

115TH CONGRESS
2D SESSION

H. R. 6974

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

SEPTEMBER 28, 2018

Mr. EMMER introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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, section 1960 of title 18, United
9 States Code, and section 1010.100 of title 31, Code of
10 Federal Regulations), money services business (as defined
11 under section 1010.100 of title 31, Code of Federal Regu-
12 lation), financial institution (as defined under section
13 5312 of title 31, United States Code), or any other State
14 or Federal legal designation requiring licensing or reg-
15 istration as a condition to acting as a blockchain developer
16 or provider of a blockchain service, unless the developer
17 or provider has, in the regular course of business, control
18 over digital currency to which a user is entitled under the
19 blockchain service or the software created, maintained, or
20 disseminated by the blockchain developer.

21 (b) EFFECT ON OTHER LAWS.—

22 (1) CRIMINAL LAW.—Nothing in this section
23 shall be construed to impair the enforcement of any
24 Federal criminal statute that is consistent with this
25 section.

1 (2) INTELLECTUAL PROPERTY LAW.—Nothing
2 in this section shall be construed to limit or expand
3 any law pertaining to intellectual property.

4 (3) STATE LAW.—Nothing in this section shall
5 be construed to prevent any State from enforcing
6 any State law that is consistent with this section. No
7 cause of action may be brought and no liability may
8 be imposed under any State or local law that is in-
9 consistent with this section.

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

11 (1) BLOCKCHAIN NETWORK.—The term “block-
12 chain network” means any system of networked
13 computers that cooperates to reach consensus over
14 the state of a computer program and allows users to
15 participate in the consensus-making process without
16 the need to license proprietary software or obtain
17 permission from any other user. The term includes,
18 specifically, a public network of computers that co-
19 operates to reach consensus over the state of a dis-
20 tributed ledger describing transactions in a digital
21 currency.

22 (2) BLOCKCHAIN DEVELOPER.—The term
23 “blockchain developer” means any person or busi-
24 ness that creates, maintains, or disseminates soft-

1 ware facilitating the creation or maintenance of a
2 blockchain network or a blockchain service.

3 (3) BLOCKCHAIN SERVICE.—The term “block-
4 chain service” means any information, transaction,
5 or computing service or system that provides or en-
6 ables access to a blockchain network by multiple
7 users, including specifically a service or system that
8 enables users to send, receive, exchange, or store
9 digital currencies described by blockchain networks.

10 (4) CONTROL.—The term “control” means the
11 legal right, authority, or ability to obtain upon de-
12 mand data sufficient to initiate transactions spend-
13 ing an amount of digital currency.

14 (5) DIGITAL CURRENCY.—The term “digital
15 currency” means a medium of exchange, a unit of
16 account, or a store of value that is represented by
17 entries in a distributed ledger generated by a
18 blockchain network.

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