

[DISCUSSION DRAFT]

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To [\_\_\_\_\_] .

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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**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) involving any domestic financial institution  
13 or domestic financial agency, if such transmittal of  
14 funds involves any such institution, class of trans-  
15 action, or 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. For purposes of section 552 of title 5, United States  
3 Code, this subsection shall be considered a statute de-  
4 scribed in subsection (b)(3)(B) of that section.

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

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