

115TH CONGRESS
1ST SESSION

H. R. 3973

To amend the Securities Exchange Act of 1934 to require certain entities to develop internal risk control mechanisms to safeguard and govern the storage of market data.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2017

Mr. DAVIDSON (for himself and Mr. SHERMAN) introduced the following bill;
which was referred to the Committee on Financial Services

A BILL

To amend the Securities Exchange Act of 1934 to require certain entities to develop internal risk control mechanisms to safeguard and govern the storage of market data.

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 “Market Data Protec-
5 tion Act of 2017”.

6 **SEC. 2. INTERNAL RISK CONTROLS.**

7 The Securities Exchange Act of 1934 (15 U.S.C. 78a
8 et seq.) is amended—

1 (1) by inserting after section 4E the following:

2 **“SEC. 4F. INTERNAL RISK CONTROLS.**

3 “(a) IN GENERAL.—Each of the following entities, in
4 consultation with the Chief Economist, shall develop com-
5 prehensive internal risk control mechanisms to safeguard
6 and govern the storage of all market data by such entity,
7 all market data sharing agreements of such entity, and
8 all academic research performed at such entity using mar-
9 ket data:

10 “(1) The Commission.

11 “(2) Each national securities association reg-
12 istered pursuant to section 15A.

13 “(3) The operator of the consolidated audit
14 trail created by a national market system plan ap-
15 proved pursuant to section 242.613 of title 17, Code
16 of Federal Regulations (or any successor regulation).

17 “(b) CONSOLIDATED AUDIT TRAIL PROHIBITED
18 FROM ACCEPTING MARKET DATA UNTIL MECHANISMS
19 DEVELOPED.—The operator described in paragraph (3) of
20 subsection (a) may not accept market data (or shall cease
21 accepting market data) until the operator has developed
22 the mechanisms required by such subsection. Any require-
23 ment for a person to provide market data to the operator
24 shall not apply during any time when the operator is pro-
25 hibited by this subsection from accepting such data.

1 “(c) TREATMENT OF PREVIOUSLY DEVELOPED
2 MECHANISMS.—The development of comprehensive inter-
3 nal risk control mechanisms required by subsection (a)
4 may occur, in whole or in part, before the date of the en-
5 actment of this section, if such development and such
6 mechanisms meet the requirements of such subsection (in-
7 cluding consultation with the Chief Economist).”; and

8 (2) in section 3(a)—

9 (A) by redesignating the second paragraph
10 (80) (relating to funding portals) as paragraph
11 (81); and

12 (B) by adding at the end the following:

13 “(82) CHIEF ECONOMIST.—The term ‘Chief
14 Economist’ means the Director of the Division of
15 Economic and Risk Analysis, or an employee of the
16 Commission with comparable authority, as deter-
17 mined by the Commission.”.

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