dollar  
18                         amount, of electronic credit trans-  
19                         actions are handled by a particular  
20                         payment card network.  
21                         “(C) APPLICABILITY.—The regulations  
22                         prescribed under subparagraphs (A) and (B)  
23                         shall not apply to a credit card issued in a 3-  
24                         party payment system model.

1                   “(D) DESIGNATION OF NATIONAL SECU-  
2                   RITY RISKS.—

3                   “(i) IN GENERAL.—Not later than 1  
4                   year after the date of enactment of the  
5                   Credit Card Competition Act of 2026, the  
6                   Board, in consultation with the Secretary  
7                   of the Treasury, shall prescribe regulations  
8                   to establish a public list of any payment  
9                   card network—

10                   “(I) the processing of electronic  
11                   credit transactions by which is deter-  
12                   mined by the Board to pose a risk to  
13                   the national security of the United  
14                   States; or

15                   “(II) that is owned, operated, or  
16                   sponsored by a foreign state entity.

17                   “(ii) UPDATING OF LIST.—Not less  
18                   frequently than once every 2 years after  
19                   the date on which the Board establishes  
20                   the public list required under clause (i),  
21                   the Board, in consultation with the Sec-  
22                   retary of the Treasury, shall update that  
23                   list.

24                   “(E) DEFINITIONS.—In this paragraph—

1                     “(i) the terms ‘card issuer’ and ‘cred-  
2                     itor’ have the meanings given the terms in  
3                     section 103 of the Truth in Lending Act  
4                     (15 U.S.C. 1602);

5                     “(ii) the term ‘covered card issuer’  
6                     means a card issuer that, together with the  
7                     affiliates of the card issuer, has assets of  
8                     more than \$100,000,000,000;

9                     “(iii) the term ‘credit card issued in a  
10                     3-party payment system model’ means a  
11                     credit card issued by a card issuer that  
12                     is—

13                     “(I) the payment card network  
14                     with respect to the credit card; or

15                     “(II) under common ownership  
16                     with the payment card network with  
17                     respect to the credit card;

18                     “(iv) the term ‘electronic credit trans-  
19                     action’—

20                     “(I) means a transaction in  
21                     which a person uses a credit card; and

22                     “(II) includes a transaction in  
23                     which a person does not physically  
24                     present a credit card for payment, in-  
25                     cluding a transaction involving the

1 entry of credit card information onto,  
2 or use of credit card information in  
3 conjunction with, a website interface  
4 or a mobile telephone application; and  
5 “(v) the term ‘licensed member’ in-  
6 cludes, with respect to a payment card net-  
7 work—

1 accepts credit cards for payments;

2 and

12 (b) EFFECTIVE DATE.—Each set of regulations pre-  
13 scribed by the Board of Governors of the Federal Reserve  
14 System under paragraph (2) of section 921(b) of the Elec-  
15 tronic Fund Transfer Act (15 U.S.C. 1693o-2(b)), as  
16 amended by subsection (a) of this section, shall take effect  
17 on the date that is 180 days after the date on which the  
18 Board prescribes the final version of that set of regula-  
19 tions.