[~116H528]

(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To provide a safe harbor from licensing and registration for certain non-controlling blockchain developers and providers of blockchain services.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To provide a safe harbor from licensing and registration for certain non-controlling blockchain developers and providers of blockchain services.

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 "Blockchain Regulatory

5   Certainty Act".

1 SEC. 2. SAFE HARBOR FOR NON-CONTROLLING BLOCK-

2   CHAIN DEVELOPERS AND PROVIDERS OF

3   BLOCKCHAIN SERVICES.

4   (a) PROTECTION FOR NON-CONTROLLING

5 BLOCKCHAIN SERVICES AND SOFTWARE DEVELOPERS.—

6 No blockchain developer or provider of a blockchain

7 service shall be treated as a money transmitter (as defined

8 under State licensing laws), a financial institution (as de-

9 fined under section 5312 of title 31, United States Code),

10 or any other State or Federal legal designation requiring

11 licensing or registration as a condition to acting as a

12 blockchain developer or provider of a blockchain service,

13 unless the developer or provider has, in the regular course

14 of business, control over digital currency to which a user

15 is entitled under the blockchain service or the software

16 created, maintained, or disseminated by the blockchain de-

17 veloper.

18   (b) EFFECT ON OTHER LAWS.—

19   (1) INTELLECTUAL PROPERTY LAW.—Nothing

20   in this section shall be construed to limit or expand

21   any law pertaining to intellectual property.

22   (2) STATE LAW.—Nothing in this section shall

23   be construed to prevent any State from enforcing

24   any State law that is consistent with this section. No

25   cause of action may be brought and no liability may

1   be imposed under any State or local law that is in-

2   consistent with this section.

3   (c) DEFINITIONS.—As used in this section:

4   (1) BLOCKCHAIN NETWORK.—The term "block-

5   chain network" means any system of networked

6   computers that cooperates to reach consensus over

7   the state of a computer program and allows users to

8   participate in the consensus-making process without

9   the need to license proprietary software or obtain

10   permission from any other user. The term includes,

11   specifically, a public network of computers that co-

12   operates to reach consensus over the state of a dis-

13   tributed ledger describing transactions in a digital

14   currency.

15   (2) BLOCKCHAIN DEVELOPER.—The term

16   "blockchain developer" means any person or busi-

17   ness that creates, maintains, or disseminates soft-

18   ware facilitating the creation or maintenance of a

19   blockchain network or a blockchain service.

20   (3) BLOCKCHAIN SERVICE.—The term "block-

21   chain service" means any information, transaction,

22   or computing service or system that provides or en-

23   ables access to a blockchain network by multiple

24   users, including specifically a service or system that

4

1   enables users to send, receive, exchange, or store

2   digital currencies described by blockchain networks.

3   (4) CONTROL.—The term "control" means the

4   legal right, authority, or ability to obtain upon de-

5   mand data sufficient to initiate transactions spend-

6   ing an amount of digital currency.

7   (5) DIGITAL CURRENCY.—The term "digital

8   currency" means a medium of exchange, a unit of

9   account, or a store of value that is represented by

10   entries in a distributed ledger generated by a

11   blockchain network.