

**AMENDMENT TO THE RULES COMMITTEE PRINT**

**117-54**

**OFFERED BY MR. HIMES OF CONNECTICUT**

Add at the end of title LIV of division E the following:

1 **SEC. 5403. SPECIAL MEASURES TO FIGHT MODERN**  
2 **THREATS.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) The Financial Crimes Enforcement Net-  
5 work (FinCEN) is the Financial Intelligence Unit of  
6 the United States tasked with safeguarding the fi-  
7 nancial system from illicit use, combating money  
8 laundering and its related crimes including ter-  
9 rorism, and promoting national security.

10 (2) Per statute, FinCEN may require domestic  
11 financial institutions and financial agencies to take  
12 certain “special measures” against jurisdictions, in-  
13 stitutions, classes of transactions, or types of ac-  
14 counts determined to be of primary money laun-  
15 dering concern, providing the Secretary with a range  
16 of options, such as enhanced record-keeping, that  
17 can be adapted to target specific money laundering

1 and terrorist financing and to bring pressure on  
2 those that pose money laundering threats.

3 (3) This special-measures authority was grant-  
4 ed in 2001, when most cross-border transactions oc-  
5 curred through correspondent or payable-through ac-  
6 counts held with large financial institutions which  
7 serve as intermediaries to facilitate financial trans-  
8 actions on behalf of other banks.

9 (4) Innovations in financial services have trans-  
10 formed and expanded methods of cross-border trans-  
11 actions that could not have been envisioned 20 years  
12 ago when FinCEN was given its special-measures  
13 authority.

14 (5) These innovations, particularly through dig-  
15 ital assets and informal value transfer systems, while  
16 useful to legitimate consumers and law enforcement,  
17 can be tools abused by bad actors like sanctions  
18 evaders, fraudsters, money launderers, and those  
19 who commit ransomware attacks on victimized U.S.  
20 companies and which abuse the financial system to  
21 move and obscure the proceeds of their crimes.

22 (6) Ransomware attacks on U.S. companies re-  
23 quiring payments in cryptocurrencies have increased  
24 in recent years, with the U.S. Treasury estimating  
25 that ransomware payments in the United States

1 reached \$590 million in just the first half of 2021,  
2 compared to a total of \$416 million in 2020.

3 (7) As ransomware attacks organized by Chi-  
4 nese and other foreign bad actors continue to grow  
5 in size and scope, modernizing FinCEN’s special  
6 measure authorities will empower FinCEN to adapt  
7 its existing tools, monitor and obstruct global finan-  
8 cial threats, and meet the challenges of combating  
9 21st century financial crime.

10 (b) PROHIBITIONS OR CONDITIONS ON CERTAIN  
11 TRANSMITTALS OF FUNDS.—Section 5318A of title 31,  
12 United States Code, is amended—

13 (1) in subsection (a)(2)(C), by striking “sub-  
14 section (b)(5)” and inserting “paragraphs (5) and  
15 (6) of subsection (b)”; and

16 (2) in subsection (b)—

17 (A) in paragraph (5), by striking “for or  
18 on behalf of a foreign banking institution”; and

19 (B) by adding at the end the following:

20 “(6) PROHIBITIONS OR CONDITIONS ON CER-  
21 TAIN TRANSMITTALS OF FUNDS.—If the Secretary  
22 finds a jurisdiction outside of the United States, 1  
23 or more financial institutions operating outside of  
24 the United States, 1 or more types of accounts with-  
25 in, or involving, a jurisdiction outside of the United

1 States, or 1 or more classes of transactions within,  
2 or involving, a jurisdiction outside of the United  
3 States to be of primary money laundering concern,  
4 the Secretary, in consultation with the Secretary of  
5 State, the Attorney General, and the Chairman of  
6 the Board of Governors of the Federal Reserve Sys-  
7 tem, may prohibit, or impose conditions upon certain  
8 transmittals of funds (as such term may be defined  
9 by the Secretary in a special measure issuance, by  
10 regulation, or as otherwise permitted by law), to or  
11 from any domestic financial institution or domestic  
12 financial agency if such transmittal of funds involves  
13 any such jurisdiction, institution, type of account, or  
14 class of transaction.”.

