Regulating crypto shouldn’t hinge on securities status

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Davis Polk partners Joe Hall and Jai Massari recently authored “Regulating crypto shouldn’t hinge on securities status” in *Law360*. In the article, Joe and Jai discuss why regulators should change their approach to how they view the regulation of crypto. They propose that instead of asking whether cryptocurrencies are federal securities, regulators should determine the appropriate regulatory approach to crypto markets.

Joe and Jai also note that President Biden’s recent executive order sets the stage for a blueprint that Congress can use to develop standards governing crypto activities and then allocate rulemaking and enforcement authority among the federal regulators depending on the particular activity.

Read the full article