

S. 187

To establish executive authority under FINCEN

IN THE SENATE OF THE UNITED STATES
July 25th, 2019

Mr. AustinBoBoston1 (for himself), introduced the following act;
which was referred to the Committee on the Judiciary.

A BILL

To establish executive authority under FINCEN

*Be it enacted by the Senate and House of Representatives of the
United States in Congress Assembled.*

SECTION I. GENERAL PROVISIONS; SHORT TITLE; EFFECTIVE DATE; DEFINITIONS

- (a) Severability. — This act shall be severable, such as if any word, phrase, line, sentence, or provision in this Bill, or the application of any of them to any person or circumstance, is held invalid, their application shall continue to apply to other persons or circumstances, and the remainder of this Bill shall not be affected thereby.

(b) Short title. — This bill can be cited as the “Establishment of the FINCEN Act.

(c) Effective Date. — This bill shall take effect immediately upon enactment.

(d) Definitions. —

(1) FINCEN (Financial Crimes Enforcement Network) shall refer to the bureau under the US Department of the Treasury.

(2) “FINCEN personnel” shall refer to any Federal Employee that is officially employed by the FINCEN bureau or one of its sub agencies.

FINCEN personnel are defined as Professional Service positions under the Civil Service.

SEC. 2. ESTABLISHMENT OF FINCEN.

(a) Upon the enactment of this act, the FINCEN shall be officially opened as recognized by Congress. FINCEN personnel shall be led by the Commander and Deputy Commander who have oversight roles to make sure all agencies and offices are acting within the law and with proper oversight. The FINCEN Commander and Deputy Commander shall be appointed by the Secretary of the Treasury with consent of the Senate, of which they report directly to.

(b) The Commander of the FINCEN may choose to discharge any FINCEN personnel within the bureau at any time for violation of any federal law. The Deputy Commander may also discharge any employee within the bureau at any time for violation of any

federal law, with the consent of the FINCEN Commander or the Secretary of the Treasury.

- (c) The FINCEN will be tasked as the bureau of the Department of the Treasury that consists of divisions that work together to combat domestic financial crimes including protection of U.S. financial institutions.
- (d) The FINCEN shall receive Federal Law Enforcement authority and enforce all federal laws in all Municipalities under the jurisdiction of the United States when within 50 studs of a federally recognized bank.
- (e) When on-duty, the FINCEN shall have full authority to:
 - (1) Openly carry firearms when within 50 studs of a federally recognized bank;
 - (2) Openly carry firearms when within 20 studs of the Secretary of the Treasury;
 - (3) Execute warrants on behalf of the United States;
 - (4) Conduct arrests, without warrant, for any financial crime related offense against the United States, committed in their presence, or any financial crime related felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony;
- (f) The FINCEN division designated for protection may assist the Secret Service in protection of the Secretary of the Treasury.