

1 **CONCURRENT RESOLUTION URGING CONGRESS AND THE**
2 **PRESIDENT TO PROTECT CONSUMER PRIVACY IN**
3 **BANKING AND FINANCIAL TRANSACTIONS**

4 2021 SECOND SPECIAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Joel Ferry**

7 Senate Sponsor: Curtis S. Bramble

8
9 **LONG TITLE**

10 **General Description:**

11 This concurrent resolution urges Congress and the President to protect consumers from
12 certain banking and financial transaction reporting requirements under consideration by
13 Congress and the federal government.

14 **Highlighted Provisions:**

15 This resolution:

16 ▶ urges Congress and the President to protect consumers from harmful, intrusive, and
17 burdensome Internal Revenue Service reporting requirements for financial
18 institutions.

19 **Special Clauses:**

20 None

21
22 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

23 WHEREAS, the Biden Administration and some in Congress have proposed changes to
24 tax information reporting which would require financial institutions to provide the Internal
25 Revenue Service reports of incoming and outgoing transactions from every customer financial
26 account with gross inflows and outflows that range from \$600 to \$10,000 in a tax year;

27 WHEREAS, these proposals would require financial institutions to include in the
28 reports for both personal and business accounts a breakdown for physical cash, transactions
29 with foreign accounts, and transfers to and from another account with the same owner;

30 WHEREAS, savings, transactional, loan, and investment accounts at these financial
31 institutions would be subject to this proposed requirement;

32 WHEREAS, there are real concerns over data privacy and security if this proposed
33 requirement is implemented;

34 WHEREAS, keeping member and customer account information private and secure is
35 among the primary goals of all financial institutions in this state;

36 WHEREAS, this proposed requirement at any threshold dollar amount could jeopardize
37 the privacy and security of accounts and personal information;

38 WHEREAS, privacy is cited as one of the primary reasons individuals choose not to
39 open a bank account;

40 WHEREAS, this proposed requirement lays a foundation for new and future barriers for
41 unbanked or underbanked individuals;

42 WHEREAS, financial institutions throughout the state of Utah and the nation are
43 already subject to many burdensome regulations;

44 WHEREAS, the inclusion of this new, hyper-extensive reporting requirement would
45 increase that burden in an untenable and destructive manner for many community-based
46 financial institutions;

47 WHEREAS, the Fourth Amendment to the United States Constitution guarantees every
48 Utahn the right to be secure in their persons, houses, papers, and effects, against unreasonable
49 searches and seizures;

50 WHEREAS, that fundamental right shall not be violated, and no warrants shall be
51 issued, but upon probable cause, supported by oath or affirmation, and particularly describing
52 the place to be searched, and the persons or things to be seized;

53 WHEREAS, Utahns' bank account information is personal and private information and
54 effects, and any proposal to forcibly acquire universal access to that information without a
55 warrant based on probable cause is a violation of the constitutional rights of every Utahn and
56 the oath of office of every member of Congress; and

57 WHEREAS, the Internal Revenue Service should not have universal access to every

58 American's private financial information because in recent years its administration and staff
59 have used their authority and access to confidential personal information to engage in openly
60 political behavior:

61 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
62 Governor concurring therein, calls upon the United States Congress and the President to protect
63 consumers from harmful, intrusive, and burdensome Internal Revenue Service reporting
64 requirements for financial institutions.

65 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Secretary of
66 the Treasury of the United States, the President of the United States, and the members of Utah's
67 Congressional Delegation.