

119TH CONGRESS
2D SESSION

S. _____

To prohibit covered financial institutions from collecting, maintaining, and disclosing information relating to the citizenship status and immigration status of consumers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. ALSOBROOKS introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prohibit covered financial institutions from collecting, maintaining, and disclosing information relating to the citizenship status and immigration status of consumers, 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 “Financial Access Pro-
5 tection Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) APPROPRIATE FEDERAL BANKING AGENCY;
2 INSURED DEPOSITORY INSTITUTION.—The terms
3 “appropriate Federal banking agency” and “insured
4 depository institution” have the meanings given the
5 terms in section 3 of the Federal Deposit Insurance
6 Act (12 U.S.C. 1813).

7 (2) BANK SECRECY ACT.—The term “Bank Se-
8 crecy Act” has the meaning given the term in sec-
9 tion 6003 of the Anti-Money Laundering Act of
10 2020 (31 U.S.C. 5311 note).

11 (3) CONSUMER REPORTING AGENCY.—The term
12 “consumer reporting agency” has the meaning given
13 the term in section 603 of the Fair Credit Reporting
14 Act (15 U.S.C. 1681a).

15 (4) COVERED FINANCIAL INSTITUTION.—The
16 term “covered financial institution” means—

17 (A) an insured depository institution;

18 (B) an insured credit union or any credit
19 union regulated by the National Credit Union
20 Administration;

21 (C) a consumer reporting agency;

22 (D) a national bank or Federal savings as-
23 sociation supervised by the Office of the Comp-
24 troller of the Currency;

1 (E) a State member bank supervised by
2 the Board of Governors of the Federal Reserve
3 System;

4 (F) a State nonmember bank supervised by
5 the Federal Deposit Insurance Corporation;

6 (G) a bank holding company or savings
7 and loan holding company supervised by the
8 Board of Governors of the Federal Reserve Sys-
9 tem; and

10 (H) a subsidiary or affiliate thereof that is
11 subject to examination or supervision by a Fed-
12 eral banking agency.

13 (5) INSURED CREDIT UNION.—The term “in-
14 sured credit union” has the meaning given the term
15 in section 101 of the Federal Credit Union Act (12
16 U.S.C. 1752).

17 **SEC. 3. PROHIBITION ON COLLECTION OF CITIZENSHIP OR**
18 **IMMIGRATION STATUS INFORMATION.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, a covered financial institution may not—

21 (1) require a consumer or prospective consumer
22 to disclose their citizenship status or immigration
23 status as a condition of opening, maintaining, or ac-
24 cessing an account or financial service offered by
25 such covered financial institution;

1 (2) request, collect, record, retain, maintain, or
2 otherwise obtain information relating to the citizen-
3 ship status or immigration status of a consumer; or

4 (3) transmit, report, disclose, or otherwise make
5 available information relating to the citizenship sta-
6 tus or immigration status of a consumer available to
7 any Federal agency or other governmental entity.

8 (b) PROHIBITION ON REGULATORY ACTION.—No ap-
9 propriate Federal banking agency may, by regulation,
10 rule, order, guidance, supervisory expectation, examina-
11 tion procedure, informal request, or otherwise —

12 (1) require or encourage a covered financial in-
13 stitution to collect or maintain information regard-
14 ing the citizenship status or immigration status of a
15 consumer; or

16 (2) condition supervisory ratings, enforcement
17 decisions, approvals, or other regulatory determina-
18 tions on the collection or reporting of information
19 about the citizenship status or immigration status of
20 a consumer.

21 (c) ENFORCEMENT.—Each appropriate Federal
22 banking agency shall enforce this section with respect to
23 covered financial institutions.

24 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion may be construed to—

1 (1) alter or limit the any obligations a covered
2 financial institution has under the Bank Secrecy
3 Act; or

4 (2) prevent covered financial institutions from
5 complying with Federal, State, or local reporting re-
6 quirements relating to the prevention of financial
7 crimes including money laundering, terrorist financ-
8 ing, compliance with sanctions.