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May 5, 2021

Mr. Michael Mosier
Acting Director
c/o Policy Division
Financial Crimes Enforcement Network
U.S. Department of the Treasury
P.O. Box 39
Vienna, VA 22183

Submitted electronically via <http://www.regulations.gov>

RE: Beneficial Ownership Information Reporting Requirements

Docket #: FINCEN-2021-0005; RIN: 1506-AB49; Document #: 2021-06922

Dear Acting Director Mosier:

On behalf of the National Association of Assistant United States Attorneys (NAAUSA), representing the interests of over 6,000 Assistant U.S. Attorneys working in the 94 U.S. Attorney Offices, I write to offer NAAUSA's response to the request by the Financial Crimes Enforcement Network (FinCEN) of the Department of the Treasury (Treasury) for comment on an advanced notice of proposed rulemaking (ANPR) to implement the beneficial ownership reporting requirements in the Corporate Transparency Act (CTA).

Congress' intent with the CTA was to create a meaningful database that is "highly useful" to law enforcement, including our nation's criminal and civil prosecutors. As FinCEN develops this rule, NAAUSA encourages focusing on the following principles: law enforcement and authorized users should have timely access, that the definition of beneficial owner provides thorough coverage, and that the database architecture and measures to ensure the quality of the data are crafted in a way that yields meaningful results.

Access

Law enforcement needs to have simple, comprehensive, and timely access to "highly useful" information relating to beneficial owners. Federal, state, local, tribal and foreign law enforcement agencies should all have access to the full record of ownership information for entities, including a list of all previous owners of an entity dating back to the first filing.

All types of investigations, including criminal, national security, intelligence, tax, civil, and administrative should be able to access the data. Access should be authorized not only for open cases with a case number, but also for other activities related to enforcement (investigations, inquiries, analyses, intelligence reviews, etc.).

Database Architecture, Functions

FinCEN should work within its staff and with other agencies to create uniformity in beneficial ownership disclosure requirements. Agreement on data standards up front will help ensure that the database is “highly useful” to law enforcement.

Modern consumer technology and capability prove that developing easily searchable, usable database interfaces is feasible. The database should enable two-way search, meaning law enforcement could look up a company and see all the owners, or look up each owner and see all their companies. Law enforcement should be able to tag companies or individuals within the system and receive alerts and updates with status changes proactively, rather than requesting updates or having to opt-in. This would provide maximum utility for law enforcement investigations and activities.

The database should also capture an entire history of changes (e.g updating address, adding new beneficial owner, etc.). Enabling pre-filing verification as it is submitted is one of the biggest opportunities for FinCEN to ensure beneficial ownership data can be used by law enforcement. Checking users’ information against other government databases, for example, would provide more confidence to the corporate filer and law enforcement alike the information is valid.

Thank you for considering the perspective of NAAUSA. Please do not hesitate to reach out to our Washington representative Jason Briefel (jbriefel@shawbransford.com) regarding this matter if we can be of further assistance to FinCEN as it continues its work on this important rulemaking.

Respectfully,



Lawrence J. Leiser
President