

[DISCUSSION DRAFT]

116TH CONGRESS
1ST SESSION

H. R. _____

To prohibit large platform utilities from being a financial institution or being affiliated with a person that is a financial institution, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To prohibit large platform utilities from being a financial institution or being affiliated with a person that is a financial institution, and for other purposes.

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 “Keep Big Tech Out
5 Of Finance Act”.

1 **SEC. 2. PROHIBITION RELATED TO LARGE PLATFORM UTIL-**
2 **ITIES.**

3 (a) IN GENERAL.—A large platform utility may not
4 be, and may not be affiliated with any person that is, a
5 financial institution.

6 (b) PROHIBITION RELATED TO
7 CRYPTOCURRENCIES.—

8 (1) IN GENERAL.—A large platform utility may
9 not establish, maintain, or operate a digital asset
10 that is intended to be widely used as medium of ex-
11 change, unit of account, store of value, or any other
12 similar function, as defined by the Board of Gov-
13 ernors of the Federal Reserve System.

14 (2) DEFINITIONS.—For purposes of paragraph
15 (1), the Board of Governors of the Federal Reserve
16 System shall define the terms “medium of ex-
17 change”, “unit of account”, and “store of value”.

18 (c) WIND-DOWN PERIOD.—With respect to a large
19 platform utility—

20 (1) if the large platform utility is, or is affili-
21 ated with a person that is, a financial institution on
22 the date of enactment of this Act, subsection (a)
23 shall not apply to such large platform utility until
24 the end of the 1-year period beginning on the date
25 of enactment of this Act; and

1 (2) if the large platform utility maintains or op-
2 erates a digital asset described under subsection
3 (b)(1) on the date of enactment of this Act, sub-
4 section (b) shall not apply to such large platform
5 utility until the end of the 1-year period beginning
6 on the date of enactment of this Act.

7 (d) PENALTY.—Any large platform utility or finan-
8 cial institution that violates subsection (a) or (b) shall be
9 subject to a fine of not more than \$1,000,000 per each
10 day of such violation, in an action brought by the appro-
11 priate Federal financial regulator.

12 (e) RULEMAKING.—The appropriate Federal finan-
13 cial regulators may issue rules to carry out this section.

14 (f) DEFINITIONS.—In this section:

15 (1) AFFILIATE.—The term “affiliate” has the
16 meaning given that term under section 2 of the
17 Bank Holding Company Act of 1956.

18 (2) ALTERNATIVE TRADING SYSTEM.—The
19 term “alternative trading system” has the meaning
20 given that term under section 242.300 of title 17,
21 Code of Federal Regulations.

22 (3) APPROPRIATE FEDERAL FINANCIAL REGU-
23 LATOR.—The term “appropriate Federal financial
24 regulator” means—

1 (A) the appropriate Federal banking agen-
2 cy;

3 (B) the Commodity Futures Trading Com-
4 mission, in the case of a commodity pool oper-
5 ator, commodity trading advisor, and a futures
6 commission merchant;

7 (C) the National Credit Union Administra-
8 tion Board, in the case of a credit union;

9 (D) the Securities and Exchange Commis-
10 sion, in the case of an alternative trading sys-
11 tem, a broker, a dealer, an investment adviser,
12 an investment company, a national securities
13 exchange, and a private fund; and

14 (E) the Board of Governors of the Federal
15 Reserve System, in the case of a financial insti-
16 tution or a large platform utility that does not
17 otherwise have an appropriate Federal financial
18 regulator under subparagraph (A) through (D).

19 (4) BANKING DEFINITIONS.—The terms “ap-
20 propriate Federal banking agency”, “depository in-
21 stitution”, and “depository institution holding com-
22 pany” have the meaning given those terms, respec-
23 tively, under section 3 of the Federal Deposit Insur-
24 ance Act.

1 (5) COMMODITIES DEFINITIONS.—The terms
2 “commodity pool operator”, “commodity trading ad-
3 visor”, and “futures commission merchant” have the
4 meaning given those terms, respectively, under sec-
5 tion 1a of the Commodity Exchange Act.

6 (6) CREDIT UNION.—The term “credit union”
7 means a Federal credit union or a State credit
8 union, as such terms are defined, respectively, under
9 section 101 of the Federal Credit Union Act.

10 (7) DIGITAL ASSET.—The term “digital asset”
11 means an asset that is issued and transferred using
12 distributed ledger or blockchain technology, includ-
13 ing, so-called “virtual currencies”, “coins”, and “to-
14 kens”.

15 (8) FINANCIAL INSTITUTION.—The term “fi-
16 nancial institution” means—

17 (A) an alternative trading system;

18 (B) a branch or agency of a foreign bank,
19 as defined in section 1(b) of the International
20 Banking Act of 1978;

21 (C) a broker;

22 (D) a commodity pool operator;

23 (E) a commodity trading advisor;

24 (F) a credit union;

25 (G) a dealer;

1 (H) a depository institution;

2 (I) a depository institution holding com-
3 pany;

4 (J) a futures commission merchant;

5 (K) an investment adviser;

6 (L) an investment company;

7 (M) a national securities exchange;

8 (N) an organization operating under sec-
9 tion 25 or 25A of the Federal Reserve Act;

10 (O) a private fund;

11 (P) a State-licensed money services busi-
12 ness; and

13 (Q) any company engaged in activities that
14 are financial in nature or incidental to a finan-
15 cial activity, as described in section 4 of the
16 Bank Holding Company Act of 1956.

17 (9) LARGE PLATFORM UTILITY.—The term
18 “large platform utility” means a technology com-
19 pany—

20 (A) with an annual global revenue of
21 \$25,000,000,000 or more; and

22 (B) that is predominately engaged in the
23 business of offering to the public an online mar-
24 ketplace, an exchange, or a platform for con-
25 necting third parties.

1 (10) MONEY SERVICES BUSINESS.—The term
2 “money services business” has the meaning given
3 that term under section 1010.100 of title 31, Code
4 of Federal Regulations.

5 (11) PRIVATE FUND.—The term “private fund”
6 has the meaning given that term under section
7 202(a) of the Investment Advisers Act of 1940.

8 (12) SECURITIES DEFINITIONS.—The terms
9 “broker”, “dealer”, “investment adviser”, “invest-
10 ment company”, and “national securities exchange”
11 have the meaning given those terms, respectively,
12 under section 3 of the Securities Exchange Act of
13 1934.