
The Saving Privacy Act (SPA)

Government agencies have abused access to Americans' financial records and information for decades. In recent years, this abuse of power has been magnified by politicized finance and regulatory actions carried out by the administrative state.

Rather than narrowly pursuing financial criminals without imposing unnecessary burdens on law abiding citizens the federal government has utilized dragnet surveillance, granting itself the power to collect the data of millions of Americans - not just those acting criminally. This surveillance method is both intrusive and ineffective as, in FY23 alone, nearly 300,000 financial institutions submitted 25.4 million suspicious activity reports (SARs) and currency transaction reports (CTRs) to the Financial Crimes Enforcement Network (FinCEN) but "the combined amount of IRS-CI and FBI cases involving SARs... represent less than 0.3% of all FY 2023 SARs."¹ An utterly dismal success rate.

After the events that occurred on January 6th, FinCEN, in collaboration with the FBI, surveilled the financial transactions of those using Bank of America in the Washington, D.C. region between January 5th and 7th.² Banks were solicited for information on financial transactions involving the words "Trump" and "MAGA", firearms, and even religious texts for the purpose of designating these keywords as possible indicators of "homegrown violent extremism."³ Additionally, the Security and Exchanges Commission (SEC), without any congressional approval, has been developing a centralized database known as the Consolidated Audit Trail (CAT) to, in its own words, "track *all* activity throughout the U.S. markets" by recording every single stock market transaction as well as the personally identifiable information of the 61% of Americans who own stock.⁴

These examples shine a light on an Orwellian financial security state that provides little meaningful contribution to preventing crime while simultaneously eroding Americans' constitutional rights.

Key Provisions:

- Repeals the Bank Secrecy Act's SAR and CTR reporting requirements while maintaining recordkeeping requirements
- Repeals the Corporate Transparency Act
- Strengthens Fourth Amendment protections, bolstering warrant requirement in the Right to Financial Privacy Act of 1978
- Repeals the SEC's CAT database
- Requires congressional approval for establishing new databases containing personally identifiable information of U.S. citizens
- Prohibits the creation of a Central Bank Digital Currency
- Requires congressional authorization for financial regulation that would be deemed a major rule.
- Institutes penalties for federal employees that illegally seek constitutionally protected financial information
- Establishes a private right of action for Americans and financial institutions harmed by illicit agency activity

¹ Hardy, Peter D., and Siana Danch. [FinCEN Releases Year-in-Review for FY 2023: Sars, Ctrs and Information Sharing.](#) *Money Laundering Watch*. (June 10, 2024).

² House Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government. [Financial Surveillance in the United States: How Federal Law Enforcement Commandeered Financial Institutions to Spy on Americans. Pg.2.](#) (March 6, 2024).

³ Ibid.

⁴ U.S. Securities and Exchange Commission. [Rule 613 \(Consolidated Audit Trail\)](#). (June 26, 2024)