# HB1389 - MBA - UNF - GR25.pdf Uploaded by: Evan Richards

Position: UNF



#### HB 1389 - Strategic Bitcoin Reserve Act of Maryland Committee: House Judiciary & Appropriations Committees Date: March 11, 2025 Position: Unfavorable

The Maryland Bankers Association (MBA) **OPPOSES** HB 1389. This legislation would authorize the State Treasurer to invest seized funds from unlawful gambling in Bitcoin. MBA has concerns that the investment of State funds into Bitcoin creates unnecessary risk for the State.

Currently under Maryland law, funds from unlawful gambling seized by the State are deposited into an interest-bearing bank account or invested in accordance with Title 17 of the Local Government Article. Maryland banks are subject to comprehensive and robust risk management, supervision and examination processes, are subject to consumer protection laws and regulations, maintain strong capital buffers, carry deposit insurance, undertake well-developed anti-money laundering practices and know-your-customer programs, and have substantial experience with incorporating new technologies into the financial system. Bitcoin, on the other hand, is a relatively new technology that has been known for its extreme volatility. There is no comprehensive regulatory framework that establishes guidelines for risk management and consumer protection in the digital asset market. While there is little risk in holding State funds in a Maryland bank, there exists a greater risk that State funds are lost by investing in Bitcoin.

MBA believes that these types of risky investments are ill-advised at this time. Accordingly, MBA urges issuance of an **UNFAVORABLE** report on HB 1389.

The Maryland Bankers Association (MBA) represents FDIC-insured community, regional, and national banks, employing thousands of Marylanders and holding more than \$194 billion in deposits in over 1,200 branches across our State. The Maryland banking industry serves customers across the State and provides an array of financial services including residential mortgage lending, business banking, estates and trust services, consumer banking, and more.

> Submitted by Evan Richards, Head of Government & Community Relations, Maryland Bankers Association 186 Duke of Gloucester Street, Annapolis, MD, 21401 410-269-5977 | <u>erichards@mdbankers.com</u>

# Jonathan Harris Stragetic Bitcoin Reserve Written Uploaded by: Jonathan Harris

Position: UNF

Written Testimony OPPOSED (UNF) to HB1389, "Strategic Bitcoin Reserve Act of Maryland".

Jonathan G. Harris, PhD, CFA 11932 Goya Drive Potomac, MD 20854-3313 Jgharris7@gmail.com (240)506-2864

I oppose HB1389, the Strategic Bitcoin Reserve Act of Maryland, because it poses a significant financial risk to Maryland taxpayers and undermines sound fiscal policy. Maryland should establish a clear policy that public entities purchasing Bitcoin and similar assets are acting imprudently. The key reasons are:

- Bitcoin has no legitimate usage that would justify it as an investment or strategic asset.
- Returns from Bitcoin arise solely from recruiting new buyers, meaning any purchase is a gamble that the state can sell before the pool of buyers is exhausted.
- Passage of this bill would be, at best, an endorsement of an asset that causes significant social harm, has been promoted with misleading claims, and has been rejected by most Marylanders.

#### My Background and expertise

- PhD in Computational Chemistry, Chartered Financial Analyst
- 25 years leading computational risk and investment modeling teams at four financial firms.
- 3 years leading an anti-fraud modeling team at a large financial technology firm

I started following cryptocurrency in 2012. I initially found Bitcoin intriguing; however, my opposition to it developed with my understanding of its reliance on energy consumption that, as of Oct 2024, was close to that of Poland and my recognition of the errors and deceptions in its promoters' claims, such as being an efficient payment mechanism.

In 2022 I joined 1500 other experts in signing a letter<sup>1</sup>, <u>Letter in Support of Responsible Fintech</u> <u>Policy</u>, 2 to the US Congress warning of the exaggerated claims that the cryptocurrency industry has used to promote its products and gain government endorsement.

#### Bitcoin lacks the characteristics of a legitimate investment.

Equity returns arise from the profits of firms that produce goods and services for others. Bond returns come from corporate earnings, fees from services, or tax revenues. In the case of real estate and commodities, returns originate from rents or purchases for consumption. Although short-term price movements can be driven by speculation, the longer-term returns are anchored by real cash flows or benefits that holders could obtain without buyers.

<sup>&</sup>lt;sup>1</sup> Letter in Support of Responsible Fintech Policy (link)

Bitcoin and similar cryptocurrencies are different. The sole source of return is from new Bitcoin buyers. There is no expectation of dividends, interest payments, rents, or usage of a commodity; just more "adoption". Unlike traditional Ponzi schemes, which often use fraudulent financial statements to convince buyers, the promoters of Bitcoin use the appeal of fancy, difficult-to-understand technology and cult-like claims of a "world currency" to lure new buyers.

Bitcoin is a negative-sum game. For everyone who profits from Bitcoin, someone ultimately must lose. The participants must pay the network's operation costs, including the electricity consumed in mining.

#### The illusion of "strategic" in a Bitcoin reserve.

The purpose of creating a "strategic reserve" of an asset is to be able to use it in the event that it is urgently needed or in short supply. For example, strategic reserves of antibiotics or vaccines could be deployed rapidly in an epidemic. Strategic reserves of a vital mineral or food source could be used for a situation in which an embargo or natural disaster strangles the supply.

In contrast, the only use for a Bitcoin strategic reserve could be its sale in a financial collapse. Such a crisis would affect other holders, who would be selling at the same time. This would result in the price plummeting.

#### Bitcoin is useless except for regulatory arbitrage and speculation.

In a recent New York Times article, Bill Gates summarized the uses of cryptocurrency as "None", explaining, "There are people with high I.Q.s who have fooled themselves on that one.<sup>i</sup>"

Bitcoin has no legitimate use except for being able to do activities forbidden to financial institutions. Typically, the advocates will make claims about cheaply sending money to anyone anywhere. We can already do that with conventional financial institutions; for example, I can send dollars to anyone in the world with Zelle instantly for free. They can even withdraw the funds as physical local currency at an ATM.

The only caveat has nothing to do with conventional financial technology; it is due to regulations preventing non-US residents from obtaining US bank accounts. Furthermore, Bitcoin advocates count only a small fraction of the transaction costs, and Bitcoin does not provide services such as currency conversion, fraud protection, and customer rewards.

The falseness of the claim of Bitcoin's technological superiority is apparent in the existence of cryptocurrency exchanges and the Bitcoin ETF. If the Bitcoin blockchain were more efficient than conventional financial technology, investors would not require these vehicles to hold or transact with Bitcoin.

There is one exception to Bill Gates's statement about Bitcoin's usefulness – activities forbidden or highly discouraged by regulators, a prominent example being collecting ransom payments.

#### Bitcoin has been rejected by most of the public.

In 2023 the Federal Reserve's survey on the Economic Well Being of US Households found single digit and declining usage of cryptocurrencies. I present this data in the tables copied from the report below<sup>3</sup>.

					Percent
					Charact
					Family income
					Less than \$25,00
					\$25,000-\$49,99
					\$50,000-\$99,99
					\$100,000 or mo
					Age
					18-29
					30-44
					45-59
Table 21. Cryptocurren	cy use				60+
Type of use	2021	2022	2023		Race/ethnicity
	2021	2022	2023		White
Bought cryptocurrency or held as an investment	11	8	7		Black
Used cryptocurrency to buy				1	Hispanic
something or make					Asian
a payment	2	2	1		Gender
Used cryptocurrency to send money to friends or family	1	2	1		Male
Any use of cryptocurrency	12	10	7		Female
Note: Among all adults. Responde					Note: Among all a * Less than 1 per

Table 23. Cryptocurrency use (by demographic) Percent							
Characteristic	Investment only	Transac- tions	Any				
Family income							
Less than \$25,000	4	4	7				
\$25,000-\$49,999	4	1	5				
\$50,000-\$99,999	5	1	6				
\$100,000 or more	8	1	9				
Age							
18-29	7	3	10				
30-44	8	3	11				
45-59	6	2	8				
60+	2	•	2				
Race/ethnicity							
White	5	1	6				
Black	5	3	8				
Hispanic	7	3	9				
Asian	9	2	11				
Gender							
Male	8	2	11				
Female	3	1	4				
Note: Among all adults. * Less than 1 percent.							

#### Support of Bitcoin is harmful to the people of Maryland and the United **States**

Even if the passage of this bill does not result in the Treasurer's purchase of Bitcoin, it will have a profoundly negative impact on Marylanders and society. The further this bill progresses, the more Bitcoin proponents and the cryptocurrency can use it to claim legitimacy and recruit buyers.

The promotion and legitimization of Bitcoin means

- A transfer of wealth from new buyers to the cryptocurrency industry and their wealthy large holders
- Profits to criminal gangs who still hold their Bitcoin ransomware payments
- Increased Bitcoin mining along with the environmental damage from electricity production and equipment manufacturing<sup>4</sup>,<sup>5</sup>.

<sup>&</sup>lt;sup>3</sup> 2025-05-21, Federal Reserve Board of Governors, Economic Well-Being of U.S. Households in 2023 ( https://www.federalreserve.gov/consumerscommunities/shed.htm)

<sup>&</sup>lt;sup>4</sup> Increased mining would not increase the Bitcoin supply because the software would automatically increase the effort required for miners to validate a block and mint additional Bitcoin.

<sup>&</sup>lt;sup>5</sup> Even Bitcoin mining that uses renewable sources damages the environment. First, the renewable energy used for mining is not available to replace fossils fuels. Secondly, even renewable energy production damages the environment.

• Regulations to prevent cryptocurrency from being used for tax evasion and extortion become more difficult to develop without harming a larger group of holders.

#### Conclusion

Creating a Bitcoin strategic reserve would expose all state residents to Bitcoin's risks and volatility, including those who have rejected Bitcoin for their portfolios. It would also aggravate the social and environmental harms Bitcoin produces.

<sup>&</sup>lt;sup>1</sup>Jan 30, 2025, David Streitfeld, New York Times, "Bill Gates Isn't Like Those Other Tech Billionaires", ( https://www.nytimes.com/2025/01/30/technology/bill-gates-tech-billionaires-memoir.html)

# Letter in Support of Responsible Fintech Policy.pd Uploaded by: Jonathan Harris

Position: UNF

"Crypto Bosses Flex Political Muscle With 5,200% Surge in US Giving" - Bloomberg

"<u>Tech experts urge Washington to resist crypto industry's influence</u>" - Financial Times

"<u>Crypto Has a New Foe in Washington: Techies</u>" - Barron's

"Tech experts urge Congress to resist crypto lobbying" - New York Times

"<u>Technologists draft an open letter to US lawmakers urging them to responsibly</u> <u>legislate crypto industry</u>" - Web3 Is Going Great

# Letter in Support of Responsible Fintech Policy

June 1, 2022

The Honorable Charles E. Schumer Majority Leader U.S. Senate Washington, DC 20510

The Honorable Mitch McConnell Minority Leader U.S. Senate Washington, DC 20510

The Honorable Nancy Pelosi Speaker U.S. House of Representatives Washington, D.C. 20510

The Honorable Kevin McCarthy Minority Leader U.S. House of Representatives Washington, D.C. 20510

The Honorable Debbie Stabenow Chairwoman Senate Committee on Agriculture, Nutrition and Forestry U.S. Senate Washington, D.C. 20510

The Honorable John Boozman Ranking Member Senate Committee on Agriculture, Nutrition and Forestry U.S. Senate Washington, D.C. 20510

The Honorable Sherrod Brown Chairman Senate Committee on Banking, Housing and Urban Affairs U.S. Senate Washington, D.C. 20510

The Honorable Patrick J. Toomey Ranking Member Senate Committee on Banking, Housing and Urban Affairs U.S. Senate Washington, D.C. 2051

The Honorable Ron Wyden Chairman Senate Committee on Finance U.S. Senate Washington, D.C. 20510

The Honorable Mike Crapo Ranking Member Senate Committee on Finance U.S. Senate Washington, D.C. 20510

The Honorable Maxine Waters Chairwoman House Financial Services Committee U.S. House of Representatives Washington, D.C. 20510

The Honorable Patrick McHenry Ranking Member House Financial Services Committee U.S. House of Representatives Washington, D.C. 20510

Dear U.S. Congressional Leadership, Committee Chairs and Ranking Members,

We are 1500 computer scientists, software engineers, and technologists who have spent decades working in these fields producing innovative and effective products for a variety of applications in the fields of database technology, open-source software, cryptography, and financial technology applications.

Today, we write to you urging you to take a critical, skeptical approach toward industry claims that crypto-assets (sometimes called cryptocurrencies, crypto tokens, or web3) are an innovative technology that is unreservedly good. We urge you to resist pressure from digital asset industry financiers, lobbyists, and boosters to create a regulatory safe haven for these risky, flawed, and unproven digital financial instruments and to instead take an approach that protects the public interest and ensures technology is deployed in genuine service to the needs of ordinary citizens.

We strongly disagree with the narrative—peddled by those with a financial stake in the crypto-asset industry—that these technologies represent a positive financial innovation and are in any way suited to solving the financial problems facing ordinary Americans.

Not all innovation is unqualifiedly good; not everything that we can build should be built. The history of technology is full of dead ends, false starts, and wrong turns. Append-only digital ledgers are not a new innovation. They have been known and used since 1980 for rather limited functions.

As software engineers and technologists with deep expertise in our fields, we dispute the claims made in recent years about the novelty and potential of blockchain technology. Blockchain technology cannot, and will not, have transaction reversal or data privacy mechanisms because they are antithetical to its base design. Financial technologies that serve the public must always have mechanisms for fraud mitigation and allow a human-in-the-loop to reverse transactions; blockchain permits neither.

By its very design, blockchain technology is poorly suited for just about every purpose currently touted as a present or potential source of public benefit. From its inception, this technology has been a solution in search of a problem and has now latched onto

#### Letter in Support of Responsible Fintech Policy

concepts such as financial inclusion and data transparency to justify its existence, despite far better solutions to these issues already in use. Despite more than thirteen years of development, it has severe limitations and design flaws that preclude almost all applications that deal with public customer data and regulated financial transactions and are not an improvement on existing non-blockchain solutions.

Finally, blockchain technologies facilitate few, if any, real-economy uses. On the other hand, the underlying crypto-assets have been the vehicle for unsound and highly volatile speculative investment schemes that are being actively promoted to retail investors who may be unable to understand their nature and risk. Other significant externalities include threats to national security through money laundering and ransomware attacks, financial stability risks from high price volatility, speculation and susceptibility to run risk, massive climate emissions from the proof-of-work technology utilized by some of the most widely traded crypto-assets, and investor risk from large scale scams and other criminal financial activity.

We implore you to take a truly responsible approach to technological innovation and ensure that individuals in the US and elsewhere are not left vulnerable to predatory finance, fraud, and systemic economic risks in the name of technological potential which does not exist.

The catastrophes and externalities related to blockchain technologies and cryptoasset investments are neither isolated nor are they growing pains of a nascent technology. They are the inevitable outcomes of a technology that is not built for purpose and will remain forever unsuitable as a foundation for large-scale economic activity.

Given these vast externalities, together with the—at best still-ambiguous and at worst non-existent—uses of blockchain, we recommend that the Committee look beyond the hype and bluster of the crypto industry and understand not only its inherent flaws and extraordinary defects but also the litany of technological fallacies it is built upon.

We need to act now to protect investors and the global financial marketplace from the severe risks posed by crypto-assets and must not be distracted by technical obfuscations which mask an abject lack of technological utility. We thank you for your leadership on financial technology and regulation and urge you to consider our objective and independent expert judgments to guide your legislative priorities, which we remain happy to discuss anytime.

# Lead Signatories

Affiliations are provided for identification purposes only. This letter expresses the views of the individual signatories, and should not be taken to be an official position of the institutions.

Sal Bayat	Tim Bray	Grady Booch ACM Fellow, IEEE Fellow, IBM Fellow	Brennan Carley Proton Advisors	Stephen Diehl	David Gerard
Jürgen Geuter	Alan Graham ०८।	Geoffrey Huntley	Miguel de Icaza	Patrick McConnell <sup>Macquarie</sup> <sup>University</sup>	Luke Plant Django Software Foundation
Rufus Pollock Open Knowledge Foundation	Matt Ranger	Jorge Stolfi <sup>University of</sup> Campinas	Steve Song Network Startup Resource Center	Bruce Schneier	Dave Troy 410 Labs Inc.
Darren W. Tseng	Štefan Urbánek <sup>Open</sup> Knowledge Foundation	Nicholas Weaver International Computer Science Institute	Adam Wespiser <sup>SimSpace</sup> Corporation	Molly White	Jamie Zawinski <sup>Netscape</sup> <sup>Developer</sup>

# Signatories

Affiliations are provided for identification purposes only. This letter expresses the views of the individual signatories, and should not be taken to be an official position of the institutions.

#### A David Worley

Beyond20

A. E Currie

Aaron Dobbe

#### Aaron Goin

#### Aaron Greenspan

Think Computer Corporation

## Aaron Huslage

Meedan

## Aaron Lehmann

#### Aaron Sarazan

Volley

## Aaron Toponce

## Abhay Rana

# Abhishek Jaiswal

CRED

## Adam Bachman

## Adam Bouhmad

## Adam Cornell

## Adam David Burch

## Adam Duke

Google

## Adam Eury

## Adam Fowler

# Adam Frisby

## Adam Hoffman

Microsoft

## Adam Jacob

#### Adam Kehoe

## Adam Kemp

Apple

## Adam Orrick

Fannie Mae

## Adam Parsons

## Adam Recvlohe

SimSpace

## Adam Rice

Ask Adam

## Adam Smith

## Adrian Taylor

## Adrián Barrera

#### Agustin Novoa

## Ahmad Cheers

## Aidan Pieper

## Aidan Skinner

## AJ Schuster

## Akshat Mahajan

## Alan Stange

## Alan Stearns

## Alan Vezina

Puget Sound Programming Python (PuPPY), PyCascades

## Alastair Smith

Albertas Agejevas

Alberto De Luca

Alec Below

Alec Bramham

Alejandro Feldstein

Alejandro Giacometti

Alejandro Martínez Vieites

## Alejandro Piad-Morffis

University of Havana

Aleksei Badarin

Alesandro Ortiz

Alessandro Brambilla

Alessandro Marrella

Alessandro Stamatto

Alessia Bellisario

Alessio Basso

Alex Baines

Alessio Basso

Alex Baines

Alex Benn

Google

Alex Burka

## Alex Fallenstedt

## Alex Gu

Massachusetts Institute of Technology

## Alex Hidalgo

## Alex Hong

Google LLC

## Alex Johnston

Alex Layne

Results Driven Marketing

## Alex O'Byrne

Alex Poulsen

## Alex Wiese

Alexander Dickinson

Alexander Hansen

Alexander Hill

## Alexander Karan

## Alexander Ramos

## Alexander Turcic

## Alexander Wissmann

GRAIL, LLC

## Alexis Richardson

## Alfons Haffmans

## Alfonso Adriasola

CloudPassage

## Alfredo Méndez

Tech Executive

## Alice Elizabeth Crawford

Google, LLC

## Alison Buki

## Allen Goodman

Meta

## Allen Humphreys

## Allen R. Belletti

## Almond Ears

## Alodia Rueda

#### Alok Agrawal

*Ex techie (IIT, Berkeley, Oracle)* 

## Alper Isin Duran

## Alyssa Verkade

#### Amanda Casari

### Amanda J. Carson

#### Amanda Linn

## Amey Kulkarni

#### Amit Guha

University at Buffalo

### Amit Nayar

## Amy Jo Kim

Game Thinking Corp

## Analia

PCI DSS IP

## Anand Gupta

Infi Uk Ltd

## Anand Ranganathan

## Andi Miller

Andre Pratama Putra

## Andrea Slomp

#### Andreas Beger

#### Andreas Carlos Freund

Columbia University

## Andreas Raster

## Andrei Maxim

## Andres Correa Casablanca

NearForm

#### Andrew Acomb

Amazon

#### Andrew Beyer

## Andrew C. Russell

## Andrew Coy

Digital Harbor Foundation

## Andrew Fisher

Google

## Andrew H. Randall

Microsoft

#### Andrew Hoefling

FileOnQ

## Andrew Hurst

#### Andrew Jesse Connell

University of Pennsylvania

#### Andrew Jones

Andrew Larsson

#### Andrew Male

## Andrew Manoske

HashiCorp

## Andrew Mao

Parsnip

Andrew McRae

Andrew Nickerson

Andrew Phillips

Andrew Ritter

Andrew VanderVeen

Andrew W. Buchanan

Thoughtworks

Andrew Warren

Recidiviz

Andrey Bolibrukh

Andrey Lebedev

#### André Knörig

PCH Innovations

## André Mentler

BROCKHAUS AG

#### André Rocha

JetBrains

## Andrés Blas Pujadas

## Andy Hertzfeld

## Angel Lomeli

## Angelo Di Paolo

eBay

## Anna Lee

## Anshuman Kanetkar

Tooring Analytics

### Anthony Adams

#### Anthony F Worm

Hofstadter Inc

## Anthony Maki

## Anthony Nedumgottil

Vail Systems

#### Anton Bakker

Kadaster

## Anton Ekblad

## Anton Motylev

Antonio Mendes Silva

#### Antonio Terreno

Aram Zucker-Scharff

## Arden Hawley

#### Ari Bezman

#### Ariadne Conill

Alpine Linux core developer

## Arjun Madan

## Arnaud Limbourg

## Arnoud Zwemmer

#### Aron Peterson

## Artemiy Utekhin

## Asad Ateeque

## Asbjørn Bjørnstad

#### Asger Arentoft

#### Ashley Alfred Thoms Hull

Versent

## Ashley Joost

## Ashley Nelson

Fastly, Inc.

## Ashwin Hariharan

Egen

## Asim Ihsan

Amazon.com

## Aswin Alexander

## Atallah Hezbor

## Audrey Randall

## Aur Saraf

## Aurélien Pelletier

## Austin Lowe

## Austin Orth

Niche

## Austin Schaffer

Everactive / Georgia Tech OMSCS

#### Austin Webrr

#### Austin Willis

Dropbox

## Aymeric Augustin

Qonto, Django Software Foundation

## Balaji Sivaraman

#### Baris Ceylan

## Barrett W Nuzum

## **Bart Heupers**

## Bartlomiej Wronski

## Bartosz Chmiel

## Basile Starynkevitch

CEA/LIST

## Beccy Kirk

#### Ben Barg

#### Ben Burnes

US Bank

## Ben Crowder

## Ben Delarre

Adobe

## Ben Giddings

#### Ben Gummoe

Policygenius

## Ben Jones

Mirah

## Ben Morris

Netflix

## Ben Perez

## Ben Ramsey

## Ben Sandofsky

Lux Optics

## Ben Slinger

Podchaser

## Ben Thompson

Lattice

## Benjamin Brittain

## Benjamin Friedman Wilson

TypeFox

## Benjamin Haube

## **Benjamin Huston**

Google Cloud

## Benjamin Karas

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# Benjamin Tisdall

Mobimeo GmbH

## Bennett Mendis

Accenture Federal Services

## Bernat Esquirol

Bestiario

## Berrak Nil Boya

## Bert Bullough

Ally Financial

## Bertrand Mollinier Toublet

## Berwyn Jamesson

#### Bhargav Nookala

Microsoft

## **Bignet Pierrick**

Lonestone

## Bill Hofmann

## Bill ODonnell

# Bill Shirley

Finastra

## **Bill Weiss**

## Bill Wert

Bion Johnson

## Blain Smith

## Boabdil Perez

Network to Code

## Bob Aman

## Bob Seeman

CyberCurb

## **Bobby Williams**

City Councilor, Keene, New Hampshire

## Bogdan Lica

Box

## Borja Gómez

# Bouke Timbermont

Netherlands Forensic Institute

## Brad Greenlee

## Brad Lhotsky

## Brad Tilley

## Bradley D Musolff

#### Bram Geron

#### Brandeis H. Marshall

DataedX Group

## Brandon Blatter

#### Brandon Downey

Niantic, Inc.

### Brandon Johnson

## Brandon Mitchell

## Brandon Olin

## Brandon Segal

#### Capital One

#### Brandon West

Datadog

#### Brantly McCord

Purdue Polytechnic Institute

## Braxton Ehle

Brendan Humphreys

Brendan J. McCollam

Brendan O'Leary

Brenden Niedermeyer

Brenna Flood

Brent Wheeldon

#### Brett Davidson

Ceros Inc.

#### Brett G Porter

## Brian Markley

University of Alberta

## Brian Castro

#### OSK

## Brian D Klaas

### Brian Ferrell

Waymo LLC

## Brian Flanagan

## Brian Hicks

NoRedInk

## Brian Hogg

## Brian Jacobowski

## Brian Jenkins

## Brian Lane

## **Brian Peiris**

Mozilla

## Brian Roberts

## Brian Suk

## Brian T. Rice

## Brian Wyss

## Brian Tajuddin

## Bridgette Reisinger

## Brittany Friedman

Gearbox Software

#### Bruce K Wells

## Bruce Sigmon

Cisco (retired)

#### Bruno Antunes

Bruno Czekay

## Bruno Felix

#### Bruno Panasiewicz

## Bruno Renié

#### Exoscale

# Bryan Jones

Microsoft

# Bryan Lau

Columbia University

# Buck Lomas

# Bunny Hanlon

# C. Scott Ananian

Wikimedia Foundation

# Caleb Hearth

Test Double

# Calvin Beck

University of Pennsylvania

# Calvin Metcalf

Calvin Webster

Cam Jackson

# Cameron Gilbert

# Cameron Huysmans

# Cameron Kilgore

#### Cameron King

UST-Global

#### **Cameron Momtaz**

Rai Technology Inc.

#### Cameron Morgan

Shopify

#### Cara Mitchell

PepsiCo

#### Carl Malartre

# **Carl Morris**

#### Carl-Gustaf Harroch

Novoda

#### Carlos Juan Martín Pérez

gridshield.com / uees.edu.sv / recainsa.org

# Carlos Pero

#### Carlos Villalba

#### Carlos Villanueva

#### Carsten Agger

Magenta Aps, Free Software Foundation Europe

### Carter Allen

#### Carter Peterson

#### Cathal Mooney

#### Chad Burt

University of California Santa Barbara

#### **Chad Scherrer**

Informative Prior, LLC

#### Chanci Dickson

#### **Chandos Etchison**

Oracle

#### Charles E. Grant

# Charles Hollingsworth

# Charles King

Shopify

# **Charles Sprayberry**

# Charles Young

# Charlotte Cabrera

University of Oklahoma

# Chester Li

# Chip Locke

Microsoft

# Chip Warden

Cox Automotive

### Chris Cortez

Forma

### Chris Dary

# Chris Earle

# Chris Feldmann

# Chris Gamble

# Chris Goold

Ausmash / Frankenstories

# Chris Harrelson

Google

# Chris Hennick

Amazon Web Services

# Chris Hoffman

Radius Networks

# Chris Jarmul

Chris Kozak

# Chris Lauritzen

Chris McClinch

# Chris Palmer

Chris Reckinger

# Chris Riley

# Chris Thompson

Portland Timbers and Thorns FC

#### Chris Weigert

Apple

# Chris Woytowitz

#### Christian Bustamante

Dell

# Christian Cmehil-Warn

MIT Technology and Policy Program

### Christian Hoge

### Christian Hujer

Nelkinda Software Craft Pvt Ltd

#### Christian Kjær Larsen

Logpoint

# Christina Tang

# **Christopher Agocs**

Datadog

# Christopher Avila

# Christopher D. Parks

CrowdStrike, Inc.

# Christopher Duerr

# **Christopher Elion**

# **Christopher Ferris**

IBM

# Christopher Hogan

Purestorage

# Christopher J. W. Lloyd

Amazon.com, Inc.

# Christopher Lepkowski

Pretty Big Monster

# Christopher Lynch

# Christopher Pitt

# Christopher Pittsley

Alebra Technologies Incorporated

# Christopher Schmidt

# Christopher Shaffer

# Christopher Wittlinger

# **Clemens Krack**

*FundraisingBox* 

### **Clemens Vasters**

# **Clinton Ingram**

.NET Foundation

# Clyde DeSouza

#### Colin Douch

Cloudflare

### Colin Edwards

Recursive Penguin

### **Colin Tress**

# Collin Cusce

# Collin Henderson

#### Collin McNulty

Astronomer, Inc

### Connor Leech

### Connor Shea

SonderMind

# Conor Doyle

Corey Fisher

# Corin Hill

# Cory Sullivan

# Courtney Rosenthal

#### **Craig Fisher**

#### Salesforce

# Craig Kolb

### Craig McNamara

# Craig Neth

#### **Craig Peters**

GitHub

# Craig Tozzi

#### Cristobal Duran

Instabox AB

# **Curt Micol**

# Cyrille Dupuydauby

# Cyrus Hall

### D. Erik Goodman

#### Dale Emmons

# Damian Lewis

Team Netsol

# Damien Guard

#### Dan Ernst

Microsoft

# Dan Federman

#### Dan FitzPatrick

# Dan Goodman

#### Cerner

### Dan Greenblatt

# Dan Johnson

Blizzard Entertainment

### Dan Kloke

Synthetic Systems LLC

### Dan Nell

#### Dan Starner

#### Dana Liss

### Daniel Crosta

Dropbox, Inc

#### **Daniel Fremont**

University of California, Santa Cruz

### Daniel Gartmann

TEKCHAIN LTD

#### Daniel Gordon

Lockheed Martin

# Daniel Heitmann

#### Daniel Marti

Amazon

# Daniel Merritt

# Daniel Nazareth

# Daniel Neagaru

DigeeX

### Daniel R. Warner

#### Daniel Shayman

InRule Technology

# Daniel Slater

#### Daniel Stafford

Dell Technologies

# Daniel Stamer

# Daniel Veihelmann

# Daniel Álvarez

#### Danny Page

#### Danël Franke

PONC.tech

### Daren Chapin

# Darien Morales

#### Darin Smith

Cisco Systems

# Darlene Clyburn

#### Darren Gasser

#### Davanum Srinivas

#### Dave Lambert

# Dave Neary

#### Dave Raybould

Leeds Beckett university

#### Dave Townsend

Mozilla

# David A. Ramos, Ph.D.

### David Balatero

# David Beazley

# David Benjamin

### David Bishop

Apple

# David Brown

# David Bullock

Web, Power and Light

# David Burkhardt

### David Chase

# David Cobb

# David Cornu

Wealthsimple

### David Dunham

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The New York Times

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California State University, Los Angeles and Beyond Limits AI

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Microsoft

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xsact, inc. transact.io

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London Interdisciplinary School

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Technology Attorney

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University of California, San Diego

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Vanguard

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Google

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Free University of Bozen-Bolzano

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California State University, Sacramento

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Cross Border Civilians Foundation

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*Ultimate Walrus LLC* 

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University Of North Carolina at Wilmington

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Software AG

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#### Tanner Lievois

### Tasman Merrick

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eBay

### Ted M. Young

#### Former eBay, Google, and Apple Software Engineer

#### Ted Wexler

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Arizona State University

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Thomas Powell

University of California, San Diego

Thomas Randolph

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Microsoft

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Hewlett Packard Enterprise

### Timothy St. Clair

Kubernetes

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Follow The Coin Labs

### Titus Winters

Google

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ITV

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Google

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Amazon Web Services

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Google

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Twilio

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Dotanuki Labs

# Ulysse Mizrahi

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Zixi

# Utkarsh Gupta

Saavn Media Pvt. Ltd.

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Venkatesh Hegde

Victor Yodaiken

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# Viktor Charypar

Red Badger Consulting Ltd.

#### Viktor Rosenfeld

Technische Universität Berlin

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#### Vince Scafaria

CEO of DotAlign

## Vincent Maule

#### Vincent Nwonah

# Vinicius Schettino

Federal University of Rio de Janeiro

#### Violet White

UNC

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Tweag

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Google

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PDQ.com

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#### Yann Le Gars

# Yasuhiro Yoshida

# Yauchau Ching

IEEE Fellow, Bellcore Fellow

# Yawar Quadir Amin

# Yechiel Kalmenson

VMware

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## Yigit Gorgulu

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Microsoft

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Dating Group

## Zellyn Hunter

## Éamonn McManus

Google

Łukasz Byjoś

# **External Writing and Research**

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# HB 1389 - STO Informational Testimony - Final.pdf Uploaded by: Dereck Davis

Position: INFO



#### MARYLAND STATE TREASURER Dereck E. Davis

#### Informational Testimony of the Maryland State Treasurer's Office

#### House Bill 1389: Strategic Bitcoin Reserve Act of Maryland

#### **House Judiciary Committee**

#### March 11, 2025

Given the State's budget challenges, the General Assembly may wish to explore creative solutions to potentially bring in additional revenue from the State Investment Portfolio. House Bill 1389, as introduced, requires the State Treasurer to invest specified "seized money" into a new special fund, the Maryland Bitcoin Reserve Fund (Fund). The legislation further specifies that the State Treasurer may only invest money deposited in the Fund in "Bitcoin," as defined in the bill. The State Treasurer's Office (STO) appreciates the opportunity to provide information regarding House Bill 1389 for the Committee's consideration.

#### Amendment to Make the Bill Enabling Legislation

The bill's sponsor has met with STO and indicated his intention to offer an amendment that would enable, rather than require, the State Treasurer to invest in "Bitcoin." Currently, STO invests in significantly lower-risk assets authorized under the State Investment Policy and corollary regulations. In addition, at present, the banks that STO does business with do not accept digital currency. An amendment to House Bill 1389 is necessary to ensure that STO has the discretion, flexibility, and time to establish new policies, procedures, and systems that support potential future investment in cryptocurrency.

#### **Background on Bitcoin**

Digital assets and electronic currency are part of a relatively new and rapidly evolving industry. There are many types of digital assets, though Bitcoin has emerged as one of the most recognized and traded forms of cryptocurrency. While Bitcoin has become somewhat mainstream, it remains a volatile and illiquid digital asset. Managing institutional cryptocurrency portfolios comes with unique challenges, including security risks and regulatory complexities. Therefore, to properly administer and invest such assets, institutions must adopt robust strategies and best practices tailored to the digital asset market.

#### **Federal Regulatory Changes**

Federal regulations governing digital asset investments continue to change. A January 23, 2025, <u>Executive Order</u> (Order) expressed the policy of the Trump Administration to support the responsible growth of the digital asset industry. Among other provisions, the Order establishes the Working Group on Digital Asset Markets, which is tasked with proposing a federal regulatory framework governing the issuance and operation of digital assets. STO's administration and investment of the Fund may be impacted by such future changes to the federal regulatory landscape.

#### "Wait and See" Approach

Given the uncertainty and inherent risks of investing in cryptocurrency, STO has made the decision to wait and see how the market conditions surrounding the asset class continue to develop and evolve. A range of practical considerations have informed the decision to wait. If the Committee passes House Bill 1389 with the amendment to *enable* investment in cryptocurrency, STO will review strategies and best practices that institutional investors have developed, such as those listed in Exhibit 1.

#### Exhibit 1

- **Risk Management:** Implementing robust risk management protocols, including position sizing, portfolio allocation limits, systematic risk assessment, and regular stress testing.
- **Custody Solutions:** Partnering with reputable third-party custodians specializing in secure storage of digital assets. These custodians offer multi-signature wallets, geographically distributed storage, and advanced encryption techniques.

- **Compliance and Regulatory Adherence:** Prioritizing compliance with regulatory frameworks and engaging proactively with regulatory bodies to ensure adherence to legal requirements.
- **Portfolio Rebalancing Strategies:** Rebalancing portfolios to maintain optimal asset allocation. Strategies include fixed internal reviews, dynamic adjustments based on market conditions, and threshold-based rebalancing.
- Liquidity Management: Establishing relationships with multiple exchanges, partnering with over-the-counter (OTC) trading desks, and developing emergency liquidity protocols to ensure smooth operations.
- Advanced Analytics and Data Management: Using specialized portfolio management systems to integrate disparate data points, providing real-time valuation and customizable reporting features.
- Automated Trading Systems: Enhancing trading systems, risk management, and market analysis with AI-driven algorithms and allowing institutions to optimize their operations in the 24/7 cryptocurrency market.

Treasurer Davis and STO hope that this information is useful as the Committee considers House Bill 1389. Please contact Laura Atas, Deputy Treasurer for Public Policy (<u>latas@treasurer.state.md.us</u>), with any questions.