

## [DISCUSSION DRAFT]

116TH CONGRESS  
2D SESSION

H. R. \_\_\_\_\_

To amend the Federal Deposit Insurance Act to provide for the classification and regulation of stablecoins, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

Ms. TLAIB introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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## A BILL

To amend the Federal Deposit Insurance Act to provide for the classification and regulation of stablecoins, 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 “Stablecoin Classifica-

5       tion and Regulation Act of 2020”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

6 (2) Section 2A of the Federal Reserve Act (12  
7 U.S.C. 225a) provides that the mandate of the  
8 Board of Governors of the Federal Reserve System  
9 is to “promote effectively the goals of maximum em-  
10 ployment, stable prices, and moderate long-term in-  
11 terest rates”.

16               “(2) For any person, firm, corporation, associa-  
17               tion, business trust, or other similar organization to  
18               engage, to any extent whatever with others than his  
19               or its officers, agents or employees, in the business  
20               of receiving deposits subject to check or to repay-  
21               ment upon presentation of a pass book, certificate of  
22               deposit, or other evidence of debt, or upon request  
23               of the depositor, unless such person, firm, corpora-  
24               tion, association, business trust, or other similar or-  
25               ganization (A) shall be incorporated under, and au-

1       thorized to engage in such business by, the laws of  
2       the United States or of any State, Territory, or Dis-  
3       trict, and subjected, by the laws of the United  
4       States, or of the State, Territory, or District where-  
5       in located, to examination and regulation, or (B)  
6       shall be permitted by the United States, any State,  
7       territory, or district to engage in such business and  
8       shall be subjected by the laws of the United States,  
9       or such State, territory, or district to examination  
10       and regulations or, (C) shall submit to periodic ex-  
11       amination by the banking authority of the State  
12       Territory, or District where such business is carried  
13       on and shall make and publish periodic reports of its  
14       condition, exhibiting in detail its resources and li-  
15       abilities, such examination and reports to be made  
16       and published at the same times and in the same  
17       manner and under the same conditions as required  
18       by the law of such State, Territory, District in the  
19       case of incorporated banking institutions engaged in  
20       such business in the same locality.”.

21                   (4) Section 3(l) of the Federal Deposit Insur-  
22                   ance Act (12 U.S.C. 1813(l)) provides that under  
23                   the Federal Deposit Insurance Act, the term “de-  
24                   posit” means:

1           “(1) the unpaid balance of money or its equiva-  
2        lent received or held by a bank or savings associa-  
3        tion in the usual course of business and for which  
4        it has given or is obligated to give credit, either con-  
5        ditionally or unconditionally, to a commercial, check-  
6        ing, savings, time, or thrift account, or which is evi-  
7        denced by its certificate of deposit, thrift certificate,  
8        investment certificate, certificate of indebtedness, or  
9        other similar name, or a check or draft drawn  
10      against a deposit account and certified by the bank  
11      or savings association, or a letter of credit or a trav-  
12      eler’s check on which the bank or savings association  
13      is primarily liable: Provided, That, without limiting  
14      the generality of the term money or its equivalent,  
15      any such account or instrument must be regarded as  
16      evidencing the receipt of the equivalent of money  
17      when credited or issued in exchange for checks or  
18      drafts or for a promissory note upon which the per-  
19      son obtaining any such credit or instrument is pri-  
20      marily or secondarily liable, or for a charge against  
21      a deposit account, or in settlement of checks, drafts,  
22      or other instruments forwarded to such bank or sav-  
23      ings association for collection,

24           “(2) trust funds as defined in this Act received  
25      or held by such bank or savings association, whether

1       held in the trust department or held or deposited in  
2       any other department of such bank or savings asso-  
3       ciation,

4           “(3) money received or held by a bank or sav-  
5       ings association, or the credit given for money or its  
6       equivalent received or held by a bank or savings as-  
7       sociation, in the usual course of business for a spe-  
8       cial or specific purpose, regardless of the legal rela-  
9       tionship thereby established, including without being  
10       limited to, escrow funds, funds held as security for  
11       an obligation due to the bank or savings association  
12       or others (including funds held as dealers reserves)  
13       or for securities loaned by the bank or savings asso-  
14       ciation, funds deposited by a debtor to meet matur-  
15       ing obligations, funds deposited as advance payment  
16       on subscriptions to United States Government secu-  
17       rities, funds held for distribution or purchase of se-  
18       curities, funds held to meet its acceptances or letters  
19       of credit, and withheld taxes: Provided, That there  
20       shall not be included funds which are received by the  
21       bank or savings association for immediate applica-  
22       tion to the reduction of an indebtedness to the re-  
23       ceiving bank or savings association, or under condi-  
24       tion that the receipt thereof immediately reduces or  
25       extinguishes such an indebtedness,

1           “(4) outstanding draft (including advice or au-  
2           thorization to charge a bank’s or a savings associa-  
3           tion’s balance in another bank or savings associa-  
4           tion), cashier’s check, money order, or other officer’s  
5           check issued in the usual course of business for any  
6           purpose, including without being limited to those  
7           issued in payment for services, dividends, or pur-  
8           chases, and

9           “(5) such other obligations of a bank or savings  
10           association as the Board of Directors, after consulta-  
11           tion with the Comptroller of the Currency, and the  
12           Board of Governors of the Federal Reserve System,  
13           shall find and prescribe by regulation to be deposit  
14           liabilities by general usage, except that the following  
15           shall not be a deposit for any of the purposes of this  
16           Act or be included as part of the total deposits or  
17           of an insured deposit:

18           “(A) any obligation of a depository institu-  
19           tion which is carried on the books and records  
20           of an office of such bank or savings association  
21           located outside of any State, unless—

22           “(i) such obligation would be a deposit  
23           if it were carried on the books and records  
24           of the depository institution, and would be

1                   payable at, an office located in any State;

2                   and

3                   “(ii) the contract evidencing the obli-  
4                   gation provides by express terms, and not  
5                   by implication, for payment at an office of  
6                   the depository institution located in any  
7                   State;

8                   “(B) any international banking facility de-  
9                   posit, including an international banking facility  
10                   time deposit, as such term is from time to time  
11                   defined by the Board of Governors of the Fed-  
12                   eral Reserve System in regulation D or any suc-  
13                   cessor regulation issued by the Board of Gov-  
14                   ernors of the Federal Reserve System; and

15                   “(C) any liability of an insured depository  
16                   institution that arises under an annuity con-  
17                   tract, the income of which is tax deferred under  
18                   section 72 of the Internal Revenue Code of  
19                   1986.”.

20                   (5) Section 1(a) of the Federal Deposit Insur-  
21                   ance Act (12 U.S.C. 1811(a)) provides that the Fed-  
22                   eral Deposit Insurance Corporation was established  
23                   for the purpose of “insur[ing] . . . the deposits of  
24                   all banks . . . which are entitled to the benefits of

1        insurance” under the Federal Deposit Insurance  
2        Act.

3 **SEC. 3. REGULATION OF STABLECOINS.**

4        (a) **DEFINITIONS.**—Section 3 of the Federal Deposit  
5 Insurance Act (12 U.S.C. 1813) is amended—

6                (1) in subsection (l)—

7                        (A) in paragraph (4), by striking “and” at  
8                                the end;

9                        (B) by redesignating paragraph (5) as  
10                                paragraph (6); and

11                        (C) by inserting after paragraph (4) the  
12                                following:

13                        “(5) stablecoins issued by such bank or savings  
14                                association; and”;

15                        (2) by adding at the end the following:

16                        “(aa) **DEFINITIONS RELATED TO STABLECOINS.**—

17                        “(1) **STABLECOIN.**—The term ‘stablecoin’  
18                                means any cryptocurrency or other privately-issued  
19                                        digital financial instrument that—

20                        “(A) is directly or indirectly distributed to  
21                                investors, financial institutions, or the general  
22                                        public;

23                        “(B) is—

1                     “(i) denominated in United States  
2                     dollars or pegged to the United States dol-  
3                     lar; or

4                     “(ii) denominated in or pegged to an-  
5                     other national or state currency; and

6                     “(C) is issued—

7                     “(i) with a fixed nominal redemption  
8                     value;

9                     “(ii) with the intent of establishing a  
10                     reasonable expectation or belief among the  
11                     general public that the instrument will re-  
12                     tain a nominal redemption value that is so  
13                     stable as to render the nominal redemption  
14                     value effectively fixed; or

15                     “(iii) in such a manner that, regard-  
16                     less of intent, has the effect of creating a  
17                     reasonable expectation or belief among the  
18                     general public that the instrument will re-  
19                     tain a nominal redemption value that is so  
20                     stable as to render the nominal redemption  
21                     value effectively fixed.

22                     “(2) NOMINAL REDEMPTION VALUE.—

23                     “(A) IN GENERAL.—With respect to a  
24                     stablecoin, the term ‘nominal redemption value’  
25                     means the value at which the stablecoin can

1           readily be converted into United States dollars,  
2           or any other national or state currency, or a  
3           functional monetary equivalent, on demand, at  
4           the time of issuance, or otherwise accepted in  
5           payment or to satisfy debts denominated in  
6           United States dollars or any other national or  
7           state currency.

8           “(B) TREATMENT OF INSTRUMENTS  
9           PEGGED TO THE UNITED STATES DOLLAR.—  
10          For purposes of subparagraph (A), the value at  
11          which a stablecoin that is pegged to the United  
12          States dollar or a functional monetary equiva-  
13          lent can readily be converted into United States  
14          dollars, on demand, at the time of issuance  
15          shall be calculated using the express or implied  
16          pegged rate for such conversion at the time of  
17          issuance.

18           “(C) TREATMENT OF INSTRUMENTS DE-  
19           NOMINATED IN OR PEGGED TO ANOTHER NA-  
20           TIONAL OR STATE CURRENCY.—For purposes of  
21          subparagraph (A), the value at which a  
22          stablecoin that is denominated in or pegged to  
23          another national or state currency or a func-  
24          tional monetary equivalent can readily be con-  
25          verted into United States dollars, on demand,

1                   at the time of issuance shall be calculated using  
2                   the express or implied exchange rate for such  
3                   conversion at the time of issuance.

4                   “(D) FUNCTIONAL MONETARY EQUIVA-  
5                   LENT DEFINED.—For purposes of this Act and  
6                   any Act enacted after the date of enactment of  
7                   this subsection, the term ‘functional monetary  
8                   equivalent’ means—

9                   “(i) deposits, as defined under section  
10                   3 of the Federal Deposit Insurance Act;

11                   “(ii) e-money and money transmitter  
12                   balances;

13                   “(iii) other stablecoins; and

14                   “(iv) any other financial instrument  
15                   issued for the purpose of circulating as  
16                   money, making payments, or satisfying  
17                   debts denominated in United States dollars  
18                   or any other national or state currency.”.

19                   (b) REGULATIONS.—The Federal Deposit Insurance  
20                   Act (12 U.S.C. 1811 et seq.) is amended by adding at  
21                   the end the following:

22                   **“SEC. 52. STABLECOINS.**

23                   “(a) ISSUING STABLECOINS.—

24                   “(1) LIMITATION ON WHO MAY ISSUE  
25                   STABLECOINS.—It shall be unlawful for any person

1       to issue a stablecoin other than an insured depository institution that is a member of the Federal Reserve System.

4           “(2) LIMITATION ON STABLECOIN-RELATED COMMERCIAL ACTIVITIES.—It shall be unlawful for any person to issue a stablecoin or stablecoin-related product, to provide any stablecoin-related service, or otherwise engage in any stablecoin-related commercial activity, including activity involving stablecoins issued by other persons, without obtaining written approval in advance, and on an ongoing basis, from the appropriate Federal banking agency, the Corporation, and the Board of Governors of the Federal Reserve System.

15           “(3) NOTICE AND APPROVAL REQUIREMENTS.—

16       Any person issuing a stablecoin shall—

17           “(A) notify the appropriate Federal banking agency, the Corporation, and the Board of Governors of the Federal Reserve System of the person’s intent to issue the stablecoin at least 6 months prior to the date of issuance;

22           “(B) obtain written approval from the appropriate Federal banking agency, the Corporation, and the Board of Governors of the Federal Reserve System prior to issuing any stablecoin

1           or stablecoin-related product, providing any  
2           stablecoin-related services, or otherwise engag-  
3           ing in any stablecoin-related commercial activ-  
4           ity, including activity involving stablecoins  
5           issued by other persons; and

6           “(C) provide ongoing analysis to the Board  
7           of Governors of the Federal Reserve System,  
8           the Financial Stability Oversight Council, and  
9           the Office of Finance Research on any potential  
10          systemic impacts or monetary policy implica-  
11          tions of the stablecoin.

12          “(4) MASTER ACCOUNT ACCESS.—With respect  
13          to an insured depository institution that is a mem-  
14          ber of the Federal Reserve System and that has ob-  
15          tained written approval described under paragraph  
16          (3)(B)—

17           “(A) the Board of Governors of the Fed-  
18           eral Reserve System shall provide the institu-  
19           tion with a master account at the Federal Re-  
20           serve System; and

21           “(B) the institution shall be eligible to re-  
22           ceive all benefits and access to services associ-  
23           ated with such account.

24          “(b) REQUIREMENT TO MAINTAIN FIXED VALUE.—  
25          Any issuer of a stablecoin shall take all possible actions

1 to ensure that, at no point over the life of the stablecoin,  
2 the redemption value of the stablecoin does not drop below  
3 the nominal redemption value of the stablecoin.

4       “(c) ABILITY TO REDEEM STABLECOINS.—

5           “(1) IN GENERAL.—Any issuer of stablecoins  
6 shall maintain the ability to immediately redeem all  
7 outstanding stablecoins at their nominal redemption  
8 value, upon demand, in United States dollars.

9           “(2) REQUIREMENT TO MAINTAIN COLLATERAL  
10 FOR UNINSURED STABLECOIN AMOUNTS.—

11           “(A) IN GENERAL.—Any issuer of  
12 stablecoins shall deposit reserves with the applic-  
13 able Federal reserve bank in a segregated ac-  
14 count in an amount equal to the nominal re-  
15 demption value of all outstanding stablecoins  
16 issued by the issuer, and such reserves shall  
17 serve as collateral for such stablecoins.

18           “(B) EXCEPTION FOR INSURED DEPOS-  
19 ITS.—Subparagraph (A) shall not apply with  
20 respect to the value of any outstanding  
21 stablecoins that the issuer of the stablecoins  
22 knows are insured deposits.

23           “(3) PENALTIES.—If the issuer of a stablecoin  
24 fails to immediately redeem an outstanding  
25 stablecoin, upon demand, in United States dollars

1       (or if the appropriate Federal banking agency deter-  
2       mines that the issuer does not have the ability to im-  
3       mediately redeem all outstanding stablecoins, upon  
4       demand, in United States dollars) the appropriate  
5       Federal banking agency shall penalize the issuer,  
6       which may include—

7               “(A) the revocation of deposit insurance  
8       provided under this Act;

9               “(B) the revocation of the issuer’s mem-  
10       bership in the Federal Reserve System;

11               “(C) the revocation of the issuer’s Federal  
12       charter; and

13               “(D) such lesser penalty as the agency de-  
14       termines appropriate.

15       “(d) PRODUCTS AND SERVICES RELATED TO  
16       STABLECOINS.—

17               “(1) DISCLOSURES.—Any person offering or  
18       providing a product or service with respect to a  
19       stablecoin, regardless of whether such person is the  
20       issuer of the stablecoin, shall clearly disclose—

21               “(A) whether the person is the original  
22       issuer of the stablecoin; and

23               “(B) if the person is the original issuer of  
24       the stablecoin, whether—

1                             “(i) the stablecoin is being held as an  
2                             insured deposit; or

3                             “(ii) the stablecoin is fully  
4                             collateralized by reserves maintained at a  
5                             Federal reserve bank.

6                             “(2) USE OF THE TERM ‘DOLLAR’.—A person  
7                             offering or providing a product or service with re-  
8                             spect to a stablecoin may not use the term ‘dollar’  
9                             or ‘dollars’ to refer to stablecoin balances unless  
10                            such reference is pre-approved by either the Com-  
11                            troller of the Currency or the Board of Governors of  
12                            the Federal Reserve System.

13                             “(e) PRIORITIZATION UNDER DEPOSIT INSUR-  
14                             ANCE.—With respect to a depositor, for purposes of deter-  
15                             mining whether a deposit is an insured deposit, the Cor-  
16                             poration shall first include deposits that are not  
17                             stablecoins.

18                             “(f) OVERSIGHT BY FEDERAL BANKING AGEN-  
19                             CIES.—

20                             “(1) IN GENERAL.—The appropriate Federal  
21                             banking agency shall have general regulatory author-  
22                             ity over an insured depository institution’s business  
23                             activities related to stablecoins, including all existing  
24                             regulatory powers that the agency has with respect

1 to the institution's business activities related to  
2 other deposits

3 "(2) CAPITAL ADEQUACY RULES.—The Federal  
4 banking agencies shall promulgate rules and stand-  
5 ards regarding the capital adequacy, leverage, liquid-  
6 ity, and permitted activities of stablecoin issuers and  
7 other persons engaged in stablecoin-related activi-  
8 ties.

9 "(3) EFFECT ON OTHER RULES.—To the extent  
10 a person is subject to capital adequacy, liquidity,  
11 and other rules issued under this section, the appro-  
12 priate Federal banking agency may provide excep-  
13 tions or exemptions from similar rules issued pursu-  
14 ant to other provisions of law, if the agency deter-  
15 mines such exceptions or exemptions are appro-  
16 priate, taking into account the activities of such per-  
17 son.

18 "(g) RULE OF CONSTRUCTION.—Nothing in this sec-  
19 tion may be construed as removing any jurisdictional or  
20 regulatory authority of any Federal agency.".

21 (c) BANKING ACT OF 1933.—Section 21 of the Bank-  
22 ing Act of 1933 (12 U.S.C. 378) is amended—  
23 (1) in subsection (a)—

1 (A) in paragraph (1), by inserting after  
2 “to any extent whatever in the business of” the  
3 following: “issuing stablecoins or”; and

4 (B) in paragraph (2), by inserting after  
5 “officers, agents or employees, in the business  
6 of” the following: “issuing stablecoins or”;

7 (2) by redesignating subsection (b) as sub-  
8 section (c); and

11        “(b) For the purposes of subsection (a), the term  
12 ‘stablecoin’ has the meaning given that term under section  
13 3 of the Federal Deposit Insurance Act (12 U.S.C.  
14 1813).”.

15 (d) RULEMAKING.—Not later than the end of the [3-  
16 month] period beginning on the date of enactment of this  
17 Act, the Board of Governors of the Federal Reserve Sys-  
18 tem, the Comptroller of the Currency, and the Federal De-  
19 posit Insurance Corporation shall issue rules to carry out  
20 this Act and the amendments made by this Act.