



**FOR IMMEDIATE RELEASE**

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**National Association of Assistant United States Attorneys (NAAUSA) Statement on  
Senate Banking Committee Consideration of H.R. 3633**

**Washington, D.C.** — The National Association of Assistant United States Attorneys (NAAUSA) reiterates its opposition to Section 604 of H.R. 3633, the Digital Asset Market Clarity Act of 2025, ahead of the Senate Committee on Banking, Housing, and Urban Affairs’ executive session to consider the legislation.

NAAUSA has raised concerns with the Senate Banking Committee throughout consideration of the legislation and appreciates the ongoing conversations regarding its implications for federal and state criminal enforcement.

While we understand additional changes to the bill are still being considered, the current language continues to create dangerous limitations on longstanding money transmission enforcement authorities relied upon by prosecutors to combat serious criminal activity.

Federal prosecutors and law enforcement professionals understand firsthand how illicit actors exploit gaps in financial oversight systems. These provisions could facilitate the movement of proceeds connected to fentanyl trafficking, human trafficking, terrorist financing, sanctions evasion, and other transnational criminal activity through digital asset systems operating outside established regulatory frameworks.

NAAUSA remains deeply concerned that the proposed carve-outs for certain “non-controlling” actors would create statutory defenses that sophisticated criminal enterprises and bad actors will inevitably attempt to exploit. The legislation risks elevating form over substance in ways that undermine prosecutors’ ability to pursue conduct that functionally constitutes money transmission.

At a time when policymakers across both parties and the Administration have emphasized combating fentanyl trafficking, terrorist financing, and transnational criminal organizations, Congress should avoid creating new legal ambiguities that could weaken critical enforcement tools.

NAAUSA supports amendments that more narrowly tailor protections for truly non-controlling software developers while preserving prosecutors’ ability to pursue individuals and entities that materially facilitate, support, profit from, or knowingly enable unlawful financial activity through digital asset systems.

In the event this legislation advances with the current language, NAAUSA will continue engaging with lawmakers, prosecutors, and law enforcement stakeholders to advocate for changes necessary to maintain effective enforcement tools needed to address evolving financial crime threats and protect public safety.

NAAUSA supports responsible technological innovation and recognizes that individuals should not face criminal liability solely for writing or publishing code. However, innovation cannot come at the expense of public safety or the integrity of longstanding criminal enforcement authorities.

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**ABOUT NAAUSA**

The National Association of Assistant United States Attorneys (NAAUSA) represents current and former federal prosecutors and civil attorneys dedicated to safeguarding justice for all Americans. NAAUSA advocates for the common interests of the nation’s frontline Assistant United States Attorneys and supports policies that strengthen public safety, uphold the rule of law, and protect the integrity of the federal justice system.