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December 31, 2020

The Honorable Steven T. Mnuchin
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Secretary Mnuchin:

We write to express our concerns regarding the process to respond to the Financial Crimes Enforcement Network's (FinCEN) Notice of Proposed Rulemaking (NPRM) related to "Requirements for Certain Transactions Involving Convertible Virtual Currency or Digital Assets." We share your goals of protecting national security and supporting law enforcement in their efforts to combat criminals who seek to engage in money laundering, illicit financing, and other criminal activity. However, we are concerned that the Treasury Department's approach to establishing complex new rules for the recordkeeping and reporting of convertible virtual currency and legal tender digital asset transactions do not afford the American public a reasonable opportunity to respond.

This is a highly complex rulemaking as the 24 detailed questions that FinCEN asks in the notice attest. It would be impossible for the public to give meaningful comment with so little time, and a rushed process threatens the legitimacy of this rule. It also makes the new regulations very susceptible to legal challenges.

The proposal in question was made public just before the Christmas holiday, and it announced that the public would be afforded 15 days to file comments. A comment period consisting of eight business days over two holidays is not appropriate for regulating any industry, and could result in stakeholders being unable to meaningfully respond. The Administration should provide sufficient time for careful consideration of the impacts of this rule, and provide additional time for the public to offer feedback for your consideration and additional input to support your law enforcement objectives.

As such, we request the following from the Treasury Department and FinCEN:

- Extend the review period for the NPRM from 15 days to 60 days so that stakeholders have a meaningful opportunity to evaluate how the proposed rule will impact their businesses and customers; and
- Consider an extension of implementation of this proposed rule by an appropriate timeframe (potentially six months), so that stakeholders may carefully consider and develop the technological solutions that will be required to implement any final rule, should it go into effect.

The community most affected by this rule has long been a cooperative partner with FinCEN. They should be afforded the opportunity to make a productive and meaningful contribution in response to this specific proposal.

Thank you for your attention to this matter.

Sincerely,



Tom Emmer
Member of Congress



David Schweikert
Member of Congress



Warren Davidson
Member of Congress



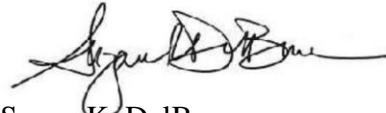
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Member of Congress

CC: Kenneth Blanco, Director, Financial Crimes Enforcement Network