

Law Office of Rick Wargo
253 Royal Road
Palmyra PA 17078
717-639-8293
Rickwargo1965@gmail.com

Re: Docket No FINCEN-2021-0005 RIN 1506-AB49/AB59

This letter opposes FinCEN's notice of proposed rulemaking seeking to implement the Corporation Transparency Act (CTA) authorizing the disclosure of beneficial ownership information submitted by Reporting Companies. My practice centers on regulatory compliance for credit unions. I have worked with and exchanged information with FinCEN staff and sincerely appreciate the rapport.

I feel compelled to oppose this proposal and other rulemakings related to the CTA for the following reasons.

The roundup of BOI from Reporting Companies is fundamentally not who we are as US Citizens. Government agencies and law enforcement have adequate tools and procedures to investigate anti-money laundering matters and terrorism finance. A mass grab of corporate filing information is inappropriate and breeds distrust.

The rationale for this rulemaking, set out on Federal Register pages 77404 through 77407 recites a litany about efficiency for law enforcement, the time-consuming nature of grand juries, and national intelligence needs. These arguments should not pass muster to anyone beyond the third week of criminal procedure class in the first year of law school.

The CTA was included in the Defense Authorization Bill, essentially an omnibus package. No doubt any member of Congress who votes against a defense authorization is unpatriotic. There is no transparency here. This process represents really poor governance. It amounts to a data grab that is patently offensive to persons of good will who value individual liberty and the Bill of Rights.

The US southern border no longer exists. How many men of military age spill across that border? Is FinCEN or any other agency ensuring persons who cross that border are vetted? Are these individuals possibly carrying illegal drugs or engaging in illicit finance? Yet the BOI of US small businesses must be gathered and stored in the database of a law enforcement agency? US small business is a priority in the "war on terror," but an open border is not?

Recently, the White House, the Pentagon, and US intelligence agencies have disgraced themselves trying to explain why spy balloons are permitted to roam through US airspace. Against that backdrop, this proposal would have us believe that national security and the integrity of the monetary system is at stake if US small businesses do not turn over BOI to the US Treasury.

The proposal starts with the proposition that BOI will be kept confidential. The remainder of this section lists exceptions so vast, the notion that BOI is being held in confidence is ridiculous. If a financial institution wrote a consumer disclosure in the manner of section 1010.955, the Consumer Financial Protection Bureau would fine it for unfair abusive deceptive acts or practices.

A financial institution must have a Reporting Company's consent before requesting BOI from FinCEN. By implication, a Reporting Company risks being denied credit or other financial services if

it does not consent. How is consent meaningful in this context? Any such consent, by any other name is a contract of adhesion.

If find it distasteful to offer these comments. I've worked with the NCUA, state regulators, and other federal agencies for many years. Most of the time, I encounter good people who want to do a good job. From a public policy perspective, the entire structure of the CTA erodes trust between the governing and the governed. FinCEN should go back to Congress ask for this process to be stripped down and completely re-evaluated. In addition, Congress should repeal the USA PATRIOT Act.

Very truly yours,

Rick Wargo