Accountable.US

Secretary Vanessa Countryman
Securities and Exchange Commission
100 F Street NE
Washington, DC 20549-1090

Re: Proposed Rule SR-NYSEARCA-2025-45

Secretary Countryman,

Accountable.US writes to urge the Securities and Exchange Commission to deny approval of **SR-NYSEARCA-2025-45**, a 19b-4 proposed rule change that NYSE-Arca, Inc. has requested for a cryptocurrency ETF created by the Trump Media & Technology Group (TMTG). The request is also rife with political, personal, and business conflicts of interest with the president's company, and approval would call into question the commission's independence and its commitment to ethics and fair play.

The rule in question would allow the Trump Media and Technology Group to create the "Truth Social Bitcoin and Ethereum ETF", which would hold 75% Bitcoin (BTC) and 25% Ethereum (ETH). However, the commission is under no obligation to approve it and allow the ETF product to launch.

The United States is in an unprecedented era in which the president, while serving in office, has entered into numerous business deals and is also the majority owner of TMTG, which is also entering into the risky world of cryptocurrency.

Approving the rule, especially one with such risks to the investing public and one that would directly benefit the president's publicly traded company, will bring into question the integrity of the commission. It may appear to American investors that the SEC is simply granting favors to the president.

The SEC should take the appropriate steps to not participate in the president's egregious conflicts of interest. In fact, the commission recently put an "indefinite stay" on a similar crypto-connected vehicle - the Bitwise 10 Crypto Index Fund. Therefore, approving SR-NYSEARCA-2025-45 would likely give the impression that the SEC is affording Trump preferential treatment.

The Proposed ETF Could Lead To High Levels Of Risk

Crypto assets themselves are relatively new and represent a certain high level of risk. According to the Financial Industry Regulatory Authority (FINRA), cryptocurrency assets like BTC and ETH "experienced higher levels of volatility relative to more traditional investment assets, meaning that price swings—and any investment value—may go up and down dramatically and unpredictably, and the risk of losing all of your investment is significant." FINRA also states that crypto assets are "less liquid than more traditional financial instruments like stocks and bonds which can exacerbate price volatility and make it more difficult to sell."

The company itself acknowledges this as well. In TMTG's prospectus filed on June 6, 2025, the company wrote: "Bitcoin is a highly volatile asset that has traded below $50,000 per bitcoin and above $111,000 per bitcoin in the past 12 months." It also acknowledged that BTC's trading price "significantly decreased during prior periods, and such declines may occur again in the future."

TMTG's own traditional, non-crypto shares have also struggled. The stock, which trades under the symbol "DJT", is down roughly 50% since the middle of January 2025. The company has also posted meager earnings of only $821,200 in the first quarter of 2025 and only reported $3,618,000 in total annual revenue in 2024, compared to a market cap of approximately $5.19 billion, as of midday trading on July 8, 2025.

Adding to this risk is the poor record of the proposed ETF's chosen custodian of the BTC and ETH assets, Foris DAX, a subsidiary of Crypto.com. As of July 8, 2025, Foris DAX has 846 complaints against it on the Consumer Financial Protection Bureau's database, including several for various transaction problems, including "trouble accessing funds in mobile or digital wallet", "fraud or scam", and "money not available when promised". Other consumers complained of "confusing or missing disclosures" and "unexpected or other fees."

Crypto.com and its chief executive officer have a history of "unreliable" and problematic behavior in the trading markets. In December 2022, *CNBC* reported that Crypto.com co-founder and CEO Kris Marszalek, who is based in Hong Kong, has a business history "replete with red flags," including being involved in a multimillion-dollar settlement over claims of defective products and was paid millions of dollars by his manufacturing company "months before it entered bankruptcy."

Additionally, Crypto.com faced criticism for mishandling "a roughly $400 million transaction" in 2022. That same year, Crypto.com paused certain withdrawals during a moment of market stress.

The company also came under scrutiny for reportedly acting as both trader and market maker, a potentially problematic conflict. In March 2025, *Fortune* reported on

Crypto.com's mysterious and rapid rise, which may have been aided by "wash trading" to artificially increase its trading volume or by improper in-house trading.

Additionally, Foris DAX/crypto.com donated $1,000,000 to Trump's 2025 inauguration.

Cryptocurrency already poses serious risks to retail investors given tremendous volatility, and Foris DAX, Inc. and Crypto.com can not be trusted to adequately manage the ETF's trust of BTC and ETH. .

Conflicts With The Trump Family's Business Empire

The rule in question is rife with conflicts, and voting to approve it would call into question the integrity of the Securities and Exchange Commission. The Trump Media & Technology Group (TMTG), the entity seeking the rule change through the New York Stock Exchange, is majority-owned by a revocable trust connected to Donald J. Trump, the current president of the United States. Trump owns a majority 52% stake in the company valued at approximately $2 billion.

In a *Meet the Press* interview in December 2024, Trump said he would not step away from the company, setting the stage for major conflicts of interest. He said, "Well, I don't know how I can divest. What does that mean? I'm not allowed to open it and use it? I mean, all I do is — I — I don't openly look at the — the company." In fact, before he took office, his promise to hold onto his shares of DJT sent the stock price soaring. In a September press conference, a reporter asked Trump if he would offload his shares and he said simply: "I'm not selling". This simple response sent the stock shooting "up 27% to $20.76, before closing the day at $17.97."

TMTG even considers the prospect of Trump divesting to be a significant risk to the company's stock price. Wall Street observers have noted that if Trump were to sell his shares, it would result in a dramatic drop in the stock price, which would endanger the security's value for investors. TMTG strongly resembles a "meme stock" and it could be severely overvalued because it is tied to Trump's popularity and news coverage rather than strong underlying fundamentals.

Trump, his family and now his company have begun expanding their business interests into the world of crypto assets. Not only is it highly unusual for a sitting president to be exploring business deals while in office, these particular ventures are also risky and open the door for unprecedented levels of corruption. Ethics experts have already raised the alarm about the potential for corruption. Steven Levitsky, a professor of government at Harvard University, told *The Guardian*, "I have never seen such open corruption in any modern government anywhere." Similarly, Paul Rosenzweig, a former federal prosecutor, hinted that these schemes may be unconstitutional: "Self-enrichment is exactly what the founders feared most in a leader – that's why they put two separate prohibitions on self-benefit into the Constitution." Additionally, Princeton University professor Julian Zelizer said, "Trump's crypto dealings seem pretty explicit," and that "policy decisions are being made regarding parts of the financial industry that are being done not to benefit the nation, but his own financial interests." He added, "It's hard to imagine what he's doing benefits the nation."

Launching a crypto ETF venture could be a desperate effort by Trump and TMTG to boost the stock price of a flailing business. In fact, Trump's interest in crypto is the result of a heavy lobbying push from some of the most powerful forces in the industry. Trump himself has little knowledge of the intricacies of BTC and ETH, but he sees crypto as an opportunity to enrich himself. The Truth Social Bitcoin and Ethereum ETF appears to strictly be a money-making venture, a way to cash in from his presidency, and the SEC should not be complicit in this type of egregious corruption.

NYSE Arca's Conflicts of Interest With Trump

The requestor, NYSE Arca Inc., part of the New York Stock Exchange, is the top U.S. exchange for the listing and trading of exchange-traded funds (ETFs), which allows traders to "access open, direct, anonymous markets" and will make "rapid, efficient, electronic executions in multiple U.S. market centers." However, the New York Stock Exchange (NYSE) has ties to Trump, which present significant conflicts of interest.

The NYSE is chaired by billionaire Jeffrey Sprecher, who is also CEO of the financial services firm Intercontinental Exchange, and is married to former U.S. Senator Kelly Loeffler (R-GA), who Trump nominated to be the administrator of the U.S. Small Business Administration.

Trump also appointed Sen. Loeffler to serve as the chair of his 2025 inauguration committee, and while she was a senator, she supported a lawsuit to overturn the 2020 election, an issue that Trump has promoted for years. Additionally, Sperecher and Sen. Loeffler spent a combined $5 million to help get Trump elected in 2025.

Conclusion

The SEC must deny this proposed rule. Approval would put money in the hands of an unreliable custodian, which could lead to dangerous levels of risk for American investors. Donald Trump's record as a businessman is questionable at best and his foray into cryptocurrency - an uncertain and speculative financial mechanism - does not bode well for the future of the country. The president's personal business interests are now encroaching upon government policy.

If the SEC votes to approve the launch, it will put doubts into the minds of Americans and potentially undermine confidence in the markets and the agency itself. And the commission will have to face these questions: Did they approve the rule because it is the right thing for the country? Or did it do so because it will benefit the president's business?

Since taking office, Trump has embarked on an unprecedented campaign of self-enrichment, and the SEC should play no part in it, much less enable it, especially if it could put Americans' hard-earned investment dollars at risk.

Thank you for your attention to this matter.

Best,

Caroline Ciccone