

AMENDMENT TO THE RULES COMMITTEE PRINT

117-54

OFFERED BY MR. PAYNE OF NEW JERSEY

Add at the end of title LIV of division E the following:

1 SEC. 5403. PAYMENT CHOICE.

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that every consumer has the right to use cash at
4 retail businesses who accept in-person payments.

5 (b) RETAIL BUSINESSES PROHIBITED FROM REFUS-
6 ING CASH PAYMENTS.—

7 (1) IN GENERAL.—Subchapter I of chapter 51
8 of title 31, United States Code, is amended by add-
9 ing at the end the following:

10 **“§ 5104. Retail businesses prohibited from refusing**
11 **cash payments.**

12 “(a) IN GENERAL.—Any person engaged in the busi-
13 ness of selling or offering goods or services at retail to
14 the public with a person accepting in-person payments at
15 a physical location (including a person accepting payments
16 for telephone, mail, or internet-based transactions who is
17 accepting in-person payments at a physical location)—

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

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

9 “(b) EXCEPTIONS.—

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

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

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

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

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

23 “(i) there is no fee for the use of the
24 card;

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

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

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

9 “(v) there is no fee to use the card;
10 and

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

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

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

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

22 “(C) it is clearly and conspicuously stated,
23 on the face of the mechanism that issues the
24 card and on the card—

1 “(i) that an inactivity fee or charge
2 may be imposed;

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

5 “(iii) the amount of such inactivity
6 fee.

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

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

13 “(2) RULEMAKING.—

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

20 “(B) REQUIREMENT.—When issuing a rule
21 under subparagraph (A), the Secretary shall re-
22 quire persons to accept \$1, \$5, \$10, \$20, and
23 \$50 bills.

24 “(d) ENFORCEMENT.—

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

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

11 “(A) be liable for actual damages;

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

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

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

20 “(4) INTERVENTION OF ATTORNEY GENERAL.—
21 Upon timely application, a court may, in its discre-
22 tion, permit the Attorney General to intervene in a
23 civil action brought under this subsection, if the At-
24 torney General certifies that the action is of general
25 public importance.

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

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

14 “(7) REQUIREMENTS IN CERTAIN STATES AND
15 LOCAL AREAS.—In the case of an alleged act or
16 practice prohibited by this section which occurs in a
17 State, or political subdivision of a State, which has
18 a State or local law prohibiting such act or practice
19 and establishing or authorizing a State or local au-
20 thority to grant or seek relief from such act or prac-
21 tice or to institute criminal proceedings with respect
22 thereto upon receiving notice thereof, no civil action
23 may be brought hereunder before the expiration of
24 30 days after written notice of such alleged act or
25 practice has been given to the appropriate State or

1 local authority by registered mail or in person, pro-
2 vided that the court may stay proceedings in such
3 civil action pending the termination of State or local
4 enforcement proceedings.

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

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

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents for chapter 51 of title 31, United States Code,
18 is amended by inserting after the item relating to
19 section 5103 the following:

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

20 (3) RULE OF CONSTRUCTION.—The amend-
21 ments made by this section may not be construed to
22 have any effect on section 5103 of title 31, United
23 States Code.

24 (c) DISCRETIONARY SURPLUS FUND.—

1 (1) IN GENERAL.—Subparagraph (A) of section
2 7(a)(3) of the Federal Reserve Act (12 U.S.C.
3 289(a)(3)(A)) is amended by reducing the dollar fig-
4 ure described in such subparagraph by \$15,000,000.

5 (2) EFFECTIVE DATE.—The amendment made
6 by paragraph (1) shall take effect on September 30,
7 2022.

