

June 2026

Follow us on [LinkedIn](#)

Crypto Policy Tracker

Senate Market Structure Draft Expected in July, OCC Clears a Wall Street Bank's Digital Asset Trust Charter and CFTC Sues Kentucky Over Prediction Markets

By [Chris Daniel](#), [Eric Sibbitt](#), [Dana V. Syracuse](#), [Josh Boehm](#), [Meagan Griffin](#), [Michael L. Spafford](#), [Larry Kaplan](#), [Spencer Young](#), [Lisa Rubin](#) and [Samantha Ackel](#).

Senate proponents of digital asset market structure legislation signaled they will circulate an updated draft of the Digital Asset Market Clarity Act for a final round of comments before a Senate floor vote targeted for July. The signal came as a coalition of law enforcement organizations reiterated opposition to a developer liability provision in the bill. Separately, Congress cleared a housing bill carrying a four-year prohibition on a Federal Reserve central bank digital currency and sent it to the President.

On the regulatory side, the OCC granted preliminary conditional approval for a major Wall Street investment bank to charter a national trust bank dedicated to digital asset custody and related services, the first such charter for one of the largest Wall Street institutions. The CFTC, joined by the Department of Justice, sued Kentucky to defend its asserted exclusive jurisdiction over event contracts, while related state court litigation over prediction markets continued in Illinois and Massachusetts.

The CFTC also requested comment on extending standard futures contracts to continuous trading and on listing perpetual contracts referencing physically delivered or storable energy commodities. The SEC and CFTC jointly requested comment on the definition of swaps and security-based swaps. Federal Reserve Gov. Christopher Waller and Treasury Secretary Scott Bessent each addressed the role of stablecoins and tokenization in the dollar's future in separate remarks.

Congressional Updates

Sponsors Plan Updated Market Structure Draft Ahead of July Floor Consideration

- On June 25, Sen. Cynthia Lummis (R-WY) [told reporters](#) that supporters intend to release an updated draft of the market structure bill, which she described as “a last opportunity for everybody to look it over and provide comment,” with floor consideration expected in July. The House passed [H.R. 3633](#), the Digital Asset Market Clarity Act, in July 2025, and the Senate reported the bill on June 1, 2026.
- On June 23, four law enforcement organizations [wrote to administration officials](#) reiterating opposition to a provision of the market structure bill that would shield certain digital asset software developers who do not control user funds from money transmitter registration and related anti-money laundering obligations. A Department of Justice spokesperson responded that the letter

contained factual inaccuracies and that the provision would not change law enforcement access because the developers at issue are not subject to the Bank Secrecy Act.

Congress Sends Housing Bill With Four-Year CBDC Prohibition to the President

- On June 22, the Senate passed the [21st Century ROAD to Housing Act \(H.R. 6644\)](#) by a vote of 85 to 5, and the [House passed the measure](#) the following day. The legislation prohibits the Federal Reserve Board or a Reserve Bank from issuing a central bank digital currency or a substantially similar digital asset, directly or through an intermediary, through Dec. 31, 2030. The prohibition includes a carve-out for private dollar-denominated digital assets that preserve privacy comparable to physical cash.

House Representatives Press SEC on Agentic AI Trading

- On June 23, members of the House Financial Services Committee [wrote to SEC Chairman Paul Atkins](#) seeking the agency's views on brokerage and investment advice delivered through agentic artificial intelligence and on the responsibilities of broker-dealers, AI developers and AI agents.
- The [members asked](#) whether existing securities laws are sufficient to address agentic trading or whether further legislation is needed, including the circumstances under which an AI agent or its developer would be required to register as a broker, dealer or investment adviser. They requested written responses by July 31.

Regulatory Updates

National Trust Bank Charter Issued to a Wall Street Investment Bank

- The OCC granted [preliminary conditional approval](#) of an application by a major Wall Street investment bank to charter a New York-based national trust bank that would serve the bank's wealth management clients. This is the first such charter granted that was sponsored by a large Wall Street investment bank, signaling that traditional financial institutions recognize that digital assets are becoming mainstream.
- The proposed new trust bank's activities would include custody of certain digital assets, staking of digital assets on a fiduciary basis for custody customers and service as a collateral administrator supporting an affiliate's digital asset lending. Final OCC approval is required before the national trust bank may commence operations.

CFTC Requests Comment on 24/7 Trading and Perpetual Energy Contracts

- On June 22, the CFTC issued a [request for comment](#) on two developments in energy derivatives markets: first, extending standard futures contracts to 24/7 trading without any changes to the contracts' fixed expiration, delivery or settlement terms; and second, the potential listing of perpetual contracts referencing physically delivered or storable energy commodities such as crude oil. The request follows the issuance of a [policy statement](#) by the CFTC concerning the listing of perpetual contracts and the [CFTC approval](#) of Kalshi's listing of bitcoin perpetual contracts as futures. This expansion and apparent endorsement of perpetual contracts as futures is being challenged in [a lawsuit](#) brought by the CME against the CFTC, which alleges that the CFTC has long treated perpetual contracts as swaps and the "change in course" toward categorizing perpetuals as futures is contrary to the Commodity Exchange Act.

CFTC and SEC Request Comment on the Definition of Swap and Security-Based Swap

- The CFTC and SEC issued a [request for comment](#) on potential ways to draw clearer regulatory lines for innovative products that may implicate both SEC and CFTC regulatory interests and potential approaches to enable alternative compliance. In particular, the request seeks comments

on the criteria used by both agencies to distinguish between swaps, security-based swaps, mixed swaps, or other securities or instruments excluded from the definition of swap, including the potential treatment of event contracts referencing securities.

Federal Reserve Gov. Waller Addresses Stablecoins and the Dollar's International Role

- On June 22, Gov. Waller delivered [welcoming remarks](#) at the Federal Reserve Board's Fifth Conference on the International Roles of the U.S. Dollar, which touched on the implications of digital assets, particularly stablecoins, for the dollar's global role.
- Waller observed that distributed ledger technologies and tokenized assets such as stablecoins are creating new channels for dollar intermediation alongside traditional banking and payment systems, and he characterized the resulting competition with legacy intermediation as beneficial to consumers. He did not address the monetary policy outlook.

Treasury Secretary Bessent Addresses Digital Assets in Economic Statecraft Remarks

- On June 23, Secretary Bessent told the [Economic Club of New York](#) that digital assets, stablecoins, tokenization and new payment systems will help shape the future of money, and that the United States should not consign itself to the sidelines while that future is built elsewhere. He said the government should support innovation that strengthens the dollar and expands access, while insisting that new technologies meet standards for transparency, security, consumer protection and law enforcement access.

Additional Updates

Prediction Markets Litigation Continues

- On June 23, the CFTC and the Department of Justice [filed a complaint](#) for declaratory and injunctive relief against the Governor of Kentucky, the state attorney general and other officials, contending that the Commodity Exchange Act grants the Commission exclusive jurisdiction over event contracts and preempts state gambling laws as applied to contracts traded on CFTC-regulated designated contract markets. The suit followed state court enforcement actions Kentucky brought against several CFTC-regulated platforms, together with a 14.25% excise tax on prediction market transactions enacted in House Bill 757.
- On June 23, a CFTC-regulated prediction markets exchange [brought an action against](#) Illinois officials, seeking to block a new law that would require sports event contract platforms to obtain a state gambling license, on the ground that federal law preempts the requirement.
- On June 23, Massachusetts [moved to add claims](#) that the prediction market improperly permits users under 21 and people on the state's gambling self-exclusion list to purchase event contracts.

Exchange Operator and Crypto Platform Form Joint Venture for Tokenized Equities and Futures

- On June 22, a major U.S. securities exchange operator and a large crypto exchange [announced a joint venture](#) to build infrastructure for tokenized financial products, including tokenized equities listed on a U.S. national securities exchange and the operator's futures products. Subject to regulatory approval, the venture plans to operate as a registered broker dealer and futures commission agent and would offer these products to the crypto exchange's users, with a rollout targeted for the second half of 2026.

✧ ✧ ✧

If you have any questions concerning these developing issues, please do not hesitate to contact any of the following Paul Hastings lawyers:

Atlanta

Chris Daniel
+1-404-815-2217
chrisdaniel@paulhastings.com
Meagan E. Griffin
+1-404-815-2240
meagangriffin@paulhastings.com

Josh Boehm
+1-212-318-6033
joshboehm@paulhastings.com
Samantha Ackel
+1-212-318-6385
samanthaackel@paulhastings.com

San Francisco

Eric C. Sibbitt
+1-415-856-7210
ericsibbitt@paulhastings.com
Lisa E. Rubin
+1-415-856-7027
lisarubin@paulhastings.com

New York

Dana V. Syracuse
+1-212-318-6034
danasyracuse@paulhastings.com

San Diego

Spencer Young
+1-858-458-3026
spenceryoung@paulhastings.com

Washington, D.C.

Lawrence D. Kaplan
+1-202-551-1829
lawrencekaplan@paulhastings.com

Michael L. Spafford
+1-202-551-1988
michaelspafford@paulhastings.com

Paul Hastings LLP

Crypto Policy Tracker is published solely for the interests of friends and clients of Paul Hastings LLP and should in no way be relied upon or construed as legal advice. The views expressed in this publication reflect those of the authors and not necessarily the views of Paul Hastings. For specific information on recent developments or particular factual situations, the opinion of legal counsel should be sought. These materials may be considered ATTORNEY ADVERTISING in some jurisdictions. Paul Hastings is a limited liability partnership. Copyright © 2026 Paul Hastings LLP.