

AMENDMENT TO RULES COMMITTEE PRINT

117-13

OFFERED BY MR. LYNCH OF MASSACHUSETTS

In title LI of division E, after section 5105, insert the following:

1 **SEC. 5106. STRENGTHENING AWARENESS OF SANCTIONS.**

2 (a) IN GENERAL.—Section 312 of title 31, United
3 States Code, is amended by adding at the end the fol-
4 lowing::

5 “(g) OFAC EXCHANGE.—

6 “(1) ESTABLISHMENT.—The OFAC Exchange
7 is hereby established within OFAC.

8 “(2) PURPOSE.—The OFAC Exchange shall fa-
9 cilitate a voluntary public-private information shar-
10 ing partnership among law enforcement agencies,
11 national security agencies, financial institutions, and
12 OFAC to—

13 “(A) effectively and efficiently administer
14 and enforce economic and trade sanctions
15 against targeted foreign countries and regimes,
16 terrorists, international narcotics traffickers,
17 those engaged in activities related to the pro-
18 liferation of weapons of mass destruction, and

1 other threats to the national security, foreign
2 policy, or economy of the United States by pro-
3 moting innovation and technical advances in re-
4 porting—

5 “(i) under subchapter II of chapter 53
6 and the regulations promulgated under
7 that subchapter; and

8 “(ii) with respect to other economic
9 and trade sanctions requirements;

10 “(B) protect the financial system from il-
11 licit use, including evasions of existing economic
12 and trade sanctions programs; and

13 “(C) facilitate two-way information ex-
14 change between OFAC and persons who are re-
15 quired to comply with sanctions administered
16 and enforced by OFAC, including financial in-
17 stitutions, business sectors frequently affected
18 by sanctions programs, and non-government or-
19 ganizations and humanitarian groups impacted
20 by such sanctions programs.

21 “(3) REPORT.—

22 “(A) IN GENERAL.—Not later than 1 year
23 after the date of enactment of this subsection,
24 and once every 2 years thereafter for the next
25 5 years, the Secretary of the Treasury shall

1 submit to the Committees on Banking, Hous-
2 ing, and Urban Affairs and Foreign Relations
3 of the Senate and the Committees on Financial
4 Services and Foreign Affairs of the House of
5 Representatives a report containing—

6 “(i) an analysis of the efforts under-
7 taken by the OFAC Exchange, which shall
8 include an analysis of—

9 “(I) the results of those efforts;
10 and

11 “(II) the extent and effectiveness
12 of those efforts, including the extent
13 and effectiveness of communication
14 between OFAC and persons who are
15 required to comply with sanctions ad-
16 ministered and enforced by OFACs;

17 “(ii) recommendations to improve effi-
18 ciency and effectiveness of targeting, com-
19 pliance, enforcement and licensing activi-
20 ties undertake by OFAC; and

21 “(iii) any legislative, administrative,
22 or other recommendations the Secretary
23 may have to strengthen the efforts of the
24 OFAC Exchange.

1 “(B) CLASSIFIED ANNEX.—Each report
2 under subparagraph (A) may include a classi-
3 fied annex.

4 “(4) INFORMATION SHARING REQUIREMENT.—
5 Information shared under this subsection shall be
6 shared—

7 “(A) in compliance with all other applica-
8 ble Federal laws and regulations;

9 “(B) in such a manner as to ensure the
10 appropriate confidentiality of personal informa-
11 tion; and

12 “(C) at the discretion of the Director, with
13 the appropriate Federal functional regulator, as
14 defined in section of the Anti-Money Laun-
15 dering Act of 2020.

16 “(5) PROTECTION OF SHARED INFORMATION.—

17 “(A) REGULATIONS.—OFAC shall, as ap-
18 propriate, promulgate regulations that establish
19 procedures for the protection of information
20 shared and exchanged between OFAC and the
21 private sector in accordance with this section,
22 consistent with the capacity, size, and nature of
23 the financial institution to which the particular
24 procedures apply.

1 “(B) USE OF INFORMATION.—Information
2 received by a financial institution pursuant to
3 this section shall not be used for any purpose
4 other than identifying and reporting on activi-
5 ties that may involve the financing of terrorism,
6 proliferation financing, narcotics trafficking, or
7 financing of sanctioned countries, regimes, or
8 persons.

9 “(6) RULE OF CONSTRUCTION.—Nothing in
10 this subsection may be construed to create new in-
11 formation sharing authorities or requirements relat-
12 ing to the Bank Secrecy Act.”.

13 (b) SCOPE OF THE MEETINGS OF THE SUPERVISORY
14 TEAM ON COUNTERING ILLICIT FINANCE.—Section
15 6214(b) of the William M. (Mac) Thornberry National De-
16 fense Authorization Act for Fiscal Year 2021 (31 U.S.C.
17 5311 note) is amended by striking “to combat the risk
18 relating to proliferation financing” and inserting “for the
19 purposes of countering illicit finance, including prolifera-
20 tion finance and sanctions evasion”.

21 (c) COMBATING RUSSIAN MONEY LAUNDERING.—
22 Section 9714 of the Combating Russian Money Laun-
23 dering Act (Public Law 116–283) is amended—

24 (1) in subsection (a)(2), by striking “by” and
25 inserting “involving”;

1 (2) by redesignating subsections (b) and (c) as
2 subsections (f) and (g), respectively; and

3 (3) by inserting after subsection (a) the fol-
4 lowing:

5 “(b) CLASSIFIED INFORMATION.—In any judicial re-
6 view of a finding of the existence of a primary money laun-
7 dering concern, or of the requirement for 1 or more special
8 measures with respect to a primary money laundering con-
9 cern made under this section, if the designation or imposi-
10 tion, or both, were based on classified information (as de-
11 fined in section 1(a) of the Classified Information Proce-
12 dures Act (18 U.S.C. App.), such information may be sub-
13 mitted by the Secretary to the reviewing court ex parte
14 and in camera. This subsection does not confer or imply
15 any right to judicial review of any finding made or any
16 requirement imposed under this section.

17 “(c) AVAILABILITY OF INFORMATION.—The exemp-
18 tions from, and prohibitions on, search and disclosure pro-
19 vided in section 5319 of title 31, United States Code, shall
20 apply to any report or record of report filed pursuant to
21 a requirement imposed under subsection (a) of this sec-
22 tion. For purposes of section 552 of title 5, United States
23 Code, this subsection shall be considered a statute de-
24 scribed in subsection (b)(3)(B) of that section.

1 “(d) PENALTIES.—The penalties provided for in sec-
2 tions 5321 and 5322 of title 31, United States Code, that
3 apply to violations of special measures imposed under sec-
4 tion 5318A of title 31, United States Code, shall apply
5 to violations of any order, regulation, special measure, or
6 other requirement imposed under subsection (a) of this
7 section, in the same manner and to the same extent as
8 described in sections 5321 and 5322.

9 “(e) INJUNCTIONS.—The Secretary of the Treasury
10 may bring a civil action to enjoin a violation of any order,
11 regulation, special measure, or other requirement imposed
12 under subsection (a) of this section in the same manner
13 and to the same extent as described in section 5320 of
14 title 31, United States Code.”.

