

**AMENDMENT TO THE RULES COMMITTEE PRINT**  
**118-33**  
**OFFERED BY MR. GARAMENDI OF CALIFORNIA**

In title III, add at the end the following:

1 **SEC. 306. DIGITAL ASSETS SUBJECT TO WASH SALE RULE.**

2 (a) IN GENERAL.—Section 1091 of the Internal Rev-  
3 enue Code of 1986 is amended—

4 (1) by striking “For purposes of this section,  
5 the term ‘stock or securities’ shall, except as pro-  
6 vided in regulations, include contracts or options to  
7 acquire or sell stock or securities.”;

8 (2) by striking “shares of” each place such  
9 term appears;

10 (3) by striking “stock or securities” and insert-  
11 ing “specified assets” each place such term appears;

12 (4) in subsection (e), by inserting “except that  
13 such term shall include a futures contract relating to  
14 a digital asset (as defined in section 6045(g)(3))”  
15 before the period in the matter following paragraph  
16 (2); and

17 (5) by adding at the end the following new sub-  
18 section:

1           “(g) SPECIFIED ASSETS.—For purposes of this sec-  
2 tion, the term ‘specified assets’ means—

3           “(1) any security (as defined in section  
4 475(c)(2)),

5           “(2) except as otherwise provided by the Sec-  
6 retary—

7           “(A) any digital asset (as defined in sec-  
8 tion 6045(g)(3)), which is actively traded (with-  
9 in the meaning of section 1092(d)(1)),

10           “(B) any notional principal contract with  
11 respect to any digital asset described in sub-  
12 paragraph (A), and

13           “(C) any evidence of an interest in, or a  
14 derivative instrument in, any digital asset de-  
15 scribed in subparagraph (A) or (B), including  
16 any option, forward contract, futures contract,  
17 short position, and any similar instrument in  
18 such a digital asset.

19           Such term shall, except as provided in regulations,  
20 include contracts or options to acquire or sell, or no-  
21 tional principal contracts in respect of, any specified  
22 assets.”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to dispositions after the date of  
3 the enactment of this Act.

