

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4763
OFFERED BY MR. Green**

Insert after section 1 the following:

1 **SEC. 2. RULE OF CONSTRUCTION.**

2 (a) IN GENERAL.—Nothing in this Act or the amend-
3 ments made by this Act may be construed to limit the
4 authority of the Commodity Futures Trading Commission
5 or the Securities and Exchange Commission, including
6 their examination and inspections authority, to prohibit
7 the following in connection with a digital asset:

8 (1) Ponzi schemes.

9 (2) Fraud.

10 (3) Proprietary trading or affiliated trading.

11 (4) Wash trading.

12 (5) Common ownership of tokens trading on an
13 exchange against customers.

14 (6) Insider trading.

15 (7) Any other manipulative or deceptive acts, as
16 determined by the Commodity Futures Trading
17 Commission or the Securities and Exchange Com-
18 mission.

19 (b) SAVINGS PROVISIONS.—

1 (1) Nothing contained in this section shall—

2 (A) supersede or limit the jurisdiction at
3 any time conferred on the Securities and Ex-
4 change Commission with respect to any security
5 (as defined in section 2(a) of the Securities Act
6 of 1933); or

7 (B) restrict the Securities and Exchange
8 Commission from carrying out its duties and
9 responsibilities in accordance with applicable
10 law.

11 (2) Notwithstanding any other provision of law,
12 the Act shall not apply to, and the Commodity Fu-
13 tures Trading Commission shall have no jurisdiction
14 under such Act (or any amendments to the Com-
15 modity Exchange Act made by such Act) with re-
16 spect to any security, as defined in the securities
17 laws, whether as part of a digital commodity trade
18 or otherwise.

19 (3) Nothing in this Act or the amendments
20 made by this Act shall affect or supersede any provi-
21 sion of title VII of the Dodd-Frank Wall Street Re-
22 form and Consumer Protection Act or the Com-
23 modity Futures Modernization Act of 2000, and the
24 Securities and Exchange Commission's authority

1 over digital commodities shall be subject to the ap-
2 plicable provisions of such Acts.

3 **SEC. 3. WHISTLEBLOWER PROTECTIONS.**

4 For purposes of the whistleblower provisions under
5 the Commodity Exchange Act and the Securities Ex-
6 change Act of 1934, an individual who voluntarily provides
7 original information to the applicable Commission with re-
8 spect to an entity that has filed a notice of intent to reg-
9 ister under section 106 or 107 and that has not subse-
10 quently registered with the applicable Commission, shall
11 be subject to the same protections under the applicable
12 whistleblower provision as apply to a whistleblower, includ-
13 ing provisions prohibiting retaliation against such indi-
14 vidual for providing such information, and the Commis-
15 sions may award such individual per their discretion.

