

United States Senate

WASHINGTON, DC 20510

January 11, 2018

The Honorable Kenneth Blanco
Director
Financial Crimes Enforcement Network
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

Dear Director Blanco:

We write to urge the Financial Crimes Enforcement Network (“FinCEN”) to retain its February 14, 2014 guidance for financial institutions that serve marijuana businesses (“the 2014 guidance”).

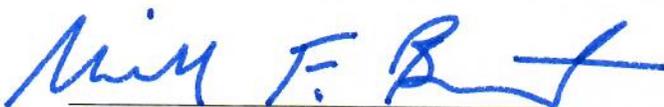
The 2014 Guidance did not touch on the legalization of marijuana. Rather, it detailed how banks and credit unions can serve marijuana businesses and dispensaries while complying with their Bank Secrecy Act obligations. Specifically, financial institutions were allowed to serve these businesses so long as they conducted due diligence such as verifying that the businesses were in compliance with state law, understanding their normal and expected business activity, and monitoring any suspicious activity. The 2014 Guidance also created new suspicious activity report (“SARS”) filings for serving marijuana businesses.

The Guidance has worked to reduce the amount of cash that customers, patients, and businesses must use. This has had the effect of increasing public safety and making it easier for state authorities to undertake their compliance and auditing functions. Marijuana-specific SARS also enables law enforcement to better evaluate banking activity in order to most efficiently deploy scarce resources. We fear that repealing the 2014 Guidance will push more businesses toward cash, which may raise public safety issues and reduce the oversight and transparency of marijuana transactions. Repealing the 2014 Guidance could also hinder efficient use of law enforcement resources.

We ask that the FinCEN retain its 2014 guidance. We are willing to meet with you to discuss this matter further.

Thank you for your consideration.

Sincerely,



Michael F. Bennet
U.S. Senator



Cory Gardner
U.S. Senator