AMENDMENT TO RULES COMMITTEE PRINT

117–13

OFFERED BY MR. Auchincloss OF

MASSACHUSETTS

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

SEC. 5106. DETERMINATION WITH RESPECT TO PRIMARY

MONEY LAUNDERING CONCERN OF AFGHAN

ILlicit FINANCE.

(a) DETERMINATION.—If the Secretary of the Treas-

ury determines that reasonable grounds exist for con-

cluding that one or more financial institutions operating

outside of the United States, or 1 or more classes of trans-

actions within, or involving, a jurisdiction outside of the

United States, or 1 or more types of accounts within, or

involving, a jurisdiction outside of the United States is of

primary money laundering concern in connection with Af-

ghan illicit finance, the Secretary of the Treasury may,

by order, regulation, or otherwise as permitted by law—

(1) require domestic financial institutions and

domestic financial agencies to take 1 or more of the

special measures described in section 5318A(b) of

title 31, United States Code; or
(2) prohibit, or impose conditions upon, certain transmittals of funds (to be defined by the Secretary) involving any domestic financial institution or domestic financial agency, if such transmittal of funds involves any such institution, class of transaction, or type of account.

(b) Report Required.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Financial Services and Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate a report that shall identify any additional regulations, statutory changes, enhanced due diligence, and reporting requirements that are necessary to better identify, prevent, and combat money laundering linked to Afghanistan, including related to—

(A) identifying the beneficial ownership of anonymous companies;

(B) strengthening current, or enacting new, reporting requirements and customer due diligence requirements for sectors and entities
that support illicit financial activity related to
Afghanistan; and

(C) enhanced know-your-customer procedures and screening for transactions involving
Afghan political leaders, Afghan state-owned or
controlled enterprises, and known Afghan
transnational organized crime figures.

(2) FORMAT.—The report required under this
subsection shall be made available to the public, in-
cluding on the website of the Department of the
Treasury, but may contain a classified annex and be
accompanied by a classified briefing.

(e) SENSE OF CONGRESS ON INTERNATIONAL CO-
operation.—It is the sense of the Congress that the Sec-
etary of the Treasury and other relevant cabinet members
(such as the Secretary of State, Secretary of Homeland
Security, and Attorney General) should work jointly with
European, E.U., and U.K. financial intelligence units,
trade transparency units, and appropriate law enforce-
ment authorities to present, both in the report required
under subsection (b) and in future analysis of suspicious
transaction reports, cash transaction reports, currency
and monetary instrument reports, and other relevant data
to identify trends and assess risks in the movement of il-
licit funds from Afghanistan through the United States, British, and European financial systems.

(d) Classified Information.—In any judicial review of a finding of the existence of a primary money laundering concern, or of the requirement for 1 or more special measures with respect to a primary money laundering concern made under this section, if the designation or imposition, or both, were based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.), such information may be submitted by the Secretary to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review of any finding made or any requirement imposed under this section.

(e) Availability of Information.—The exemptions from, and prohibitions on, search and disclosure provided in section 5319 of title 31, United States Code, shall apply to any report or record of report filed pursuant to a requirement imposed under subsection (a) of this section. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of that section.

(f) Penalties.—The penalties provided for in sections 5321 and 5322 of title 31, United States Code, that apply to violations of special measures imposed under sec-
tion 5318A of title 31, United States Code, shall apply to violations of any order, regulation, special measure, or other requirement imposed under subsection (a) of this section, in the same manner and to the same extent as described in sections 5321 and 5322.

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