

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To amend title 31, United States Code, to establish the Civil Liberties Protection Officer for the Financial Crimes Enforcement Network, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title 31, United States Code, to establish the Civil Liberties Protection Officer for the Financial Crimes Enforcement Network, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Civil Liberties Protec-
5 tion Act of 2023”.

1 **SEC. 5. CIVIL LIBERTIES PROTECTION OFFICER FOR THE**
2 **FINANCIAL CRIMES ENFORCEMENT NET-**
3 **WORK.**

4 Section 301 of title 31, United States Code, is
5 amended by adding at the end the following:

6 “(h) CIVIL LIBERTIES PROTECTION OFFICER FOR
7 THE FINANCIAL CRIMES ENFORCEMENT NETWORK.—

8 “(1) IN GENERAL.—Within the Office of the
9 Secretary of the Treasury, there shall be a Civil Lib-
10 erties Protection Officer for the Financial Crimes
11 Enforcement Network who shall—

12 “(A) be designated by the Secretary of the
13 Treasury from among members of the Senior
14 Executive Service; and

15 “(B) report directly to and be supervised
16 directly by the Secretary of the Treasury or, if
17 so assigned by the Secretary, the Deputy Sec-
18 retary of the Treasury.

19 “(2) DUTIES.—The Civil Liberties Protection
20 Officer for the Financial Crimes Enforcement Net-
21 work shall—

22 “(A) ensure that protection of civil liberties
23 and privacy is appropriately incorporated in the
24 activities conducted by the Financial Crimes
25 Enforcement Network;

1 “(B) oversee compliance by the Financial
2 Crimes Enforcement Network with require-
3 ments under the Constitution and all laws, reg-
4 ulations, and implementing guidelines relating
5 to civil liberties and privacy;

6 “(C) review and assess complaints and
7 other information indicating possible abuses of
8 civil liberties and privacy in the administration
9 of the programs and operations of the Financial
10 Crimes Enforcement Network and, as appro-
11 priate, refer such complaints or information for
12 investigation to the Office of Audit and Inves-
13 tigation for the Financial Crimes Enforcement
14 Network;

15 “(D) ensure that the use by the Financial
16 Crimes Enforcement Network of technologies
17 sustains, and does not erode, privacy protec-
18 tions relating to the use, collection, and disclo-
19 sure of personal information;

20 “(E) ensure that personal information con-
21 tained in a system of records subject to section
22 552a of title 5 (commonly referred to as the
23 ‘Privacy Act’) is handled by the Financial
24 Crimes Enforcement Network in compliance
25 with that section;

1 “(F) conduct privacy impact assessments
2 of the Financial Crimes Enforcement Network
3 when appropriate, directed, or required by law;
4 and

5 “(G) perform such other duties relating di-
6 rectly to protection of civil liberties and privacy
7 by the Financial Crimes Enforcement Network
8 as may be prescribed by the Secretary of the
9 Treasury.

10 “(3) COORDINATION.—The Civil Liberties Pro-
11 tection Officer for the Financial Crimes Enforce-
12 ment Network shall keep the following individuals
13 appropriately informed of the Officer’s activities:

14 “(A) The Department of the Treasury’s
15 Chief Privacy Officer (as described under sec-
16 tion 522 of division H of the Consolidated Ap-
17 propriations Act, 2005 (42 U.S.C. 2000ee–2)).

18 “(B) The Department of the Treasury’s
19 Privacy and Civil Liberties Officer (as des-
20 ignated pursuant to section 1062 of the Na-
21 tional Security Intelligence Reform Act of 2004
22 (42 U.S.C. 2000ee–1)).”.

1 **SEC. 8. INFORMATION FOR CONSTITUTIONAL FUNCTIONS**
2 **OF CONGRESS.**

3 (a) **KEEPING CONGRESS INFORMED.**—The Secretary
4 of the Treasury shall keep the Committee on Financial
5 Services of the House of Representatives and the Com-
6 mittee on Banking, Housing, and Urban Affairs of the
7 Senate fully and currently informed of the activities of the
8 Financial Crimes Enforcement Network, including any
9 significant anticipated activity of such Network.

10 (b) **REPORT OF UNLAWFUL ACTIVITY AND CORREC-**
11 **TIVE ACTION.**—The Secretary of the Treasury shall report
12 promptly to the Committee on Financial Services of the
13 House of Representatives and the Committee on Banking,
14 Housing, and Urban Affairs any unlawful activity of the
15 Financial Crimes Enforcement Network and any correc-
16 tive action taken or planned to address that activity and
17 prevent such activity in the future.