



Credit Union National Association

cuna.org

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May 19, 2011

The Honorable Mark Kirk  
United States Senate  
Washington, DC 20510

Dear Senator Kirk:

Merchant data breaches occur quite frequently and, when they do, America's credit unions work with their members to stop fraudulent transactions and reissue compromised debit and credit cards. In recent weeks, two major data breaches – by Sony and Michaels – have affected millions of consumers across the country.

The Michaels breach victimized consumers in 20 states, including Illinois. According to Michaels, the following stores in your state were affected by the breach:

- 1206 75th St, Downers Grove
- 2768 Aurora Ave, Naperville
- 7155 S Kingery Hwy, Willowbrook
- 2231 Willow Rd, Glenview
- 1050 Mt Prospect Plaza, Mount Prospect
- 701 N Milwaukee Ave Ste 164, Vernon Hills
- 7600 S Cicero Ave Ste B, Burbank
- 9680 S Ridgeland Ave, Chicago Ridge
- 402 W Army Trail Dr, Bloomingdale
- 7225 W Dempster St, Niles
- 7010 W Forest Preserve Dr, Norridge
- 7055 Central Ave, Skokie
- 6635 Grand Ave, Gurnee
- 2244 N Richmond Rd, McHenry

If constituents affected by these or other breaches contact your office, we hope you will encourage them to contact their card-issuing credit union for assistance. In most cases, the credit union will work with the credit union member to investigate, reissue the debit card, and block future suspicious transactions. Credit unions do this because everyone agrees that consumers victimized by merchant data loss need assistance; and they won't get any assistance from the merchant responsible for the breach. Credit unions are able to provide these member services because of the interchange fees that merchants pay to participate in the payment system.

Unfortunately, the ability of credit unions to provide these services to their members is threatened by a regulation proposed by the Federal Reserve Board, which would cap the debit interchange fee significantly below the cost of providing debit card services. While most credit unions are exempt by statute from the regulation, there are legitimate concerns regarding whether this exemption will work. In fact, Federal



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Reserve Board Chairman Bernanke has questioned on multiple occasions the effectiveness of the statutory exemption. If the rules are permitted to go into effect, exempt credit unions and other debit card issuers may be forced to increase fees to consumers to cover the loss of debit interchange revenue. This will make debit cards more expensive and potentially less available for some consumers.

We believe this issue deserves additional consideration before implementation. Senators Tester and Corker have introduced legislation (S. 575) to delay the implementation of the debit interchange fee regulation and study its impact on consumers, issuers and merchants. They plan to offer their bill in the near future. On behalf of America's 7,600 state and federally chartered credit unions and their 93 million members, we ask that you support this legislation when it comes to the floor for a vote.

Thank you very much for your consideration.

Best regards,

A handwritten signature in black ink, appearing to read "Bill Cheney", with a long, sweeping horizontal stroke extending to the right.

Bill Cheney  
President & CEO