

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2392
OFFERED BY MR. DAVIDSON OF OHIO**

Add at the end the following:

1 **SEC. ____ COMMODITY-BACKED SETTLEMENT TOKENS.**

2 (a) IN GENERAL.—A commodity-backed settlement
3 token issuer may issue a commodity-backed settlement
4 token consistent with regulations imposed by State com-
5 modity-backed settlement token regulators.

6 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to limit or alter the jurisdiction
8 of the Commodity Futures Trading Commission over any
9 matter within the Commission’s authority under applica-
10 ble law.

11 (c) DEFINITIONS.—In this section:

12 (1) COMMODITY-BACKED SETTLEMENT
13 TOKEN.—The term “commodity-backed settlement
14 token” means a digital asset—

15 (A) that is or is designed to be used as a
16 means of payment or settlement;

17 (B) that is denominated in a highly liquid,
18 publicly-traded commodity, such as gold;

1 (C) the issuer of which is obligated to con-
2 vert, redeem, or repurchase for a fixed amount
3 of the denominated highly liquid, publicly trad-
4 ed commodity; and

5 (D) that is not—

6 (i) a security issued by—

7 (I) an investment company reg-
8 istered under section 8(a) of the In-
9 vestment Company Act of 1940 (15
10 U.S.C. 80a-8(a)); or

11 (II) a person that would be an
12 investment company under the Invest-
13 ment Company Act of 1940 but for
14 paragraphs (1) and (7) of section 3(c)
15 of that Act (15 U.S.C. 80a-3(c));

16 (ii) a deposit (as defined under section
17 3 of the Federal Deposit Insurance Act
18 (12 U.S.C. 1813)), regardless of the tech-
19 nology used to record such deposit; or

20 (iii) an account (as defined in section
21 101 of the Federal Credit Union Act (12
22 U.S.C. 1752)), regardless of the technology
23 used to record such account.

1 (2) COMMODITY-BACKED SETTLEMENT TOKEN
2 ISSUER.—The term “commodity-backed settlement
3 token issuer” means—

4 (A) an entity that issues a commodity-
5 backed settlement token; and

6 (B) an entity that is approved to issue
7 commodity-backed settlement tokens by a State
8 commodity-backed settlement token regulator.

9 (3) STATE COMMODITY-BACKED SETTLEMENT
10 TOKEN REGULATOR.—The term “State commodity-
11 backed settlement token regulator” means a State
12 agency that has primary regulatory and supervisory
13 authority in such State over entities that issue com-
14 modity-backed settlement tokens.



