

AMENDMENT TO THE RULES COMMITTEE PRINT

117–49

OFFERED BY MR. PAYNE OF NEW JERSEY

Add at the end the following:

1 **TITLE VI—PAYMENT CHOICE**

2 **SEC. 601. SHORT TITLE.**

3 This subtitle may be cited as the “Payment Choice
4 Act of 2022”.

5 **SEC. 602. SENSE OF CONGRESS.**

6 It is the sense of Congress that every consumer has
7 the right to use cash at retail businesses who accept in-
8 person payments.

9 **SEC. 603. RETAIL BUSINESSES PROHIBITED FROM REFUS-**
10 **ING CASH PAYMENTS.**

11 (a) IN GENERAL.—Subchapter I of chapter 51 of title
12 31, United States Code, is amended by adding at the end
13 the following:

14 **“§ 5104. Retail businesses prohibited from refusing**
15 **cash payments.**

16 “(a) IN GENERAL.—Any person engaged in the busi-
17 ness of selling or offering goods or services at retail to
18 the public with a person accepting in-person payments at
19 a physical location (including a person accepting payments

1 for telephone, mail, or internet-based transactions who is
2 accepting in-person payments at a physical location)—

3 “(1) shall accept cash as a form of payment for
4 sales of less than \$2,000 (or, for loan payments,
5 payments made on a loan with an original principal
6 amount of less than \$2,000) made at such physical
7 location; and

8 “(2) may not charge cash-paying customers a
9 higher price compared to the price charged to cus-
10 tomers not paying with cash.

11 “(b) EXCEPTIONS.—

12 “(1) IN GENERAL.—Subsection (a) shall not
13 apply to a person if such person—

14 “(A) is unable to accept cash because of—

15 “(i) a sale system failure that tempo-
16 rarily prevents the processing of cash pay-
17 ments; or

18 “(ii) a temporary insufficiency in cash
19 on hand needed to provide change; or

20 “(B) provides customers with the means,
21 on the premises, to convert cash into a card
22 that is either a general-use prepaid card, a gift
23 card, or an access device for electronic fund
24 transfers for which—

1 “(i) there is no fee for the use of the
2 card;

3 “(ii) there is not a minimum deposit
4 amount greater than 1 dollar;

5 “(iii) amounts loaded on the card do
6 not expire, except as permitted under para-
7 graph (2);

8 “(iv) there is no collection of any per-
9 sonal identifying information from the cus-
10 tomer;

11 “(v) there is no fee to use the card;
12 and

13 “(iv) there may be a limit to the num-
14 ber of transactions.

15 “(2) INACTIVITY.—A person seeking exception
16 from subsection (a) may charge an inactivity fee in
17 association with a card offered by such person if—

18 “(A) there has been no activity with re-
19 spect to the card during the 12-month period
20 ending on the date on which the inactivity fee
21 is imposed;

22 “(B) not more than 1 inactivity fee is im-
23 posed in any 1-month period; and

1 “(C) it is clearly and conspicuously stated,
2 on the face of the mechanism that issues the
3 card and on the card—

4 “(i) that an inactivity fee or charge
5 may be imposed;

6 “(ii) the frequency at which such inac-
7 tivity fee may be imposed; and

8 “(iii) the amount of such inactivity
9 fee.

10 “(c) RIGHT TO NOT ACCEPT LARGE BILLS.—

11 “(1) IN GENERAL.—Notwithstanding subsection
12 (a), for the 5-year period beginning on the date of
13 enactment of this section, this section shall not re-
14 quire a person to accept cash payments in \$50 bills
15 or any larger bill.

16 “(2) RULEMAKING.—

17 “(A) IN GENERAL.—The Secretary of the
18 Treasury, in this section referred to as the Sec-
19 retary, shall issue a rule on the date that is 5
20 years after the date of the enactment of this
21 section with respect to any bills a person is not
22 required to accept.

23 “(B) REQUIREMENT.—When issuing a rule
24 under subparagraph (A), the Secretary shall re-

1 quire persons to accept \$1, \$5, \$10, \$20, and
2 \$50 bills.

3 “(d) ENFORCEMENT.—

4 “(1) PREVENTATIVE RELIEF.—Whenever any
5 person has engaged, or there are reasonable grounds
6 to believe that any person is about to engage, in any
7 act or practice prohibited by this section, a civil ac-
8 tion for preventive relief, including an application for
9 a permanent or temporary injunction, restraining
10 order, or other order may be brought against such
11 person.

12 “(2) CIVIL PENALTIES.—Any person who vio-
13 lates this section shall—

14 “(A) be liable for actual damages;

15 “(B) be fined not more than \$2,500 for a
16 first offense; and

17 “(C) be fined not more than \$5,000 for a
18 second or subsequent offense.

19 “(3) JURISDICTION.—An action under this sec-
20 tion may be brought in any United States district
21 court, or in any other court of competent jurisdic-
22 tion.

23 “(4) INTERVENTION OF ATTORNEY GENERAL.—
24 Upon timely application, a court may, in its discre-
25 tion, permit the Attorney General to intervene in a

1 civil action brought under this subsection, if the At-
2 torney General certifies that the action is of general
3 public importance.

4 “(5) AUTHORITY TO APPOINT COURT-PAID AT-
5 TORNEY.—Upon application by an individual and in
6 such circumstances as the court may determine just,
7 the court may appoint an attorney for such indi-
8 vidual and may authorize the commencement of a
9 civil action under this subsection without the pay-
10 ment of fees, costs, or security.

11 “(6) ATTORNEY’S FEES.—In any action com-
12 menced pursuant to this section, the court, in its
13 discretion, may allow the prevailing party, other
14 than the United States, a reasonable attorney’s fee
15 as part of the costs, and the United States shall be
16 liable for costs the same as a private person.

17 “(7) REQUIREMENTS IN CERTAIN STATES AND
18 LOCAL AREAS.—In the case of an alleged act or
19 practice prohibited by this section which occurs in a
20 State, or political subdivision of a State, which has
21 a State or local law prohibiting such act or practice
22 and establishing or authorizing a State or local au-
23 thority to grant or seek relief from such act or prac-
24 tice or to institute criminal proceedings with respect
25 thereto upon receiving notice thereof, no civil action

1 may be brought hereunder before the expiration of
2 30 days after written notice of such alleged act or
3 practice has been given to the appropriate State or
4 local authority by registered mail or in person, pro-
5 vided that the court may stay proceedings in such
6 civil action pending the termination of State or local
7 enforcement proceedings.

8 “(e) GREATER PROTECTION UNDER STATE LAW.—
9 This section shall not preempt any law of a State, the Dis-
10 trict of Columbia, a Tribal government, or a territory of
11 the United States if the protections that such law affords
12 to consumers are greater than the protections provided
13 under this section.

14 “(f) RULEMAKING.—The Secretary shall issue such
15 rules as the Secretary determines are necessary to imple-
16 ment this section, which may prescribe additional excep-
17 tions to the application of the requirements described in
18 subsection (a).”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 for chapter 51 of title 31, United States Code, is amended
21 by inserting after the item relating to section 5103 the
22 following:

“5104. Retail businesses prohibited from refusing cash payments.”.

1 (c) RULE OF CONSTRUCTION.—The amendments
2 made by this section may not be construed to have any
3 effect on section 5103 of title 31, United States Code.

