OCC IFR: National Bank Non-Interest Charges and Fees

COMMENT LETTER

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Chief Counsel's Office
Attention: Comment Processing
Office of the Comptroller of the Currency
400 7th Street SW, Suite 3E-218
Washington, DC 20219

Re: National Bank Non-Interest Charges and Fees [Docket ID OCC-2026-0430]

The Conference of State Bank Supervisors ("CSBS")1 provides the following comments on the interim final rule issued by the Office of the Comptroller of the Currency ("OCC"): *National Bank Non-Interest Charges and Fees* .2 CSBS opposes the IFR because clarity regarding the authority of national banks to charge interchange fees is not needed and, even if additional clarity were warranted, the revisions in the IFR are overly broad and may create conflicts with state law in areas unrelated to interchange fees.

The IFR amends 12 CFR 7.4002 to clarify that national banks' power to charge non-interest fees and charges includes assessing or otherwise obtaining interchange fees, even when those fees are set or established by non-national bank third parties. Given that the IFR was issued simultaneously with a Preemption Order declaring that the National Bank Act ("NBA") preempts the Illinois Interchange Fee Prohibition Act ("IFPA"), the IFR is presumably intended to create a conflict with the IFPA and thereby bolster the argument that the NBA preempts the IFPA.

As explained in our comment letter on the Preemption Order, the IFPA raises serious policy questions and poses significant compliance challenges for the industry. Nevertheless, CSBS opposes the IFR because no additional clarity is needed regarding national banks' power to charge interchange fees. The only question is whether or not the IFPA significantly interferes with this power. The Preemption Order addresses this question and should stand or fall on its own merits.

Even if additional clarity were warranted, as detailed below, the revisions to 12 CFR 7.4002 are overly broad and could unintentionally create conflicts with state consumer financial laws unrelated to interchange fees. For this reason, we suggest narrower revisions to the OCC's regulation that would create clarity as to national banks' authority with respect to interchange fees without causing wide-ranging conflicts with state consumer financial law. Separately, we urge the OCC to revise the preemption provision in 12 CFR 7.4002 to bring it into compliance with the framework for NBA preemption under 12 USC 25b.

Read the comment letter.

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  CSBS is the nationwide organization of state banking and financial regulators from all 50 states, the District of Columbia, and the U.S. territories.

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  OCC, Interim Final Rule, *National Bank Non-Interest Charges and Fees*, 91 Fed. Reg. 22989 (Apr. 29, 2026) ("IFR").

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