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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To ensure that United States currency is treated as legal tender to be accepted as payment for purchases of goods and services at brick-and-mortar businesses throughout the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PAYNE introduced the following bill; which was referred to the Committee
on _____

A BILL

To ensure that United States currency is treated as legal tender to be accepted as payment for purchases of goods and services at brick-and-mortar businesses throughout the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Payment Choice Act
5 of 2023”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that United States cur-
3 rency should be treated as legal tender throughout the
4 United States, and that every consumer should have the
5 right to use cash as payment at retail businesses that ac-
6 cept in-person payments.

7 **SEC. 3. RETAIL BUSINESSES PROHIBITED FROM REFUSING**
8 **CASH PAYMENTS.**

9 (a) IN GENERAL.—Subchapter I of chapter 51 of title
10 31, United States Code, is amended by adding at the end
11 the following:

12 **“§ 5104. Retail businesses prohibited from refusing**
13 **cash payments**

14 “(a) IN GENERAL.—Any person engaged in the busi-
15 ness of selling or offering goods or services at retail to
16 the public who accepts in-person payments at a physical
17 location (including a person accepting payments for tele-
18 phone, mail, or internet-based transactions who is accept-
19 ing in-person payments at a physical location)—

20 “(1) shall accept cash as a form of payment for
21 sales made at such physical location in amounts up
22 to and including \$500 per transaction; and

23 “(2) may not charge cash-paying customers a
24 higher price compared to the price charged to cus-
25 tomers not paying with cash.

1 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
2 a person if the person—

3 “(1) is unable to accept cash because of—

4 “(A) a sale system failure that temporarily
5 prevents processing cash payments; or

6 “(B) temporarily having insufficient cash
7 on hand to make change; or

8 “(2) provides customers with a device that con-
9 verts cash into prepaid cards on the premises if—

10 “(A) there is no fee for the use of the de-
11 vice;

12 “(B) the device does not require a min-
13 imum deposit of more than one dollar;

14 “(C) any funds placed onto a prepaid card
15 using the device do not expire, except as per-
16 mitted under subsection (c);

17 “(D) the device does not collect any per-
18 sonal identifying information from the cus-
19 tomer; and

20 “(E) there is no fee to use the prepaid
21 card that the device produces.

22 “(c) INACTIVITY.—With respect to a prepaid card de-
23 scribed under paragraph (2), the person providing the
24 card may charge an inactivity fee in association with the
25 card if—

1 “(1) there has been no activity with respect to
2 the card during the 12-month period ending on the
3 date on which the inactivity fee is imposed;

4 “(2) not more than 1 inactivity fee is imposed
5 in any 1-month period; and

6 “(3) there is clearly and conspicuously stated,
7 on the face of the mechanism that issues the card
8 and on the card—

9 “(A) that an inactivity fee or charge may
10 be imposed;

11 “(B) the frequency at which such inactivity
12 fee may be imposed; and

13 “(C) the amount of such inactivity fee.

14 “(d) RIGHT TO NOT ACCEPT LARGE BILLS.—

15 “(1) IN GENERAL.—Notwithstanding subsection
16 (a), for the 5-year period beginning on the date of
17 enactment of this section, this section does not re-
18 quire a person or entity to accept cash payments in
19 \$50 bills or any larger bill.

20 “(2) RULEMAKING.—

21 “(A) IN GENERAL.—The Secretary of the
22 Treasury shall issue a rule on the date that is
23 5 years after the date of the enactment of this
24 section with respect to any bill denominations a
25 person is not required to accept.

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

5 “(e) ENFORCEMENT.—

6 “(1) PREVENTATIVE RELIEF.—

7 “(A) IN GENERAL.—Whenever any person
8 has engaged, or there are reasonable grounds to
9 believe that any such person is about to engage,
10 in any act or practice prohibited by this section,
11 any customer or prospective customer of such
12 person aggrieved by such violation or threat-
13 ened violation may deliver to the person, or
14 cause to be so delivered by certified mail, with
15 proof of delivery, a notice describing, in reason-
16 able detail, the conduct or events constituting
17 the violation or threatened violation, and giving
18 notice that, unless such conduct is corrected or
19 cured within 45 days after the date of delivery
20 of such notice, a civil action for preventive re-
21 lief, including an application for a permanent or
22 temporary injunction, restraining order, or
23 other appropriate such relief, which may include
24 a civil penalty as hereinafter provided for, may
25 be brought against such person.

1 “(B) RESPONSE; CURE.—If, within the 45-
2 day period described under subparagraph (A),
3 the person described in that subparagraph es-
4 tablishes to the customer or prospective cus-
5 tomer’s reasonable satisfaction, in a response
6 provided in writing to the customer or prospec-
7 tive customer, that no violation occurred as al-
8 leged, or certifies that the violation alleged has
9 been corrected or cured, and provides reason-
10 able assurance that no such violation henceforth
11 will be permitted to occur in the conduct of the
12 person’s business, no further proceedings under
13 this section may be undertaken.

14 “(C) CIVIL ACTION.—If a person described
15 under subparagraph (A), having received a no-
16 tice described in that subparagraph, fails to re-
17 spond in accordance with subparagraph (B), or
18 responds but fails to reasonably establish that
19 the violation alleged either did not occur or has
20 been corrected or cured, the aggrieved customer
21 or prospective customer shall be entitled to file
22 a civil action against the person seeking relief
23 as provided under this subsection. In any such
24 filing, the customer or prospective customer
25 shall attach to the complaint in such action cop-

1 ies of the notice given to the person pursuant
2 to subparagraph (A) and the response, if any,
3 received from such person.

4 “(2) DAMAGES AND CIVIL PENALTIES.—Any
5 person who violates this section shall—

6 “(A) be liable for actual damages, together
7 with, if actual damages are less than \$250, liq-
8 uidated damages of \$250; and

9 “(B) a civil penalty of not more than \$500
10 for a first offense and not more than \$1,500 for
11 a second or subsequent offense.

12 “(3) JURISDICTION.—An action under this sub-
13 section may be brought in any United States district
14 court, or in any other court of competent jurisdic-
15 tion.

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

22 “(5) AUTHORITY TO APPOINT COURT-PAID AT-
23 TORNEY.—Upon application by an individual and in
24 such circumstances as the court may determine just,
25 the court may appoint an attorney for such indi-

1 vidual and may authorize the commencement of a
2 civil action under this subsection without the pay-
3 ment of fees, costs, or security.

4 “(6) ATTORNEY’S FEES.—In any action com-
5 menced pursuant to this subsection, the court, in its
6 discretion, may allow the prevailing party, other
7 than the United States, a reasonable attorney’s fee,
8 not to exceed \$3,000 in amount, as part of the costs,
9 and the United States shall be liable for costs the
10 same as a private person.

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

1 civil action pending the termination of State or local
2 enforcement proceedings.

3 “(f) GREATER PROTECTION UNDER STATE LAW.—

4 This section shall not preempt any law of a State, the Dis-
5 trict of Columbia, a Tribal government, or a territory of
6 the United States if the protections that such law affords
7 to consumers are greater than the protections provided
8 under this section.

9 “(g) RULEMAKING.—The Secretary of the Treasury
10 shall issue such rules as the Secretary determines are nec-
11 essary to implement this section, which may include pre-
12 scribing additional exceptions to the application of the re-
13 quirements described in subsection (a).”.

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

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