

October 5, 2022

The Honorable Merrick Garland
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-0001

Dear Attorney General Garland:

We write regarding the Department of Justice's (Department) role in recent reports issued pursuant to the Executive Order on Ensuring Responsible Development of Digital Assets (Executive Order) and to request a copy of the Department's "assessment of whether legislative changes would be necessary to issue a CBDC," as required by the Executive Order. We appreciate the efforts to examine the impact a U.S. Central Bank Digital Currency (CBDC) will have on the Federal Reserve and its monetary policy tools; potential risks to our existing payments system; private sector competition and innovation; and the impact on American's privacy, civil liberties, and security. However, the appropriate place for the discussion on whether authorizing legislation is necessary, is in the legislative branch.

As you know, Congress' authority over coining money is exclusive. The Supreme Court has recognized Congress' power to coin money and regulate the value thereof, confirming Congress' authority to regulate each phase of currency. Relatedly, Congress may charter banks and grant them the right to issue circulating notes, and it may restrain the circulation of notes not issued under its own authority.

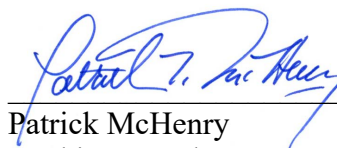
The House Committee on Financial Services (Committee) has spent considerable time and resources examining both the potential risks and benefits of a CBDC. The Committee's review has included analyzing whether the Federal Reserve has the authority to issue a CBDC without authorizing legislation. Committee Republicans emphasized in our CBDC principles that the Federal Reserve does not have the legal authority to issue a CBDC absent action from Congress. Both Federal Reserve Chair Powell and Vice Chair Lael Brainard have also testified on the need for authorizing legislation.

To that end, we request that you provide the Department's assessment and any corresponding legislative proposal to the Committee no later than October 15, 2022. We look forward to your response.

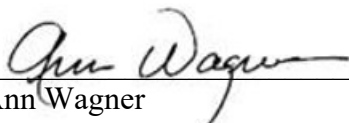
Sincerely,



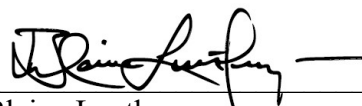
French Hill
Member of Congress



Patrick McHenry
Ranking Member



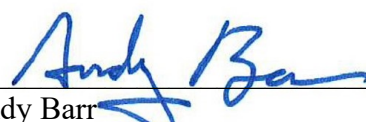
Ann Wagner
Member of Congress



Blaine Luetkemeyer
Member of Congress



Bill Huizenga
Member of Congress



Andy Barr
Member of Congress



Tom Emmer
Member of Congress



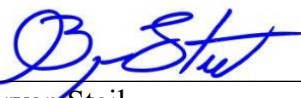
Warren Davidson
Member of Congress



Ted Budd
Member of Congress



Anthony Gonzalez
Member of Congress



Bryan Steil
Member of Congress

cc: The Honorable Jerome Powell, Chair, Board of Governors of the Federal Reserve System
The Honorable Janet Yellen, Secretary, Department of Treasury