

116TH CONGRESS
2D SESSION

S. 4801

To provide that all persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, and accommodations of financial institutions.

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2020

Mr. BROWN (for himself, Ms. SMITH, Mr. BOOKER, Mr. MENENDEZ, Ms. WARREN, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To provide that all persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, and accommodations of financial institutions.

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 “Fair Access to Finan-
5 cial Services Act of 2020”.

6 **SEC. 2. FINANCIAL INSTITUTIONS.**

7 (a) IN GENERAL.—All persons shall be entitled to the
8 full and equal enjoyment of the goods, services, facilities,

1 privileges, and accommodations of any financial institu-
2 tion, as defined in section 803 of the Payment, Clearing,
3 and Settlement Supervision Act of 2010 (12 U.S.C. 5462),
4 without discrimination on the ground of race, color, reli-
5 gion, national origin, and sex (including sexual orientation
6 and gender identity).

7 (b) PRIVATE RIGHT OF ACTION.—

8 (1) IN GENERAL.—Whenever any person has
9 engaged or there are reasonable grounds to believe
10 that any person is about to engage in any act or
11 practice prohibited by subsection (a), a civil action
12 for preventive relief, including an application for a
13 permanent or temporary injunction, restraining
14 order, or other order, may be instituted by the per-
15 son aggrieved.

16 (2) COSTS.—In any action commenced pursu-
17 ant to this section, the court, in its discretion, may
18 allow the prevailing party, other than the United
19 States, a reasonable attorney’s fee as part of the
20 costs, and the United States shall be liable for costs
21 the same as a private person.

22 (3) JURISDICTION.—The district courts of the
23 United States shall have jurisdiction of proceedings
24 instituted pursuant to this section and shall exercise
25 the same without regard to whether the aggrieved

1 party shall have exhausted any administrative or
2 other remedies that may be provided by law.

3 (4) EXCLUSIVE MEANS.—The remedies pro-
4 vided in this subsection shall be the exclusive means
5 of enforcing the rights based on this section, but
6 nothing in this section shall preclude any individual
7 or any State or local agency from asserting any
8 right based on any other Federal or State law not
9 inconsistent with this section, including any statute
10 or ordinance requiring nondiscrimination in goods,
11 services, facilities, privileges, and accommodations of
12 any financial institution, or from pursuing any rem-
13 edy, civil or criminal, which may be available for the
14 vindication or enforcement of such right.

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