

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

To amend the Commodity Exchange Act to ban certain Government officials from trading event contracts, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

---

Mr. MERKLEY (for himself, Ms. KLOBUCHAR, Mr. VAN HOLLEN, Mr. SCHIFF, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To amend the Commodity Exchange Act to ban certain Government officials from trading event contracts, 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 “End Prediction Market  
5 Corruption Act”.

1 **SEC. 2. BAN ON TRADING EVENT CONTRACTS BY CERTAIN**  
2 **GOVERNMENT OFFICIALS.**

3 Section 5c of the Commodity Exchange Act (7 U.S.C.  
4 7a-2) is amended by inserting after subsection (c) the fol-  
5 lowing:

6 “(d) **BAN ON TRADING EVENT CONTRACTS BY CER-**  
7 **TAIN GOVERNMENT OFFICIALS.**—

8 “(1) **DEFINITIONS.**—In this subsection:

9 “(A) **COVERED INDIVIDUAL.**—The term  
10 ‘covered individual’ means—

11 “(i) the President;

12 “(ii) the Vice President; and

13 “(iii) a Member of Congress.

14 “(B) **EVENT CONTRACT.**—The term ‘event  
15 contract’ means an agreement, contract, trans-  
16 action, or swap in an excluded commodity that  
17 is based on an occurrence, extent of an occur-  
18 rence of, or contingency.

19 “(C) **MATERIAL NONPUBLIC INFORMA-**  
20 **TION.**—The term ‘material nonpublic informa-  
21 tion’ means information—

22 “(i) that a reasonable investor would  
23 consider important in making a decision  
24 regarding purchasing, selling, or otherwise  
25 exchanging an agreement or contract in a

1 commodity or a commodity for future de-  
2 livery; and

3 “(ii) that is not publicly available.

4 “(D) MEMBER OF CONGRESS.—The term  
5 ‘Member of Congress’ has the meaning given  
6 the term in section 13101 of title 5, United  
7 States Code.

8 “(E) SENIOR EXECUTIVE BRANCH OFFI-  
9 CIAL.—The term ‘senior executive branch offi-  
10 cial’ means any officer or employee described in  
11 any of paragraphs (3) through (8) of section  
12 13103(f) of title 5, United States Code.

13 “(2) BAN ON TRADING EVENT CONTRACTS.—

14 “(A) COVERED INDIVIDUALS.—No covered  
15 individual may purchase, sell, or otherwise ex-  
16 change an event contract.

17 “(B) SENIOR EXECUTIVE BRANCH OFFI-  
18 CIALS.—No senior executive branch official may  
19 purchase, sell, or otherwise exchange an event  
20 contract the subject of which is a matter in  
21 which the senior executive branch official par-  
22 ticipates personally and substantially as a Gov-  
23 ernment officer or employee, through decision,  
24 approval, disapproval, recommendation, the ren-  
25 dering of advice, investigation, or otherwise, in

1 a judicial or other proceeding, application, re-  
2 quest for a ruling or other determination, con-  
3 tract, claim, controversy, charge, accusation, ar-  
4 rest, or other particular matter.

5 “(3) CIVIL ACTIONS.—

6 “(A) IN GENERAL.—The Attorney General  
7 may bring a civil action in the appropriate  
8 United States district court against any indi-  
9 vidual who engages in conduct in violation of  
10 paragraph (2).

11 “(B) CIVIL PENALTY.—In a civil action  
12 under subparagraph (A), if it is demonstrated  
13 by a preponderance of the evidence that the in-  
14 dividual has violated paragraph (2), the indi-  
15 vidual shall be subject to a civil penalty of not  
16 more than the greater of—

17 “(i) \$10,000 for each violation; and

18 “(ii) the amount of profit made  
19 through the purchase, sale, or exchange of  
20 the event contract in violation of para-  
21 graph (2).

22 “(C) NO PRECLUSION OF ALTERNATIVE  
23 REMEDIES.—The imposition of a civil penalty  
24 under this paragraph does not preclude any  
25 other criminal or civil statutory, common law,

1 or administrative remedy that is available by  
2 law to the United States or any other person.

3 “(4) FOREIGN BOARDS OF TRADE.—

4 “(A) DEFINITION OF FOREIGN BOARD OF  
5 TRADE.—In this paragraph, the term ‘foreign  
6 board of trade’ means a board of trade that—

7 “(i) is organized under the laws of a  
8 non-United States jurisdiction or has its  
9 principal place of business outside the  
10 United States; and

11 “(ii) avails itself of any means or in-  
12 strumentality of interstate commerce in the  
13 conduct of its business as a board of trade.

14 “(B) QUARTERLY REPORTS.—Each foreign  
15 board of trade shall submit to the Commission  
16 quarterly reports describing each purchase, sale,  
17 or other exchange on the foreign board of trade  
18 in violation of paragraph (2).

19 “(C) ENFORCEMENT.—A foreign board of  
20 trade that fails to submit a report required by  
21 subparagraph (B) shall be subject to revocation  
22 of the registration of the foreign board of trade  
23 by the Commission.

24 “(5) INSIDER TRADING.—The Commission shall  
25 issue a rule to restrict the inappropriate use of ma-

1       terial nonpublic information, in breach of an express  
2       or implied duty not to use or disclose such material  
3       nonpublic information, as a means of making a prof-  
4       it through the purchase, sale, or other exchange of  
5       an event contract, including by requiring designated  
6       contract markets to prohibit the purchase, sale, or  
7       other exchange of an event contract by such individ-  
8       uals as the Commission determines to be appropriate  
9       in the public interest.”.

10 **SEC. 3. FINANCIAL DISCLOSURE REPORTS.**

11       (a) ANNUAL AND TERMINATION REPORTS.—Section  
12 13104(a) of title 5 , United States Code, is amended by  
13 adding at the end the following:

14               “(9) DISCLOSURE RELATING TO EVENT CON-  
15 TRACTS.—

16                       “(A) DEFINITIONS.—In this paragraph:

17                               “(i) COVERED REPORTING INDI-  
18 VIDUAL.—The term ‘covered reporting in-  
19 dividual’ means an individual described in  
20 paragraphs (1) through (10) of section  
21 13103(f).

22                               “(ii) DEPENDENT CHILD.—The term  
23 ‘dependent child’ has the meaning given  
24 the term in section 13101.

1                   “(iii) EVENT CONTRACT.—The term  
2                   ‘event contract’ has the meaning given the  
3                   term in subsection (d)(1) of section 5c of  
4                   the Commodity Exchange Act (7 U.S.C.  
5                   7a–2).

6                   “(B) REQUIREMENT.—Each report filed  
7                   pursuant to subsection (d) or (e) of section  
8                   13103 by a covered reporting individual shall  
9                   include—

10                   “(i) a statement of whether, during  
11                   the period covered by the report, the cov-  
12                   ered reporting individual, or the spouse or  
13                   dependent child of the covered reporting  
14                   individual, purchased, sold, or otherwise  
15                   exchanged an event contract; and

16                   “(ii) with respect to any event con-  
17                   tract described in clause (i), a description  
18                   of the event contract and the value of the  
19                   event contract.”.

20                   (b) PERIODIC EVENT CONTRACT TRANSACTION RE-  
21                   PORTS.—Section 13105 of title 5, United States Code, is  
22                   amended by adding at the end the following:

23                   “(m) PERIODIC EVENT CONTRACT TRANSACTION  
24                   REPORTS.—

1           “(1) DEFINITIONS.—For purposes of this sub-  
2           section, the terms ‘covered reporting individual’ and  
3           ‘event contract’ have the meanings given those terms  
4           in section 13104(a)(9)(A).

5           “(2) REQUIREMENT.—Not later than 30 days  
6           after receiving notification of any event contract  
7           transaction required to be reported under section  
8           13104(a)(9), but in no case later than 45 days after  
9           such event contract transaction, a covered reporting  
10          individual shall file a report of the transaction that  
11          includes a description of the event contract that is  
12          the subject of the transaction and the value of the  
13          event contract.”.