

greater protection to customers, prevents fraud, prevents illicit finance, or restricts or prohibits the operation of digital asset kiosks.

"(2) Stricter limits preserved.—A State or locality may impose stricter requirements than this section, including lower transaction limits, lower charge limits, broader refund requirements, longer fraud-reporting periods, location restrictions, licensing requirements, compliance decals, or a complete prohibition on digital asset kiosks.

"(3) No authorization to operate.—Nothing in this section shall be construed to authorize a digital asset kiosk operator to operate in any State or locality in violation of State or local law.

"(n) Effective date.—Subsection (k) shall take effect on the date of enactment of the POPULIST Act. The remaining provisions of this section shall take effect January 1, 2027."

(c) Clerical amendment.—The table of sections for [subchapter II of chapter 53 of title 31](#), United States Code, is amended by inserting after the item relating to section 5336 the following:

"5337. Digital asset kiosk consumer protection."

Subtitle F—Capital Flows

SEC. 661. EXCHANGE RATE MANAGEMENT AND CAPITAL FLOW PRICING.

(a) Definitions.—In this section:

(1) Covered buyer.—The term "covered buyer" means—

(A) a foreign person; or

(B) a United States person whose principal residence (in the case of an individual) or principal place of business (in the case of an entity) is outside the United States.

(2) Covered transaction.—The term "covered transaction" means the purchase or acquisition by a covered buyer of a United States asset the value of which exceeds \$10,000.

(3) Current account balance target.—The term "current account balance target" means that current account surpluses or deficits do not exceed an average of 0.5 percent of the gross domestic product of the United States in any 5-year period.

(4) Domestic financial institution.—The term "domestic financial institution" has the meaning given that term in [section 5312 of title 31](#), United States Code.

(5) Entity.—The term "entity" includes—

(A) a corporation, partnership, or limited liability company; or

(B) a trust or estate.

(6) Foreign person.—The term "foreign person" means any individual or entity that is not a United States person.

(7) Market access charge.—The term "market access charge" means the fee imposed under subsection (b) with respect to a covered transaction.

(8) Person.—The term "person" means an individual or entity.

(9) Secretary.—The term "Secretary" means the Secretary of the Treasury.

(10) Security; transfer agent.—The terms "security" and "transfer agent" have the meanings given those terms in section 3 of the Securities Exchange Act of 1934 ([15 U.S.C. 78c](#)).

(11) United States asset.—

(A) In general.—Except as provided in subparagraph (B), the term "United States asset" means—

(i) a security, stock, bond, note, swap, loan, or other financial instrument—

(I) the face value of which is denominated in United States dollars;

(II) that is registered or located in the United States; or

(III) that is an obligation of a United States person;

(ii) real property located in the United States;

(iii) any ownership interest in an entity that is a United States person;

(iv) intellectual property owned by a United States person; or

(v) any other asset class or transaction identified by the Board of Governors of the Federal Reserve as trading in sufficient volume to cause a risk of upward pressure on the exchange rate of the United States dollar.

(B) Exceptions.—The term "United States asset" does not include—

(i) a good being exported from the United States; or

(ii) currency or noninterest-bearing deposits.

(C) Consideration by Board of Governors.—Not less frequently than annually, the Board of Governors shall consider whether to identify additional asset classes or transactions under subparagraph (A)(v).

(12) United States person.—The term "United States person" means—

(A) a citizen or resident of the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States.

(b) Market access charge.—

(1) Imposition.—Beginning 180 days after the date of enactment of this Act, there shall be imposed a market access charge on each covered buyer in a covered transaction.

(2) Calculation of rate.—

(A) In general.—The Board of Governors of the Federal Reserve System shall establish and adjust the rate of the market access charge at a rate that—

(i) achieves the current account balance target not later than 5 years after the date of enactment of this Act; and

(ii) maintains the current account balance target thereafter.

(B) Differentiated rates.—The Board of Governors may apply different rates of the market access charge to different categories of United States assets, provided that—

(i) higher rates may be applied to assets predominantly used for speculative or passive investment;

(ii) lower rates or exemptions may be applied to assets primarily associated with productive investment, trade facilitation, or long-term operating control; and

(iii) no rate differentiation may be used to favor or disfavor a specific foreign country or political jurisdiction.

(C) Mandatory exemptions.—The market access charge shall not apply to—

(i) transactions directly related to the export of United States goods or services;

(ii) foreign direct investment that directly finances the establishment or material expansion of productive capacity in the United States and is reasonably expected to result in net job creation, as determined under regulations prescribed by the Secretary; or

(iii) transactions designated by the Secretary as necessary to preserve financial stability or continuity of critical infrastructure.

(D) Effects of noncrisis movements.—

(i) In general.—Subject to clause (ii), the Board of Governors may take into consideration the minimization of disruptive effects on output, employment, interest rates, and foreign exchange, securities, and asset markets.

(ii) Limitation.—The Board of Governors may not adjust the market access charge in reaction to noncrisis movements in the markets described in clause (i).

(E) Alternate initial market access charge.—If, 180 days after the date of enactment of this Act, the Board of Governors has not established the initial rate for the market access charge, the initial market access charge shall be established at the rate of 50 basis points of the value of a covered transaction.

(3) Collection and reporting.—

(A) In general.—The market access charge shall be collected from a covered buyer in a covered transaction as follows:

(i) In the case of a covered transaction involving a registered security, the transfer agent shall collect the market access charge.

(ii) In the case of a covered transaction not involving a registered security and through which a domestic financial institution receives funds from the covered buyer, the domestic financial institution shall collect the market access charge.

(iii) In the case of any covered transaction not described in clause (i) or (ii), the United States person that is the counterparty to the covered buyer or otherwise receives funds from the covered buyer pursuant to the covered transaction shall collect the market access charge.

(B) Transfer to Treasury.—At the end of each month, each person collecting a market access charge under subparagraph (A) shall transfer to the Secretary the amount of all market access charges collected by the person during that month in such manner as the Secretary may prescribe.

(C) Reporting.—The Secretary shall require each person collecting a market access charge under subparagraph (A) to keep records and file reports with the Secretary that include—

(i) the identity and address of participants in the transaction;

(ii) a description of the legal capacity in which each participant in the transaction is acting;

(iii) the identity of real parties in interest;

(iv) a description of the transaction, including the nature of the United States asset involved and the price paid;

(v) the amount of the market access charge collected and the amount retained as a service fee under subparagraph (D); and

(vi) such other information as the Secretary may prescribe.

(D) Service fee.—A person collecting a market access charge under subparagraph (A) may retain a service fee, in an amount prescribed by the Secretary, to compensate the person for the administrative costs of collecting the market access charge.

(4) Deposit in Treasury.—The Secretary shall deposit all amounts received under paragraph (3)(B) into the general fund of the Treasury.

(5) Refunds and adjustments.—

(A) In general.—The Secretary shall establish procedures for correcting an erroneous collection of a market access charge and for allowing a refund or credit of any amount collected in excess of the amount lawfully due.

(B) Method.—The Secretary may—

(i) pay an approved refund directly to the person entitled to the refund; or

(ii) authorize a person required to transfer market access charges under paragraph (3)(B) to credit an approved refund against a subsequent transfer.

(C) Appropriation.—There are appropriated to the Secretary, out of amounts received under paragraph (3)(B), such sums as are necessary to make refunds under this paragraph, to remain available until expended.

(D) Collection pending claim.—The filing of a claim for a refund or adjustment shall not delay the collection or transfer of a market access charge otherwise required under this subsection.

(c) Exchange rate management policy and mechanisms.—

(1) Amendment to Federal Reserve Act.—Section 2A of the Federal Reserve Act ([12 U.S.C. 225a](#)), as amended by section 632, is further amended—

(A) by inserting "the United States exchange rate and" after "shall maintain"; and

(B) by inserting "current account balance target (as defined in section 661(a)(3) of the POPULIST Act)," after "stable prices,".

(2) Exchange rate management policy.—The Board of Governors of the Federal Reserve System shall establish an exchange rate management policy to achieve and maintain the current account balance target.

(3) Mechanisms.—To achieve the current account balance target as required by paragraph (2), the Board of Governors—

(A) shall use the market access charge imposed under subsection (b); and

(B) may engage in foreign exchange intervention.

(d) Penalties.—

(1) Transfer agents.—A transfer agent that violates this section shall be subject to a penalty under section 32 of the Securities Exchange Act of 1934 ([15 U.S.C. 78ff](#)) to the same extent as if the agent violated a provision of that Act.

(2) Domestic financial institutions and other United States persons.—A domestic financial institution or other United States person that violates this section shall be subject to a penalty under [section 5321\(a\)\(1\)](#) or [5322\(a\) of title 31](#), United States Code, to the same extent as if the institution violated a provision of [subchapter II of chapter 53](#) of that title.

(e) Regulations.—

(1) In general.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

(2) Interim final rules.—Not later than 120 days after the date of enactment of this Act, the Secretary, in consultation with the Board of Governors, shall issue interim final rules to carry out this section. The interim final rules shall take effect upon publication in the Federal Register, shall have the force and effect of law, and may be issued without regard to [section 553 of title 5](#), United States Code. The Secretary shall provide a public comment period of not less than 60 days after publication and shall issue final rules not later than 180 days after the date on which the interim final rules are issued.

(3) Anti-evasion rule.—The Board of Governors and the Secretary shall jointly issue rules to prevent the recharacterization of covered transactions for the purpose of avoiding the market access charge.