



2025 Industry Guide for Lawyers and Dev Teams, Part 3: **Current Legal Trends and Developments** *in Digital Assets, Blockchain, and Emerging Technologies*

By DLx Law PLLC

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Considerable uncertainty continues to loom in the potential challenges and opportunities on the horizon for digital assets, blockchain, and other emerging technologies. In the U.S., deep partisan divisions, entrenched lobbying, and unpredictable leadership threaten to stall innovation, deter investment, and prompt offshoring. A new term under President-elect Donald Trump and the potential for continued congressional gridlock might even add to these uncertainties. Still, the regulatory environment for new challengers in finance and tech appears generally positive, along with legislative developments that could reinforce the U.S. as a leader in this burgeoning sector.

This article addresses three distinct U.S. political dynamics shaping digital assets and emerging technologies in this new era: (1) partisanship and party fragmentations among lawmakers, (2) global geopolitical instability and the related U.S. foreign and economic policy outlook under the incoming administration, and (3) the potential regulatory policy and priority shifts that could come under the incoming administration.

As digital assets, blockchain, and other emerging technologies continue to evolve and grow more prevalent, affected industries, investors, and technology developers require at least a rudimentary understanding of the political forces that shape regulatory and policy decisions in the U.S. and other influential jurisdictions. To that end, this article analyzes these dynamics to shed light on the potential impacts these political considerations might have on the trajectory of relevant industries.

1. Legislative Gridlock & Opportunities for Bipartisanship

The U.S. lags behind other nations in digital assets, blockchain, and other emerging technologies,¹ partly because Congress has failed to pass meaningful legislation, leaving outlook for the new Congress

¹ See HOUSE FIN. SERVS. COMM., *Press Release: McHenry at Hearing on the Future of Finance: We are Trying to Unlock a New Era of Innovation and Opportunity* (Dec. 4, 2024), <https://financialservices.house.gov/news/documentsingle.aspx?DocumentID=409419>; Peter St Onge, *Blockchain and Digital Assets: America Risks Missing the Open Internet Revolution*, CLUB FOR GROWTH FOUND.: POLICY REPORTS (Nov. 24, 2024), <https://clubforgrowthfoundation.org/policy-reports/blockchain-and-digital-assets-america-risks-missing-the-open-internet-revolution/>; Calanthia Mei, *The U.S. Fell Behind in Crypto. It Cannot Afford to Fall Behind in AI*, COINDESK: OPINION (Oct. 10, 2024), <https://www.coindesk.com/opinion/2024/10/10/the-us-fell-behind-in-crypto-it-cannot-afford-to-fall-behind-in-ai>; Tonya Evans, *America's Crypto Lag: Lessons from Global Leaders in Crypto Regulation*, FORBES: DIGITAL ASSETS (Sep. 22, 2024),

uncertain.² Anti-crypto sentiment, partisan divides, and fragmented enforcement have hindered comprehensive digital asset legislation in the past.³ Most policy has therefore depended on federal agencies' shifting preferences.⁴ Although more 'pro-crypto' lawmakers now serve in Congress,⁵ fractures within the Republican party could impede progress in spite of its narrow and diverse majority in both chambers.

Specifically tailored legislation at the federal level could be important for supporting international alignment on regulatory approaches to global technological infrastructure, offering clarity in an otherwise fragmented regulatory environment, or helping to bolster U.S. dollar hegemony amid growing international use of stablecoins and other borderless digital assets. In the last Congress, stablecoin and market-structure legislation—like the Lummis-Gillibrand stablecoin bill⁶ and the 'FIT21 Act'⁷—had repeatedly stalled,⁸ falling to the same fate as previous bills.⁹ With Republicans holding a slim majority, similar proposals could resurface, but it is unclear whether they will advance or align with Trump administration priorities.

<https://www.forbes.com/sites/tonyaevans/2024/09/22/americas-crypto-lag-lessons-from-global-leaders-in-crypto-regulation/>; Banking Exchange Staff, *U.S. Falls Behind in Digital Currency Innovation*, BANKING EXCH.: NEWS FEED (Mar. 18, 2024), <https://www.bankingexchange.com/news-feed/item/9932-us-falls-behind-in-digital-currency-innovation>; COMMERCE DEP'T, Report on Responsible Advancement of U.S. Competitiveness in Digital Assets, at 4-5, 15-17 (Sep. 2022), <https://www.commerce.gov/sites/default/files/2022-09/Digital-Asset-Competitiveness-Report.pdf>.

² See Tonya Evans, *The Next U.S. President Won't Define Crypto's Future, Congress Will*, FORBES: DIGITAL ASSETS (Oct. 1, 2024), <https://www.forbes.com/sites/tonyaevans/2024/10/01/the-next-us-president-wont-define-cryptos-future-congress-will/>; House Ag. Comm., *Hearing Transcript: The Future of Digital Assets: Measuring the Regulatory Gaps in the Digital Asset Markets*, CONGRESS.GOV: 118TH CONGRESS (May 10, 2023), <https://www.congress.gov/event/118th-congress/house-event/115885/text>.

³ See generally DLx Law PLLC, *Recent and Existing Policy and Enforcement in Digital Assets, Blockchain, and Emerging Technologies*, DLX LAW: THOUGHT LEADERSHIP: 2025 INDUS. GUIDE. FOR LAWYERS & DEV TEAMS, PT. 2, at 6-7 (Jan. 13, 2025), https://dlxlaw.com/wp-content/uploads/2025/01/Recent-and-Existing-Policy-and-Enforcement-in-Digital-Assets-Blockchain-and-Emerging-Technologies_01.13.25.pdf (discussing complications involved with attempts at digital assets legislation in the previous Congress).

⁴ See generally *id.*, at 5-8 (discussing the effects of inconsistent digital assets-related policy under the outgoing Biden administration).

⁵ See Anna Kharton, *Golden Age is Coming: Over 250 Pro-Crypto Candidates Enter Congress*, CRYPTO.NEWS (Nov. 12, 2024), <https://crypto.news/over-250-pro-crypto-candidates-enter-congress/>; Zoltan Vardai, *Republican Senate Majority Signals More 'Pro-Crypto Congress'*, COINTELEGRAPH: NEWS (Nov. 6, 2024), <https://cointelegraph.com/news/republicans-majority-control-us-senate-pro-crypto-congress>; Marvie Basilan, *'Crypto Has Already Won': Industry Leaders Hail the 'Most Pro-Crypto Congress' in U.S. History*, INT'L BUS. TIMES: CRYPTO (Nov. 6, 2024), <https://www.ibtimes.com/crypto-has-already-won-industry-leaders-hail-most-pro-crypto-congress-us-history-3749788>;

⁶ U.S. Senate Bill S.4155, Lummis-Gillibrand Payment Stablecoin Act, introduced by Sen. Cynthia Lummis (R-Wyo.) (Apr. 17, 2024), <https://www.congress.gov/bill/118th-congress/senate-bill/4155>. The Lummis-Gillibrand stablecoin bill included a clear regulatory framework for the issuance and oversight of "payment stablecoins," including by attempting to establish standards for issuer transparency, reserve requirements, a required peg to the U.S. dollar, and various consumer protections; it also sought to ensure stablecoin issuers meet stringent operational requirements while attempting to balance the burden on issuers against the need to support innovation and financial stability within digital asset-based industries and markets. See *id.*

⁷ U.S. House Bill H.R.4763, Financial Innovation and Technology for the 21st Century Act, introduced by Rep. Glenn Thompson (R-Pa.) (Jul. 20, 2023), <https://www.congress.gov/bill/118th-congress/house-bill/4763>. would have established a broad framework for regulating digital assets (namely, 'cryptocurrency' or 'virtual currency'), including by clarifying relevant matters of jurisdiction among the SEC and CFTC. See *id.*

⁸ Although—immediately following the November 2024 election—some advocates expressed hope that the outgoing Congress could pass one of these pieces of legislation at some point in the remainder of time left in its lame duck session, threats of a government shutdown and other challenges took priority. See Brian Darling, *The Lame-Duck Congress Will Be a Disaster for Team Trump*, HILL: OPINION (Nov. 27, 2024), <https://thehill.com/opinion/congress-blog/5011620-lame-duck-congress-legislation/>; Joanna Wright, *Why Crypto Still Holds Out Hope That U.S. Stablecoin Laws Will Move Before Year-End*, DLNEWS: ARTS. (Nov. 14, 2024), <https://www.dlnews.com/articles/regulation/why-crypto-promoters-hope-for-a-us-stablecoin-law-in-2024/>; Robert Mangas, *et al.*, *Legislation Most Likely to Pass in Lame Duck Session*, GREENBERG TAURIG: ARTS. (Nov. 11, 2024), <https://www.gtlaw.com/-/media/files/insights/published-articles/2024/11/legislation-most-likely-to-pass-in-lame-duck-session.pdf>; Jesse Coghlan, *Crypto Bills May Move Forward in 'Lame Duck' Congress Says Rep. Hill*, Cointelegraph: News (Oct. 23, 2024), <https://cointelegraph.com/news/crypto-stablecoin-bills-move-lame-duck-congress-rep-hill>; see generally Rubmar Garcia, *Crypto Laws Expected to Pass 'Fairly Quickly' Under Trump Administration Accordingly to Coinbase CPO*, BITCOINIST: CRYPTO NEWS (Dec. 3, 2024), <https://bitcoinist.com/crypto-laws-expected-to-pass-fairly-quickly-under-trump-administration-coinbase-cpo/> (noting that Congress has only a "small chance" to pass existing digital asset bills in the lame duck session post-election).

⁹ See, e.g., U.S. House Bill H.R.4766, Clarity for Payment Stablecoins Act of 2023, introduced by Rep. Patrick McHenry (R-N.C.-10th) (Jul. 20, 2023), <https://www.congress.gov/bill/118th-congress/house-bill/4766/text>; U.S. Senate Bill S.3970, Stablecoin Transparency Act, introduced by Sen. Bill Hagerty (R-Tenn.) (Mar. 31, 2022), <https://www.congress.gov/bill/117th-congress/senate-bill/3970> (and companion bill H.R.7328 introduced by Rep. Trey Hollingsworth (R-Ind.) (Mar. 31, 2022), <https://www.congress.gov/bill/117th-congress/house-bill/7328>).

With Republican Rep. French Hill set to lead the House Financial Services Committee in the new Congress, focus will likely turn to a new stablecoin bill¹⁰ and some form of comprehensive market structure legislation similar to the FIT21 Act.¹¹ The incoming chair of the Senate Banking Committee, Republican Sen. Tim Scott, has also signaled that Congress's more senior chamber will be in a position to advance these kinds of legislative proposals.¹²

Digital assets communities are highly optimistic about the new Congress.¹³ Questions nevertheless remain as to whether these legislative efforts will pan out in a way that will be ultimately beneficial for affected industries, especially in consideration of what priorities the incoming Trump administration might assume at any given point in time.

Possible effects of political influences on legislative outcomes.

A president can have significant influence over federal legislation, especially when their party controls both chambers of Congress. Many in the digital asset community supported President-elect Trump, hoping for rule changes to spur new competition,¹⁴ reduced SEC enforcement,¹⁵ and a strategic U.S. bitcoin reserve policy.¹⁶ Trump's stance remains unclear, however, and Republicans will likely not always be unified. Powerful financial lobbyists often oppose the decentralization ethos of blockchain,¹⁷ and banks have consistently fought DeFi to protect their market power.¹⁸ The amount of money spent on the U.S. November

¹⁰ See Sarah Wynn, *New Congress, New Crack at Crypto Legislation: What's Up Next on the Hill in 2025*, THEBLOCK: POLICY (Dec. 26, 2024), <https://www.theblock.co/post/330896/new-congress-new-crack-at-crypto-legislation-whats-up-next-on-the-hill-in-2025>; Nidhi Kihapur, *Just In: U.S. Congress to Prioritize Crypto Legislation in 2025, Focusing on Stablecoins and FIT21 Act*, COINPEDIA: NEWS (Dec. 26, 2024), <https://coinpedia.org/news/just-in-u-s-congress-to-prioritize-crypto-legislation-in-2025-focusing-on-stablecoins-and-fit21-act/>;

¹¹ See Sarah Wynn, *supra* note 10; Nidhi Kihapur, *supra* note 10; ChainCatcher News, *French Hill: FIT21 and the Stablecoin Bill will be a Top Priority for Him in the 119th Congress if not Passed During 'Lame Duck' Session*, CHAINCATCHER: ARTS. (Dec. 26, 2024), <https://www.chaincatcher.com/en/article/2159314>.

¹² See Sarah Wynn, *supra* note 10; Jesse Hamilton, *Next U.S. Senate Banking Chair Calls Crypto 'Next Wonder' of World*, COINDESK: POLICY (Dec. 17, 2024), <https://www.coindesk.com/policy/2024/12/17/next-u-s-senate-banking-chair-calls-crypto-next-wonder-of-world>.

¹³ See Aleks Gilbert, *Why These Three Dates Signal a 'Ton of Optimism' for Crypto as Trump Seizes Power*, DLNEWS: ARTS.: REG. (Jan. 2, 2025), <https://www.dlnews.com/articles/regulation/three-dates-to-watch-in-crypto-in-2025/>.

¹⁴ See David Krause, *Deregulation, Bitcoin, and the Trump Era: A New Chapter for Cryptocurrency Governance*, MARQUETTE UNIV. (Dec. 2, 2024), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5023943; Vaidehi Mehta, *Crypto Industry Prepares for Deregulation Under Trump*, FINDLAW: BLOGS: L. & DAILY LIFE (Nov. 14, 2024), <https://www.findlaw.com/legalblogs/law-and-life/advocates-for-crypto-prepare-for-deregulation-under-trump/>.

¹⁵ See generally [Section 3](#) (evaluating the outlook for reduced regulatory enforcement under incoming market regulatory leadership at the SEC and CFTC).

¹⁶ See Crispus Nyaga & Anthony Patrick, *Polymarket Odds of Trump Approving Strategic Bitcoin Reserves Fall to 27%*, CRYPTO.NEWS (Dec. 28, 2024), <https://crypto.news/polymarket-odds-trump-approving-bitcoin-reserves-fall/>; Courtney Degen, *Sen. Lummis Promotes Bitcoin Strategic Reserve After Trump Confirms His Support*, PENSIONS & INVESTMENTS ONLINE: WASH. (Dec. 18, 2024), <https://www.pionline.com/washington/sen-lummis-promotes-bitcoin-strategic-reserve-after-trump-confirms-his-support>.

¹⁷ Importantly, the foundational ethos of blockchain networks—embodied in their development by broad efforts to uphold principles of decentralization and permissionlessness—has likely always stood in stark contrast with the interests of both political parties' major financial backers and industry lobbyists. Financial institutions like banks, private equity firms, and other incumbent players naturally have vested interests in retaining the advantages of their government-chartered powers and maintaining control and oversight over global markets and financial assets. These institutions and the ownership class that controls have an innate interest in working, whether publicly or covertly, to oppose any widespread deployments or uses of decentralized digital assets and blockchain technology that could threaten their wealth, power, or influence.

¹⁸ See Emily Flitter, *Banks Tried to Kill Crypto and Failed. Now They're Embracing It (Slowly)*, N.Y. TIMES (Nov. 1, 2021), <https://www.nytimes.com/2021/11/01/business/banks-crypto-bitcoin.html>; Ziken Labs, *Why Are Banks Against Bitcoin? Crypto vs. Traditional Finance*, PLASBIT: BLOG (Jun. 6, 2024), <https://plasbit.com/blog/why-are-banks-against-bitcoin>; Cryptopolitan, *Controversial Anti-Crypto Bill Allegedly Assisted by Big Banks*, BINANCE SQ.: POSTS (Dec. 20, 2023), <https://www.binance.com/es-LA/square/post/1635011163946>; Natalie Sherman, *Is the U.S. Trying to Kill Crypto?*, BBC: NEWS: BUS. (Jun. 14, 2023), <https://www.bbc.com/news/business-65861096>; Joanna Wright, *Bank Regulators Won't Ban Crypto, They'll 'Starve' It*, DLNEWS: ARTS.: DEFI (Mar. 1, 2023), <https://www.dlnews.com/articles/defi/banking-regulators-are-moving-in-on-crypto-amidst-sec-crackdown/>; Justin Pugsley, *Regulators will Save Banks from DeFi*, BANKER: REG. (Jun. 14, 2021), <https://www.thebanker.com/Regulators-will-save-banks-from-DeFi-1623677241>.

2024 elections by pro-crypto groups is trifling compared to the vast money and influence funneled into lobbying and elections (both recently and historically) by conventional financial institutions and other private interests that benefit from the status quo that decentralized infrastructures and financial systems could shake if not upheave.¹⁹

The U.S. government has specifically identified certain aspects of permissionless and decentralized networks and systems—or at least those that could affect banks or markets if adopted on a large scale—that could materially threaten, U.S. dollar hegemony, the stability of the U.S. or global financial systems, the U.S.’s global economic, political, or military dominance, or the effectiveness of sanctions or other U.S. foreign policy tools.²⁰ These kinds of systemic risks naturally compel the relevant extensions of the federal government—as well as international institutions like the International Monetary Fund (IMF)²¹ and World Bank,²² which generally seek to advance U.S. financial and foreign policy interests—to limit or prevent the use or adoption of technologies encompassing these certain aspects.

In this spirit, the new Congress might ultimately be constrained to legislative outcomes that could, for example, force developers or network operators to act as gatekeepers—something that could undermine technological principles of decentralization and permissionlessness. These kinds of policy efforts have already been under way. With only weeks left in President Joe Biden’s administration, the Treasury Department promulgated a final rule²³ at the end of December that seeks to require operators of ‘front-end’ web interfaces providing access to DEXs or other DeFi services to, starting in 2027, perform due diligence on users and file related transaction reports with the Internal Revenue Service (IRS).²⁴ The rule could be walked back under a Trump-appointed Treasury Secretary, but it could also potentially be expanded. The originally proposed rule was sought to be applied even against the developers of DeFi protocols and self-hosted digital asset wallets,²⁵ and Treasury’s summary and response to comments on the final rule signaled it could still be exploring that possibility.²⁶

¹⁹ See OPENSECRETS: INDUS.: FIN., INSURANCE, & REAL-ESTATE SECTOR SUMMARY, <https://www.opensecrets.org/industries/indus?id=F> (last visited Jan. 7, 2025) (outlining public facts and documents demonstrating that the financial sector is by far “the largest source of campaign contributions for federal candidates and parties”); OPENSECRETS: LOBBYING: INDUS. PROFILES: COMMERCIAL BANKS, <https://www.opensecrets.org/federal-lobbying/industries/summary?id=F03>, last visited Jan. 7, 2025) (outlining public disclosures showing that commercial banks spent over \$48 billion on federal lobbying efforts in 2024 alone).

²⁰ See, e.g., FIN. STABILITY OVERSIGHT COUNCIL, Report on Digital Asset Financial Stability Risks and Regulation, Treasury Report No. 261, at 13-23 (2022), <https://home.treasury.gov/system/files/261/FSOC-Digital-Assets-Report-2022.pdf>; Pablo Azar, et al., *The Financial Stability Implications of Digital Assets*, N.Y. FED. RESERVE BANK: 30 ECON. POLICY REV. 2, AT 7-9, 28-31 (NOV. 2024).

²¹ The International Monetary Fund, <https://www.imf.org/en/Home>.

²² The World Bank Group, <https://www.worldbank.org/ext/en/home>.

²³ TREASURY DEP’T, Final Rule: Gross Proceeds Reporting by Brokers That Regularly Provide Services Effectuating Digital Asset Sales, 89 FED. REG. 106,928-106,958 (Dec. 30, 2024), available at <https://www.federalregister.gov/documents/2024/12/30/2024-30496/gross-proceeds-reporting-by-brokers-that-regularly-provide-services-effectuating-digital-asset-sales> [hereinafter IRS Final Digital Asset Brokers Reporting Rule].

²⁴ See Joshua Smeltzer, *IRS Targets Front-End Services in DeFi Reporting Final Regulations*, FORBES: MONEY: TAXES (Dec. 28, 2024), <https://www.forbes.com/sites/joshuasmetzler/2024/12/27/irs-targets-front-end-services-in-defi-reporting-final-regulations/>; Aleks Gilbert, *DeFi Websites Hit with ‘Disappointing’ KYC Rule in Waning Days of Biden Administration*, DLNEWS: ARTS.: REG. (Dec. 27, 2024), <https://www.dlnews.com/articles/regulation/us-treasury-takes-aim-at-defi-with-new-tax-regulations/>; Landon Manning, *IRS Publishes New Crypto Tax Guidelines Focusing on DeFi Services*, BEINCRYPTO: MARKETS: NEWS (Dec. 27, 2024), <https://beincrypto.com/crypto-tax-defi-reporting-changes-irs/>.

²⁵ TREASURY DEP’T, Proposed Rule: Gross Proceeds and Basis Reporting by Brokers and Determination of Amount Realized and Basis for Digital Asset Transactions, 89 FED. REG. 59,576-59,623 (Aug. 29, 2023), available at <https://www.federalregister.gov/documents/2023/08/29/2023-17565/gross-proceeds-and-basis-reporting-by-brokers-and-determination-of-amount-realized-and-basis-for>.

²⁶ IRS Final Digital Asset Brokers Reporting Rule, *supra* note 23, at 89 FED. REG. 106,937-106-938, 106,940-106,946.

These and similar policy efforts tend to undermine the core value propositions of blockchain, distributed ledger technology, and decentralized finance by effectively eliminating the concept of open permissionless participation in blockchain networks and their supporting infrastructures. Although they have vowed to cut regulatory burdens and spur new business investments, the Trump administration and Trump-aligned Republicans in Congress could face pressure to include in any final legislation measures to this effect. History has shown that Republican lawmakers, although generally open to innovation, are extremely wary of the risks that permissionless systems pose to traditional banking and finance.²⁷ Even pro-innovation legislators must consider anti-money laundering and sanctions concerns, risking that any legislation that Congress ultimately passes could erode open participation in decentralized digital assets and DeFi.

Future legislative outlook.

Even the face of an influence dilemma between the interests of systemic stability and incumbent institutions and the interests of emerging technologies and industries, congressional leadership faces two possible paths: further gridlock and falling further behind other competing nations,²⁸ or bipartisan compromise that is informed by industry stakeholders and works to foster innovation.²⁹ The new Congress will have the unique opportunity to shape the future regulatory landscape for digital assets and blockchain technology, but its success will depend on both political will and strategic cooperation.

Although industry advocates are optimistic,³⁰ principally considering more federal lawmakers now than ever before support digital assets,³¹ political party fractures and the new and potentially varying or conflicting priorities of the incoming Trump administration could stall progress.³² Republican committee powerbrokers, including Rep. French Hill (House Financial Services), Sen. Tim Scott (Senate Banking, Housing, and Urban Affairs), and Sen. John Boozman (Senate Agriculture), will be the key negotiators and decisionmakers behind any legislation advance regulatory clarity for digital assets. Blockchain advocate Sen. Bernie Moreno, a Republican, is also joining the Senate Banking Committee as a freshman after

²⁷ See Eswar Prasad, *Don't Get Fooled Again by Crypto*, N.Y. TIMES: OPINION (Aug. 9, 2024), <https://www.nytimes.com/2024/08/09/opinion/crypto-2024-election.html>; Baron, *Crypto Clash: Political Risks to Cryptocurrency*, BARON: LIBRARY: PUBS. (Summer 2021), <https://www.baronpa.com/library/crypto-clash-political-risks-to-cryptocurrency/>.

²⁸ See HOUSE AGRICULTURE COMM. & HOUSE FIN. SERVS. COMM., *Why is Action Needed on Digital Assets Market Structure Legislation?* (Jul. 13, 2023), https://agriculture.house.gov/uploadedfiles/why_is_action_needed_on_digital_assets_market_structure_legislation.pdf.

²⁹ See *id.*; NAT. CONF. STATE LEGISLATORS, *Cryptocurrency, Digital or Virtual Currency, and Digital Assets 2024 Legislation* (rev. Nov. 18, 2024), <https://www.ncsl.org/financial-services/cryptocurrency-digital-or-virtual-currency-and-digital-assets-2024-legislation>; Kayvan Sadeghi & Lawrence McMahon, *A Closer Look at the Global Regulatory Environment for Cryptocurrency and Digital Assets*, GLOBAL INVESTIGATION REV.: GUIDES (Aug. 7, 2024), <https://globalinvestigationsreview.com/guide/the-guide-compliance/third-edition/article/closer-look-the-global-regulatory-environment-cryptocurrency-and-digital-assets>.

³⁰ Industry proponents have expressed cautious optimism that the Republican-controlled House and Senate carry the potential to advance meaningful legislative reform in 2025 supportive of growth of relevant technologies and industries in the United States. See Aleks Gilbert, *supra* note 13; Veronica Irwin, *Crypto Might Get Reality Check from Friendly U.S. Congress*, UNCHAINED CRYPTO, <https://unchainedcrypto.com/crypto-might-get-reality-check-from-friendly-u-s-congress/>; Maria Aspan, *The Crypto Industry Won Big This Election. It Has Several Implications*, NPR: ALL THINGS CONSIDERED (Nov. 11, 2024), <https://www.npr.org/2024/11/11/nx-s1-5184152/the-crypto-industry-won-big-this-election-it-has-several-implications>; Jasper Goodman, *Crypto Won the 2024 Elections. Now Comes the Easy Part*, POLITICO: NEWS: 2024 ELECTIONS (Nov. 8, 2024), <https://www.politico.com/news/2024/11/08/crypto-2024-elections-00187415>.

³¹ Anna Kharton, *supra* note 5; Zoltan Vardai, *supra* note 5; Cleve Mesidor, *Meet the Crypto-Friendly Candidates Who Won Election Night*, FORBES: DIGITAL ASSETS (Nov. 6, 2024), <https://www.forbes.com/sites/digital-assets/2024/11/06/diverse-crypto-friendly-candidates-for-congress-won-election-night/>.

³² Aaron Blake, *Could Trump Face Another Early Setback in House Speaker's Race?*, WASH. POST (Jan. 2, 2025), <https://www.washingtonpost.com/politics/2025/01/02/mike-johnson-house-speaker-vote-lose/>; Charlie Hunt, *Trump's Agenda Will Face Hurdles in Congress, Despite the Republican 'Trifecta' of Winning the House, Senate, and White House*, CONVERSATION: POLITICS & SOCIETY (Nov. 19, 2024), <https://theconversation.com/trumps-agenda-will-face-hurdles-in-congress-despite-the-republican-trifecta-of-winning-the-house-senate-and-white-house-243550>; Mary Ellen McIntire, *House Will Remain Republican in 2025, Narrowly*, ROLL CALL: CAMPAIGNS (Nov. 13, 2024), <https://rollcall.com/2024/11/13/house-will-remain-republican-in-2025-narrowly/>.

upending the committee's former Democrat chair and prominent opponent of digital assets legislation, Sen. Sherrod Brown, from his Ohio seat in the November election.³³ Republican Sen. Cynthia Lummis, who also sits on the Senate Banking Committee, will likely be positioned to drive the conversation in each chamber as she had been previously.³⁴

A legislative path forward for industry champions, however, remains fraught with challenges. After all, Sen. Elizabeth Warren—long-time critic of digital assets and a staunch advocate for comprehensive consumer protection measures—will likely remain a formidable barrier to successful legislation in the new Congress as the ranking Democrat on the Senate Banking Committee.³⁵

Only time can reveal a more complete picture of this Congress's collective legislative priorities and policy stances. Certainly, however, meaningful legislation will require both cooperation on Capitol Hill as well as coordination among stakeholders across relevant industries and advocacy groups with diverse and potentially competing perspectives. Any legislative proposals would need support from across the political spectrum to have any modicum of potential of becoming law, which would therefore also likely require industry alignment. Fractured policy perspectives—both among Democrats and especially within and among the slim Republican majorities in the House and Senate—will likely be the primary obstacle to achieving success. Perhaps more importantly, lawmakers' efforts, especially if subject to significant internal compromise, could tend to favor certain government interests or the interests of the banking industry over the interests of decentralized infrastructure to the extent they conflict.³⁶

The next two years might be a landmark opportunity for the U.S. to pass meaningful legislation. The best case scenario for any laws coming out of this new Congress affecting digital assets is that they would be thoroughly informed by the array of core standards and principles that have been (and continue to be) discussed, recommended, and adopted by various advocates and key industry groups. This includes those

³³ See Giuseppe Ciccomascolo, *Crypto-Friendly Senator Bernie Moreno Set to Join Banking Committee*, CCN: NEWS: CRYPTO: REG. & POLICY (Dec. 24, 2024), <https://www.ccn.com/news/crypto/crypto-friendly-senator-bernie-moreno-banking-committee/>; Sarah Wynn, *Crypto-Friendly Senator-Elect Bernie Moreno Assigned to Senate Banking Committee*, THEBLOCK: POLICY (Dec. 23, 2024), <https://www.theblock.co/post/332274/crypto-friendly-sen-elect-bernie-moreno-assigned-to-senate-banking-committee>. The loss of Sen. Sherrod Brown from the Senate Banking Committee has been met with optimism by some digital asset advocates, who see it as a potential opening for more progressive policy that could help garner U.S. innovation. Sander Lutz, *Crypto Lobby Secures Major Victory as Sherrod Brown Loses Senate Seat in Ohio*, DECRYPT.CO: NEWS: L. & ORDER (Nov. 5, 2024), <https://decrypt.co/290321/crypto-lobby-secures-major-victory-as-sherrod-brown-loses-senate-seat-in-ohio>.

³⁴ Jalpa Bhavsar & Jahnu Jagtap, *New Congress, Fresh Opportunities for Crypto Legislation in 2025*, CRYPTO TIMES (Dec. 27, 2024), <https://www.cryptotimes.io/2024/12/27/new-congress-fresh-opportunities-for-crypto-legislation-in-2025/>; TheBlock, *New Congress, New Crack at Crypto Legislation: What's Up Next on the Hill in 2025*, AICOIN: ARTS. (Dec. 25, 2024), <https://www.aico.in/en/article/436406>; Vismaya V, *Wyoming Senator Cynthia Lummis: '2025 Will Be the Year for Bitcoin and Digital Assets'*, DECRYPT.CO: NEWS: L. & ORDER (Dec. 17, 2024), <https://decrypt.co/297230/wyoming-senator-cynthia-lummis-2025-will-be-the-year-for-bitcoin-and-digital-assets>.

³⁵ Jesse Hamilton, *Fairshake: Crypto Titans Use Old-School Dollars to Turn Tide in Congress*, COINDESK: POLICY (Dec. 10, 2024), <https://www.coindesk.com/policy/2024/12/10/fairshake-crypto-titans-use-old-school-dollars-to-turn-tide-in-congress>; Richard Andreano & John Culhane, *Warren Will Be Banking Committee Ranking Democrat in Next Congress*, CONSUMER FIN. MONITOR (Nov. 18, 2024), <https://www.consumerfinancemonitor.com/2024/11/18/warren-will-be-banking-committee-ranking-democrat-in-next-congress/>; Jesse Hamilton, *U.S. Senator Elizabeth Warren Rises Into Role Where Crypto Sector Won't Shake Her*, YAHOO FIN.: NEWS: COINDESK (Nov. 13, 2024), <https://finance.yahoo.com/news/u-senator-elizabeth-warren-rises-164014659.html>.

³⁶ Veronica Irwin, *supra* note 30; Tony Romm, *As Crypto Cash Floods Washington, Congress Eyes Gentler Regulations*, WASH. POST: BUS.: ECON. POLICY (May 25, 2024), <https://www.washingtonpost.com/business/2024/05/25/crypto-lobbying-politics-washington/>; Carol Goforth, *Political Reality and Crypto Regulation*, 26 CHAP. L. REV. 599 (Spring 2023), available <https://digitalcommons.chapman.edu/cgi/viewcontent.cgi?article=1499&context=chapman-law-review>; Arthur Wilmarth, *We Must Protect Investors and Our Banking System from the Crypto Industry*, 101 WASH. U. L. REV. 235 (2023), available at https://scholarship.law.gwu.edu/cgi/viewcontent.cgi?params=/context/faculty_publications/article/2908/&path_info=202307_Wilmarth_Text.pdf.

published by the Proof of Stake Alliance (POSA) on MEV³⁷ and on staking,³⁸ among many others,³⁹ which in many ways support the development of systems that address user (or ‘consumer’) protection and other compelling government interests. This kind of industry-led work likely ought to serve as a starting point for informed discussions with lawmakers and regulators. It could also be instrumental in shaping narrowly tailored legislation and principles-based regulation or even in securing the U.S.’s competitive foothold in digital assets and related emerging industries and technologies.

2. Foreign and Economic Policy Under the Incoming Administration

Rising international tensions and economic protectionism add unpredictability for digital assets and emerging technologies. Trump’s foreign policy remains *predictably unpredictable*, echoing his first term’s trade wars and diplomacy shifts. If geopolitical instability intensifies, Congress could seek to tighten restrictions on permissionless systems and certain emerging technologies.

The international landscape is relevant, not only because decentralized technology is inherently borderless, but, because new congressional policy on digital assets could become more restrictive as events unfold. For example, in drafting statutory language, legislators might impose limitations on the deployment and use of decentralized systems if taken up at a time of heightened U.S. interests in trade policy, sanctions, or conflicts.

Global geopolitical instability and U.S. foreign relations.

In this new year, western nations will likely continue to engage in tense talks with the incoming Trump administration following the President-elect’s threats of sweeping tariffs⁴⁰ and a second pullout from NATO.⁴¹ If the first Trump administration’s capricious approach to foreign policy, stoking of trade wars, and abandonment of longstanding customs and norms in international relations are any tell, the next four years present a very uncertain future. Although his first term saw no catastrophic crises, a repeat of

³⁷ POSA MEV Definitions and Fair Market Principles, PROOF OF STAKE ALLIANCE (Jun. 2024), <https://static1.squarespace.com/static/62f147feb8108a08e666aea5/t/667a11a9f073b12621fa11f2/1719275946573/POSA+MEV+Fair+Market+Principles.pdf>; see POSA, *Press Release: POSA Introduces MEV Fair Market Principles, Calls for Public Review*, PROOF OF STAKE ALLIANCE (Jun. 24, 2024), <https://www.proofofstakealliance.org/posa-mev-principles>.

³⁸ POSA Staking Industry Principles, PROOF OF STAKE ALLIANCE (Nov. 2023), <https://static1.squarespace.com/static/62f147feb8108a08e666aea5/t/654cef598b8f5853acc57071/1699540825149/POSA+Staking+Industry+Principles.pdf>; see POSA, *Press Release: Proof of Stake Alliance Releases Industry Principles for Staking*, PROOF OF STAKE ALLIANCE (Nov. 9, 2023), <https://www.proofofstakealliance.org/staking-industry-principles>.

³⁹ See generally DLx Law PLLC, *Ongoing Industry Trends and Challenges in Digital Assets, Blockchain, and Emerging Technologies*, DLX LAW: THOUGHT LEADERSHIP: 2025 INDUS. GD. FOR LAWYERS & DEV TEAMS, PT. 1, at 15-17 (Jan. 9, 2025), https://dlxlaw.com/wp-content/uploads/2025/01/Ongoing-Industry-Trends-and-Challenges-in-Digital-Assets-Blockchain-and-Emerging-Technologies_01.09.25.pdf (previews some of the industry-led standards, principles, and guidance related to digital assets, blockchain, and related emerging technologies).

⁴⁰ Jenni Reid & Silvia Amaro, ‘Tariffs All the Way’: Trump Says European Union Must Buy U.S. Oil and Gas in Trade Ultimatum, CNBC: POLITICS (Dec. 20, 2024), <https://www.cnbc.com/2024/12/20/trump-says-european-union-must-buy-us-oil-and-gas-in-trade-ultimatum.html>; Jonathan Swan & Maggie Haberman, *The Stock Market and TV: Trump’s Most Durable Guardrails*, N.Y. TIMES: NEWS ANALYSIS (Dec. 12, 2024, rev. Dec. 17, 2024), <https://www.nytimes.com/2024/12/12/us/politics/trump-tv-stock-market.html>; Scott Horsley, *Trump’s Tariffs Threat is Dividing Business Owners Across the Country*, NPR: BUS. (Dec. 15, 2024), <https://www.npr.org/2024/12/14/nx-s1-5226782/trump-tariffs-business-economy>.

⁴¹ Jack Landman Goldsmith, *Can Trump Defy Congress and Pull Out of the North Atlantic Treaty?*, AEI: OPINION (Dec. 30, 2024), <https://www.aei.org/op-eds/can-trump-defy-congress-and-pull-out-of-the-north-atlantic-treaty/>; Ellen Knickmeyer & Joanna Kozłowska, *Trump Calls for Immediate Ceasefire in Ukraine and Says a U.S. Withdrawal from NATO is Possible*, YAHOO NEWS (rev. Dec. 8, 2024), <https://www.yahoo.com/news/trump-calls-immediate-ceasefire-ukraine-120208132.html>; Jill Colvin, et al., *Trump’s Threat to NATO Allies Draws Little Condemnation from GOP, Reflecting His Grip on the Party*, AP: POLITICS (Feb. 12, 2024), <https://apnews.com/article/trump-nato-presidential-election-congress-republicans-20e902788e8701999ce0424f73d478cc>.

unorthodox approaches could be more damaging amid escalating conflicts in Eastern Europe,⁴² the Middle East,⁴³ and East Asia.⁴⁴

In addition to using the threat of sweeping tariffs as a negotiating tactic in foreign policy—something that would have seemed unorthodox prior to the first Trump administration—Trump in his second term would almost certainly consider expanded use of sanctions, as was common in his first.⁴⁵ Sanctions, as well as export controls, are likely to be more broad-based and less targeted as compared to their use under other presidential administrations,⁴⁶ but they could also potentially grow and change broadly across various sectors and parts of the world in a rapidly changing geopolitical environment.

Where digital assets offer potential avenues for circumventing sanctions, the administration's stance could harden, leading to stricter enforcement or even outright prohibitions on certain crypto platforms—especially amid rising tensions.⁴⁷ This inclination could intensify if the U.S. finds itself diverging from European

⁴² See Think Tank Reports on Russia's War of Aggression Against Ukraine, EUR. COUNCIL: DOCS. & PUBS.: LIBRARY: THINK TANK REV. (Nov. 13, 2024), <https://www.consilium.europa.eu/en/documents-publications/library/library-blog/posts/think-tank-reports-on-russia-s-war-of-aggression-against-ukraine/>; Thomas de Waal, et al., *Between Russia and the EU: Europe's Arc of Instability*, CARNEGIE ENDOWMENT FOR INT'L PEACE: RUSSIA EURASIA CTR.: RESEARCH (May 30, 2024), <https://carnegieendowment.org/research/2024/05/bosnia-moldova-armenia-between-russia-eu?lang=en¢er=russia-eurasia>; Ellen Knickmeyer & Joanna Kozłowska, *supra* note 41; Jonathan Masters, *Ukraine: Conflict at the Crossroads of Europe and Russia*, FOREIGN RELATIONS COUNCIL: BACKGROUNDER (rev. Feb. 14, 2023), <https://www.cfr.org/backgrounder/ukraine-conflict-crossroads-europe-and-russia>.

⁴³ Aosheng Pusztaszeri & Emily Harding, *The Aftermath of October 7: Regional Conflict in the Middle East*, CTR. FOR STRATEGIC & INT'L STUDIES (Dec. 19, 2024), <https://www.csis.org/analysis/aftermath-october-7-regional-conflict-middle-east>; Leila Ouhri, et al., *2024: A Year in the Middle East*, ATLANTIC COUNCIL: BLOGS: MENASOURCE (Dec. 19, 2024), <https://www.atlanticcouncil.org/blogs/menasource/2024-a-year-in-the-middle-east/>; Amr Hamzawy, *The Middle East's New War of Attrition*, CARNEGIE ENDOWMENT FOR INT'L PEACE: EMISSARY: COMMENTARY (Nov. 14, 2024), <https://carnegieendowment.org/emissary/2024/11/middle-east-war-attrition-israel-gaza-egypt-jordan-role?lang=en>.

⁴⁴ Kenji Yoshida, *Predictions 2025: A New Year of Adjustments From Regional Instability to Donald Trump*, JAPAN FORWARD: POLITICS & SEC. (Jan. 3, 2025), <https://japan-forward.com/predictions-2025-regional-instability-to-trump-kenji-yoshida/>; Shibani Mahtani, *The Countries of Southeast Asia Work Together to Quash Dissent*, WASH. POST: WORLD (Jan. 3, 2025), <https://www.washingtonpost.com/world/2025/01/03/southeast-asia-repression-exiles-cambodia-malaysia/>; Sam Kim, *South Korea's Choi Rejects Bids by Aides to Resign En Masse*, BLOOMBERG: NEWS: ARTS.: POLITICS (Jan. 1, 2025), <https://www.nytimes.com/2024/12/26/world/asia/south-korea-impeach-president-han.html>; Jin Yu Young & Choe Sang-Hun, *South Korean Lawmakers Impeach Acting President as Crisis Deepens*, N.Y. TIMES (Dec. 30, 2024), <https://www.nytimes.com/2024/12/26/world/asia/south-korea-impeach-president-han.html>; David Hutt, *Is Southeast Asia Irredentism Something to Worry About? Analysis*, EURASIA REV. (Dec. 22, 2024), <https://www.eurasiareview.com/22122024-is-southeast-asian-irredentism-something-to-worry-about-analysis/>; Dr. Bawa Singh & Koche Jay Manik, *From Korean War to Ukraine Conflict: The Evolution of North Korea-Russia Reciprocity: Analysis*, EURASIA REV. (Dec. 9, 2024), https://www.eurasiareview.com/09122024-from-korean-war-to-ukraine-conflict-the-evolution-of-north-korea-russia-reciprocity-analysis/#google_vignette; Alexis Turek, *Myanmar's Elections Will Be a China-Sponsored Fraud*, EAST ASIA FORUM (Dec. 4, 2024), <https://eastasiaforum.org/2024/12/04/myanmars-elections-will-be-a-china-sponsored-fraud/>; Simone McCarthy, *North Korea, Russia, and China Watch On as Crisis Unfolds in Key U.S. Ally South Korea*, CNN: WORLD: ASIA (Dec. 4, 2024), <https://www.cnn.com/2024/12/04/asia/south-korea-martial-law-north-korea-russia-china-intl-hnk/index.html>.

⁴⁵ Hekmat Aboukhater, *The Second Trump Term and the 'Sanctions Industrial Complex'*, MISES INST.: MISES WIRE (Dec. 12, 2024), <https://mises.org/mises-wire/second-trump-term-and-sanctions-industrial-complex>; Daniel Zmak, *Preparing for Sanctions Under a Second Trump Administration*, DILIGENT: RESOURCES: BLOG: COMPLIANCE & ETHICS (Dec. 3, 2024), <https://www.diligent.com/resources/blog/preparing-for-sanctions-under-second-trump-admin>; Daniel Tannebaum, *Sanctions Expectations in a Second Trump Administration*, ATLANTIC COUNCIL: BLOGS: ECONOGRAPHICS (Nov. 22, 2024), <https://www.atlanticcouncil.org/blogs/econographics/sanctions-expectations-in-a-second-trump-administration/>; Daniel Flatley, *Here's What Trump's Return Means for U.S. Sanctions Policy*, BLOOMBERG: NEWS: NEWSLETTERS: SUPPLY LINES (Nov. 11, 2024), <https://www.bloomberg.com/news/newsletters/2024-11-11/supply-chain-latest-trump-and-us-sanctions-policy>.

⁴⁶ See Daniel Zmak, *supra* note 45; Daniel Tannebaum, *supra* note 45; Michael Lowell, et al., *Tariffs and China to Take Center Stage in Trump's Trade Agenda*, REED SMITH LLP: PERSPECTIVES (Dec. 4, 2024), <https://www.reedsmith.com/en/perspectives/from-a2b-decoding-the-global-supply-chain/2024/12/tariffs-and-china-to-take-center-stage-in-trumps-trade-agenda>.

⁴⁷ See David Hollingworth, *Trump's Views on Cryptocurrency May Have Unintended Consequences for Putin's Russia*, DEFENSE CONNECT: GEOPOLITICS & POLICY (Dec. 20, 2024), <https://www.defenceconnect.com.au/geopolitics-and-policy/15273-trumps-views-on-cryptocurrency-may-have-unintended-consequences-for-putin-s-russia>; Bob Savic, *Circumventing Sanctions Through Innovation*, GIS REPORTS ONLINE: ECON. (Dec. 12, 2024), <https://www.gisreportsonline.com/r/international-sanctions/>; Practical Law Finance, *Post-Election Analysis: Implications for Crypto and Digital Assets*, THOMSON REUTERS: PRACTICAL LAW: U.S. (Nov. 13, 2024), <https://content.next.westlaw.com/practical-law/document/19de57cbea1e111efb5eab7c3554138a0/Post-Election-Analysis-Implications-for-Crypto-and-Digital-Assets>; Alexander Boehm, *Trump's Presidency 2.0: Implications for the Cryptocurrency Industry and Global Markets*, FINEXTRA: COMMUNITY (Nov. 6, 2024), <https://www.finextra.com/blogposting/27155/trumps-presidency-20-implications-for-the-cryptocurrency-industry-and-global-markets>.

Union sanctions, a scenario made likelier by Poland’s recent rotation into the presidency of the European Council.⁴⁸ Given Poland’s historical commitment to rigorous sanction regimes—particularly concerning Russia—any mismatch between EU and U.S. sanction policies might prompt the Trump administration to escalate unilateral measures, inadvertently curbing global adoption of permissionless digital assets and systems.⁴⁹

Economic policy considerations.

Trump’s second-term economic agenda could present a mix of opportunities and challenges for business sectors in digital assets, blockchain, and other emerging technologies. For example, the incoming administration’s promises of lower regulatory barriers and greater ‘*government efficiency*’⁵⁰ might not be enough to balance the potential large-scale inflationary effects of proposed tax cuts⁵¹ and aggressive trade measures.⁵²

The array of different possible economic policy changes and outcomes under the incoming Trump administration introduces some important considerations:

- *Corporate tax reductions:* Trump’s focus on extending and expanding the 2017 Tax Cuts and Jobs Act includes proposals to lower the corporate tax rate to 15%.⁵³ Although this and other measures could stimulate investment and foster a business-friendly environment, they risk exacerbating the federal deficit, which surged during Trump’s first term due to similar tax cuts and increased spending.⁵⁴ For blockchain and digital asset industries, these policies could potentially attract

⁴⁸ See CENTRAL EUR. TIMES, *Poland Begins EU Presidency with Orban Snub* (Jan. 6, 2025), <https://centraleuropeantimes.com/2025/01/poland-launches-eu-presidency-snubs-orban/>; Shairee Malhotra, *Poland’s EU Presidency: Thinking in Polish: Analysis*, EURASIA REV. (Jan. 5, 2025), <https://www.eurasiareview.com/05012025-polands-eu-presidency-thinking-in-polish-analysis/>; Marek Strzelecki, et al., *Poland Takes Over EU Presidency with Focus on Security*, REUTERS: WORLD: EUR. (Jan. 3, 2025), <https://www.reuters.com/world/europe/spats-divisions-mar-start-polands-eu-presidency-2025-01-03/>.

⁴⁹ See Michael Lowell, et al., *supra* note 46.

⁵⁰ See Angela Antetomaso, *DOGE Readies Massive Cuts to U.S. Government*, GLOBAL FIN. MAG.: ECON., POLICY, & REG. (Jan. 2, 2025), <https://gfmag.com/economics-policy-regulation/departments-of-government-efficiency-doge-massive-cuts/>; Justin Porter, *The Evening: Signs of Trouble for Trump’s Spending Cuts*, N.Y. TIMES (Dec. 24, 2024), <https://www.nytimes.com/2024/12/24/briefing/trump-cuts-american-airlines-michigan-state-christmukkah.html>; Alan Rappeport, *Spending Fight Shows Limits of Trump Power to Change Fiscal Path*, N.Y. TIMES (Dec. 24, 2024), <https://www.nytimes.com/2024/12/24/business/trump-musk-ramaswamy-doge-government-spending.html>; Kristina Hooper & Andy Blocker, *The Four Trump Policies Most Likely to Impact Economic Growth*, INVESCO: INSIGHTS: MARKETS & ECON. (Dec. 11, 2024), <https://www.invesco.com/us/en/insights/four-trump-policies-most-likely-impact-economic-growth.html>.

⁵¹ See Richard Rubin & Siobhan Hughes, *Republicans Lean Toward ‘One Big, Beautiful Bill’ for Trump Agenda*, WALL ST. J.: POLITICS: POLICY (Jan. 4, 2025), <https://www.wsj.com/politics/policy/republicans-lean-toward-one-big-beautiful-bill-for-trump-agenda-11eb63bc>; Andrew Duehren, *Trump’s Tax Plans*, N.Y. TIMES (Nov. 15, 2024), <https://www.nytimes.com/2024/11/15/briefing/trump-tax-plans.html>.

⁵² See Jeff Stein, *Trump Aides Ready ‘Universal’ Tariff Plans, with One Key Change*, WASH. POST: BUS. (Jan. 6, 2025), <https://www.washingtonpost.com/business/2025/01/06/trump-tariff-economy-trade/>; Ana Swanson, et al., *Trump Plans Tariffs on Mexico, Canada, and China That Could Cripple Trade*, N.Y. TIMES (Nov. 25, 2024, rev. Nov. 27, 2024), <https://www.nytimes.com/2024/11/25/business/economy/trump-tariffs-canada-mexico-china.html>.

⁵³ See Penn Wharton Policy Brief, *The 2024 Trump Campaign Policy Proposals: Budgetary, Economic, and Distributional Effects*, PENN WHARTON BUDGET MODEL (Aug. 26, 2024), <https://budgetmodel.wharton.upenn.edu/issues/2024/8/26/trump-campaign-policy-proposals-2024>.

⁵⁴ See SENATE BUDGET COMMITTEE, *Press Release: Extending Trump Tax Cuts Would Add \$4.6 Trillion to the Deficit, CBO Finds* (May 8, 2024), <https://www.budget.senate.gov/chairman/newsroom/press/extending-trump-tax-cuts-would-add-46-trillion-to-the-deficit-cbo-finds> (citing CONGRESSIONAL BUDGET OFF., Report: Budgetary Outcomes Under Alternative Assumptions About Spending and Revenues, CBO PUB. 60114 (May 8, 2024), <https://www.cbo.gov/publication/60114>); Bobby Kogan, *Report: Tax Cuts Are Primarily Responsible for the Increasing Debt Ratio*, CTR. FOR AM. PROGRESS: ARTS. (Mar. 27, 2023), <https://www.americanprogress.org/article/tax-cuts-are-primarily-responsible-for-the-increasing-debt-ratio/>.

investment by increasing disposable income and reducing barriers to entry, but concerns over fiscal sustainability and potential upward pressure on interest rates could temper enthusiasm.⁵⁵

- *Aggressive trade policies:* Trump’s plans include tariffs on imports from Canada, Mexico, and China, as well as threats of 100% tariffs on BRICS nations, reflecting the President-elect’s broader nationalist agenda.⁵⁶ Although these measures aim to protect domestic industries, they could strain international relations and raise costs for businesses reliant on global supply chains. Blockchain technology, which thrives in globally integrated markets, could face challenges resulting from these forms of economic protectionism. Contrarily, trade disruptions and currency volatility might also amplify the appeal of decentralized digital assets as hedges against fiat instability, providing alternatives for navigating geopolitical turbulence.⁵⁷
- *Federal Reserve independence:* Trump’s frequent criticism of the Federal Reserve and calls for greater control over monetary policy have raised concerns about its independence.⁵⁸ Experts have suggested, however, that Trump’s rhetoric—although inflammatory—is unlikely to translate into actions undermining the Fed’s role in safeguarding economic stability.⁵⁹ Interference with the Fed could jeopardize investor confidence and destabilize markets, making such moves unlikely. For blockchain and digital asset sectors, stability in U.S. monetary policy is critical, because confidence in the U.S. dollar underpins the broader economic environment.⁶⁰ Any significant erosion of monetary stability could introduce risks for these industries, despite the potential for a more permissive regulatory landscape.⁶¹
- *Treasury leadership & fiscal responsibility:* Trump’s nominee for Treasury Secretary, Scott Bessent, reflects the administration’s emphasis on fiscal responsibility and energy independence.⁶² Treasury’s policies under Bessent are likely to prioritize broad macroeconomic stability, indirectly benefiting blockchain applications in areas like energy and supply chain management, but they have the potential to overshadow opportunities for innovation in digital assets.⁶³ Under Bessent

⁵⁵ See Penn Wharton Policy Brief, *supra* note 53.

⁵⁶ See John Dorman, *Trump Says He Doesn’t ‘Believe’ Americans Will Pay More Under His Tariff Plan but ‘Can’t Guarantee Anything’*, BUS. INSIDER: POLITICS (Dec. 8, 2024), <https://www.businessinsider.com/trump-tariff-proposal-consumer-prices-china-mexico-canada-2024-12>.

⁵⁷ See Kristina Hooper & Andy Blocker, *supra* note 53; Palash Ghosh, *Money Manager CEO Optimism Tempered by Geopolitics, New Trump Regime in 2025*, PENSIONS & INVESTMENTS: MONEY MGMT. (Jan. 6, 2025), <https://www.pionline.com/money-management/money-manager-ceos-optimistic-tempered-worries-over-geopolitics-new-trump-regime>; Jonathan Sperling, *What Trump’s Policies Could Mean for the Fed’s Next Moves*, COLUMBIA BUS. SCHOOL: INSIGHTS: ECON. & POLICY (Dec. 18, 2024), <https://business.columbia.edu/insights/finance-economics/what-trumps-policies-could-mean-feds-next-moves>.

⁵⁸ See Liz Moyer & Janet Cho, *Trump Says He Has No Plan to Remove Powell at Fed*, BARRONS: POLITICS (Dec. 8, 2024), <https://www.barrons.com/articles/trump-nbc-news-interview-powell-fed-89503695>.

⁵⁹ See *id.*

⁶⁰ See Upamanyu Lahiri, *Why the National Debt Matters for the Dollar and Global Economic Strength*, BIPARTISAN POLICY CTR.: EXPLAINER: ECON. (Oct. 16, 2024), <https://bipartisanpolicy.org/explainer/why-the-national-debt-matters-for-the-dollar-and-global-economic-strength/>.

⁶¹ See Penn Wharton Policy Brief, *supra* note 53.

⁶² Bessent’s “3-3-3” economic plan—targeting 3% annual GDP growth, reducing the deficit to 3% of GDP, and increasing domestic oil production by 3 million barrels per day—signals a pragmatic approach. See Eric Revell, *Treasury Secretary Nominee Scot Bessent’s ‘3-3-3’ Plan: What to Know*, FOX BUS.: GOV. SPENDING (Nov. 25, 2024), <https://www.foxbusiness.com/politics/treasury-secretary-nominee-scott-bessents-3-3-3-plan-what-know>. Although this plan generally aligns with conventional approaches to economic policy, critics question its feasibility amid global uncertainties. See Pooja Rajkumari, *Trump’s Treasury Secretary Pick Scott Bessent Says A ‘Global Economic Reordering’ Is On The Way, Argues President-Elect’s Policies Will Lead To An ‘Economic Lollapalooza’*, BENZINGA: NEWS (Nov. 25, 2024), <https://www.benzinga.com/news/24/11/42158330/trumps-treasury-secretary-pick-scott-bessent-says-a-global-economic-reordering-is-on-the-way>.

⁶³ See Eric Revell, *supra* note 62.

and other key players at Treasury and the Federal Reserve, financial institutions and top public companies could be well equipped to sustain high stock market valuations amid potentially high deficit spending and other inflationary pressures.⁶⁴ This might involve regulatory leniency or quantitative easing and other indirect fiscal measures that bolster liquidity.⁶⁵ Leaders will need to balance this approach with the potential for increased economic volatility and other systemic risks.⁶⁶

- *Efforts to preserve U.S. dollar dominance*: During Trump’s first term, the dollar’s relative stability supported its role as the global reserve and trade currency despite rising deficits.⁶⁷ In his second term, anticipated deficit spending and protectionist trade policies could create upward pressure on inflation and interest rates, potentially weakening the dollar’s dominance.⁶⁸ The Treasury’s approach to maintaining dollar hegemony under Trump will likely involve efforts to ensure ongoing global confidence in the dollar even amid potential further growth in the adoption of stablecoins and decentralized systems.⁶⁹ Conversely, a weakening dollar, coupled with stablecoins’ growing prominence, might accelerate adoption of decentralized digital assets. At the same time, any significant threats to dollar hegemony could prompt stricter regulatory oversight to preserve U.S. economic influence, potentially to the digital assets industry’s disadvantage.

The rule of law could also play a pivotal role under Trump’s second administration, influencing broader economic conditions. Trump’s controversial past actions, including selective enforcement and challenges to institutional norms, raise concerns about potential erosion of legal consistency and predictability.⁷⁰

⁶⁴ Mark Sobel, *Scott Bessent May Rue the Day He Became U.S. Treasury Secretary*, OFFICIAL MONETARY & FIN. INSTS. FORUM (Nov. 25, 2024), <https://www.omfif.org/2024/11/scott-bessent-may-rue-the-day-he-became-us-treasury-secretary/>; Jarrell Dillard & Stephanie Lai, *Trump’s Treasury Pick Wants Shadow Fed Chair, Maybe Weak Dollar*, BLOOMBERG: NEWS: ARTS.: ECON. (Nov. 23, 2024), <https://www.bloomberg.com/news/articles/2024-11-23/trump-s-treasury-pick-wants-shadow-fed-chair-maybe-weak-dollar>; Saleha Mohsin, *Trump Nominates Hedge Fund Chief Bessent to Lead U.S. Treasury*, BLOOMBERG L.: BANKING L. (Nov. 22, 2024), <https://news.bloomberglaw.com/banking-law/trump-picks-scott-bessent-as-treasury-secretary>.

⁶⁵ See Jarrell Dillard & Stephanie Lai, *supra* note 64.

⁶⁶ See If taken too far, leaders could potentially undermine trust in the traditional U.S. and global financial systems. For blockchain and emerging technologies, this environment presents both risks and opportunities: Although centralization in fiscal policy might stifle certain innovations, the adoption of more flexible standards could also drive demand for trustless systems that offer transparency and resilience in contrast to perceived market distortions.

⁶⁷ See Matt Peterson, *The U.S. Dollar Is Riding High. Trump Could Put an End to All That*, BARRON’S: ARTS. (Jan. 2, 2025), <https://www.barrons.com/articles/strong-dollar-trump-tariffs-federal-reserve-monetary-policy-bd4c1cfb>; Joe Rennison, *Why the Dollar Keeps Getting Stronger*, N.Y. TIMES (Nov. 14, 2024), <https://www.nytimes.com/2024/11/14/business/strong-dollar-trump.html>; Mark Copelovitch, *How the U.S. Dollar’s Dominance Negates Fears About Debt and Deficits*, INTERECONOMICS: LETTERS FROM AMERICA, VOL. 59, NO. 5 (2024), <https://www.intereconomics.eu/contents/year/2024/number/5/article/how-the-us-dollar-s-dominance-negates-fears-about-debt-and-deficits.html>; Allan Sloan & Cezary Podkul, *Donald Trump Built a National Debt So Big (Even Before the Pandemic) That It’ll Weigh Down the Economy for Years*, PROPUBLICA: ARTS. (Jan. 14, 2021), <https://www.propublica.org/article/national-debt-trump>.

⁶⁸ See Pooja Rajkumari, *supra* note 62; Matt Peterson, *supra* note 67.

⁶⁹ See Penn Wharton Policy Brief, *supra* note 53; Chris Lehmann, *Trump’s Crackpot Scheme to Reduce Inflation Would Be a Financial Catastrophe*, NATION: ARTS.: ECON. (Dec. 31, 2024), <https://www.thenation.com/article/economy/trump-federal-crypto-reserve/>; Damian Chmiel, *What Trump’s New Crypto Project Plans with a Dollar-Backed Stablecoin*, FIN. MAGNATES: CRYPTOCURRENCY (May 11, 2024), <https://www.financemagnates.com/cryptocurrency/what-trumps-new-crypto-project-plans-with-a-dollar-backed-stablecoin/>.

⁷⁰ See William Roberts, *Trump to Push U.S. Constitutional and Legal Boundaries in Second Presidency*, INT’L BAR ASSOC. (Nov. 20, 2024), <https://www.ibanet.org/trump-second-presidency>; Michael Waldman, *Analysis: Trump and the Rule of Law*, BRENNAN CTR. FOR JUSTICE: OUR WORK (Mar. 28, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/trump-and-rule-law>; Peter Strauss, *The Trump Administration and the Rule of Law*, 170 REVUE FRANÇAISE D’ADMINISTRATION PUBLIQUE 433 (2019), available at https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3601&context=faculty_scholarship.

A weakened rule of law, among other of these considerations, could undermine investor confidence and discourage long-term economic planning, creating additional volatility in financial markets.⁷¹ Although many of these aspects could still be positive, digital asset and emerging technology sectors must navigate these considerations strategically, leveraging opportunities while mitigating risks in an evolving geopolitical environment.

Implications for digital assets and emerging tech.

Continuing or increasing global unrest and economic volatility could have a potentially tremendous impact, for better or for worse, on at least three core policy-related factors relevant to digital assets and emerging technologies writ large. These factors include (i) the sentiments and policy goals of state and federal regulators, (ii) the rate and breadth of adoption of digital assets and decentralized systems, and (iii) the trajectory of digital asset markets and certain blockchain-supported industries:

i. Regulatory sentiments and policy goals:

- U.S. policymakers and law enforcement agencies, reacting to mounting international tensions, could feel compelled to adopt stricter controls on digital assets, DeFi, and decentralized infrastructure, potentially driven by concerns for security, systemic risk, money laundering, or sanctions evasion.
- Concerns about security, systemic risk, illicit finance, and sanctions evasion can drive these controls, even under a Congress or administration assuming efforts to reduce regulatory burdens.⁷²
- Resulting policy measures—although aimed at curbing unlawful activity or foreign influence—risk stifling innovation and undermining the U.S.’s competitive standing in digital assets, blockchain, and emerging technologies.

ii. Rate and breadth of adoption:

- Shifting geopolitical conditions and U.S. foreign policy can reshape how blockchain solutions and digital assets gain traction across various markets.
- Although disruptive events might challenge the dollar’s global status, a sudden destabilization of U.S. currency is improbable absent a significant realignment of global power and alliances. This uncertainty could steer adoption trends in unpredictable ways.
- On the one hand, heightened geopolitical instability or weakened sovereign currencies could prompt broader interest in decentralized infrastructure and self-custodied digital assets as hedges against inflation or government interference. On the other hand, tighter

⁷¹ For blockchain and digital assets, which rely on clear regulatory frameworks to flourish, any perceived instability in governance or legal systems could have chilling effects on innovation and adoption. Conversely, if the administration upholds principles of legal fairness and regulatory clarity, this could bolster confidence in the U.S. as a hub for emerging technologies. The interplay between rule of law and economic policy is likely to be significant, because any shifts in governance could magnify or mitigate the effects of fiscal and monetary strategies.

⁷² The kind of uncertainty these tensions might promote might be exacerbated by foreign policy complications, such as where the preferences, actions, and objectives of regulatory agencies at any given time might reflect concerns about global geopolitical instability, including the reactions of other nations to any move by Trump or his administration.

global liquidity could deter new growth or development in decentralized projects, even as certain tokens (like bitcoin) attract safe-haven demand.

- Given the likely trajectory of current trends in institutional adoption,⁷³ large financial institutions operating in the U.S. will likely be poised to increasingly adopt and expand permissioned blockchain infrastructures. With outdated national banking and payments systems⁷⁴ and ongoing government reluctance toward a modern digital dollar,⁷⁵ these private initiatives could fortify incumbents' market dominance.⁷⁶

iii. *Market trajectory and industry growth:*

- The potential for increased global instability—as well as for increased surveillance or information control in the face of state-sanctioned cyber threats and the trending of government policies in many developed nations toward protectionism, nationalism, and kleptocratic rule⁷⁷—would likely naturally compel more widespread adoption of trustless, permissionless, and decentralized systems as means for communications, industry, and commerce.

⁷³ See generally Tom Momberg & Angela Angelovska-Wilson, *supra* note 39, at 8-10 (discussing industry and market trends relevant to digital assets, decentralized systems, and other related emerging technologies).

⁷⁴ Ross Buckley, *The U.S. is Losing the Race to Develop an Alternative Payments System*, AM. BANKER: PAYMENTS: OPINION (Dec. 30, 2024), <https://www.americanbanker.com/payments/opinion/the-us-is-losing-the-race-to-develop-an-alternative-payments-system>; PYMNTS, *Three-Quarters of Banks Face Digital Banking Infrastructure Issues* (Aug. 5, 2024), <https://www.pymnts.com/digital-first-banking/2024/three-quarters-of-banks-face-digital-banking-infrastructure-issues/>; Tom Bleach, *What Can We Learn From Payment System Failures and the Global IT Outage?*, FINTECH TIMES: EXCLUSIVE CONTENT (Jul. 20, 2024), <https://thefintechtimes.com/what-can-we-learn-from-payment-system-failures-and-global-it-outages/>; Form3, *Outdated Payment Systems Risk Falling Behind in the Digital Age*, BANKING DIVE: SPONSORED (Jun. 24, 2024), <https://www.bankingdive.com/spons/outdated-payment-systems-risk-falling-behind-in-the-digital-age/718879/>; Sameer Danave, *The Evolution of Payments Rails: Shaping the Future of Financial Services*, FINTECH NEXUS: GUEST POSTS (Jan. 26, 2024), <https://www.fintechnexus.com/evolution-payments-rails-shaping-future-financial-services/>.

⁷⁵ See Anshu Siripurapu & Noah Berman, *The Crypto Question: Bitcoin, Digital Dollars, and the Future of Money*, COUNCIL ON FOREIGN RELATIONS: BACKGROUNDER (Jan. 17, 2024), <https://www.cfr.org/backgrounder/crypto-question-bitcoin-digital-dollars-and-future-money>; Josh Lipsky & Ananya Kumar, *The Fed is Falling Behind as Other Central Banks Leap Ahead on Digital Currencies*, ATLANTIC COUNCIL: NEW ATLANTICIST (Jan. 25, 2024), <https://www.atlanticcouncil.org/blogs/new-atlanticist/the-fed-is-falling-behind-as-other-central-banks-leap-ahead-on-digital-currencies/>; Emily Ekins & Jordan Gygi, *New Poll: Only 16% of Americans Support the U.S. Adopting a Central Bank Digital Currency, 68% Would Oppose if the Government Could See What You Buy*, CATO INST: BLOG (May 31, 2023), <https://www.cato.org/blog/new-poll-only-16-americans-support-us-adopting-central-bank-digital-currency-68-would-oppose>.

⁷⁶ The largest multi-national banking conglomerates will likely be able to further consolidate their markets with a competitive edge fueled by the cost savings and transaction expediency of these technologies. This will likely especially be the case in cross-border transactions, and especially if it is those very banking institutions that assume control of whatever becomes the most widely used infrastructure, systems, and applications. If, as a result of geopolitical factors, U.S. dollar hegemony is weakened or conventional banking and payments infrastructure is significantly disrupted, then these large financial institutions will likely have prepared to be able to take advantage of the situation. They will likely be in the best position to insulate themselves from systemic risks and avoid fallout, lobby in the wake of failure for preferred laws and regulations that could impede the adoption of decentralized systems, and work to consolidate market share.

⁷⁷ James Guild, *Why Economic Nationalism Was the Biggest Story of 2024 in Southeast Asia*, DIPLOMAT: ASIAN BEAR: ECON.: S.E. ASIA (Dec. 31, 2024), <https://thediplomat.com/2024/12/why-economic-nationalism-was-the-biggest-story-of-2024-in-southeast-asia/>; Ashley Fish-Robertson, *New Research Indicates a Growing Trend of Resource Nationalism, Including in Canada*, CIM MAG.: NEWS (Dec. 13, 2024), <https://magazine.cim.org/en/news/2024/global-protectionism-on-the-rise-en/>; Sekarsari Sugihartono, *The Current Trend of Deglobalization: Protectionism and Resource Nationalism*, MODERN DIPLOMACY: ECON. (Sep. 20, 2024), <https://modern diplomacy.eu/2024/09/20/the-current-trend-of-de-globalization-protectionism-and-resource-nationalism/>; Edward Lempinen, *Fascism Shattered Europe a Century Ago, and Historians Hear Echoes Today in the U.S.*, UC BERKELEY NEWS (Sep. 9, 2024), <https://news.berkeley.edu/2024/09/09/fascism-shattered-europe-a-century-ago-and-historians-hear-echoes-today-in-the-u-s/>; Amaris Rancy, *Report: Fighting Kleptocracy in an Era of Geopolitics*, NAT. ENDOWMENT FOR DEMOCRACY (Feb. 27, 2024), available at <https://www.ned.org/fighting-kleptocracy-in-an-era-of-geopolitics/>; Elaine Dezenski, *Kleptocrats in Democracy's Clothing: Beijing and Moscow Talk Anti-Corruption at the EU*, FOUND. FOR DEFENSE DEMOCRACIES: EURONEWS (Jan. 9, 2024), https://www.fdd.org/analysis/op_ed/2024/01/09/kleptocrats-in-democracys-clothing-beijing-and-moscow-talk-anti-corruption-at-the-un/; Jessica Ludwig, *Countering Corruption and Kleptocracy: What Can Be Done to Uproot a Global Scourge?*, GEORGE W. BUSH PRES. CTR.: POLICY RECOMMENDATIONS (Jan. 18, 2023), <https://www.bushcenter.org/publications/policy-recommendation-kleptocracy>; John Heathershaw, et al., *Research Paper: The U.K.'s Kleptocracy Problem*, CHATHAM HOUSE (Jan. 20, 2023), <https://www.chathamhouse.org/2021/12/uks-kleptocracy-problem/03-global-money-laundering-capital>;

- Conversely, governments grappling with economic or security worries might embrace more restrictive policies on emerging tech, especially in an era of persistently high interest rates, which could dampen investor sentiment and reduce capital inflow.
- At the same time, these geopolitical factors could potentially lead to decreased international cooperation and increased regulatory fragmentation across various jurisdictions and markets, potentially hindering innovation and growth in technologies and industries and civil and economic advancements they support. These influences could also impede the scalability of these technologies, introduce system vulnerabilities, or lead to sacrifices on some of the principles (like decentralization and permissionlessness) that are critical to their development.
- In what would also likely continue as a high interest rate environment under these circumstances, these trends could potentially harm market sentiment, reducing capital flow into digital assets and emerging tech industries.

3. Regulatory Policy Shifts & Priorities of the Incoming Administration

Donald Trump's now '*crypto-friendly*' stance has so far come to show promise for digital assets and emerging technologies and industries, especially with some of his upcoming nominations for new regulatory leadership. Securities and digital assets markets have been rallying since the election in the shadow of a lot of Trump's moves, but, importantly, many possible aspects of his incoming administration could potentially heighten challenges for digital assets, decentralized systems, and related emerging technologies.

Market regulatory leadership.

The incoming administration's policies will likely reduce regulatory enforcement by agencies like the Securities and Exchange Commission (SEC) and Commodity Futures Trading Commission (CFTC), but rolling back regulations could favor conventional institutions rather than promote competition in emerging technologies. Most prominently, Trump's nomination of former SEC Commissioner Paul Atkins to succeed Gary Gensler as SEC Chair marks a potentially momentous shift away from the aggressive digital asset-related enforcement strategies characterized by Gary Gensler's tenure.⁷⁸

Atkins is a significant figure known for his advocacy against interventionist regulatory approaches, which is consistent with his track record from when he had previously served, following his appointment by President George W. Bush, as an SEC Commissioner from 2002 until 2008.⁷⁹ Under Atkins's leadership,

⁷⁸ See Richard Marshall, et al., *The SEC Lives On Under New Leadership: What to Expect*, NAT. L. REV.: ARTS. (Dec. 17, 2024), <https://natlawreview.com/article/sec-lives-under-new-leadership-what-expect>; Matthew Goldstein & David Yaffe-Bellany, *Trump Picks Paul Atkins to Run the SEC*, N.Y. TIMES (Dec. 4, 2024), <https://www.nytimes.com/2024/12/04/business/trump-sec-paul-atkins.html>; Josh Lipton & Julie Hyman, *Trump Names Atkins as His SEC Chair Pick: What It Means for Crypto*, YAHOO FIN.: VIDEO (Dec. 4, 2024), <https://finance.yahoo.com/video/trump-names-atkins-sec-chair-203350636.html>.

⁷⁹ See Former Commissioner Paul Atkins, SEC. & EXCH. COMM'N: ABOUT: SEC COMMISSIONERS, <https://www.sec.gov/about/sec-commissioners/sec-historical-summary-chairmen-commissioners/paul-s-atkins> (last visited Jan. 3, 2024). Historically, Atkins has consistently emphasized the importance of balancing investor protections with the need for market efficiency and capital formation. See Richard Marshall, et al., *supra* note 78; Kevin LaCroix, *More About the SEC Under the Incoming Presidential Administration*, D&O DIARY: SEC. ENFORCEMENT (Dec. 16, 2024), <https://www.dandodiary.com/2024/12/articles/securities-enforcement/more-about-the-sec-under-the-incoming-presidential-administration/>.

the SEC is widely anticipated to significantly dull, if not fully mollify, the complicated compliance pressures and air of uncertainty over digital assets and DeFi that has been emanating from the agency over the past few years:⁸⁰

- *Potential unified majority among commissioners:* A notable aspect of Atkins's return to the SEC is his likely alliance with Republican-appointed Commissioners Hester Peirce and Mark Uyeda. Well before their current appointments, Peirce⁸¹ and Uyeda⁸² both served as Counsel to Atkins when he was Commissioner, suggesting they could form a cohesive bloc at the SEC for years to come.
- *Opportunities for new guidelines:* Under new leadership, the SEC will likely have an opportunity to present clear frameworks for industry and make the U.S. more inviting to digital asset service providers and founders and developers of various blockchain projects and other emerging technologies.
- *Prospect of staking ETF approvals:* Atkins's SEC could potentially quickly work toward approvals of the first ETH staking ETFs.⁸³ Proponents argue that a regulated product enabling both institutional and retail staking exposure could spur capital inflows and normalize yield-bearing digital assets.⁸⁴ If ETH staking ETFs be approved, regulators and private stakeholders might be able to collaborate on clearer protections around staking protocols, which could also shape practical industry standards for on-chain governance and transparency.

⁸⁰ See Alex Thorn, *Report: Crypto Public Markets are About to Open*, GALAXY.COM: INSIGHTS: RESEARCH (Dec. 12, 2024), <https://www.galaxy.com/insights/research/crypto-public-markets-are-about-to-open/>; Richard Marshall, et al., *supra* note 78; Chris Prentice & Douglas Gillison, *Trump's SEC Pick Atkins Marks Victory for Establishment Expertise*, REUTERS: WORLD: U.S. (Dec. 5, 2024), <https://www.reuters.com/world/us/trumps-sec-pick-atkins-marks-victory-establishment-expertise-2024-12-05/>.

⁸¹ See Commissioner Hester Peirce, SEC. & EXCH. COMM'N: ABOUT: SEC COMMISSIONERS, <https://www.sec.gov/about/sec-commissioners/hester-m-peirce> (last visited Jan. 3, 2024). Commissioner Peirce, often dubbed "crypto mom" for her supportive stance on digital assets, is a vocal advocate for regulatory clarity and for safe harbors for the developers of blockchain projects. See OneSafe Content Team, *Hester Peirce: Crypto Mom's Task Force and the Future of Digital Assets*, OneSafe: Blog: Crypto (rev. Nov. 9, 2024), <https://www.onesafe.io/blog/peirce-crypto-task-force-digital-asset-management>; Jennifer Andrus, *SEC Commissioner Speaks Boldly on Cryptocurrency Regulation*, N.Y. State Bar Assoc.: Latest News (Oct. 18, 2024), <https://nysba.org/sec-commissioner-speaks-boldly-on-cryptocurrency-regulation/?srsltid=AfmBOo91FtPwcjd3qlhuVesk4EJsKXIsfliKtjMa0YERazluoixHxns>.

⁸² See Commissioner Mark Uyeda, SEC. & EXCH. COMM'N: ABOUT: SEC COMMISSIONERS, <https://www.sec.gov/about/sec-commissioners/mark-uyeda> (last visited Jan. 3, 2024). Commissioner Uyeda has been a staunch critic of the SEC's past approach to digital assets under existing chair Gary Gensler, advocating for clear regulatory guidelines to foster innovation while ensuring investor protections. See Tom Mitchelhill, *SEC Commissioner Mark Uyeda Slams Agency's Crypto Policy as a 'Disaster'*, COINTELEGRAPH: NEWS (Oct. 11, 2024), <https://cointelegraph.com/news/sec-crypto-policy-disaster-commissioner-mark-uyeda>.

⁸³ See Michael Ebiekutan, *SEC Commissioner Hester Pierce Sheds Light on Ethereum ETF Staking Under New Administration*, FXSTREET: CRYPTOS (Dec. 21, 2024), <https://www.fxstreet.com/cryptocurrencies/news/sec-commissioner-hester-pierce-sheds-light-on-ethereum-etf-staking-under-new-administration-202412210155>; Binance News, *SEC Commissioner Hester Peirce Signals Optimism for Ethereum ETF Staking Under New Leadership*, BINANCE SQ.: POSTS (Dec. 20, 2024), <https://www.binance.com/en/square/post/12-20-2024-sec-commissioner-hester-peirce-signals-optimism-for-ethereum-etf-staking-under-new-leadership-17822317718025>.

⁸⁴ See Brian McGleenon, *Ethereum ETF Staking Yields Could Drive Institutional Adoption if Regulatory Barriers Ease Under Trump: Analysts*, THEBLOCK: POSTS (Dec. 17, 2024), <https://www.theblock.co/post/331093/ethereum-etf-staking-regulation-trump>; Oluwapelumi Adejumo, *Staking Could Lower Fees and Boost Interest in Ethereum ETFs, Analyst Claims*, CRYPTOSLATE: U.S.: ETHEREUM: ETFs (Nov. 7, 2024), <https://cryptoslate.com/staking-could-lower-fees-and-boost-interest-in-ethereum-etfs-analyst-claims/>; Todd Shriber, *Staking Yields Could Boost Ethereum ETFs*, VETFAFI ETF TRENDS: CRYPTO CHANNEL (Oct. 1, 2024), <https://www.etftrends.com/crypto-channel/staking-yields-could-boost-ethereum-etfs/>. Critics have voiced concerns, however, that public disclosures for a broad consumer-facing staking product could oversimplify the underlying complexities of staking, potentially leading investors to misunderstand or underestimate related risks and implications for network security and validator decentralization. See Eddie Mitchell, *Are Ethereum ETFs a Threat to Decentralization?*, CCN: NEWS: CRYPTO (Jun. 1, 2024), <https://www.ccn.com/news/crypto/ethereum-etfs-threat-decentralization/>; Liam Wright, *Why Staking Was Removed from Ethereum ETFs to Get SEC Approval*, CRYPTOSLATE: U.S.: ETHEREUM: CRYPTO (May 24, 2024), <https://cryptoslate.com/why-staking-has-been-removed-from-ethereum-etfs-for-now/>; Andrew O'Neill & Alexandre Birry, *U.S. Ether ETFs Could Exacerbate Concentration Risk*, S&P GLOBAL: RATINGS: RESEARCH: ARTS. (Feb. 20, 2024), <https://www.spglobal.com/ratings/en/research/articles/240220-u-s-ether-etfs-could-exacerbate-concentration-risk-13009237>.

The conventional institutional backgrounds of the commissioners could suggest that any efforts by SEC to revise policy or lift of regulatory burdens in the next several years might not necessarily always translate into support for some of the more disruptive aspects of DeFi, blockchain, and other emerging technologies. Still, relevant industries have reason to be enthusiastic about a Republican-led SEC. More focused enforcement will likely offer at least short-term relief for the industry, sparking new capital inflows and possibly a kind of second ‘ICO boom.’⁸⁵

At the CFTC, which oversees operators of derivatives markets in the U.S. and regulates fraud in spot market commodities, including most cryptocurrencies, the President-elect has yet to select a new commission chair.⁸⁶ Trump’s ultimate pick, whoever it might ultimately be, could potentially assume collaborative stance with industry participants—similar to what is anticipated at Atkins’s SEC—potentially prompting the CFTC to refine its registration requirements, reporting rules, and guidance on the operation of decentralized trading venues.⁸⁷

Taken together, the outlook for emerging technologies and industries under these two agencies is quite positive:

- *Clearer regulatory frameworks:* Many firms welcome the potential for a new approach at both the SEC and CFTC, hoping for explicit guidelines that reduce uncertainty in digital asset markets.
- *Coordinated policy efforts:* Both agencies could, and should, coordinate and work closely together to resolve potentially overlapping authorities or conflicting policy preferences that could create gaps in market surveillance or investor protections or increase their exposure to fraud or systemic risk.⁸⁸
- *Potential for no-action relief:* Under new leadership, either or both of these agencies could potentially engage in issuing no-action relief for some digital assets-related activities or organizations.
- *Potential for regulatory sandboxes:* The likely re-introduction or expansion of regulatory sandbox programs at either or both these agencies could allow developers to test products under supervision but without onerous compliance burdens,⁸⁹ potentially helping to pave the way for broader

⁸⁵ See Maria Poteriaieva, *The Real Altcoin Season is Coming in 2025*, FORBES: SITES: DIGITAL ASSETS (Dec. 10, 2024), <https://www.forbes.com/sites/digital-assets/2024/12/10/the-real-altcoin-season-is-coming-in-2025/>; Lucas Kelly, *The Next ICO Boom is Coming, and It Will Be Better Than 2018*, COINTELEGRAPH: NEWS (Apr. 17, 2024), <https://cointelegraph.com/news/next-ico-boom-better-than-2018>.

⁸⁶ See Josh O’Sullivan, *a16z’s Brian Quintenz Top Pick for CFTC Chair Under Trump: Report*, COINTELEGRAPH: NEWS (Dec. 12, 2024), <https://cointelegraph.com/news/brian-quintenz-cftc-chair-pro-crypto-trump>; Veronica Irwin, *Who Will Be Trump’s CFTC Chair? There’s a New Top Contender for the Role*, UNCHAINED CRYPTO (Dec. 9, 2024), <https://unchainedcrypto.com/who-will-be-trumps-cftc-chair-theres-a-new-top-contender-for-the-role/>. No matter who it is, Trump’s pick would likely mark another major pivot in the federal government’s approach to digital assets; under the direction of Quintenz, for example, the CFTC could prioritize updated guidelines for futures and swaps products tied to digital assets. See Aleksei, *Brian Quintenz Takes Charge: What It Means for Crypto Regulation*, CRYPTO ROBOTICS: NEWS (Dec. 13, 2024), <https://cryptorobotics.ai/news/brian-quintenz-cftc-crypto-regulation/>.

⁸⁷ See *id.*

⁸⁸ See Merkle Science, *CFTC vs. SEC: Navigating Regulatory Overlap in the Crypto Market*, MERKLE SCIENCE: GEN. (Nov. 19, 2024), <https://blog.merklescience.com/general/cftc-vs.-sec-navigating-regulatory-overlap-in-the-crypto-market>.

⁸⁹ Regulatory ‘sandboxes’ enable startups and established firms alike to test innovative products, services, or business models in a controlled environment with reduced regulatory burdens for a set period. Proponents argue that sandboxes encourage experimentation and can bring cutting-edge offerings to market sooner, helping agencies gather real-world data that can inform future rulemaking. See Richardson Chinonyerem, *Regulatory Sandbox Programs: The Game-Changer for Web3 Innovation*, DROOMDROOM: ADOPTION (Feb. 3, 2023, rev. Nov. 23, 2024), <https://droomdroom.com/regulatory-sandbox-programs-explained/>; Lorraine Porciuncula, *From Catching Up to Leading: How Sandboxes Can Shape the Future of Technology for People and Planet*, DATASPHERE INITIATIVE: NEWS (Sep. 11, 2024).

acceptance of experimental DeFi, tokenization models, AI-driven trading systems, or other emerging tech solutions.

Industry participants should hold optimism for this new direction, but they likely also ought to prepare for any number of possible opportunities and challenges that might arise in this rapidly changing regulatory environment. In the beginning, affected industries will likely benefit from lighter-hand enforcement and principles-based regulation,⁹⁰ but successful long-term policy will require ongoing careful calibration to avoid lapses in regulatory oversight or unchecked systemic risks.⁹¹ In that vein, the SEC and CFTC will also need to continue to keep up enforcement against significant instances of fraud and market manipulation, which could cause speculation to surge if left unconstrained, potentially eroding investor confidence and slowing adoption.⁹²

Other likely policy reversals from the Biden administration.

The President-elect's public statements, tweets, and campaign promises suggest a decisive break from many of the executive orders and proposals championed by President Joe Biden. Most prominently, Trump has signaled interest in rolling back environmental and financial regulatory measures advanced during the previous administration, including policies stemming from Biden's executive orders on digital assets⁹³ and AI.⁹⁴ Such rollbacks could theoretically spur a more permissive landscape for experimentation in these areas, but they risk undermining the responsible development of these technologies more broadly.

<https://www.thedatasphere.org/news/from-catching-up-to-leading-how-sandboxes-can-shape-the-future-of-technology-for-people-and-planet/>; BAKER MCKENZIE, *Report: A Guide to Regulatory FinTech Sandboxes Internationally* (May 2020), https://www.bakermckenzie.com/-/media/files/insight/publications/2020/05/a_guide_to_regulatory_fintech_sandboxes_internationally_8734.pdf. Research on sandbox initiatives in other jurisdictions, such as the U.K. Financial Conduct Authority's early models, suggests that carefully structured programs can help regulators better understand emerging risks, potentially leading to smarter and more nuanced policy. See U.K. FIN. CONDUCT AUTH., *Digital Securities Sandbox Opens for Applications*, FCA: NEWS STORIES (Sep. 30, 2024), <https://www.fca.org.uk/news/news-stories/digital-securities-sandbox-opens-applications>; Winston & Strawn, *The Digital Securities Sandbox: An Expansion of UK Financial Technologies*, WINSTON & STRAWN LLP: BLOGS & PODCASTS: CAPITAL MARKETS & SEC. L. WATCH (Jun. 4, 2024), <https://www.winston.com/en/blogs-and-podcasts/capital-markets-and-securities-law-watch/the-digital-securities-sandbox-an-expansion-of-uk-financial-technologies>.

⁹⁰ These shifts could create new opportunities for digital assets and emerging tech industries to operate with less regulatory scrutiny, but they could also potentially deter some engagement from institutional investors wary of regulatory ambiguity if the federal agencies do not also come out with clear guidance for industry.

⁹¹ See Former SEC Enforcement Division Director Gurbir Grewal, *Speech: What's Past is Prologue: Enforcing the Federal Securities Laws in the Age of Crypto*, SEC. & EXCH. COMM'N: NEWSROOM: SPEECHES & STATEMENTS (Jul. 2, 2024), <https://www.sec.gov/newsroom/speeches-statements/grewal-remarks-age-crypto-070224>; INT'L ORG. SEC. COMM'NS BD., Final Report: Policy Recommendations for Crypto and Digital Asset Markets, IOSCO: LIBRARY: PUBLIC DOCS., at 26-27 (Recommendation 8) (Nov. 16, 2023), <https://www.iosco.org/library/pubdocs/pdf/IOSCOPD747.pdf>; DELOITTE, Report: Evolving Regulatory and Surveillance Landscape in Digital Assets, DELOITTE: CONTENT: DOCS., at 5-6 (Dec. 2022), <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/us-whitepaper-on-evolving-regulatory-and-surveillance-landscape-in-digital-assets.pdf>.

⁹² Digital asset markets could potentially deteriorate if reductions in regulatory barriers or enforcement go too far. Any significant instability or rampant fraud or market manipulation would likely deter many retail and institutional investors from engaging with this asset class, thereby increasing speculation and volatility and likely slowing the rate of innovation and adoption. See Yuliya Guseva, *The SEC, Digital Assets, and Game Theory*, 46:3 IOWA J. CORP. L. 629, 642-650, 667-675 (2021), available at https://jcl.law.uiowa.edu/sites/jcl.law.uiowa.edu/files/2021-08/Guseva_Final_Web.pdf.

⁹³ Executive Order 14067, *Ensuring Responsible Development of Digital Assets* (Mar. 9, 2022), <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/03/09/executive-order-on-ensuring-responsible-development-of-digital-assets/> [hereinafter Biden 2022 Responsible Digital Assets E.O.]; see Hannah Lang, *U.S. Crypto Industry Eyes Possible Day-One Trump Executive Orders*, REUTERS: TECH. (Jan. 2, 2025), <https://www.reuters.com/technology/us-crypto-industry-eyes-possible-day-one-trump-executive-orders-2024-12-23/>.

⁹⁴ Executive Order 14110, *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence* (Oct. 30, 2023), <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/10/30/executive-order-on-the-safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence/> [hereinafter Biden 2023 Trustworthy AI Development E.O.]; see Giuseppe Ciccomascolo, *Tech Trends 2025: Expert Predictions Under Donald Trump's Presidency*, CCN: NEWS: TECH.: BIG TECH (Dec. 31, 2024), <https://www.ccn.com/news/technology/tech-trends-expert-predictions-donald-trump/>; Ben Miller, *AI-Washing Enforcement Crackdown Set to Survive Trump Rollbacks*, BLOOMBERG L.: SEC. L. (Nov. 25, 2024), <https://news.bloomberglaw.com/securities-law/ai-washing-enforcement-crackdown-set-to-survive-trump-rollbacks>; Natalie Alms, *Trump Promised to Repeal Biden's AI Executive Order: Here's What to Expect*,

Trump's new handpicked chair to oversee the Federal Trade Commission (FTC), existing Commissioner Andrew Ferguson,⁹⁵ could further alter the regulatory landscape for digital assets, AI, and other emerging technologies. Trump also vowed to nominate former Senate antitrust aide Mark Meador to join the 5-person commission to establish a Republican majority.⁹⁶ Ferguson's aversion to heavy-handed AI regulation and skepticism of 'Big Tech' censorship reflect the administration's broader preference for industry-led solutions.⁹⁷ Given his antitrust background, he might also encourage a less interventionist approach to mergers and acquisitions in emerging tech sectors at the FTC, which could spur consolidation or allow well-capitalized incumbents to acquire smaller innovators.⁹⁸

Ferguson's prior comments suggest he might seek to reduce the FTC's investigative role in crypto-related fraud and scams, marking a departure from the current FTC stance, which has emphasized consumer protection and cracking down on deceptive AI claims.⁹⁹ Moreover, if the FTC under Ferguson scales back its current efforts to police deceptive practices in AI and digital asset offerings, the burden to monitor and enforce could shift onto other federal agencies or even state regulators. In that sense, the Commission's new direction could reduce immediate compliance pressures for certain crypto and AI ventures but simultaneously foster an environment where bad actors might thrive, ultimately eroding trust in emerging technologies.

Additionally, the incoming administration appears likely to revisit the 'net neutrality'¹⁰⁰ repeals that Trump pursued in his first term,¹⁰¹ which were mostly reinstated under Biden's Federal Communications

NEXTGOV: ARTIFICIAL INTELLIGENCE (Nov. 8, 2024), <https://www.nextgov.com/artificial-intelligence/2024/11/trump-promised-repeal-bidens-ai-executive-order-heres-what-expect-next/400934/>.

⁹⁵ See Cecilia Kang & David McCabe, *Trump Picks Andrew Ferguson to Lead Federal Trade Commission*, N.Y. TIMES (Dec. 10, 2024), <https://www.nytimes.com/2024/12/10/technology/trump-ftc-andrew-ferguson.html>.

⁹⁶ See *id.*

⁹⁷ See *id.*; Jay Peters, *Trump's Pick for FTC Chair Promises to Go After 'Censorship' from Tech Companies*, THEVERGE: POLICY: TECH (Dec. 10, 2024), <https://www.theverge.com/2024/12/10/24318388/trump-ftc-chair-pick-andrew-ferguson-censorship-tech-companies>.

⁹⁸ See Kevin Goldstein, et al., *Trump's Antitrust Strategy Continues to Take Shape with New FTC Picks*, WINSTON & STRAWN LLP: BLOGS & PODCASTS (Dec. 17, 2024), <https://www.winston.com/en/blogs-and-podcasts/competition-corner/trumps-antitrust-strategy-continues-to-take-shape-with-new-ftc-picks>

⁹⁹ Ferguson has also indicated support for targeting "censorship" by large tech companies, which critics argue might draw resources away from more traditional antitrust or consumer protection enforcement. See Cecilia Kang & David McCabe, *supra* note 95; Jody Godoy, *How Trump's New FTC Chair Views AI, Big Tech*, REUTERS: TECH. (Dec. 12, 2024), <https://www.reuters.com/technology/how-trumps-new-ftc-chair-views-ai-big-tech-2024-12-12/>. Observers note that these signals could result in a "mixed bag" for innovation: On the one hand, Ferguson's reluctance to mount sweeping AI crackdowns might allow more leeway for startups experimenting with blockchain and machine learning tools, but, on the other hand, potential cutbacks on privacy protections and consumer safeguards could leave users vulnerable to exploitation. See Justin Wise & Tonya Riley, *Trump FTC Pick Wants to Avoid AI Crackdown*, BLOOMBERG L.: ANTITRUST (Dec. 12, 2024), <https://news.bloomberglaw.com/antitrust/trump-ftc-pick-wants-to-avoid-ai-crackdown-target-censorship>; Suzanne Smalley, *Trump FTC Pick Seen as Mixed Bag for Data Privacy and Enforcement*, THERECORD (Dec. 12, 2024), <https://therecord.media/trump-ftc-pick-ferguson-seen-as-mixed-bag-on-privacy>.

¹⁰⁰ The FCC's net neutrality rules were originally adopted under former President Barack Obama in April 2015, requiring internet service providers (ISPs) not to unfairly restrict internet communications, consistent with the principle that all online traffic ought to be treated equally. FED. COMMS. COMM'N, Final Rule: Protecting and Promoting the Open Internet, 80 FED. REG. 19,738-19,850 (Apr. 13, 2015), <https://www.federalregister.gov/documents/2015/04/13/2015-07841/protecting-and-promoting-the-open-internet>.

¹⁰¹ The FCC repealed net neutrality rules under Trump in February 2018 under the guise of "restoring internet freedom." FED. COMMS. COMM'N, Final Rule: Restoring Internet Freedom, 83 FED. REG. 7,852-7,922 (Feb. 22, 2018), <https://www.federalregister.gov/documents/2018/02/22/2018-03464/restoring-internet-freedom>.

Commission (FCC) in 2024¹⁰² only to be struck down by the 6th Circuit Court of Appeals in the new year.¹⁰³ Although it remains to be seen whether the Supreme Court will review the 6th Circuit’s decision, it is likely that, without congressional action, Trump and his new pick to lead the FCC, Brendan Carr,¹⁰⁴ could continue efforts to undercut open and fair internet access.

Without the FCC’s enforcement of net neutrality, the ability of private carriers to slow, block, or otherwise restrict access to internet content significantly undermines principles of openness and permissionless—principles that mirror the very ethos of decentralized blockchain networks. Ultimately, this change and the policy efforts of the Trump administration could jeopardize the frictionless flow of on-chain database transactions and access to various blockchain networks and dApps¹⁰⁵ and could even threaten the innovation and adoption of AI technologies.¹⁰⁶ Notwithstanding the repeal of net neutrality as applied to the internet broadly, any blockchain- or digital assets-specific legislation taken up by Congress that similarly assumes an approach inconsistent with neutrality principles could very well be the beginning of the end for crypto.¹⁰⁷

The Trump administration’s growing inner circle of loyalists and tech leaders.

Donald Trump will likely remain unconventional and at times controversial, but his second-term administration is set to be markedly different from his first in many respects. Trump’s newfound alliances with industry leaders and loyalists is a prime example. Among a wide array of notable appointments, Trump named David Sacks as the White House AI and crypto “czar”—a move that underscores the administration’s

¹⁰² Under Biden’s FCC, net neutrality rules were mostly reinstated by agency rulemaking in May 2024 after adopting a declaratory ruling, report and order, order, and reconsideration order re-establishing the Commission’s authority over broadband internet access service. FED. COMMS. COMM’N, Final Rule: Safeguarding and Securing the Open Internet and Restoring Internet Freedom, 83 FED. REG. 45,404-45,556 (May 22, 2024), <https://www.federalregister.gov/documents/2024/05/22/2024-10674/safeguarding-and-securing-the-open-internet-restoring-internet-freedom>.

¹⁰³ Pointing to the U.S. Supreme Court’s Loper Bright decision from June 2024 overturning longstanding precedent on deferral to federal agencies in their promulgation of rules and regulations, on January 2, 2025, a three-judge panel on the 6th Circuit Court of Appeals ruled that the FCC lacked the statutory authority to regulate broadband internet service providers (ISPs) under its mandate in the Communications Act of 1934, as amended by the Telecommunications Act of 1996. *Ohio Telecom Assoc.*, at al. v. *Fed. Comms. Comm’n*, Case 24-3449, Doc. 139-2 (Opinion), at 6-8, 20-24 (Jan. 2, 2025), available at <https://storage.courtlistener.com/recap/gov.uscourts.ca6.151470/gov.uscourts.ca6.151470.6015486419.2.pdf>. Referring to the net neutrality rules, the court said “[t]his order—issued during the Biden administration—undoes the order issued during the first Trump administration, which undid the order issued during the Obama administration, which undid orders issued during the Bush and Clinton administrations”; given the FCC’s flip-flop on the issue over the last couple decades, the 6th Circuit panel maintained that it should be up to Congress to establish the FCC’s clear authority and mandate in connection with any regulation of ISPs. *Id.* at 7-8.

¹⁰⁴ See Cecilia Kang, *Trump Picks Brendan Carr to lead FCC*, N.Y. TIMES (Nov. 17, 2024, rev. Nov. 20, 2024), <https://www.nytimes.com/2024/11/17/technology/fcc-nominee-brendan-carr-trump.html>.

¹⁰⁵ CoinBureau Editorial Team, *3 Ways Net Neutrality Laws Could Affect Cryptocurrency in America*, COINBUREAU: ANALYSIS (Mar. 29, 2023), <https://coinbureau.com/analysis/3-ways-net-neutrality-laws-affect-cryptocurrency-america/>; Lindsay Huber, *What Happens to Cryptocurrency if Net Neutrality Dies for Real?*, AM. GENIUS (Jan. 2, 2018), <https://theamericangenius.com/happens-cryptocurrency-net-neutrality-dies-real/>; Dick Polipnick, *Will Net Neutrality Affect Bitcoin and Blockchain?*, ONLINE GROWTH SYSTEMS: BLOG: TECH. (Dec. 15, 2017), <https://onlinegrowthsystems.com/blog/will-net-neutrality-affect-bitcoin-and-blockchain>; Kajol Wadhvani, *Relationship Between Net Neutrality and Cryptocurrency*, SOLULAB: BLOG, <https://www.solulab.com/relationship-between-net-neutrality-and-cryptocurrency/> (last visited Jan. 4, 2024).

¹⁰⁶ Tom Wheeler, *AI Makes the Fight for Net Neutrality Even More Important*, BROOKINGS INST.: ARTS. (Apr. 9, 2024), <https://www.brookings.edu/articles/ai-makes-the-fight-for-net-neutrality-even-more-important/>.

¹⁰⁷ If blockchain and distributed ledger systems are unable to observe basic principles of openness, decentralization, and permissionlessness, then the core security tenants are threatened to fail, rendering them as useless infrastructures for most if not all underlying intents and purposes. See Samuel Weinstein, *Blockchain Neutrality*, 55 GA. L. REV. 499, 557-61, 590-91 (2021), available at <https://georgialawreview.org/api/v1/articles/21202-blockchain-neutrality.pdf>; Aleksander Kuzmanovic, *Net Neutrality: Unexpected Solution to Blockchain Scaling*, ACM COMM.: PRACTICE (May 1, 2019), <https://cacm.acm.org/practice/net-neutrality/>; Dr. Falk Schöning & Myrto Tagara, *What Blockchain Can Learn From the Net Neutrality Debate: Antitrust and Regulatory Aspects of ‘Paid Prioritization’ for a Nascent Technology*, LEXOLOGY: LIBRARY (Nov. 7, 2017), <https://www.lexology.com/library/detail.aspx?g=d216a9b4-22e5-4c5d-a91f-ee4c2151688d>.

intent to elevate the role of emerging technologies in national policy.¹⁰⁸ Sacks is a former PayPal COO and well-known venture capitalist, and he has deep connections within Silicon Valley.¹⁰⁹ His appointment for this new position sends a clear signal that Trump is potentially keen to influence the discourse on AI and digital assets.¹¹⁰

Although ‘czars’ are part-time appointments with no Congressionally delegated powers or hard influence on federal policy, this particular announcement signals Trump’s potentially evolving approach to tech leadership. During his first term, Trump had an often contentious relationship with Silicon Valley, engaging in public feuds with prominent tech CEOs like Mark Zuckerberg and Tim Cook.¹¹¹ In contrast, Trump now finds himself forming alliances with influential billionaires and tech moguls, including Elon Musk.¹¹²

The close ties with Musk, in particular, are notable given his influence and his own controversial views on AI development, free speech, and the role of technology in society.¹¹³ The evolving relationships between Trump and these tech titans suggest a more coordinated approach to tech policy this time around—one that might blend populist rhetoric with the strategic interests of America’s leading tech billionaires.¹¹⁴ Trump’s growing circle of loyalists also includes several prominent figures who have demonstrated unwavering support for him throughout his political career.¹¹⁵ The presence of loyal and influential figures within Trump’s orbit signals a potentially deliberate pivot by the President-elect to align himself with tech leaders

¹⁰⁸ See Stephanie Lai, et al., *Trump Names David Sacks as White House AI and Crypto Czar*, BLOOMBERG: NEWS: POLITICS & CRYPTO (Dec. 6, 2024), <https://www.bloomberg.com/news/articles/2024-12-06/trump-names-david-sacks-as-white-house-ai-and-crypto-czar>; Reuters, *Trump Appoints Former PayPal Exec David Sacks as AI and Crypto Czar*, REUTERS: WORLD: U.S. (Dec. 6, 2024), <https://www.reuters.com/world/us/trump-appoints-former-paypal-coo-david-sacks-ai-crypto-czar-2024-12-06/>.

¹⁰⁹ See Stephanie Lai, et al., *supra* note 108.

¹¹⁰ See *id.*

¹¹¹ See Daily Sabah, *Trump’s Return to Power: Big Tech, AI Rivalries, Future of U.S. Tech Policy*, SETA FOUND.: OPINION (Nov. 13, 2024), <https://www.setav.org/en/opinion/trumps-return-to-power-big-tech-ai-rivalries-future-of-us-tech-policy>; Tripp Mickle & David McCabe, *Before the Election, Tech CEOs Were Quietly Courting Trump*, N.Y. TIMES (Nov. 7, 2024), <https://www.nytimes.com/2024/11/07/technology/trump-tech-ceos.html>.

¹¹² This newfound camaraderie has reportedly been facilitated by shared ideological stances on issues like strategic regulatory cuts and an aversion to ‘Big Tech’ censorship. See Geoff Weiss, *The Silicon Valley Titans Seeking Donald Trump’s Ear as His Second Term Approaches*, BUS. INSIDER: TECH. (Dec. 4, 2024), <https://www.businessinsider.com/tech-ceos-donald-trump-elon-musk-mark-zuckerberg-sam-altman-2024-12>; Theodore Schleifer & Mike Isaac, *Tech Elite Push Tech Elite to Elon Musk for Cabinet Positions*, N.Y. TIMES (Nov. 14, 2024), <https://www.nytimes.com/2024/11/14/technology/trump-elon-musk-silicon-valley.html>.

¹¹³ See Haileleol Tibebe, *How Elon Musk’s Influence Could Shift U.S. AI Regulation Under the Trump Administration*, TECHPOLICY.PRESS (Nov. 14, 2024), <https://www.techpolicy.press/how-elon-musks-influence-could-shift-us-ai-regulation-under-the-trump-administration/>; Justin Klawans, *Elon Musk’s Most Controversial Moments*, THEWEEK: TECH.: ELON MUSK (Oct. 18, 2024), <https://www.wired.com/story/vivatech-elon-musk-announcement/>; Walter Isaacson, *Inside Elon Musk’s Struggle for the Future of AI*, TIME (Sep. 6, 2023), <https://time.com/6310076/elon-musk-ai-walter-isaacson-biography/>; Antonio Piemontese, *Elon Musk Seeks Support Against Rules on Free Speech Online*, WIRED: STORIES: BUS. (Jun. 28, 2023), <https://www.wired.com/story/vivatech-elon-musk-announcement/>; Nico Perrino, *Free Speech Culture, Elon Musk, and Twitter*, THEFIRE: NEWS (Dec. 1, 2022), <https://www.thefire.org/news/free-speech-culture-elon-musk-and-twitter/>; Naomi Nix & Gerry Shih, *Elon Musk’s Free-Speech Agenda Poses Safety Risks on Global Stage*, WASH. POST: TECH. (May 16, 2022), <https://www.wired.com/story/vivatech-elon-musk-announcement/>.

¹¹⁴ See Hugo Lowell, *Trump Cabinet Picks Shaped by New Power Centers in His Orbit*, GUARDIAN: U.S. POLITICS (Nov. 29, 2024), <https://www.theguardian.com/us-news/2024/nov/29/trump-administration-influence-cabinet>.

¹¹⁵ See Domenico Montanaro, *Trump Is Creating Team of Loyalists After Conflicts with Cabinet Members in 1st Term*, NPR: POLITICS (Nov. 16, 2024), <https://www.npr.org/2024/11/16/g-s1-34532/trump-cabinet-loyalists>; Li Zhou, *Trump Is Staffing Up His White House with Loyalists*, VOX: POLITICS (Nov. 14, 2024), <https://www.vox.com/politics/384320/trump-cabinet-white-house>; Stephen Collinson, *Trump’s Emerging Team of Loyalists Is Primed for a Fast Start in His Second Term*, CNN: POLITICS (Nov. 12, 2024), <https://www.cnn.com/2024/11/12/politics/trump-team-loyalists-analysis/index.html>; McKay Coppins, *Loyalists, Lapdogs, and Cronies*, ATLANTIC: POLITICS (Dec. 4, 2023), <https://www.theatlantic.com/magazine/archive/2024/01/donald-trump-2024-reelection-cabinet-appointments/676121/>.

who not only support his policies but are also invested in maintaining U.S. technological supremacy, particularly in the face of increasing economic competition from China.¹¹⁶

Nevertheless, Trump’s reaction to the influence of these tech leaders and loyalists remains predictably unpredictable. One consistent aspect of Trump’s leadership style is his resistance to the advice or overt influence of others, even by or from those within his inner circle.¹¹⁷ Despite his new alliances, Trump has historically shown a tendency to push back against individuals whom he perceives as trying to exert undue influence over him, particularly if he believes it could undermine his autonomy or political brand.¹¹⁸ For these among other reasons, the incoming administration’s relationships with leaders of various industries as well as Trump’s own advisors and political appointees will likely be tumultuous at times, as they were during his first administration.

Trump might have learned from his first term in office and the people who have aligned themselves with him this time around might have a better understanding of what they are in for. Nonetheless, if the past is any indication of the future, then this tumultuousness could have far-reaching implications for emerging industries and technologies.¹¹⁹ The unpredictability of Trump’s decision making means that these technologies could face sudden regulatory pivots or policy shift at any time.¹²⁰ It also means that, depending on whomever can successfully steer Trump’s whims at any given time, policy changes could potentially be meant to favor incumbent businesses and industries at the expense of competition or innovation.

Ultimately, in the next four years and potentially beyond: Industries involved in digital assets and emerging technologies, perhaps even more than most other industries, will likely need to navigate a landscape that is simultaneously promising and still somewhat uncertainty. Alliances with power players can lead to swift advancements in this environment but also potentially abrupt new challenges. Even as Trump surrounds himself with loyalists and tech visionaries, the future trajectory of U.S. policy remains one that is difficult to predict and yet crucial for stakeholders to watch closely.

Trump’s unconventional approach to governance.

Donald Trump’s governing style is often peculiar, pushing the bounds of longstanding democratic norms. Trump’s last presidency was often associated with corporate welfare initiatives, selective favoritism, and unpredictable rhetoric that had major effects on U.S. foreign relations and policy.¹²¹ The possible return of

¹¹⁶ See Atlantic Council Experts, *Donald Trump Just Won the Presidency: Our Experts Answer the Big Questions About What That Means for America’s Role in the World*, ATLANTIC COUNCIL: BLOGS: NEW ATLANTICIST (Nov. 6, 2024), <https://www.atlanticcouncil.org/blogs/new-atlanticist/donald-trump-just-won-the-presidency-our-experts-answer-the-big-questions-about-what-that-means-for-americas-role-in-the-world/>.

¹¹⁷ Tripp Mickle & David McCabe, *supra* note 111; Whizy Kim, *Elon Musk and the Age of Shameless Oligarchy*, VOX: MONEY (Nov. 25, 2024), <https://www.vox.com/money/387348/elon-musk-trump-president-billionaire-oligarchy>.

¹¹⁸ This phenomenon—Trump’s aversion to being “handled”—has led to erratic policy shifts and sudden departures from established positions, often depending on who is in his ear at any given moment and the context of unfolding events. Although President-elect Trump has been open to advice from tech leaders like Musk and Sacks, he has also made clear that he will not hesitate to diverge from their perspectives if he feels they conflict with his broader goals or instincts. See Zolan Kanno-Youngs, *The Trump Insiders Who Have Outsize Influence as He Chooses His Cabinet*, N.Y. TIMES (Nov. 11, 2024, rev. Nov. 12, 2024), <https://www.nytimes.com/2024/11/11/us/politics/trump-administration-insiders.html>.

¹¹⁹ This unpredictability could even create an environment where emerging technologies simultaneously benefit from reductions in barriers to entry for businesses while being subject to the volatility of shifting political priorities.

¹²⁰ For example, Trump’s disdain for being seen as capitulating to external pressures could lead to moments where he takes a hard stance against technology companies or policies that otherwise seemed aligned with his administration’s goals. See Julia Shapero, *Who is David Sacks, Trump’s Crypto and AI Chief?*, HILL: TECH. (Dec. 6, 2024), <https://thehill.com/policy/technology/5026959-venture-capitalist-david-sacks-white-house/>.

¹²¹ See Pema Levy, *Corruption Is About to Get Worse, Thanks to the Supreme Court*, MOTHER JONES: POLITICS (Dec. 18, 2024), <https://www.motherjones.com/politics/2024/12/donald-trump-corruption-supreme-court/>; Joanne Haner, *Chuck Todd: ‘Greatest Fear’ Is Trump*

these tendencies in Trump's second term could raise alarms over how deeply the administration might intervene in markets and industries involving emerging technologies, potentially suppressing truly decentralized projects in favor of state-aligned interests or incumbent industry dominance.¹²² The finance sector and other large commercial interests will likely continue to have a lot of influence in Washington working against the viability and long-term success of decentralized systems and the emerging technologies and industries.¹²³

Nevertheless, the unpredictability of Trump's alignment with his own potential allegiances at any given point could help to create a more level playing field between incumbent interests and new challengers. The biggest Republican benefactors and special interest lobbyists might not necessarily be able to yield any more influence over Trump than can the much smaller and less well funded interests in emerging technologies.

The extent to which Trump listens to any particular wealthy industry, business, or donor is likely no more consistent than his willingness to listen to his own advisors or experts. Moreover, although he can be unconventional, Trump now has a better understanding of how to wield the levers of government and carries more clout with the other members of his own party¹²⁴ than he did in his first term, which means he could potentially wield significant influence over both legislation and independent agency regulation.

Win Turns GOP Into Kleptocracy, HILL: HOME NEWS: CAMPAIGN (Nov. 4, 2024), <https://thehill.com/homenews/campaign/4969846-chuck-todd-donald-trump-kleptocracy/>; Jan-Werner Müller, *No, Trump Is Not a Fascist, but That Doesn't Make Him Any Less Dangerous*, THE GUARDIAN: OPINION: U.S. ELECTIONS 2024 (Oct. 29, 2024), <https://www.theguardian.com/commentisfree/2024/oct/29/trump-rally-fascism-politics>; David Dayen, *A Second Trump Administration Would Be a Carnival of Corruption and Greed*, N.Y. TIMES: OPINION (Oct. 22, 2024), <https://www.nytimes.com/2024/10/22/opinion/trump-second-term-corruption.html>; CREW Report, *President Trump's Legacy of Corruption, Four Years and 3,700 Conflicts of Interest Later*, CITIZENS FOR ETHICS: REPORTS (Jan. 15, 2021, rev. Apr. 14, 2021), <https://www.citizensforethics.org/reports-investigations/crew-reports/president-trump-legacy-corruption-3700-conflicts-interest/>.

¹²² See Isabel Pérez, *Is Crypto Just Another Misleading Strategy by the Re-elected Trump?*, MEDIUM: OBYTE BLOG (Dec. 20, 2024), <https://blog.obyte.org/is-crypto-just-another-misleading-strategy-by-the-re-elected-trump-ff9c9e6332cd>; Petko Karamotchev, *Trump's Crypto Gamble: Bitcoin, Project 2025, and the Fight for Dollar Dominance*, MEDIUM: INDUS. & TECH. (Dec. 9, 2024), <https://medium.com/industria-tech/trumps-crypto-gamble-bitcoin-project-2025-and-the-fight-for-dollar-dominance-f18769a6d8eb>; Aaron Brown, *Trump May Be Good for Crypto, but Bad for Bitcoin*, BLOOMBERG: OPINION: ARTS. (Nov. 13, 2024), <https://www.bloomberg.com/opinion/articles/2024-11-13/what-trump-s-win-in-2024-election-means-for-cryptocurrencies>; Daniel Kuhn, *No, a Trump Victory Might Be Bad for Crypto*, COINDESK: OPINION (Jun. 14, 2024), <https://www.coindesk.com/opinion/2024/01/09/no-a-trump-victory-might-be-bad-for-crypto>. Similarly, the first Trump administration's track record on and aptitude for narrative control, political retribution, and "draining the swamp" could signal an impulse to strip power from certain federal agencies, even though, ironically, such actions might also undermine the stable regulatory environment needed to foster innovation in digital assets and emerging technologies. See Sven Larson, *Trump and the Great Big Crypto Hype*, EUR. CONSERVATIVE: ARTS.: ANALYSIS (Dec. 10, 2024), <https://europeanconservative.com/articles/analysis/trump-and-the-great-big-crypto-hype/>; Jenny Ta, *Crypto in the Trump Era: Four Years of Deregulation, Fraud, Chaos, but Also Opportunities*, MEDIUM: JENNY Q TA (Dec. 8, 2024), <https://medium.com/@JennyQTA/crypto-in-the-trump-era-four-years-of-deregulation-fraud-chaos-but-also-opportunities-eaad6bf54da>; Vaidehi Mehta, *Crypto Industry Prepares for Deregulation Under Trump*, FINDLAW: L. BLOGS: L. & DAILY LIFE (Nov. 14, 2024), <https://www.findlaw.com/legalblogs/law-and-life/advocates-for-crypto-prepare-for-deregulation-under-trump/>; Christopher Beam, *The Worst of Crypto Is Yet to Come*, ATLANTIC: IDEAS (OPINION) (Oct. 30, 2024), <https://www.theatlantic.com/ideas/archive/2024/10/crypto-lobbying-trump-harris/680445/>; Hadriana Lowenkron, *Ramaswamy's Crypto Deregulation Plan Is Scaring the Industry*, BLOOMBERG: NEWS: ARTS.: POLITICS (Nov. 22, 2023), <https://www.bloomberg.com/news/articles/2023-11-22/ramaswamy-s-crypto-deregulation-plan-is-scaring-the-industry>.

¹²³ Corporate interests and political pandering often intermingle, which could ultimately dilute the very principles of permissionlessness and trust-minimized governance that give blockchain and distributed ledger technologies their transformative potential. These considerations portray a potential environment in which the principles underlying the successful development of these technologies (*i.e.*, decentralization, openness, permissionlessness) could at times be at odds with executive actions or congressional aims. Although initial easing of regulatory burdens might boost short-term growth, the broader risk is that top-down mandates and the influence of incumbent sectors could jeopardize the long-term development of decentralized systems and related emerging technologies and industries.

¹²⁴ See Kaia Hubbard, *Trump Will Have a GOP Senate and House as President: What Unified Government Means for His Cabinet and Agenda*, CBS NEWS: POLITICS (Nov. 15, 2024), <https://www.cbsnews.com/news/trump-cabinet-republican-senate-house-unified-government/>; Joseph Stepanky, *What Does the Republican 'Trifecta' Mean for Trump and His Agenda?*, ALJAZEERA: NEWS: U.S. ELECTION 2024 (Nov. 15, 2024), <https://www.aljazeera.com/news/2024/11/15/what-does-the-republican-trifecta-mean-for-trump-and-his-agenda>; Peter Baker & Charlie Savage, *Trump Will Return to Power With a More Expansive Agenda*, N.Y. TIMES (Nov. 6, 2024), <https://www.nytimes.com/2024/11/06/us/politics/trump-president-agenda.html>.

The reverse of this is also true, however. Even though many digital assets businesses, industry groups, and wealthy crypto proponents put significant sums into the 2024 general election campaign coffers for Donald Trump and many ‘*pro-crypto*’ candidates across the country,¹²⁵ Trump being Trump is not necessarily beholden to them in any way.

Trump’s commitments to the interests of the digital assets sector thus far could potentially be no more than hallow pandering, or they might simply be aligned with his own interests. For example: Trump announced on the campaign trail in July 2024 his for a new crypto-related venture that he and his family are now operating called “World Liberty Financial.”¹²⁶ Few concrete details have emerged as to the purpose or underlying fundamentals of the project (other than ‘to reduce inflation’ in the U.S.),¹²⁷ fueling suspicion about the legitimacy of both the project and Trump’s newfound pro-crypto posture.¹²⁸ At all times prior to the 2024 campaign season, Trump regularly criticized Bitcoin and other digital assets as fraudulent schemes,¹²⁹ so his sudden reversal was not necessarily wholly aligned with interests of decentralized systems and emerging industries.

Overall, this outlook remains bright. Businesses, developers, advocates, and other industry stakeholders supporting innovation in decentralized digital assets, technologies, and infrastructures can likely continue to curry favor and influence with the incoming administration and members of Congress on both sides of the aisle. Importantly, the proponents of these technologies and the efficiency and socioeconomic equity they can tend to foster are in the best position to lead, collectively organize, and promote a policy environment in the U.S. where they can thrive. For this to happen, industry stakeholders must work closely

¹²⁵ See Anna Khariton, *supra* note 5; Molly White, *Crypto Got What It Wanted in November’s Election: Now What?*, BLOOMBERG: NEWS: ARTS.: CRYPTO (Dec. 17, 2024), <https://www.bloomberg.com/news/articles/2024-12-17/crypto-got-what-it-wanted-in-the-us-election-here-s-what-s-next>; Jesse Hamilton, *Fairshake: Crypto Titans Use Old-School Dollars to Turn Tide in Congress*, COINDESK: POLICY (Dec. 10, 2024), <https://www.coindesk.com/policy/2024/12/10/fairshake-crypto-titans-use-old-school-dollars-to-turn-tide-in-congress>.

¹²⁶ World Liberty Financial, <https://www.worldlibertyfinancial.com/>; see Chris Lehmann, *supra* note 69; Alexandria Ulmer & Simon Lewis, *Trump Crypto Venture Partners with Platform Linked to Middle East Militants*, REUTERS: TECH. (Dec. 12, 2024), <https://www.reuters.com/technology/trump-crypto-venture-partners-with-platform-linked-middle-east-militants-2024-12-12/>; DL Research, *What You Need to Know About the Trump Family’s New Crypto Venture: World Liberty Financial*, DLNEWS: RESEARCH (Nov. 12, 2024), <https://www.dlnews.com/research/what-you-need-to-know-about-the-trump-familys-new-crypto-venture-world-liberty-financial/>; Megan Cerullo, *Trump Talks Up World Liberty Financial Crypto Exchange, but Many Questions Remain*, CBS NEWS: NEWS: MONEYWATCH (Sep. 17, 2024), <https://www.cbsnews.com/news/trump-crypto-exchange-world-liberty-financial/>; David Yaffe-Bellany, et al., *Trump Rolls Out His New Cryptocurrency Business*, N.Y. TIMES (Sep. 16, 2024), <https://www.nytimes.com/2024/09/16/technology/trump-crypto-world-liberty-financial.html>.

¹²⁷ See Chris Lehmann, *supra* note 69.

¹²⁸ Skeptics have warned that the World Liberty Financial project might amount to little more than an outright ‘Ponzi’ scheme, or that it could merely be intended as a populist gambit, simply representing a gesture of the Trump’s commitment to the digital assets sector. See *id.*; Qiana Chen, *Everything is a Ponzi? How to Align Knowledge and Action in the AI Era Before It Fully Arrives?*, MEDIUM: QIANA CHEN (Dec. 23, 2024), <https://medium.com/@qianachen8/everything-is-a-ponzi-how-to-align-knowledge-and-action-in-the-ai-era-before-it-fully-arrives-02ea21210d8d>; Muyao Shen, *Trump’s Crypto Project Is Buying Niche Tokens Worth Millions of Dollars*, BLOOMBERG: NEWS: ARTS.: TECH.: CRYPTOCURRENCY (Dec. 13, 2024), <https://www.bloomberg.com/news/articles/2024-12-13/trump-s-world-liberty-is-buying-niche-tokens-worth-millions-of-dollars>; Tonya Evans, *Trump’s WLF1 Crypto Venture Raises Ethical Concerns Before Election*, FORBES: DIGITAL ASSETS (Sep. 18, 2024), <https://www.forbes.com/sites/tonyaevans/2024/09/18/trumps-wlfi-crypto-venture-raises-ethical-concerns-before-election/>; Steve Dent, *Trump Jumps Into Cryptocurrency, Appears to Know Nothing About It*, ENGADGET: GEN. (Sep. 17, 2024), <https://www.engadget.com/general/trump-jumps-into-cryptocurrency-appears-to-know-nothing-about-it-130022525.html>. Skeptics also point to the timing of Trump’s announcement of his own cryptocurrency and his endorsement of the digital assets sector more broadly—shortly before the November 2024 election—as evidence that they were aimed primarily at courting crypto-friendly voters and not at laying out a successful crypto venture or advancing any genuine policy framework. See Isabel Pérez, *supra* note 122; Peter Suderman, *This Election Has Been Defined by Presidential Policy Pandering*, REASON: ELECTION 2024 (Oct. 29, 2024), <https://reason.com/2024/10/29/this-election-has-been-defined-by-presidential-policy-pandering/>; Jemima Kelly, *The Farce That is America’s ‘Crypto Election’*, FIN. TIMES: OPINION (Sep. 29, 2024), <https://www.ft.com/content/b2c50db6-2884-4c52-973d-d30671602fb0>.

¹²⁹ See David Yaffe-Bellany, et al., *supra* note 126; Steve Contorno, *Trump, Who Once Trashed Bitcoin as ‘Based on Thin Air,’ Address Crypto’s Largest Convention*, CNN: POLITICS (Jul. 27, 2024), <https://www.cnn.com/2024/07/27/politics/donald-trump-bitcoin-cryptocurrency/index.html>; Mary-Ann Russon, *Donald Trump Calls Bitcoin ‘a Scam Against the Dollar’*, BBC: NEWS: BUS. (Jun. 7, 2021), <https://www.bbc.com/news/business-57392734>.

with, sow trust in, and seek to strengthen and improve U.S. regulatory agencies and other important public institutions. Mr. Trump might not always pursue these ends, so broad industry and public support will likely be key.

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