

Description for Amendment to H.R. 4762 Submitted by Rep Casar of Texas

This amendment strikes the text following the enacting clause. It directs the SEC and CFTC to create a joint advisory board. It requires that the advisory board provide a report to the Committees on Agriculture and on Financial Services of the House and the Committees on Agriculture, Nutrition, and Forestry, and on Banking, Housing, and Urban Affairs of the Senate. The report must contain recommendations for addressing regulatory gaps in the digital market sector, recommended funding levels to address regulatory gaps, and recommendations for addressing any jurisdictional issues. The recommendations must consider findings from the Financial Stability Oversight Council (FSOC) Report on Digital Asset Financial Stability Risks and Regulation released in 2022. Finally, the amendment includes a Sense of Congress that future legislation on this topic should consider the findings from the joint advisory report mandated by this amendment.

**SUBSTITUTE FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4763
OFFERED BY MR. CASAR OF TEXAS & Ms. Salinas**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. ADVISORY COMMITTEE ON EMERGING AND ON-**
2 **GOING ISSUES RELATED TO REGULATION OF**
3 **DIGITAL ASSETS MARKETS.**

4 (a) ESTABLISHMENT.—The Commodity Futures
5 Trading Commission and the Securities and Exchange
6 Commission shall jointly establish an advisory committee
7 to develop recommendations on emerging and ongoing
8 issues related to the regulation of digital assets markets.

9 (b) REPORT TO CONGRESS.—Within 1 year after the
10 date of the enactment of this Act, the advisory committee
11 established under subsection (a) shall prepare and submit
12 to the Committees on Agriculture and on Financial Serv-
13 ices of the House of Representatives and the Committees
14 on Agriculture, Nutrition, and Forestry, and on Banking,
15 Housing, and Urban Affairs of the Senate a written report
16 that—

17 (1) identifies—

1 (A) all digital asset jurisdictional issues be-
2 tween the Commissions, including how the
3 Commissions will determine what is a security
4 and what is a commodity;

5 (B) all regulatory gaps in the regulation of
6 digital assets markets; and

7 (C) the funding necessary to address any
8 such gaps; and

9 (2) includes recommendations, which shall take
10 into account the findings from the Financial Sta-
11 bility Oversight Council (FSOC) *Report on Digital*
12 *Asset Financial Stability Risks and Regulation* re-
13 leased in 2022, for—

14 (A) additional authorities which Congress
15 should provide to enable the Commissions to fill
16 any such gaps; and

17 (B) addressing the risks the digital assets
18 industry poses to the stability of the United
19 States financial system.

20 **SEC. 2. SENSE OF THE CONGRESS.**

21 It is the sense of the Congress that any legislation
22 enacted by the Congress regarding the regulation of digital
23 assets markets should take into account the recommenda-
24 tions made under section 1(b)(2).

