



Jonathan Skrmetti Attorney General & Reporter

MEDIA ADVISORY
February 16th, 2023
#23-08

CONTACT: Elizabeth Lane
elizabeth.lane@ag.tn.gov

AG SKRMETTI URGES FEDERAL TREASURY BUREAU TO PROVIDE TIMELY CORPORATE TRANSPARENCY INFORMATION TO STATE, LOCAL ENTITIES

Nashville- Tennessee Attorney General Jonathan Skrmetti joined 41 states and territory attorneys general in a national effort to ensure that state, local and tribal entities have appropriate and timely access to corporate ownership information critical to fighting crime and terrorism.

The letter was sent to the Financial Crimes Enforcement Network (FinCEN), a bureau of the U.S. Department of Treasury, outlining the need for non-federal entities to access information without unnecessary and burdensome requirements.

The creation of a national database is part of the Corporate Transparency Act, passed in 2021 to require certain companies to disclose their actual, or “beneficial,” owners to FinCEN. The bureau’s recently proposed requirements for database access would impede investigations taking place at the state, local and tribal level.

In particular, the Corporate Transparency Act only requires state, local and tribal entities to obtain a court order authorizing access to the database. The new regulations, however, would require non-federal entities to provide a separate written justification to FinCEN and call for the bureau to review and approve the court order before allowing access to the database information. The letter notes that the requirement is inconsistent with Congress’ decision to create the database to provide rapid access to beneficial ownership information.

“We look forward to working with FinCEN on the implementation of this database to ensure that we and other entities can use it as Congress intended: as a highly useful tool to help us efficiently access important beneficial ownership data to serve and protect the public,” the letter states.

In addition to requesting that all law enforcement entities receive unobstructed access to the database, General Skrmetti advocated for several amendments to the proposed regulations, including one to make it clear that individuals who receive database information during a legal case are subject to the same non-disclosure laws as those who receive the information directly from FinCEN. The amendment would remove the burden of notification from prosecutors and other government attorneys.

General Skrmetti was joined in signing the letter by attorneys general from Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Commonwealth of the Northern Mariana Islands, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington and Wisconsin.

Read the letter [here](#).

###

