

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:

1 **SEC. 5106. DETERMINATION WITH RESPECT TO PRIMARY**
2 **MONEY LAUNDERING CONCERN OF AFGHAN**
3 **ILLICIT FINANCE.**

4 (a) DETERMINATION.—If the Secretary of the Treas-
5 ury determines that reasonable grounds exist for con-
6 cluding that one or more financial institutions operating
7 outside of the United States, or 1 or more classes of trans-
8 actions within, or involving, a jurisdiction outside of the
9 United States, or 1 or more types of accounts within, or
10 involving, a jurisdiction outside of the United States is of
11 primary money laundering concern in connection with Af-
12 ghan illicit finance, the Secretary of the Treasury may,
13 by order, regulation, or otherwise as permitted by law—
14 (1) require domestic financial institutions and
15 domestic financial agencies to take 1 or more of the
16 special measures described in section 5318A(b) of
17 title 31, United States Code; or

1 (2) prohibit, or impose conditions upon, certain
2 transmittals of funds (to be defined by the Sec-
3 retary) involving any domestic financial institution
4 or domestic financial agency, if such transmittal of
5 funds involves any such institution, class of trans-
6 action, or type of account.

7 (b) REPORT REQUIRED.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary of
10 the Treasury shall submit to the Committees on Fi-
11 nancial Services and Foreign Affairs of the House of
12 Representatives and the Committees on Banking,
13 Housing, and Urban Affairs and Foreign Relations
14 of the Senate a report that shall identify any addi-
15 tional regulations, statutory changes, enhanced due
16 diligence, and reporting requirements that are nec-
17 essary to better identify, prevent, and combat money
18 laundering linked to Afghanistan, including related
19 to—

20 (A) identifying the beneficial ownership of
21 anonymous companies;

22 (B) strengthening current, or enacting
23 new, reporting requirements and customer due
24 diligence requirements for sectors and entities

1 that support illicit financial activity related to
2 Afghanistan; and

3 (C) enhanced know-your-customer proce-
4 dures and screening for transactions involving
5 Afghan political leaders, Afghan state-owned or
6 -controlled enterprises, and known Afghan
7 transnational organized crime figures.

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

13 (c) SENSE OF CONGRESS ON INTERNATIONAL CO-
14 OPERATION.—It is the sense of the Congress that the Sec-
15 retary of the Treasury and other relevant cabinet members
16 (such as the Secretary of State, Secretary of Homeland
17 Security, and Attorney General) should work jointly with
18 European, E.U., and U.K. financial intelligence units,
19 trade transparency units, and appropriate law enforce-
20 ment authorities to present, both in the report required
21 under subsection (b) and in future analysis of suspicious
22 transaction reports, cash transaction reports, currency
23 and monetary instrument reports, and other relevant data
24 to identify trends and assess risks in the movement of il-

1 licit funds from Afghanistan through the United States,
2 British, and European financial systems.

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

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

23 (f) PENALTIES.—The penalties provided for in sec-
24 tions 5321 and 5322 of title 31, United States Code, that
25 apply to violations of special measures imposed under sec-

1 tion 5318A of title 31, United States Code, shall apply to
2 violations of any order, regulation, special measure, or
3 other requirement imposed under subsection (a) of this
4 section, in the same manner and to the same extent as
5 described in sections 5321 and 5322.

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

