# Digital Assets

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## Issue Update

The digital assets market includes a range of instruments – from speculative and price volatile cryptocurrencies (e.g., bitcoin and ether), to stablecoins backed by a collection of assets (e.g., USDC and USDT), to digital representations of customer bank deposits on a blockchain (tokenized deposits), to central bank digital currencies (CBDC). Stablecoins and CBDCs are covered in separate briefings. As of February 2026, the total value of cryptocurrencies, including stablecoins, stands at around $2.33 Trillion.

The current administration has taken a decidedly positive view of the digital assets market, and it has taken steps to promote the United States as the crypto capital of the world. In January 2025, President Trump issued an Executive Order that among other things established the President's Working Group on Digital Assets Markets. That working group issued a report in July with over 90 recommendations directed at bank regulators, the SEC, CFTC, and Treasury Department. In 2025, bank regulators withdrew several pieces of guidance and interpretive rules that impacted banks' abilities to engage in the digital assets market.

A key issue for Congress has been to pass "market structure" legislation to establish a regulatory framework for cryptocurrencies. In July 2025, the House built on its work from the previous Congress by passing the CLARITY Act. Since then, the Senate, through both the Senate Banking and Agriculture Committees, has drafted its own versions of market structure legislation. These digital assets market structure bills address questions around regulatory jurisdiction, digital asset custody, investor protection, anti-money laundering obligations, and enhanced public-private coordination to counter emerging risks in the digital asset ecosystem, among other topics.

## Why It Matters

Despite regulatory and legislative efforts underway, there remains significant regulatory uncertainty in the digital assets market and an uneven application of existing rules. Banks are evaluating ways to safely and responsibly engage in the digital assets markets when it aligns with their customers' needs and their strategies. It is imperative that intermediaries and solution providers in the digital assets market be subject to regulation and supervision that accounts for their activities and risks, in the same way as banks and traditional financial intermediaries. This type of level playing field is necessary to protect consumers and ensure financial stability. Digital asset market structure legislation could stimulate innovation within a secure regulatory environment, but without proper controls lead to potential systemic risks.

## Recommended Action Items

**Urge Congress to close the regulatory gap left open in the GENIUS Act and expand the prohibition on interest and yield payments to include brokers, dealers, exchanges, and affiliates of payment stablecoin issuers.** This is a critical step to mitigate the risk of deposit flight, which would limit bank lending to households and small businesses. Such a prohibition is appropriate as it supports payment stablecoins to function as innovative payment instruments rather than stores of value.

**Urge policymakers to apply “same activity, same risk, same regulation” to digital assets to ensure equal consumer protection, prevent charter arbitrage, and promote financial stability.** Applying consistent custody standards, including segregation of client assets, separation of financial activities, and proper control over assets, across all providers to protect consumers, reduce systemic risk, and promote market integrity. Likewise, aligning AML/CFT and sanctions rules across all providers will help combat financial crime and support innovation and integration of digital assets into the financial system.

**Urge policymakers to clarify that it is generally permissible for federally supervised banking entities acting in a safe and sound manner to act as dealers in digital assets.** Consumers who choose to access these markets are best served when they can do so through fully regulated banks that are subject to rigorous oversight and consumer protection requirements.