

[DISCUSSION DRAFT]

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Reserve Act to prohibit the Federal reserve banks from offering certain products or services directly to an individual, to prohibit the use of central bank digital currency for monetary policy, and for other purposes,

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Federal Reserve Act to prohibit the Federal reserve banks from offering certain products or services directly to an individual, to prohibit the use of central bank digital currency for monetary policy, 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 “Anti-CBDC Surveil-
5 lance State Act”.

1 **SEC. 2. PROHIBITION ON FEDERAL RESERVE BANKS RE-**
2 **LATING TO CERTAIN PRODUCTS OR SERV-**
3 **ICES FOR INDIVIDUALS AND PROHIBITION**
4 **ON DIRECTLY ISSUING A CENTRAL BANK DIG-**
5 **ITAL CURRENCY.**

6 Section 16 of the Federal Reserve Act is amended
7 by adding at the end the following new paragraph:

8 “(18)(A) A Federal reserve bank may not—
9 “(i) offer products or services directly
10 to an individual;
11 “(ii) maintain an account on behalf of
12 an individual; or
13 “(iii) issue a central bank digital cur-
14 rency, or any digital asset that is substan-
15 tially similar under any other name or
16 label.

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

20 **SEC. 3. PROHIBITION ON FEDERAL RESERVE BANKS INDI-**
21 **RECTLY ISSUING A CENTRAL BANK DIGITAL**
22 **CURRENCY.**

23 Section 16 of the Federal Reserve Act, as amended
24 by section 2, is further amended by adding at the end the
25 following paragraph:

1 “(19)(A) A Federal reserve bank may not offer
2 a central bank digital currency, or any digital asset
3 that is substantially similar under any other name
4 or label, indirectly to an individual through a finan-
5 cial institution or other intermediary.

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

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

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

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

16 “(A) IN GENERAL.—The Board of Gov-
17 ernors of the Federal Reserve System may not
18 test, study, develop, create, or implement a cen-
19 tral bank digital currency, or any digital asset
20 that is substantially similar under any other
21 name or label.

22 “(B) MONETARY POLICY.—The Board of
23 Governors of the Federal Reserve System and
24 the Federal Open Market Committee may not
25 use a central bank digital currency to imple-

1 ment monetary policy, or any digital asset that
2 is substantially similar under any other name or
3 label.

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

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

14 “(i) denominated in the national unit
15 of account;

16 “(ii) a direct liability of the Federal
17 Reserve System; and

18 “(iii) widely available to the general
19 public.”.

20 **SEC. 5. SENSE OF CONGRESS.**

21 It is the sense of Congress that the Board of Gov-
22 ernors of the Federal Reserve currently does not have the
23 authority to issue a central bank digital currency, or any
24 digital asset that is substantially similar under any other
25 name or label, and will not have such authority unless

1 Congress grants it under Congress's Article 1 Section 8
2 powers.