

116TH CONGRESS
1ST SESSION

H. R. 758

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2019

Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

AN ACT

To provide a safe harbor for financial institutions that maintain a customer account or customer transaction at the request of a Federal or State law enforcement agency.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Cooperate with Law
3 Enforcement Agencies and Watch Act of 2019”.

4 **SEC. 2. SAFE HARBOR WITH RESPECT TO KEEP OPEN LET-**
5 **TERS.**

6 (a) IN GENERAL.—Subchapter II of chapter 53 of
7 title 31, United States Code, is amended by adding at the
8 end the following:

9 **“§ 5333. Safe harbor with respect to keep open letters**

10 “(a) IN GENERAL.—With respect to a customer ac-
11 count or customer transaction of a financial institution,
12 if a Federal, State, Tribal, or local law enforcement agen-
13 cy requests, in writing, the financial institution to keep
14 such account or transaction open—

15 “(1) the financial institution shall not be liable
16 under this subchapter for maintaining such account
17 or transaction consistent with the parameters of the
18 request; and

19 “(2) no Federal or State department or agency
20 may take any adverse supervisory action under this
21 subchapter with respect to the financial institution
22 for maintaining such account or transaction con-
23 sistent with the parameters of the request.

24 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion may be construed—

1 “(1) from preventing a Federal or State depart-
2 ment or agency from verifying the validity of a writ-
3 ten request described under subsection (a) with the
4 Federal, State, Tribal, or local law enforcement
5 agency making the written request; or

6 “(2) to relieve a financial institution from com-
7 plying with any reporting requirements, including
8 the reporting of suspicious transactions under sec-
9 tion 5318(g).

10 “(c) LETTER TERMINATION DATE.—For purposes of
11 this section, any written request described under sub-
12 section (a) shall include a termination date after which
13 such request shall no longer apply.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 for chapter 53 of title 31, United States Code, is amended
16 by inserting after the item relating to section 5332 the
17 following:

“5333. Safe harbor with respect to keep open letters.”.

18 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

19 The budgetary effects of this Act, for the purpose of
20 complying with the Statutory Pay-As-You-Go Act of 2010,
21 shall be determined by reference to the latest statement
22 titled “Budgetary Effects of PAYGO Legislation” for this
23 Act, submitted for printing in the Congressional Record
24 by the Chairman of the House Budget Committee, pro-

