

115TH CONGRESS
2D SESSION

S. 3732

To amend the Commodity Exchange Act to prohibit the Commodity Futures Trading Commission from compelling a person to produce or furnish algorithmic trading source code or similar intellectual property to that agency unless the agency first issues a subpoena.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2018

Mr. PERDUE introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Commodity Exchange Act to prohibit the Commodity Futures Trading Commission from compelling a person to produce or furnish algorithmic trading source code or similar intellectual property to that agency unless the agency first issues a subpoena.

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 “Protection of Source
5 Code Act”.

1 **SEC. 2. PROCEDURE FOR OBTAINING CERTAIN INTELLEC-**
2 **TUAL PROPERTY.**

3 Section 8 of the Commodity Exchange Act (7 U.S.C.
4 12) is amended by adding at the end the following:

5 “(j) Under this Act, the Commission may not compel
6 a person to produce or furnish source code, including algo-
7 rithmic trading source code or similar intellectual property
8 that forms the basis for design of the source code, to the
9 Commission unless the Commission first issues a sub-
10 poena.”.

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