

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3244
OFFERED BY MR. LUETKEMEYER OF MISSOURI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Stop Fentanyl Money
3 Laundering Act of 2023”.

**4 SEC. 2. DETERMINATION WITH RESPECT TO PRIMARY
5 MONEY LAUNDERING CONCERN OF ILLICIT
6 FENTANYL AND NARCOTICS FINANCING.**

7 (a) IN GENERAL.—If the Secretary of the Treasury
8 determines that one or more financial institutions oper-
9 ating outside of the United States, or one or more classes
10 of transactions within, or involving, a jurisdiction outside
11 of the United States, or one or more types of accounts
12 within, or involving, a jurisdiction outside of the United
13 States is of primary money laundering concern in connec-
14 tion with illicit fentanyl and narcotics financing, the Sec-
15 retary of the Treasury may, by order, regulation, or other-
16 wise as permitted by law, require domestic financial insti-
17 tutions and domestic financial agencies to take one or

1 more of the special measures described in section
2 5318A(b) of title 31, United States Code.

3 (b) 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
11 submitted by the Secretary of the Treasury to the review-
12 ing court ex parte and in camera. This subsection does
13 not confer or imply any right to judicial review of any find-
14 ing made or any requirement imposed under this section.

15 (c) AVAILABILITY OF INFORMATION.—The exemp-
16 tions from, and prohibitions on, search and disclosure re-
17 ferred to in section 9714(e) of the National Defense Au-
18 thorization Act for Fiscal Year 2021 (Public Law 116–
19 283; 31 U.S.C. 5318A note) shall apply to any report or
20 record of report filed pursuant to a requirement imposed
21 under subsection (a). For purposes of section 552 of title
22 5, United States Code, this section shall be considered a
23 statute described in subsection (b)(3)(B) of that section.

24 (d) PENALTIES.—The penalties referred to in section
25 9714(d) of the National Defense Authorization Act for

1 Fiscal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A
2 note) shall apply to violations of any order, regulation,
3 special measure, or other requirement imposed under sub-
4 section (a), in the same manner and to the same extent
5 as described in such section 9714(d).

6 (e) 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) in the same manner and to the same
10 extent as described in section 9714(e) of the National De-
11 fense Authorization Act for Fiscal Year 2021 (Public Law
12 116–283; 31 U.S.C. 5318A note).

13 (f) DEFINITIONS.—In this section, the terms “domes-
14 tic financial agency”, “domestic financial institution”, “fi-
15 nancial agency”, and “financial institution” have the
16 meanings given those terms as used in section 9714 of
17 the National Defense Authorization Act for Fiscal Year
18 2021 (Public Law 116–283; 31 U.S.C. 5318A note).

19 **SEC. 3. TRADE-BASED MONEY LAUNDERING ADVISORY.**

20 Not later than one year following the date of the en-
21 actment of this Act, the Financial Crimes Enforcement
22 Network shall update and issue a new advisory to financial
23 institutions on identifying Chinese professional money
24 laundering facilitating the trafficking of fentanyl and

1 other synthetic opioids. Such advisory shall incorporate
2 the following advisories:

3 (1) FIN–2014–A005, entitled “Update on U.S.
4 Currency Restrictions in Mexico: Funnel Accounts
5 and TBML”;

6 (2) FIN–2010–A001, entitled “Advisory to Fi-
7 nancial Institutions on Filing Suspicious Activity
8 Reports regarding Trade-Based Money Laundering”;
9 and

10 (3) FIN–2019–A006, entitled “Advisory to Fi-
11 nancial Institutions on Illicit Financial Schemes and
12 Methods Related to the Trafficking of Fentanyl and
13 Other Synthetic Opioids”.

14 **SEC. 4. TREATMENT OF TRANSNATIONAL CRIMINAL ORGA-**
15 **NIZATIONS IN SUSPICIOUS TRANSACTIONS.**

16 (a) **FILING INSTRUCTIONS.**—Not later than 180 days
17 after the date of the enactment of this Act, the Director
18 of the Financial Crimes Enforcement Network shall issue
19 guidance or instructions to United States financial institu-
20 tions for filing reports on suspicious transactions required
21 by section 5318(g) of title 31, United States Code, related
22 to suspected narcotics trafficking by transnational crimi-
23 nal organizations.

24 (b) **PRIORITIZATION OF REPORTS RELATING TO**
25 **NARCOTICS TRAFFICKING OR TRANSNATIONAL CRIMINAL**

1 ORGANIZATIONS.—The Director shall prioritize research
2 into reports described in subsection (a) that indicate a
3 connection to trafficking of narcotics.

4 (c) BRIEFING TO CONGRESS.—Not later than one
5 year after the date of enactment of this Act, the Director
6 shall brief the Committees on Financial Services and For-
7 eign Affairs of the House of Representatives and the Com-
8 mittees on Banking, Housing, and Urban Affairs and For-
9 eign Relations of the Senate on the usefulness of the guid-
10 ance or instructions issued under subsection (a).

