

**AMENDMENT**

**OFFERED BY MR. CLOUD OF TEXAS**

Insert in the appropriate place in the bill the following:

1       **DIVISION \_\_\_\_.—ANTI-CBDC**  
2       **SURVEILLANCE STATE ACT**

3       **SEC. 1. SHORT TITLE.**

4       This division may be cited as the “Anti-CBDC Sur-  
5       veillance State Act”.

6       **SEC. 2. PROHIBITION ON FEDERAL RESERVE BANKS RE-**  
7                   **LATING TO CERTAIN PRODUCTS OR SERV-**  
8                   **ICES FOR INDIVIDUALS AND PROHIBITION**  
9                   **ON DIRECTLY ISSUING A CENTRAL BANK DIG-**  
10                   **ITAL CURRENCY.**

11       Section 16 of the Federal Reserve Act (12 U.S.C. 411  
12       et seq.) is amended by adding at the end the following  
13       new paragraph:

14       “(18)(A) A Federal reserve bank may not—  
15           “(i) offer financial products or services directly to an  
16           individual;  
17           “(ii) maintain an account on behalf of an individual;  
18       or

1        “(iii) issue a central bank digital currency, or any  
2 digital asset that is substantially similar under any other  
3 name or label.

4        “(B) In this paragraph, the term ‘central bank digital  
5 currency’ has the meaning given that term under section  
6 10(11)(D).”.

7 **SEC. 3. PROHIBITION ON FEDERAL RESERVE BANKS INDIVIDUALLY ISSUING A CENTRAL BANK DIGITAL CURRENCY.**

10       Section 16 of the Federal Reserve Act (12 U.S.C. 411  
11 et seq.), as amended by section 2, is further amended by  
12 adding at the end the following paragraph:

13       “(19)(A) A Federal reserve bank may not offer a central bank digital currency, or any digital asset that is substantially similar under any other name or label, indirectly to an individual through a financial institution or other intermediary.

18       “(B) In this paragraph, the term ‘central bank digital currency’ has the meaning given that term under section 10(11)(D).”.

21 **SEC. 4. PROHIBITION WITH RESPECT TO CENTRAL BANK DIGITAL CURRENCY.**

23       Section 10 of the Federal Reserve Act (12 U.S.C. 241  
24 et seq.) is amended by inserting before paragraph (12) the  
25 following:

1           “(11) PROHIBITION WITH RESPECT TO CEN-  
2           TRAL BANK DIGITAL CURRENCY.—

3           “(A) IN GENERAL.—The Board of Gov-  
4           ernors of the Federal Reserve System may not  
5           test, study, develop, create, or implement a cen-  
6           tral bank digital currency, or any digital asset  
7           that is substantially similar under any other  
8           name or label.

9           “(B) MONETARY POLICY.—The Board of  
10           Governors of the Federal Reserve System and  
11           the Federal Open Market Committee may not  
12           use a central bank digital currency to imple-  
13           ment monetary policy, or any digital asset that  
14           is substantially similar under any other name or  
15           label.

16           “(C) EXCEPTION.—Subparagraph (A) and  
17           sections 16(18)(A)(iii) and 16(19)(A) may not  
18           be construed to prohibit any dollar-denominated  
19           currency that is open, permissionless, and pri-  
20           vate, and fully preserves the privacy protections  
21           of United States coins and physical currency.

22           “(D) CENTRAL BANK DIGITAL CURRENCY  
23           DEFINED.—In this paragraph, the term ‘central  
24           bank digital currency’ means a form of digital  
25           money or monetary value that is—

1                             “(i) denominated in the national unit  
2                             of account;  
3                             “(ii) a direct liability of the Federal  
4                             Reserve System; and  
5                             “(iii) widely available to the general  
6                             public.”.

7 **SEC. 5. SENSE OF CONGRESS.**

8                     It is the sense of Congress that the Board of Gov-  
9                     ernors of the Federal Reserve System currently does not  
10                    have the authority to issue a central bank digital currency,  
11                    or any digital asset that is substantially similar under any  
12                    other name or label, and will not have such authority un-  
13                    less Congress grants it under Congress’s Article 1 Section  
14                    8 powers.

