

January 29, 2009

Treasury Secretary Timothy Geithner  
Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, D.C. 20220

**Re: New liquidity program for non-mortgage debt should not support any consumer credit card debt which fails to meet standards for fair terms for individuals and families**

Dear Secretary Geithner,

Consumer groups, faith based groups, civil rights organizations, labor unions, and community organizations write to request an important change to the taxpayer-backed credit program which is being launched in February 2009 to encourage the purchase of securitized credit card debt. We urge you to require that any securitized debt whose purchase is financed through this program meet standards for fairness and truthfulness, including those standards which were finalized in December 2008 by the Federal Reserve Board. We seek this change to ensure that any consumer credit card debt facilitated through this taxpayer-backed program will promote, rather than damage, household economic stability.

The program is the Term Asset Backed Securities Loan Facility (TALF). As we understand it, the TALF will use the Federal Reserve Board's credit facility power, be operated by the Federal Reserve Bank of New York, and include a special purpose vehicle which is capitalized with \$20 billion in credit protection by the U.S. Treasury from TARP funds.

The \$20 billion in taxpayer funds is anticipated to support a program for up to \$200 billion in non-recourse loans to buyers of securities backed by non-mortgage debt, including consumer credit card debt. In other words, buyers of credit card securitizations will be able to borrow funds from the Federal Reserve Bank of New York to purchase these securitizations, with repayment from revenues from the securitized credit card debts. The U.S. taxpayer will be supporting the program by picking up losses through a subordinated loan of \$20 billion in TARP funds.

**Our request**

We ask you to impose two eligibility conditions on all financing by the TALF for credit card securitization pools:

1. Compliance now with details of the rule against unfair or deceptive acts or practices for all consumer credit card debt in the pool; and
2. A specific program for cardholders to earn a reduction in penalty interest rates back to a lower standard rate after no more than six months of on-time payments for all consumer credit card debt in the pool.

While this new program is very complex, our request is simple: Any government backed program to make capital available for credit card debt must be limited to that credit card debt which is not associated with practices that federal regulators have determined to be unfair or deceptive. Federal backing of credit card securitizations must also be limited to credit card debt with a clear "road map" to non-penalty rates for households who pay on time while under a penalty rate.

### **Reasons for this request**

A stated purpose for the Troubled Assets Relief Program (TARP) is to restore stability to the financial system. However, the first installment of TARP money did not even begin to promote financial stability for borrowers, homeowners, and communities in the face of the tide of foreclosures, onerous credit card practices, and the crying need for affordable, sustainable, systematic loan modifications. The new TALF program for non-mortgage debt should limit its offer of liquidity to avoid the type of credit card debt that detracts from sustainable lending and household financial stability.

Many of our groups believe that the changes to credit card practices in the revised Regulation AA issued December 18, 2008 are only the first of several steps that must be taken to protect consumers from abusive credit card lending practices. However, the basic fairness rules in Regulation AA should be required for any credit card debt that should even be considered for government support: credit for which the interest rate doesn't jump when there has not been a delinquency of more than 30 days, credit for which the consumer gets the bill with a reasonable amount of time to pay before the due date, and credit on which payments are allocated at least proportionally to the highest interest rate balance held on the card.

Providing more capital for credit card lending will not meet the national need for enhanced financial stability for households if the credit card debt that is facilitated under the TALF can continue until July 1, 2010 to contain the harmful terms and practices that the Federal Reserve Board and two other federal regulators have identified as unfair or deceptive. For this reason, we respectfully urge that the Treasury Department impose a precondition that credit card securitizations can be eligible for the TALF program only if all issuers whose debt is represented in the securitization have certified that the consumer credit cards on which the debt is carried are structured so that their terms, conditions, and practices comply with the rules as described in the newly revised Regulation AA as of the time of the certification. (As written, Regulation AA gives issuers until July 1, 2010.)

Penalty interest rates are a significant drag on a household's economy. These rates can double or even triple a family's credit card interest rate. Because nearly all of the minimum credit card payment goes to finance charges, a doubled or tripled interest rate will also mean a near-doubling or near-tripling of the required minimum payment. If a family misses or pays late because of an unjustified interest rate increase they face a number of other adverse consequences, including late fees and a drop in their credit scores. This can create a cascading adverse effect for the household. As a result, the card debt financed through the TALF must include a clear and guaranteed method for

cardholders who are, or become subject to, a penalty interest rate to work their way back into the pre-penalty rate within six months or a shorter time.

The challenges for the U.S. economy are great. Consumers cannot be the engine of economic recovery if they are burdened with high interest rate credit card debt that federal regulators have determined is not justified. As you work to facilitate liquidity in the credit markets, we ask you to include conditions that will ensure that the credit provided will promote, or at least not be detrimental to, family economic stability.

Very truly yours,



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