

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To [____].

IN THE HOUSE OF REPRESENTATIVES

M____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To [____].

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DETERMINATION WITH RESPECT TO PRIMARY**
4 **MONEY LAUNDERING CONCERN OF AFGHAN**
5 **ILLICIT FINANCE.**

6 (a) DETERMINATION.—If the Secretary of the Treas-
7 ury determines that reasonable grounds exist for con-
8 cluding that one or more financial institutions operating
9 outside of the United States, or 1 or more classes of trans-
10 actions within, or involving, a jurisdiction outside of the

1 United States, or 1 or more types of accounts within, or
2 involving, a jurisdiction outside of the United States is of
3 primary money laundering concern in connection with Af-
4 ghan illicit finance, the Secretary of the Treasury may,
5 by order, regulation, or otherwise as permitted by law—

6 (1) require domestic financial institutions and
7 domestic financial agencies to take 1 or more of the
8 special measures described in section 5318A(b) of
9 title 31, United States Code; or

10 (2) prohibit, or impose conditions upon, certain
11 transmittals of funds (to be defined by the Sec-
12 retary) by any domestic financial institution or do-
13 mestic financial agency, if such transmittal of funds
14 involves any such institution, class of transaction, or
15 type of account.

16 (b) REPORT REQUIRED.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this Act, the Secretary of
19 the Treasury shall submit to the Committees on Fi-
20 nancial Services and Foreign Affairs of the House of
21 Representatives and the Committees on Banking,
22 Housing, and Urban Affairs and Foreign Relations
23 of the Senate a report that shall identify any addi-
24 tional regulations, statutory changes, enhanced due
25 diligence, and reporting requirements that are nec-

1 essary to better identify, prevent, and combat money
2 laundering linked to Afghanistan, including related
3 to—

4 (A) identifying the beneficial ownership of
5 anonymous companies;

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

11 (C) enhanced know-your-customer proce-
12 dures and screening for transactions involving
13 Afghan political leaders, Afghan state-owned or
14 -controlled enterprises, and known Afghan
15 transnational organized crime figures.

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

21 (c) SENSE OF CONGRESS ON INTERNATIONAL CO-
22 OPERATION.—It is the sense of the Congress that the Sec-
23 retary of the Treasury and other relevant cabinet members
24 (such as the Secretary of State, Secretary of Homeland
25 Security, and Attorney General) should work jointly with

1 European, E.U., and U.K. financial intelligence units,
2 trade transparency units, and appropriate law enforce-
3 ment authorities to present, both in the report required
4 under subsection (b) and in future analysis of suspicious
5 transaction reports, cash transaction reports, currency
6 and monetary instrument reports, and other relevant data
7 to identify trends and assess risks in the movement of il-
8 licit funds from Afghanistan through the United States,
9 British, and European financial systems.

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

22 (e) AVAILABILITY OF INFORMATION.—The exemp-
23 tions from, and prohibitions on, search and disclosure pro-
24 vided in section 5319 of title 31, United States Code, shall
25 apply to any report or record of report filed pursuant to

1 a requirement imposed under subsection (a) of this sec-
2 tion.

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

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