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H. R. 3004

IN THE SENATE OF THE UNITED STATES

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Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

AN ACT

To combat the financing of terrorism and other financial
crimes, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Financial Anti-Terrorism Act of 2001”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING LAW ENFORCEMENT

- Sec. 101. Bulk cash smuggling into or out of the United States.
- Sec. 102. Forfeiture in currency reporting cases.
- Sec. 103. Illegal money transmitting businesses.
- Sec. 104. Long-arm jurisdiction over foreign money launderers.
- Sec. 105. Laundering money through a foreign bank.
- Sec. 106. Specified unlawful activity for money laundering.
- Sec. 107. Laundering the proceeds of terrorism.
- Sec. 108. Proceeds of foreign crimes.
- Sec. 109. Penalties for violations of geographic targeting orders and certain record keeping requirements.
- Sec. 110. Exclusion of aliens involved in money laundering.
- Sec. 111. Standing to contest forfeiture of funds deposited into foreign bank that has a correspondent account in the United States.
- Sec. 112. Subpoenas for records regarding funds in correspondent bank accounts.
- Sec. 113. Authority to order convicted criminal to return property located abroad.
- Sec. 114. Corporation represented by a fugitive.
- Sec. 115. Enforcement of foreign judgments.
- Sec. 116. Reporting provisions and anti-terrorist activities of United States intelligence agencies.
- Sec. 117. Financial Crimes Enforcement Network.
- Sec. 118. Prohibition on false statements to financial institutions concerning the identity of a customer.
- Sec. 119. Verification of identification.
- Sec. 120. Consideration of anti-money laundering record.
- Sec. 121. Reporting of suspicious activities by informal underground banking systems, such as hawalas.
- Sec. 122. Uniform protection authority for Federal reserve facilities.
- Sec. 123. Reports relating to coins and currency received in nonfinancial trade or business.

TITLE II—PUBLIC-PRIVATE COOPERATION

- Sec. 201. Establishment of highly secure network.
- Sec. 202. Report on improvements in data access and other issues.
- Sec. 203. Reports to the financial services industry on suspicious financial activities.
- Sec. 204. Efficient use of currency transaction report system.
- Sec. 205. Public-private task force on terrorist financing issues.
- Sec. 206. Suspicious activity reporting requirements.

- Sec. 207. Amendments relating to reporting of suspicious activities.
 Sec. 208. Authorization to include suspicions of illegal activity in written employment references.
 Sec. 209. International cooperation on identification of originators of wire transfers.
 Sec. 210. Check truncation study.

TITLE III—COMBATTING INTERNATIONAL MONEY LAUNDERING

- Sec. 301. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.
 Sec. 302. Special due diligence for correspondent accounts and private banking accounts.
 Sec. 303. Prohibition on United States correspondent accounts with foreign shell banks.
 Sec. 304. Anti-money laundering programs.
 Sec. 305. Concentration accounts at financial institutions.
 Sec. 306. International cooperation in investigations of money laundering, financial crimes, and the finances of terrorist groups.

TITLE IV—CURRENCY PROTECTION

- Sec. 401. Counterfeiting domestic currency and obligations.
 Sec. 402. Counterfeiting foreign currency and obligations.
 Sec. 403. Production of documents.
 Sec. 404. Reimbursement.

1 **TITLE I—STRENGTHENING LAW** 2 **ENFORCEMENT**

3 **SEC. 101. BULK CASH SMUGGLING INTO OR OUT OF THE** 4 **UNITED STATES.**

5 (a) FINDINGS.—The Congress finds the following:

6 (1) Effective enforcement of the currency re-
 7 porting requirements of subchapter II of chapter 53
 8 of title 31, United States Code, and the regulations
 9 prescribed under such subchapter, has forced drug
 10 dealers and other criminals engaged in cash-based
 11 businesses to avoid using traditional financial insti-
 12 tutions.

13 (2) In their effort to avoid using traditional fi-
 14 nancial institutions, drug dealers and other criminals

1 are forced to move large quantities of currency in
2 bulk form to and through the airports, border cross-
3 ings, and other ports of entry where the currency
4 can be smuggled out of the United States and placed
5 in a foreign financial institution or sold on the black
6 market.

7 (3) The transportation and smuggling of cash
8 in bulk form may now be the most common form of
9 money laundering, and the movement of large sums
10 of cash is one of the most reliable warning signs of
11 drug trafficking, terrorism, money laundering, rack-
12 eteering, tax evasion and similar crimes.

13 (4) The intentional transportation into or out of
14 the United States of large amounts of currency or
15 monetary instruments, in a manner designed to cir-
16 cumvent the mandatory reporting provisions of sub-
17 chapter II of chapter 53 of title 31, United States
18 Code,, is the equivalent of, and creates the same
19 harm as, the smuggling of goods.

20 (5) The arrest and prosecution of bulk cash
21 smugglers are important parts of law enforcement's
22 effort to stop the laundering of criminal proceeds,
23 but the couriers who attempt to smuggle the cash
24 out of the United States are typically low-level em-
25 ployees of large criminal organizations, and thus are

1 easily replaced. Accordingly, only the confiscation of
2 the smuggled bulk cash can effectively break the
3 cycle of criminal activity of which the laundering of
4 the bulk cash is a critical part.

5 (6) The current penalties for violations of the
6 currency reporting requirements are insufficient to
7 provide a deterrent to the laundering of criminal
8 proceeds. In particular, in cases where the only
9 criminal violation under current law is a reporting
10 offense, the law does not adequately provide for the
11 confiscation of smuggled currency. In contrast, if the
12 smuggling of bulk cash were itself an offense, the
13 cash could be confiscated as the corpus delicti of the
14 smuggling offense.

15 (b) PURPOSES.—The purposes of this section are—

16 (1) to make the act of smuggling bulk cash
17 itself a criminal offense;

18 (2) to authorize forfeiture of any cash or instru-
19 ments of the smuggling offense;

20 (3) to emphasize the seriousness of the act of
21 bulk cash smuggling; and

22 (4) to prescribe guidelines for determining the
23 amount of property subject to such forfeiture in var-
24 ious situations.

1 (c) ENACTMENT OF BULK CASH SMUGGLING OF-
2 FENSE.—Subchapter II of chapter 53 of title 31, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 5331. Bulk cash smuggling into or out of the**
6 **United States**

7 “(a) CRIMINAL OFFENSE.—

8 “(1) IN GENERAL.—Whoever, with the intent to
9 evade a currency reporting requirement under sec-
10 tion 5316, knowingly conceals more than \$10,000 in
11 currency or other monetary instruments on the per-
12 son of such individual or in any conveyance, article
13 of luggage, merchandise, or other container, and
14 transports or transfers or attempts to transport or
15 transfer such currency or monetary instruments
16 from a place within the United States to a place out-
17 side of the United States, or from a place outside
18 the United States to a place within the United
19 States, shall be guilty of a currency smuggling of-
20 fense and subject to punishment pursuant to sub-
21 section (b).

22 “(2) CONCEALMENT ON PERSON.—For pur-
23 poses of this section, the concealment of currency on
24 the person of any individual includes concealment in
25 any article of clothing worn by the individual or in

1 any luggage, backpack, or other container worn or
2 carried by such individual.

3 “(b) PENALTY.—

4 “(1) TERM OF IMPRISONMENT.—A person con-
5 victed of a currency smuggling offense under sub-
6 section (a), or a conspiracy to commit such offense,
7 shall be imprisoned for not more than 5 years.

8 “(2) FORFEITURE.—In addition, the court, in
9 imposing sentence under paragraph (1), shall order
10 that the defendant forfeit to the United States, any
11 property, real or personal, involved in the offense,
12 and any property traceable to such property, subject
13 to subsection (d) of this section.

14 “(3) PROCEDURE.—The seizure, restraint, and
15 forfeiture of property under this section shall be gov-
16 erned by section 413 of the Controlled Substances
17 Act.

18 “(4) PERSONAL MONEY JUDGMENT.—If the
19 property subject to forfeiture under paragraph (2) is
20 unavailable, and the defendant has insufficient sub-
21 stitute property that may be forfeited pursuant to
22 section 413(p) of the Controlled Substances Act, the
23 court shall enter a personal money judgment against
24 the defendant for the amount that would be subject
25 to forfeiture.

1 “(c) CIVIL FORFEITURE.—

2 “(1) IN GENERAL.—Any property involved in a
3 violation of subsection (a), or a conspiracy to com-
4 mit such violation, and any property traceable to
5 such violation or conspiracy, may be seized and, sub-
6 ject to subsection (d) of this section, forfeited to the
7 United States.

8 “(2) PROCEDURE.—The seizure and forfeiture
9 shall be governed by the procedures governing civil
10 forfeitures in money laundering cases pursuant to
11 section 981(a)(1)(A) of title 18, United States Code.

12 “(3) TREATMENT OF CERTAIN PROPERTY AS
13 INVOLVED IN THE OFFENSE.—For purposes of this
14 subsection and subsection (b), any currency or other
15 monetary instrument that is concealed or intended
16 to be concealed in violation of subsection (a) or a
17 conspiracy to commit such violation, any article, con-
18 tainer, or conveyance used, or intended to be used,
19 to conceal or transport the currency or other mone-
20 tary instrument, and any other property used, or in-
21 tended to be used, to facilitate the offense, shall be
22 considered property involved in the offense.”.

23 (c) CLERICAL AMENDMENT.—The table of sections
24 for subchapter II of chapter 53 of title 31, United States

1 Code, is amended by inserting after the item relating to
2 section 5330, the following new item:

“5331. Bulk cash smuggling into or out of the United States.”.

3 **SEC. 102. FORFEITURE IN CURRENCY REPORTING CASES.**

4 (a) IN GENERAL.—Subsection (c) of section 5317 of
5 title 31, United States Code, is amended to read as fol-
6 lows:

7 “(c) FORFEITURE.—

8 “(1) IN GENERAL.—The court in imposing sen-
9 tence for any violation of section 5313, 5316, or
10 5324 of this title, or any conspiracy to commit such
11 violation, shall order the defendant to forfeit all
12 property, real or personal, involved in the offense
13 and any property traceable thereto.

14 “(2) PROCEDURE.—Forfeitures under this sub-
15 section shall be governed by the procedures estab-
16 lished in section 413 of the Controlled Substances
17 Act and the guidelines established in paragraph (4).

18 “(3) CIVIL FORFEITURE.—Any property in-
19 volved in a violation of section 5313, 5316, or 5324
20 of this title, or any conspiracy to commit any such
21 violation, and any property traceable to any such
22 violation or conspiracy, may be seized and, subject
23 to paragraph (4), forfeited to the United States in
24 accordance with the procedures governing civil for-

1 feitures in money laundering cases pursuant to sec-
2 tion 981(a)(1)(A) of title 18, United States Code.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 981(a)(1)(A) of title 18, United
5 States Code, is amended by striking “of section
6 5313(a) or 5324(a) of title 31, or”.

7 (2) Section 982(a)(1) of title 18, United States Code,
8 is amended by striking “of section 5313(a), 5316, or 5324
9 of title 31, or”.

10 **SEC. 103. ILLEGAL MONEY TRANSMITTING BUSINESSES.**

11 (a) SCIENTER REQUIREMENT FOR SECTION 1960
12 VIOLATION.—Section 1960 of title 18, United States
13 Code, is amended to read as follows:

14 **“§ 1960. Prohibition of unlicensed money transmit-**
15 **ting businesses**

16 “(a) Whoever knowingly conducts, controls, manages,
17 supervises, directs, or owns all or part of an unlicensed
18 money transmitting business, shall be fined in accordance
19 with this title or imprisoned not more than 5 years, or
20 both.

21 “(b) As used in this section—

22 “(1) the term ‘unlicensed money transmitting
23 business’ means a money transmitting business
24 which affects interstate or foreign commerce in any
25 manner or degree and—

1 “(A) is operated without an appropriate
2 money transmitting license in a State where
3 such operation is punishable as a misdemeanor
4 or a felony under State law, whether or not the
5 defendant knew that the operation was required
6 to be licensed or that the operation was so pun-
7 ishable;

8 “(B) fails to comply with the money trans-
9 mitting business registration requirements
10 under section 5330 of title 31, United States
11 Code, or regulations prescribed under such sec-
12 tion; or

13 “(C) otherwise involves the transportation
14 or transmission of funds that are known to the
15 defendant to have been derived from a criminal
16 offense or are intended to be used to be used
17 to promote or support unlawful activity;

18 “(2) the term ‘money transmitting’ includes
19 transferring funds on behalf of the public by any
20 and all means including but not limited to transfers
21 within this country or to locations abroad by wire,
22 check, draft, facsimile, or courier; and

23 “(3) the term ‘State’ means any State of the
24 United States, the District of Columbia, the North-

1 ern Mariana Islands, and any commonwealth, terri-
2 tory, or possession of the United States.”.

3 (b) SEIZURE OF ILLEGALLY TRANSMITTED
4 FUNDS.—Section 981(a)(1)(A) of title 18, United States
5 Code, is amended by striking “or 1957” and inserting “,
6 1957 or 1960”.

7 (c) CLERICAL AMENDMENT.—The table of sections
8 for chapter 95 of title 18, United States Code, is amended
9 in the item relating to section 1960 by striking “illegal”
10 and inserting “unlicensed”.

11 **SEC. 104. LONG-ARM JURISDICTION OVER FOREIGN MONEY**
12 **LAUNDERERS.**

13 Section 1956(b) of title 18, United States Code, is
14 amended—

15 (1) by striking “(b) Whoever” and inserting
16 “(b)(1) Whoever”;

17 (2) by redesignating paragraphs (1) and (2) as
18 subparagraphs (A) and (B), respectively;

19 (3) by striking “subsection (a)(1) or (a)(3),”
20 and inserting “subsection (a)(1) or (a)(2) or section
21 1957,”; and

22 (4) by adding at the end the following new
23 paragraphs:

24 “(2) For purposes of adjudicating an action filed or
25 enforcing a penalty ordered under this section, the district

1 courts shall have jurisdiction over any foreign person, in-
2 cluding any financial institution authorized under the laws
3 of a foreign country, against whom the action is brought,
4 if—

5 “(A) service of process upon such foreign per-
6 son is made under the Federal Rules of Civil Proce-
7 dure or the laws of the country where the foreign
8 person is found; and

9 “(B) the foreign person—

10 “(i) commits an offense under subsection
11 (a) involving a financial transaction that occurs
12 in whole or in part in the United States;

13 “(ii) converts to such person’s own use
14 property in which the United States has an
15 ownership interest by virtue of the entry of an
16 order of forfeiture by a court of the United
17 States; or

18 “(iii) is a financial institution that main-
19 tains a correspondent bank account at a finan-
20 cial institution in the United States.

21 “(3) The court may issue a pretrial restraining order
22 or take any other action necessary to ensure that any bank
23 account or other property held by the defendant in the
24 United States is available to satisfy a judgment under this
25 section.”.

1 **SEC. 105. LAUNDERING MONEY THROUGH A FOREIGN**
2 **BANK.**

3 Section 1956(c)(6) of title 18, United States Code,
4 is amended to read as follows:

5 “(6) the term ‘financial institution’ includes any
6 financial institution described in section 5312(a)(2)
7 of title 31, United States Code, or the regulations
8 promulgated thereunder, as well as any foreign
9 bank, as defined in paragraph (7) of section 1(b) of
10 the International Banking Act of 1978 (12 U.S.C.
11 3101(7));”.

12 **SEC. 106. SPECIFIED UNLAWFUL ACTIVITY FOR MONEY**
13 **LAUNDERING.**

14 (a) IN GENERAL.—Section 1956(c)(7) of title 18,
15 United States Code, is amended—

16 (1) in subparagraph (B)—

17 (A) by striking clause (ii) and inserting the
18 following new clause:

19 “(ii) any act or acts constituting a
20 crime of violence, as defined in section 16
21 of this title;” and

22 (B) by inserting after clause (iii) the fol-
23 lowing new clauses:

24 “(iv) bribery of a public official, or
25 the misappropriation, theft, or embezzle-

1 ment of public funds by or for the benefit
2 of a public official;

3 “(v) smuggling or export control viola-
4 tions involving munitions listed in the
5 United States Munitions List or tech-
6 nologies with military applications as de-
7 fined in the Commerce Control List of the
8 Export Administration Regulations; or

9 “(vi) an offense with respect to which
10 the United States would be obligated by a
11 bilateral treaty either to extradite the al-
12 leged offender or to submit the case for
13 prosecution, if the offender were found
14 within the territory of the United States;”;

15 and

16 (2) in subparagraph (D)—

17 (A) by inserting “section 541 (relating to
18 goods falsely classified),” before “section 542”;

19 (B) by inserting “section 922(1) (relating
20 to the unlawful importation of firearms), sec-
21 tion 924(n) (relating to firearms trafficking),”
22 before “section 956”;

23 (C) by inserting “section 1030 (relating to
24 computer fraud and abuse),” before “1032”;

25 and

1 (D) by inserting “any felony violation of
2 the Foreign Agents Registration Act of 1938,
3 as amended,” before “or any felony violation of
4 the Foreign Corrupt Practices Act”.

5 (b) **RULE OF CONSTRUCTION.**—None of the changes
6 or amendments made by the Financial Anti-Terrorism Act
7 of 2001 shall expand the jurisdiction of any Federal or
8 State court over any civil action or claim for monetary
9 damages for the nonpayment of taxes or duties under the
10 revenue laws of a foreign state, or any political subdivision
11 thereof, except as such actions or claims are authorized
12 by United States treaty that provides the United States
13 and its political subdivisions with reciprocal rights to pur-
14 sue such actions or claims in the courts of the foreign
15 state and its political subdivisions.

16 **SEC. 107. LAUNDERING THE PROCEEDS OF TERRORISM.**

17 Section 1956(c)(7)(D) of title 18, United States
18 Code, is amended by inserting “or 2339B” after “2339A”.

19 **SEC. 108. PROCEEDS OF FOREIGN CRIMES.**

20 Section 981(a)(1)(B) of title 18, United States Code,
21 is amended to read as follows:

22 “(B) Any property, real or personal, within the
23 jurisdiction of the United States, constituting, de-
24 rived from, or traceable to, any proceeds obtained di-
25 rectly or indirectly from an offense against a foreign

1 nation, or any property used to facilitate such of-
2 fense, if—

3 “(i) the offense involves the manufacture,
4 importation, sale, or distribution of a controlled
5 substance (as such term is defined for the pur-
6 poses of the Controlled Substances Act), or any
7 other conduct described in section
8 1956(c)(7)(B),

9 “(ii) the offense would be punishable with-
10 in the jurisdiction of the foreign nation by
11 death or imprisonment for a term exceeding one
12 year, and

13 “(iii) the offense would be punishable
14 under the laws of the United States by impris-
15 onment for a term exceeding one year if the act
16 or activity constituting the offense had occurred
17 within the jurisdiction of the United States.”.

18 **SEC. 109. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC**
19 **TARGETING ORDERS AND CERTAIN RECORD**
20 **KEEPING REQUIREMENTS.**

21 (a) CIVIL PENALTY FOR VIOLATION OF TARGETING
22 ORDER.—Section 5321(a)(1) of title 31, United States
23 Code, is amended—

24 (1) by inserting “or order issued” after “sub-
25 chapter or a regulation prescribed”; and

1 (2) by inserting “, or willfully violating a regu-
2 lation prescribed under section 21 of the Federal
3 Deposit Insurance Act or section 123 of Public Law
4 91–508,” after “sections 5314 and 5315”).

5 (b) CRIMINAL PENALTIES FOR VIOLATION OF TAR-
6 GETING ORDER.—

7 Section 5322 of title 31, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) by inserting “or order issued” after
11 “willfully violating this subchapter or a regula-
12 tion prescribed”; and

13 (B) by inserting “, or willfully violating a
14 regulation prescribed under section 21 of the
15 Federal Deposit Insurance Act or section 123
16 of Public Law 91–508,” after “under section
17 5315 or 5324”);

18 (2) in subsection (b)—

19 (A) by inserting “or order issued” after
20 “willfully violating this subchapter or a regula-
21 tion prescribed”; and

22 (B) by inserting “or willfully violating a
23 regulation prescribed under section 21 of the
24 Federal Deposit Insurance Act or section 123

1 of Public Law 91–508,” after “under section
2 5315 or 5324),”;

3 (c) STRUCTURING TRANSACTIONS TO EVADE TAR-
4 GETING ORDER OR CERTAIN RECORD KEEPING REQUIRE-
5 MENTS.—Section 5324(a) of title 31, United States Code,
6 is amended—

7 (1) by inserting a comma after “shall”;

8 (2) by striking “section—” and inserting “sec-
9 tion, the reporting requirements imposed by any
10 order issued under section 5326, or the record keep-
11 ing requirements imposed by any regulation pre-
12 scribed under section 21 of the Federal Deposit In-
13 surance Act or section 123 of Public Law 91–508—
14 ”; and

15 (3) in paragraphs (1) and (2), by inserting “,
16 to file a report required by any order issued under
17 section 5326, or to maintain a record required pur-
18 suant to any regulation prescribed under section 21
19 of the Federal Deposit Insurance Act or section 123
20 of Public Law 91–508” after “regulation prescribed
21 under any such section” each place that term ap-
22 pears.

23 (d) INCREASE IN CIVIL PENALTIES FOR VIOLATION
24 OF CERTAIN RECORD KEEPING REQUIREMENTS.—

1 (1) FEDERAL DEPOSIT INSURANCE ACT.—Sec-
2 tion 21(j)(1) of the Federal Deposit Insurance Act
3 (12 U.S.C. 1829b(j)(1)) is amended by striking
4 “\$10,000” and inserting “the greater of—

5 “(A) the amount (not to exceed \$100,000)
6 involved in the transaction (if any) with respect
7 to which the violation occurred; or

8 “(B) \$25,000”.

9 (2) PUBLIC LAW 91–508.—Section 125(a) of
10 Public Law 91–508 (12 U.S.C. 1955(a)) is amended
11 by striking “\$10,000” and inserting “the greater
12 of—

13 “(1) the amount (not to exceed \$100,000) in-
14 volved in the transaction (if any) with respect to
15 which the violation occurred; or

16 “(2) \$25,000”.

17 (e) CRIMINAL PENALTIES FOR VIOLATION OF CER-
18 TAIN RECORD KEEPING REQUIREMENTS.—

19 (1) SECTION 126.—Section 126 of Public Law
20 91–508 (12 U.S.C. 1956) is amended to read as fol-
21 lows:

22 **“SEC. 126. CRIMINAL PENALTY.**

23 “A person that willfully violates this chapter, section
24 21 of the Federal Deposit Insurance Act, or a regulation
25 prescribed under this chapter or that section 21, shall be

1 fined not more than \$250,000, or imprisoned for not more
2 than 5 years, or both.”.

3 (2) SECTION 127.—Section 127 of Public Law
4 91–508 (12 U.S.C. 1957) is amended to read as fol-
5 lows:

6 **“SEC. 127. ADDITIONAL CRIMINAL PENALTY IN CERTAIN**
7 **CASES.**

8 “A person that willfully violates this chapter, section
9 21 of the Federal Deposit Insurance Act, or a regulation
10 prescribed under this chapter or that section 21, while vio-
11 lating another law of the United States or as part of a
12 pattern of any illegal activity involving more than
13 \$100,000 in a 12-month period, shall be fined not more
14 than \$500,000, imprisoned for not more than 10 years,
15 or both.”.

16 **SEC. 110. EXCLUSION OF ALIENS INVOLVED IN MONEY**
17 **LAUNDERING.**

18 (a) IN GENERAL.—Section 212 of the Immigration
19 and Nationality Act, as amended (8 U.S.C. 1182), is
20 amended in subsection (a)(2)—

21 (1) by redesignating subparagraphs (D), (E),
22 (F), (G), and (H) as subparagraphs (E), (F), (G),
23 (H), and (I), respectively; and

24 (2) by inserting after subparagraph (C) the fol-
25 lowing new subparagraph (D):

1 “(D) MONEY LAUNDERING ACTIVITIES.—

2 “(i) IN GENERAL.—Any alien who the
3 consular officer or the Attorney General
4 knows or has reason to believe is or has
5 been engaged in activities which if engaged
6 in within the United States would con-
7 stitute a violation of the money laundering
8 provisions section 1956, 1957, or 1960 of
9 title 18, United States Code, or has know-
10 ingly assisted, abetted, or conspired or
11 colluded with others in any such illicit ac-
12 tivity is inadmissible.

13 “(ii) RELATED INDIVIDUALS.—Any
14 alien who the consular officer or the Attor-
15 ney General knows or has reason to believe
16 is the spouse, son, or daughter of an alien
17 inadmissible under clause (i), has, within
18 the previous 5 years, obtained any finan-
19 cial or other benefit from such illicit activ-
20 ity of that alien, and knew or reasonably
21 should have known that the financial or
22 other benefit was the product of such illicit
23 activity, is inadmissible, except that the
24 Attorney General may, in the full discre-
25 tion of the Attorney General, waive the ex-

1 clusion of the spouse, son, or daughter of
 2 an alien under this clause if the Attorney
 3 General determines that exceptional cir-
 4 cumstances exist that justify such waiv-
 5 er.”.

6 (b) CONFORMING AMENDMENT.—Section
 7 212(h)(1)(A)(i) of the Immigration and Nationality Act,
 8 as amended (8 U.S.C. 1182), is amended by striking
 9 “(D)(i) or (D)(ii)” and inserting “(E)(i) or (E)(ii)”.

10 **SEC. 111. STANDING TO CONTEST FORFEITURE OF FUNDS**
 11 **DEPOSITED INTO FOREIGN BANK THAT HAS A**
 12 **CORRESPONDENT ACCOUNT IN THE UNITED**
 13 **STATES.**

14 Section 981 of title 18, United States Code, is
 15 amended by adding at the end the following new sub-
 16 section:

17 “(k) CORRESPONDENT BANK ACCOUNTS.—

18 “(1) TREATMENT OF ACCOUNTS OF COR-
 19 RESPONDENT BANK IN DOMESTIC FINANCIAL INSTI-
 20 TUTIONS.—

21 “(A) IN GENERAL.—For the purpose of a
 22 forfeiture under this section or under the Con-
 23 trolled Substances Act, if funds are deposited
 24 into a dollar-denominated bank account in a
 25 foreign financial institution, and that foreign fi-

1 nancial institution has a correspondent account
2 with a financial institution in the United
3 States, the funds deposited into the foreign fi-
4 nancial institution (the respondent bank) shall
5 be deemed to have been deposited into the cor-
6 respondent account in the United States, and
7 any restraining order, seizure warrant, or arrest
8 warrant in rem regarding such funds may be
9 served on the correspondent bank, and funds in
10 the correspondent account up to the value of
11 the funds deposited into the dollar-denominated
12 account in the foreign financial institution may
13 be seized, arrested or restrained.

14 “(B) AUTHORITY TO SUSPEND.—The At-
15 torney General, in consultation with the Sec-
16 retary, may suspend or terminate a forfeiture
17 under this section if the Attorney General de-
18 termines that a conflict of law exists between
19 the laws of the jurisdiction in which the foreign
20 bank is located and the laws of the United
21 States with respect to liabilities arising from
22 the restraint, seizure, or arrest of such funds,
23 and that such suspension or termination would
24 be in the interest of justice and would not harm
25 the national interests of the United States.

1 “(2) NO REQUIREMENT FOR GOVERNMENT TO
2 TRACE FUNDS.—If a forfeiture action is brought
3 against funds that are restrained, seized, or arrested
4 under paragraph (1), the Government shall not be
5 required to establish that such funds are directly
6 traceable to the funds that were deposited into the
7 respondent bank, nor shall it be necessary for the
8 Government to rely on the application of Section
9 984 of this title.

10 “(3) CLAIMS BROUGHT BY OWNER OF THE
11 FUNDS.—If a forfeiture action is instituted against
12 funds seized, arrested, or restrained under para-
13 graph (1), the owner of the funds may contest the
14 forfeiture by filing a claim pursuant to section 983.

15 “(4) DEFINITIONS.—For purposes of this sub-
16 section, the following definitions shall apply:

17 “(A) CORRESPONDENT ACCOUNT.—The
18 term ‘correspondent account’ has the meaning
19 given to the term ‘interbank account’ in section
20 984(c)(2)(B).

21 “(B) OWNER.—

22 “(i) IN GENERAL.—Except as pro-
23 vided in clause (ii), the term ‘owner’—

24 “(I) means the person who was
25 the owner, as that term is defined in

1 section 983(d)(6), of the funds that
2 were deposited into the foreign bank
3 at the time such funds were deposited;
4 and

5 “(II) does not include either the
6 foreign bank or any financial institu-
7 tion acting as an intermediary in the
8 transfer of the funds into the inter-
9 bank account.

10 “(ii) EXCEPTION.—The foreign bank
11 may be considered the ‘owner’ of the funds
12 (and no other person shall qualify as the
13 owner of such funds) only if—

14 “(I) the basis for the forfeiture
15 action is wrongdoing committed by
16 the foreign bank; or

17 “(II) the foreign bank estab-
18 lishes, by a preponderance of the evi-
19 dence, that prior to the restraint, sei-
20 zure, or arrest of the funds, the for-
21 eign bank had discharged all or part
22 of its obligation to the prior owner of
23 the funds, in which case the foreign
24 bank shall be deemed the owner of the

1 funds to the extent of such discharged
2 obligation.”.

3 **SEC. 112. SUBPOENAS FOR RECORDS REGARDING FUNDS**
4 **IN CORRESPONDENT BANK ACCOUNTS.**

5 (a) IN GENERAL.—Subchapter II of chapter 53 of
6 title 31, United States Code, is amended by inserting after
7 section 5331 (as added by section 101) the following new
8 section:

9 **“§ 5332. Subpoenas for records**

10 “(a) DESIGNATION BY FOREIGN FINANCIAL INSTI-
11 TUTION OF AGENT.—Any foreign financial institution that
12 has a correspondent bank account at a financial institu-
13 tion in the United States shall designate a person residing
14 in the United States as a person authorized to accept a
15 subpoena for bank records or other legal process served
16 on the foreign financial institution.

17 “(b) MAINTENANCE OF RECORDS BY DOMESTIC FI-
18 NANCIAL INSTITUTION.—

19 “(1) IN GENERAL.—Any domestic financial in-
20 stitution that maintains a correspondent bank ac-
21 count for a foreign financial institution shall main-
22 tain records regarding the names and addresses of
23 the owners of the foreign financial institution, and
24 the name and address of the person who may be
25 served with a subpoena for records regarding any

1 funds transferred to or from the correspondent ac-
2 count.

3 “(2) PROVISION TO LAW ENFORCEMENT AGEN-
4 CY.—A domestic financial institution shall provide
5 names and addresses maintained under paragraph
6 (1) to a Government authority (as defined in section
7 1101(3) of the Right to Financial Privacy Act of
8 1978) within 7 days of the receipt of a request, in
9 writing, for such records.

10 “(c) ADMINISTRATIVE SUBPOENA.—

11 “(1) IN GENERAL.—The Attorney General and
12 the Secretary of the Treasury may each issue an ad-
13 ministrative subpoena for records relating to the de-
14 posit of any funds into a dollar-denominated account
15 in a foreign financial institution that maintains a
16 correspondent account at a domestic financial insti-
17 tution.

18 “(2) MANNER OF ISSUANCE.—Any subpoena
19 issued by the Attorney General or the Secretary of
20 the Treasury under paragraph (1) shall be issued in
21 the manner described in section 3486 of title 18,
22 and may be served on the representative designated
23 by the foreign financial institution pursuant to sub-
24 section (a) to accept legal process in the United
25 States, or in a foreign country pursuant to any mu-

1 tual legal assistance treaty, multilateral agreement,
2 or other request for international law enforcement
3 assistance.

4 “(d) CORRESPONDENT ACCOUNT DEFINED.—For
5 purposes of this section, the term ‘correspondent account’
6 has the same meaning as the term ‘interbank account’ as
7 such term is defined in section 984(c)(2)(B) of title 18,
8 United States Code.”.

9 (b) CLERICAL AMENDMENTS.—The table of sections
10 for subchapter II of chapter 53 of title 31, United States
11 Code, is amended by inserting after the item relating to
12 section 5331 (as added by section 101) the following new
13 item:

“5332. Subpoenas for records.”.

14 (c) EFFECTIVE DATE.—Section 5332(a) of title 31,
15 United States Code, (as added by subsection (a) of this
16 section shall apply after the end of the 30-day period be-
17 ginning on the date of the enactment of this Act.

18 (d) REQUESTS FOR RECORDS.—Section
19 3486(a)(1)(A)(i) of title 18, United States Code, is
20 amended by striking “; or (II) a Federal offense involving
21 the sexual exploitation or abuse of children,” and inserting
22 “, (II) a Federal offense involving the sexual exploitation
23 or abuse of children, or (III) a money laundering offense
24 in violation of section 1956, 1957 or 1960 of this title,”.

1 **SEC. 113. AUTHORITY TO ORDER CONVICTED CRIMINAL TO**
2 **RETURN PROPERTY LOCATED ABROAD.**

3 (a) FORFEITURE OF SUBSTITUTE PROPERTY.—Sec-
4 tion 413(p) of the Controlled Substances Act (21 U.S.C.
5 853) is amended to read as follows:

6 “(p) FORFEITURE OF SUBSTITUTE PROPERTY.—

7 “(1) IN GENERAL.—Paragraph (2) of this sub-
8 section shall apply, if any property described in sub-
9 section (a), as a result of any act or omission of the
10 defendant—

11 “(A) cannot be located upon the exercise of
12 due diligence;

13 “(B) has been transferred or sold to, or
14 deposited with, a third party;

15 “(C) has been placed beyond the jurisdic-
16 tion of the court;

17 “(D) has been substantially diminished in
18 value; or

19 “(E) has been commingled with other
20 property which cannot be divided without dif-
21 ficulty.

22 “(2) SUBSTITUTE PROPERTY.—In any case de-
23 scribed in any of subparagraphs (A) through (E) of
24 paragraph (1), the court shall order the forfeiture of
25 any other property of the defendant, up to the value

1 of any property described in subparagraphs (A)
2 through (E) of paragraph (1), as applicable.

3 “(3) RETURN OF PROPERTY TO JURISDIC-
4 TION.—In the case of property described in para-
5 graph (1)(C), the court may, in addition to any
6 other action authorized by this subsection, order the
7 defendant to return the property to the jurisdiction
8 of the court so that the property may be seized and
9 forfeited.”.

10 (b) PROTECTIVE ORDERS.—Section 413(e) of the
11 Controlled Substances Act (21 U.S.C. 853(e)) is amended
12 by adding at the end the following:

13 “(4) ORDER TO REPATRIATE AND DEPOSIT.—

14 “(A) IN GENERAL.—Pursuant to its authority
15 to enter a pretrial restraining order under this sec-
16 tion, the court may order a defendant to repatriate
17 any property that may be seized and forfeited, and
18 to deposit that property pending trial in the registry
19 of the court, or with the United States Marshals
20 Service or the Secretary of the Treasury, in an in-
21 terest-bearing account, if appropriate.

22 “(B) FAILURE TO COMPLY.—Failure to comply
23 with an order under this subsection, or an order to
24 repatriate property under subsection (p), shall be
25 punishable as a civil or criminal contempt of court,

1 and may also result in an enhancement of the sen-
2 tence of the defendant under the obstruction of jus-
3 tice provision of the Federal Sentencing Guide-
4 lines.”.

5 **SEC. 114. CORPORATION REPRESENTED BY A FUGITIVE.**

6 Section 2466 of title 28, United States Code, is
7 amended by designating the present matter as subsection
8 (a), and adding at the end the following:

9 “(b) Subsection (a) may be applied to a claim filed
10 by a corporation if any majority shareholder, or individual
11 filing the claim on behalf of the corporation is a person
12 to whom subsection (a) applies.”.

13 **SEC. 115. ENFORCEMENT OF FOREIGN JUDGMENTS.**

14 Section 2467 of title 28, United States Code, is
15 amended—

16 (1) in subsection (d), by inserting after para-
17 graph (2) the following new paragraph:

18 “(3) PRESERVATION OF PROPERTY.—To pre-
19 serve the availability of property subject to a foreign
20 forfeiture or confiscation judgment, the Government
21 may apply for, and the court may issue, a restrain-
22 ing order pursuant to section 983(j) of title 18,
23 United States Code, at any time before or after an
24 application is filed pursuant to subsection (c)(1).

25 The court, in issuing the restraining order—

1 “(A) may rely on information set forth in
2 an affidavit describing the nature of the pro-
3 ceeding or investigation underway in the foreign
4 country, and setting forth a reasonable basis to
5 believe that the property to be restrained will be
6 named in a judgment of forfeiture at the con-
7 clusion of such proceeding; or

8 “(B) may register and enforce a restrain-
9 ing order that has been issued by a court of
10 competent jurisdiction in the foreign country
11 and certified by the Attorney General pursuant
12 to subsection (b)(2).

13 No person may object to the restraining order on
14 any ground that is the subject of parallel litigation
15 involving the same property that is pending in a for-
16 eign court.”;

17 (2) in subsection (b)(1)(C), by striking “estab-
18 lishing that the defendant received notice of the pro-
19 ceedings in sufficient time to enable the defendant”
20 and inserting “establishing that the foreign nation
21 took steps, in accordance with the principles of due
22 process, to give notice of the proceedings to all per-
23 sons with an interest in the property in sufficient
24 time to enable such persons”;

1 (3) in subsection (d)(1)(D), by striking “the de-
2 fendant in the proceedings in the foreign court did
3 not receive notice” and inserting “the foreign nation
4 did not take steps, in accordance with the principles
5 of due process, to give notice of the proceedings to
6 a person with an interest in the property”; and

7 (4) in subsection (a)(2)(A), by inserting “, any
8 violation of foreign law that would constitute a viola-
9 tion of an offense for which property could be for-
10 feited under Federal law if the offense were com-
11 mitted in the United States” after “United Nations
12 Convention”.

13 **SEC. 116. REPORTING PROVISIONS AND ANTI-TERRORIST**
14 **ACTIVITIES OF UNITED STATES INTEL-**
15 **LIGENCE AGENCIES.**

16 (a) AMENDMENT RELATING TO THE PURPOSES OF
17 CHAPTER 53 OF TITLE 31, UNITED STATES CODE.—Sec-
18 tion 5311 of title 31, United States Code, is amended by
19 inserting before the period at the end the following: “, or
20 in the conduct of intelligence or counterintelligence activi-
21 ties, including analysis, to protect against international
22 terrorism”.

23 (b) AMENDMENT RELATING TO REPORTING OF SUS-
24 PICIOUS ACTIVITIES.—Section 5318(g)(4)(B) of title 31,
25 United States Code, is amended by striking “or super-

1 visory agency” and inserting “, supervisory agency, or
2 United States intelligence agency for use in the conduct
3 of intelligence or counterintelligence activities, including
4 analysis, to protect against international terrorism”.

5 (c) AMENDMENT RELATING TO AVAILABILITY OF
6 REPORTS.—Section 5319 of title 31, United States Code,
7 is amended to read as follows:

8 **“§ 5319. Availability of reports**

9 “The Secretary of the Treasury shall make informa-
10 tion in a report filed under this subchapter available to
11 an agency, including any State financial institutions su-
12 pervisory agency, United States intelligence agency or self-
13 regulatory organization registered with the Securities and
14 Exchange Commission or the Commodity Futures Trading
15 Commission, upon request of the head of the agency or
16 organization. The report shall be available for a purpose
17 that is consistent with this subchapter. The Secretary may
18 only require reports on the use of such information by any
19 State financial institutions supervisory agency for other
20 than supervisory purposes or by United States intelligence
21 agencies. However, a report and records of reports are ex-
22 empt from disclosure under section 552 of title 5.”.

23 (d) AMENDMENT RELATING TO THE RETENTION OF
24 RECORDS BY INSURED DEPOSITORY INSTITUTIONS.—

1 Section 21(a) of the Federal Deposit Insurance Act (12
2 U.S.C. 1829b(a)) is amended—

3 (1) in paragraph (1), by inserting “, or in the
4 conduct of intelligence or counterintelligence activi-
5 ties, including analysis, to protect against inter-
6 national terrorism” after “proceedings”; and

7 (2) in paragraph (2), by inserting “, or in the
8 conduct of intelligence or counterintelligence activi-
9 ties, including analysis, to protect against inter-
10 national terrorism” before the period at the end.

11 (e) AMENDMENT RELATING TO THE RETENTION OF
12 RECORDS BY UNINSURED INSTITUTIONS.—Section 123(a)
13 of Public Law 91–508 (12 U.S.C. 1953(a)) is amended
14 by inserting “, or in the conduct of intelligence or counter-
15 intelligence activities, including analysis, to protect
16 against international terrorism” after “proceedings”.

17 (f) AMENDMENTS TO THE RIGHT TO FINANCIAL PRI-
18 VACY ACT.—The Right to Financial Privacy Act of 1978
19 is amended—

20 (1) in section 1112(a) (12 U.S.C. 3412(a)), by
21 inserting “, or intelligence or counterintelligence ac-
22 tivity, investigation or analysis related to inter-
23 national terrorism” after “legitimate law enforce-
24 ment inquiry”;

1 (2) in section 1114(a)(1) (12 U.S.C.
2 3414(a)(1))—

3 (A) in subparagraph (A), by striking “or”
4 at the end;

5 (B) in subparagraph (B), by striking the
6 period at the end and inserting “; or”; and

7 (C) by adding at the end the following:

8 “(C) a Government authority authorized to
9 conduct investigations of, or intelligence or
10 counterintelligence analyses related to, inter-
11 national terrorism for the purpose of con-
12 ducting such investigations or analyses.”; and

13 (3) in section 1120(a)(2) (12 U.S.C.
14 3420(a)(2)), by inserting “, or for a purpose author-
15 ized by section 1112(a)” before the semicolon at the
16 end.

17 (g) AMENDMENT TO THE FAIR CREDIT REPORTING
18 ACT.—

19 (1) IN GENERAL.—The Fair Credit Reporting
20 Act (15 U.S.C. 1681 et seq.) is amended—

21 (A) by redesignating the second of the 2
22 sections designated as section 624 (15 U.S.C.
23 1681u) (relating to disclosure to FBI for coun-
24 terintelligence purposes) as section 625; and

1 (B) by adding at the end the following new
2 section:

3 **“§ 626. Disclosures to governmental agencies for**
4 **counterterrorism purposes**

5 “(a) DISCLOSURE.—Notwithstanding section 604 or
6 any other provision of this title, a consumer reporting
7 agency shall furnish a consumer report of a consumer and
8 all other information in a consumer’s file to a government
9 agency authorized to conduct investigations of, or intel-
10 ligence or counterintelligence activities or analysis related
11 to, international terrorism when presented with a written
12 certification by such government agency that such infor-
13 mation is necessary for the agency’s conduct or such inves-
14 tigation, activity or analysis.

15 “(b) FORM OF CERTIFICATION.—The certification
16 described in subsection (a) shall be signed by a supervisory
17 official designated by the head of a Federal agency or an
18 officer of a Federal agency whose appointment to office
19 is required to be made by the President, by and with the
20 advice and consent of the Senate.

21 “(c) CONFIDENTIALITY.—No consumer reporting
22 agency, or officer, employee, or agent of such consumer
23 reporting agency, shall disclose to any person, or specify
24 in any consumer report, that a government agency has

1 sought or obtained access to information under subsection
2 (a).

3 “(d) RULE OF CONSTRUCTION.—Nothing in section
4 625 shall be construed to limit the authority of the Direc-
5 tor of the Federal Bureau of Investigation under this sec-
6 tion.

7 “(e) SAFE HARBOR.—Notwithstanding any other
8 provision of this subchapter, any consumer reporting
9 agency or agent or employee thereof making disclosure of
10 consumer reports or other information pursuant to this
11 section in good-faith reliance upon a certification of a gov-
12 ernmental agency pursuant to the provisions of this sec-
13 tion shall not be liable to any person for such disclosure
14 under this subchapter, the constitution of any State, or
15 any law or regulation of any State or any political subdivi-
16 sion of any State.”.

17 (2) CLERICAL AMENDMENTS.—The table of sec-
18 tions for the Fair Credit Reporting Act (15 U.S.C.
19 1681 et seq.) is amended—

20 (A) by redesignating the second of the 2
21 items designated as section 624 as section 625;
22 and

23 (B) by inserting after the item relating to
24 section 625 (as so redesignated) the following
25 new item:

“626. Disclosures to governmental agencies for counterterrorism purposes.”.

1 (h) APPLICATION OF AMENDMENTS.—The amend-
2 ments made by this section shall apply with respect to re-
3 ports filed or records maintained on, before, or after the
4 date of the enactment of this Act.

5 **SEC. 117. FINANCIAL CRIMES ENFORCEMENT NETWORK.**

6 (a) IN GENERAL.—Subchapter I of chapter 3 of title
7 31, United States Code, is amended—

8 (1) by redesignating section 310 as section 311;
9 and

10 (2) by inserting after section 309 the following
11 new section:

12 **“§ 310. Financial Crimes Enforcement Network**

13 “(a) IN GENERAL.—The Financial Crimes Enforce-
14 ment Network established by order of the Secretary of the
15 Treasury (Treasury Order Numbered 105-08) on April
16 25, 1990, shall be a bureau in the Department of the
17 Treasury.

18 “(b) DIRECTOR.—

19 “(1) APPOINTMENT.—The head of the Finan-
20 cial Crimes Enforcement Network shall be the Di-
21 rector who shall be appointed by the Secretary of the
22 Treasury.

23 “(2) DUTIES AND POWERS.—The duties and
24 powers of the Director are as follows:

1 “(A) Advise and make recommendations
2 on matters relating to financial intelligence, fi-
3 nancial criminal activities, and other financial
4 activities to the Under Secretary for Enforce-
5 ment.

6 “(B) Maintain a government-wide data ac-
7 cess service, with access, in accordance with ap-
8 plicable legal requirements, to the following:

9 “(i) Information collected by the De-
10 partment of the Treasury, including report
11 information filed under subchapters II and
12 III of chapter 53 of this title (such as re-
13 ports on cash transactions, foreign finan-
14 cial agency transactions and relationships,
15 foreign currency transactions, exporting
16 and importing monetary instruments, and
17 suspicious activities), chapter 2 of title I of
18 Public Law 91–508, and section 21 of the
19 Federal Deposit Insurance Act.

20 “(ii) Information regarding national
21 and international currency flows.

22 “(iii) Other records and data main-
23 tained by other Federal, State, local, and
24 foreign agencies, including financial and
25 other records developed in specific cases.

1 “(iv) Other privately and publicly
2 available information.

3 “(C) Analyze and disseminate the available
4 data in accordance with applicable legal require-
5 ments and policies and guidelines established by
6 the Secretary of the Treasury and the Under
7 Secretary for Enforcement to—

8 “(i) identify possible criminal activity
9 to appropriate Federal, State, local, and
10 foreign law enforcement agencies;

11 “(ii) support ongoing criminal finan-
12 cial investigations and prosecutions and re-
13 lated proceedings, including civil and crimi-
14 nal tax and forfeiture proceedings;

15 “(iii) identify possible instances of
16 noncompliance with subchapters II and III
17 of chapter 53 of this title, chapter 2 of
18 title I of Public Law 91–508, and section
19 21 of the Federal Deposit Insurance Act to
20 Federal agencies with statutory responsi-
21 bility for enforcing compliance with such
22 provisions and other appropriate Federal
23 regulatory agencies;

1 “(iv) evaluate and recommend possible
2 uses of special currency reporting require-
3 ments under section 5326;

4 “(v) determine emerging trends and
5 methods in money laundering and other fi-
6 nancial crimes;

7 “(vi) support the conduct of intel-
8 ligence or counterintelligence activities, in-
9 cluding analysis, to protect against inter-
10 national terrorism; and

11 “(vii) support government initiatives
12 against money laundering.

13 “(D) Establish and maintain a financial
14 crimes communications center to furnish law
15 enforcement authorities with intelligence infor-
16 mation related to emerging or ongoing inves-
17 tigations and undercover operations.

18 “(E) Furnish research, analytical, and in-
19 formational services to financial institutions,
20 appropriate Federal regulatory agencies with
21 regard to financial institutions, and appropriate
22 Federal, State, local, and foreign law enforce-
23 ment authorities, in accordance with policies
24 and guidelines established by the Secretary of
25 the Treasury or the Under Secretary of the

1 Treasury for Enforcement, in the interest of de-
2 tection, prevention, and prosecution of ter-
3 rorism, organized crime, money laundering, and
4 other financial crimes.

5 “(F) Establish and maintain a special unit
6 dedicated to assisting Federal, State, local, and
7 foreign law enforcement and regulatory authori-
8 ties in combatting the use of informal, nonbank
9 networks and payment and barter system mech-
10 anisms that permit the transfer of funds or the
11 equivalent of funds without records and without
12 compliance with criminal and tax laws.

13 “(G) Provide computer and data support
14 and data analysis to the Secretary of the Treas-
15 ury for tracking and controlling foreign assets.

16 “(H) Coordinate with financial intelligence
17 units in other countries on anti-terrorism and
18 anti-money laundering initiatives, and similar
19 efforts.

20 “(I) Administer the requirements of sub-
21 chapters II and III of chapter 53 of this title,
22 chapter 2 of title I of Public Law 91–508, and
23 section 21 of the Federal Deposit Insurance
24 Act, to the extent delegated such authority by
25 the Secretary of the Treasury.

1 “(J) Such other duties and powers as the
2 Secretary of the Treasury may delegate or pre-
3 scribe.

4 “(c) REQUIREMENTS RELATING TO MAINTENANCE
5 AND USE OF DATA BANKS.—The Secretary of the Treas-
6 ury shall establish and maintain operating procedures with
7 respect to the government-wide data access service and the
8 financial crimes communications center maintained by the
9 Financial Crimes Enforcement Network which provide—

10 “(1) for the coordinated and efficient trans-
11 mittal of information to, entry of information into,
12 and withdrawal of information from, the data main-
13 tenance system maintained by the Network,
14 including—

15 “(A) the submission of reports through the
16 Internet or other secure network, whenever pos-
17 sible;

18 “(B) the cataloguing of information in a
19 manner that facilitates rapid retrieval by law
20 enforcement personnel of meaningful data; and

21 “(C) a procedure that provides for a
22 prompt initial review of suspicious activity re-
23 ports and other reports, or such other means as
24 the Secretary may provide, to identify informa-
25 tion that warrants immediate action; and

1 “(2) in accordance with section 552a of title 5
2 and the Right to Financial Privacy Act of 1978, ap-
3 propriate standards and guidelines for
4 determining—

5 “(A) who is to be given access to the infor-
6 mation maintained by the Network;

7 “(B) what limits are to be imposed on the
8 use of such information; and

9 “(C) how information about activities or
10 relationships which involve or are closely associ-
11 ated with the exercise of constitutional rights is
12 to be screened out of the data maintenance sys-
13 tem.

14 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated for the Financial Crimes
16 Enforcement Network such sums as may be necessary for
17 fiscal years 2002, 2003, 2004, and 2005.”.

18 (b) COMPLIANCE WITH EXISTING REPORTS COMPLI-
19 ANCE.—The Secretary of the Treasury shall study meth-
20 ods for improving compliance with the reporting require-
21 ments established in section 5314 of title 31, United
22 States Code, and shall submit a report on such study to
23 the Congress by the end of the 6-month period beginning
24 on the date of the enactment of this Act and each 1-year

1 “(2) makes, or attempts to make, any materi-
2 ally false, fraudulent, or fictitious statement or rep-
3 resentation of the identity of any person in connec-
4 tion with a transaction with a financial institution;

5 “(3) makes or uses, or attempts to make or
6 use, any false writing or document knowing the
7 same to contain any materially false, fictitious, or
8 fraudulent statement or entry concerning the iden-
9 tity of any person in connection with a transaction
10 with a financial institution; or

11 “(4) uses or presents, or attempts to use or
12 present, in connection with a transaction with a fi-
13 nancial institution, an identification document or
14 means of identification the possession of which is a
15 violation of section 1028;

16 shall be fined under this title, imprisoned not more than
17 5 years, or both.

18 “(b) DEFINITIONS.—In this section, the following
19 definitions shall apply:

20 “(1) FINANCIAL INSTITUTION.—The term ‘fi-
21 nancial institution’—

22 “(A) has the same meaning as in section
23 20; and

1 “(B) in addition, has the same meaning as
2 in section 5312(a)(2) of title 31, United States
3 Code.

4 “(2) IDENTIFICATION DOCUMENT.—The term
5 ‘identification document’ has the same meaning as
6 in section 1028(d).

7 “(3) MEANS OF IDENTIFICATION.—The term
8 ‘means of identification’ has the same meaning as in
9 section 1028(d).”.

10 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

11 (1) TITLE 18, UNITED STATES CODE.—Section
12 1956(e)(7)(D) of title 18, United States Code, is
13 amended by striking “1014 (relating to fraudulent
14 loan” and inserting “section 1008 (relating to false
15 statements concerning the identity of customers of
16 financial institutions), section 1014 (relating to
17 fraudulent loan”.

18 (2) TABLE OF SECTIONS.—The table of sections
19 for chapter 47 of title 18, United States Code, is
20 amended by inserting after the item relating to sec-
21 tion 1007 the following:

“1008. False statements concerning the identity of customers of financial insti-
tutions.”.

1 **SEC. 119. VERIFICATION OF IDENTIFICATION.**

2 (a) IN GENERAL.—Section 5318 of title 31, United
3 States Code, is amended by adding at the end the fol-
4 lowing new subsection:

5 “(i) IDENTIFICATION AND VERIFICATION OF
6 ACCOUNTHOLDERS.—

7 “(1) IN GENERAL.—Subject to the require-
8 ments of this subsection, the Secretary of the Treas-
9 ury shall prescribe regulations setting forth the min-
10 imum standards regarding customer identification
11 that shall apply in connection with the opening of an
12 account at a financial institution.

13 “(2) MINIMUM REQUIREMENTS.—The regula-
14 tions shall, at a minimum, require financial institu-
15 tions to implement procedures for—

16 “(A) verifying the identity of any person
17 seeking to open an account to the extent rea-
18 sonable and practicable;

19 “(B) maintaining records of the informa-
20 tion used to verify a person’s identity, including
21 name, address, and other identifying informa-
22 tion;

23 “(C) consulting lists of known or suspected
24 terrorists or terrorist organizations provided to
25 the financial institution by any government

1 agency to determine whether a person seeking
2 to open an account appears on any such list.

3 “(3) FACTORS TO BE CONSIDERED.—In pre-
4 scribing regulations under this subsection, the Sec-
5 retary shall take into consideration the various types
6 of accounts maintained by various types of financial
7 institutions, the various methods of opening ac-
8 counts, and the various types of identifying informa-
9 tion available.

10 “(4) CERTAIN FINANCIAL INSTITUTIONS.—In
11 the case of any financial institution the business of
12 which is engaging in financial activities described in
13 section 4(k) of the Bank Holding Company Act of
14 1956 (including financial activities subject to the ju-
15 risdiction of the Commodity Futures Trading Com-
16 mission), the regulations prescribed by the Secretary
17 under paragraph (1) shall be prescribed jointly with
18 each Federal functional regulator (as defined in sec-
19 tion 509 of the Gramm-Leach-Bliley Act, including
20 the Commodity Futures Trading Commission) ap-
21 propriate for such financial institution.

22 “(5) EXEMPTIONS.—The Secretary of the
23 Treasury (and, in the case of any financial institu-
24 tion described in paragraph (4), any Federal agency
25 described in such paragraph) may, by regulation or

1 order, exempt any financial institution or type of ac-
2 count from the requirements of any regulation pre-
3 scribed under this subsection in accordance with
4 such standards and procedures as the Secretary may
5 prescribe.

6 “(6) EFFECTIVE DATE.—Final regulations pre-
7 scribed under this subsection shall take effect before
8 the end of the 1-year period beginning on the date
9 of the enactment of the Financial Anti-Terrorism
10 Act of 2001.”.

11 (b) STUDY AND REPORT REQUIRED.—Within 6
12 months after the date of the enactment of this Act, the
13 Secretary of the Treasury, in consultation with the Fed-
14 eral functional regulators (as defined in section 509 of the
15 Gramm-Leach-Bliley Act) and other appropriate Govern-
16 ment agencies, shall submit a report to the Congress con-
17 taining recommendations for—

18 (1) determining the most timely and effective
19 way to require foreign nationals to provide domestic
20 financial institutions and agencies with appropriate
21 and accurate information, comparable to that which
22 is required of United States nationals, concerning
23 their identity, address, and other related information
24 necessary to enable such institutions and agencies to
25 comply with the requirements of this section;

1 (2) requiring foreign nationals to apply for and
2 obtain, before opening an account with a domestic
3 financial institution, an identification number which
4 would function similarly to a Social Security number
5 or tax identification number; and

6 (3) establishing a system for domestic financial
7 institutions and agencies to review information
8 maintained by relevant Government agencies for
9 purposes of verifying the identities of foreign nation-
10 als seeking to open accounts at those institutions
11 and agencies.

12 **SEC. 120. CONSIDERATION OF ANTI-MONEY LAUNDERING**
13 **RECORD.**

14 (a) BANK HOLDING COMPANY ACT OF 1956.—

15 (1) IN GENERAL.—Section 3(c) of the Bank
16 Holding Company Act of 1956 (12 U.S.C. 1842(c))
17 is amended by adding at the end the following new
18 paragraph:

19 “(6) MONEY LAUNDERING.—In every case the
20 Board shall take into consideration the effectiveness
21 of the company or companies in combatting and pre-
22 venting money laundering activities, including in
23 overseas branches.”.

24 (2) SCOPE OF APPLICATION.—The amendment made
25 by paragraph (1) shall apply with respect to any applica-

1 tion submitted to the Board of Governors of the Federal
2 Reserve System under section 3 of the Bank Holding
3 Company Act of 1956 after December 31, 2000, which
4 has not been approved by the Board before the date of
5 the enactment of this Act.

6 (b) MERGERS SUBJECT TO REVIEW UNDER FED-
7 ERAL DEPOSIT INSURANCE ACT.—

8 (1) IN GENERAL.—Section 18(c) of the Federal
9 Deposit Insurance Act (12 U.S.C. 1828(c)) is
10 amended—

11 (A) by redesignating paragraph (11) as
12 paragraph (12); and

13 (B) by inserting after paragraph (10), the
14 following new paragraph:

15 “(11) MONEY LAUNDERING.—In every case, the
16 responsible agency shall take into consideration the
17 effectiveness of any insured depository institution in-
18 volved in the proposed merger transaction in com-
19 battling and preventing money laundering activities,
20 including in overseas branches.”.

21 (2) SCOPE OF APPLICATION.—The amendment made
22 by paragraph (1) shall apply with respect to any applica-
23 tion submitted to the responsible agency under section
24 18(c) of the Federal Deposit Insurance Act after Decem-
25 ber 31, 2000, which has not been approved by all appro-

1 priate responsible agencies before the date of the enact-
2 ment of this Act.

3 **SEC. 121. REPORTING OF SUSPICIOUS ACTIVITIES BY IN-**
4 **FORMAL UNDERGROUND BANKING SYSTEMS,**
5 **SUCH AS HAWALAS.**

6 (a) DEFINITION FOR SUBCHAPTER.—Subparagraph
7 (R) of section 5312(a)(2) of title 31, United States Code,
8 is amended to read as follows:

9 “(R) a licensed sender of money or any
10 other person who engages as a business in the
11 transmission of funds, including through an in-
12 formal value transfer banking system or net-
13 work of people facilitating the transfer of value
14 domestically or internationally outside of the
15 conventional financial institutions system;”.

16 (b) MONEY TRANSMITTING BUSINESS.—Section
17 5330(d)(1)(A) of title 31, United States Code, is amended
18 by inserting before the semicolon the following: “or any
19 other person who engages as a business in the trans-
20 mission of funds, including through an informal value
21 transfer banking system or network of people facilitating
22 the transfer of value domestically or internationally out-
23 side of the conventional financial institutions system”.

1 (c) APPLICABILITY OF RULES.—Section 5318 of title
2 31, United States Code, as amended by this Act, is
3 amended by adding at the end the following:

4 “(1) APPLICABILITY OF RULES.—Any rules pre-
5 scribed pursuant to the authority contained in section 21
6 of the Federal Deposit Insurance Act shall apply, in addi-
7 tion to any other financial institution to which such rules
8 apply, to any person that engages as a business in the
9 transmission of funds, including through an informal
10 value transfer banking system or network of people facili-
11 tating the transfer of value domestically or internationally
12 outside of the conventional financial institutions system.”.

13 (d) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Secretary of the Treasury
15 shall report to Congress on the need for any additional
16 legislation relating to—

17 (1) informal value transfer banking systems or
18 networks of people facilitating the transfer of value
19 domestically or internationally outside of the conven-
20 tional financial institutions system;

21 (2) anti-money laundering controls; and

22 (3) regulatory controls relating to underground
23 money movement and banking systems, such as the
24 system referred to as “hawala”, including whether
25 the threshold for the filing of suspicious activity re-

1 ports under section 5318(g) of title 31, United
2 States Code should be lowered in the case of such
3 systems.

4 **SEC. 122. UNIFORM PROTECTION AUTHORITY FOR FED-**
5 **ERAL RESERVE FACILITIES.**

6 Section 11 of the Federal Reserve Act (12 U.S.C.
7 248) is amended by adding at the end the following:

8 “(q) UNIFORM PROTECTION AUTHORITY FOR FED-
9 ERAL RESERVE FACILITIES.—

10 “(1) Notwithstanding any other provision of
11 law, to authorize personnel to act as law enforce-
12 ment officers to protect and safeguard the premises,
13 grounds, property, personnel, including members of
14 the Board, of the Board, or any Federal reserve
15 bank, and operations conducted by or on behalf of
16 the Board or a reserve bank.

17 “(2) The Board may, subject to the regulations
18 prescribed under paragraph (5), delegate authority
19 to a Federal reserve bank to authorize personnel to
20 act as law enforcement officers to protect and safe-
21 guard the bank’s premises, grounds, property, per-
22 sonnel, and operations conducted by or on behalf of
23 the bank.

24 “(3) Law enforcement officers designated or
25 authorized by the Board or a reserve bank under

1 paragraph (1) or (2) are authorized while on duty
2 to carry firearms and make arrests without warrants
3 for any offense against the United States committed
4 in their presence, or for any felony cognizable under
5 the laws of the United States committed or being
6 committed within the buildings and grounds of the
7 Board or a reserve bank if they have reasonable
8 grounds to believe that the person to be arrested has
9 committed or is committing such a felony. Such offi-
10 cers shall have access to law enforcement informa-
11 tion that may be necessary for the protection of the
12 property or personnel of the Board or a reserve
13 bank.

14 “(4) For purposes of this subsection, the term
15 ‘law enforcement officers’ means personnel who have
16 successfully completed law enforcement training and
17 are authorized to carry firearms and make arrests
18 pursuant to this subsection.

19 “(5) The law enforcement authorities provided
20 for in this subsection may be exercised only pursu-
21 ant to regulations prescribed by the Board and ap-
22 proved by the Attorney General.”.

1 **SEC. 123. REPORTS RELATING TO COINS AND CURRENCY**
2 **RECEIVED IN NONFINANCIAL TRADE OR**
3 **BUSINESS.**

4 (a) REPORTS REQUIRED.—Subchapter II of chapter
5 53 of title 31, United States Code, is amended by inserting
6 after section 5332 (as added by section 112 of this title)
7 the following new section:

8 **“SEC. 5333. REPORTS RELATING TO COINS AND CURRENCY**
9 **RECEIVED IN NONFINANCIAL TRADE OR**
10 **BUSINESS.**

11 “(a) COIN AND CURRENCY RECEIPTS OF MORE
12 THAN \$10,000.—Any person—

13 “(1) who is engaged in a trade or business; and

14 “(2) who, in the course of such trade or busi-
15 ness, receives more than \$10,000 in coins or cur-
16 rency in 1 transaction (or 2 or more related trans-
17 actions),

18 shall file a report described in subsection (b) with respect
19 to such transaction (or related transactions) with the Fi-
20 nancial Crimes Enforcement Network at such time and
21 in such manner as the Secretary may, by regulation, pre-
22 scribe.

23 “(b) FORM AND MANNER OF REPORTS.—A report is
24 described in this subsection if such report—

25 “(1) is in such form as the Secretary may pre-
26 scribe;

1 “(2) contains—

2 “(A) the name and address, and such
3 other identification information as the Sec-
4 retary may require, of the person from whom
5 the coins or currency was received;

6 “(B) the amount of coins or currency re-
7 ceived;

8 “(C) the date and nature of the trans-
9 action; and

10 “(D) such other information, including the
11 identification of the person filing the report, as
12 the Secretary may prescribe.

13 “(c) EXCEPTIONS.—

14 “(1) AMOUNTS RECEIVED BY FINANCIAL INSTI-
15 TUTIONS.—Subsection (a) shall not apply to
16 amounts received in a transaction reported under
17 section 5313 and regulations prescribed under such
18 section.

19 “(2) TRANSACTIONS OCCURRING OUTSIDE THE
20 UNITED STATES.—Except to the extent provided in
21 regulations prescribed by the Secretary, subsection
22 (a) shall not apply to any transaction if the entire
23 transaction occurs outside the United States.

24 “(d) CURRENCY INCLUDES FOREIGN CURRENCY AND
25 CERTAIN MONETARY INSTRUMENTS.—

1 “(1) IN GENERAL.—For purposes of this sec-
2 tion, the term ‘currency’ includes—

3 “(A) foreign currency; and

4 “(B) to the extent provided in regulations
5 prescribed by the Secretary, any monetary in-
6 strument (whether or not in bearer form) with
7 a face amount of not more than \$10,000.

8 “(2) SCOPE OF APPLICATION.—Paragraph
9 (1)(B) shall not apply to any check drawn on the ac-
10 count of the writer in a financial institution referred
11 to in subparagraph (A), (B), (C), (D), (E), (F), (G),
12 (J), (K), (R), or (S) of section 5312(a)(2).”.

13 (b) PROHIBITION ON STRUCTURING TRANS-
14 ACTIONS.—

15 (1) IN GENERAL.—Section 5324 of title 31,
16 United States Code, is amended—

17 (A) by redesignating subsections (b) and
18 (c) as subsections (c) and (d), respectively; and

19 (B) by inserting after subsection (a) the
20 following new subsection:

21 “(b) DOMESTIC COIN AND CURRENCY TRANS-
22 ACTIONS INVOLVING NONFINANCIAL TRADES OR BUSI-
23 NESSES.—No person shall for the purpose of evading the
24 report requirements of section 5333 or any regulation pre-
25 scribed under such section—

1 “(1) cause or attempt to cause a nonfinancial
2 trade or business to fail to file a report required
3 under section 5333 or any regulation prescribed
4 under such section;

5 “(2) cause or attempt to cause a nonfinancial
6 trade or business to file a report required under sec-
7 tion 5333 or any regulation prescribed under such
8 section that contains a material omission or
9 misstatement of fact; or

10 “(3) structure or assist in structuring, or at-
11 tempt to structure or assist in structuring, any
12 transaction with 1 or more nonfinancial trades or
13 businesses.’.

14 (2) TECHNICAL AND CONFORMING AMEND-
15 MENTS.—

16 (A) The heading for subsection (a) of sec-
17 tion 5324 of title 31, United States Code, is
18 amended by inserting “INVOLVING FINANCIAL
19 INSTITUTIONS” after “TRANSACTIONS’.

20 (B) Section 5317(c) of title 31, United
21 States Code, is amended by striking “5324(b)”
22 and inserting “5324(c)”.

23 (c) DEFINITION OF NONFINANCIAL TRADE OR BUSI-
24 NESS.—

1 (1) IN GENERAL.—Section 5312(a) of title 31,
2 United States Code, is amended—

3 (A) by redesignating paragraphs (4) and
4 (5) as paragraphs (5) and (6), respectively; and

5 (B) by inserting after paragraph (3) the
6 following new paragraph:

7 “(4) NONFINANCIAL TRADE OR BUSINESS.—
8 The term ‘nonfinancial trade or business’ means any
9 trade or business other than a financial institution
10 that is subject to the reporting requirements of sec-
11 tion 5313 and regulations prescribed under such sec-
12 tion.”.

13 (2) TECHNICAL AND CONFORMING AMEND-
14 MENTS.—

15 (A) Section 5312(a)(3)(C) of title 31,
16 United States Code, is amended by striking
17 “section 5316,” and inserting “sections 5333
18 and 5316,”.

19 (B) Subsections (a) through (f) of section
20 5318 of title 31, United States Code, and sec-
21 tions 5321, 5326, and 5328 of such title are
22 each amended—

23 (i) by inserting “or nonfinancial trade
24 or business” after “financial institution”
25 each place such term appears; and

1 **TITLE II—PUBLIC-PRIVATE**
2 **COOPERATION**

3 **SEC. 201. ESTABLISHMENT OF HIGHLY SECURE NETWORK.**

4 (a) **IN GENERAL.**—The Secretary of the Treasury
5 shall establish a highly secure network in the Financial
6 Crimes Enforcement Network that—

7 (1) allows financial institutions to file reports
8 required under subchapter II or III of chapter 53 of
9 title 31, United States Code, chapter 2 of title I of
10 Public Law 91–508, or section 21 of the Federal
11 Deposit Insurance Act through the network; and

12 (2) provides financial institutions with alerts
13 and other information regarding suspicious activities
14 that warrant immediate and enhanced scrutiny.

15 (b) **EXPEDITED DEVELOPMENT.**—The Secretary of
16 the Treasury shall take such action as may be necessary
17 to ensure that the website required under subsection (a)
18 is fully operational before the end of the 9-month period
19 beginning on the date of the enactment of this Act.

20 **SEC. 202. REPORT ON IMPROVEMENTS IN DATA ACCESS**
21 **AND OTHER ISSUES.**

22 Before the end of the 6-month period beginning on
23 the date of the enactment of this Act, the Secretary of
24 the Treasury, after consulting with appropriate Federal
25 functional regulators (as defined in section 509 of the

1 Gramm-Leach-Bliley Act), shall report to the Congress on
2 the following issues:

3 (1) DATA COLLECTION AND ANALYSIS.—

4 Progress made since such date of enactment in
5 meeting the requirements of section 310(c) of title
6 31, United States Code (as added by this Act).

7 (2) BARRIERS TO EXCHANGE OF FINANCIAL

8 CRIME INFORMATION.—Technical, legal, and other
9 barriers to the exchange of financial crime preven-
10 tion and detection information among and between
11 Federal law enforcement agencies, including an iden-
12 tification of all Federal law enforcement data sys-
13 tems between which or among which data cannot be
14 shared for whatever reason.

15 (3) PRIVATE BANKING.—Private banking activi-
16 ties in the United States, including information on
17 the following:

18 (A) The nature and extent of private bank-
19 ing activities in the United States.

20 (B) Regulatory efforts to monitor private
21 banking activities and ensure that such activi-
22 ties are conducted in compliance with sub-
23 chapter II of chapter 53 of title 31, United
24 States Code, and section 21 of the Federal De-
25 posit Insurance Act.

1 (C) With regard to financial institutions
2 that offer private banking services, the policies
3 and procedures of such institutions that are de-
4 signed to ensure compliance with the require-
5 ments of subchapter II of chapter 53 of title
6 31, United States Code, and section 21 of the
7 Federal Deposit Insurance Act with respect to
8 private banking activity.

9 **SEC. 203. REPORTS TO THE FINANCIAL SERVICES INDUS-**
10 **TRY ON SUSPICIOUS FINANCIAL ACTIVITIES.**

11 At least once each calendar quarter, the Secretary of
12 the Treasury shall—

13 (1) publish a report containing a detailed anal-
14 ysis identifying patterns of suspicious activity and
15 other investigative insights derived from suspicious
16 activity reports and investigations conducted by Fed-
17 eral, State, and local law enforcement agencies to
18 the extent appropriate; and

19 (2) distribute such report to financial institu-
20 tions (as defined in section 5312 of title 31, United
21 States Code).

22 **SEC. 204. EFFICIENT USE OF CURRENCY TRANSACTION RE-**
23 **PORT SYSTEM.**

24 (a) FINDINGS.—The Congress finds the following:

1 (1) The Congress established the currency
2 transaction reporting requirements in 1970 because
3 the Congress found then that such reports have a
4 high degree of usefulness in criminal, tax, and regu-
5 latory investigations and proceedings and the useful-
6 ness of such reports has only increased in the years
7 since the requirements were established.

8 (2) In 1994, in response to reports and testi-
9 mony that excess amounts of currency transaction
10 reports were interfering with effective law enforce-
11 ment, the Congress reformed the currency trans-
12 action report exemption requirements to provide—

13 (A) mandatory exemptions for certain re-
14 ports that had little usefulness for law enforce-
15 ment, such as cash transfers between depository
16 institutions and cash deposits from government
17 agencies; and

18 (B) discretionary authority for the Sec-
19 retary of the Treasury to provide exemptions,
20 subject to criteria and guidelines established by
21 the Secretary, for financial institutions with re-
22 gard to regular business customers that main-
23 tain accounts at an institution into which fre-
24 quent cash deposits are made.

1 (3) Today there is evidence that some financial
2 institutions are not utilizing the exemption system,
3 or are filing reports even if there is an exemption in
4 effect, with the result that the volume of currency
5 transaction reports is once again interfering with ef-
6 fective law enforcement.

7 (b) STUDY AND REPORT.—

8 (1) STUDY REQUIRED.—The Secretary of the
9 Treasury shall conduct a study of—

10 (A) the possible expansion of the statutory
11 exemption system in effect under 5313 of title
12 31, United States Code; and

13 (B) methods for improving financial insti-
14 tution utilization of the statutory exemption
15 provisions as a way of reducing the submission
16 of currency transaction reports that have little
17 or no value for law enforcement purposes, in-
18 cluding improvements in the systems in effect
19 at financial institutions for regular review of
20 the exemption procedures used at the institu-
21 tion and the training of personnel in its effec-
22 tive use.

23 (2) REPORT REQUIRED.—The Secretary of the
24 Treasury shall submit a report to the Congress be-
25 fore the end of the 90-day period beginning on the

1 date of the enactment of this Act containing the
2 findings and conclusions of the Secretary with re-
3 gard to the study required under subsection (a) and
4 such recommendations for legislative or administra-
5 tive action as the Secretary determines to be appro-
6 priate.

7 **SEC. 205. PUBLIC-PRIVATE TASK FORCE ON TERRORIST FI-**
8 **NANCING ISSUES.**

9 Section 1564 of the Annunzio—Wylie Anti-Money
10 Laundering Act (31 U.S.C. 5311 note) is amended by
11 adding at the end the following new subsection:

12 “(d) TERRORIST FINANCING ISSUES.—

13 “(1) IN GENERAL.—The Secretary of the
14 Treasury shall provide, either within the Bank Se-
15 crecy Act Advisory Group, or as a subcommittee or
16 other adjunct of the Advisory Group, for a task
17 force of representatives from agencies and officers
18 represented on the Advisory Group, a representative
19 of the Director of the Office of Homeland Security,
20 and representatives of financial institutions, private
21 organizations that represent the financial services in-
22 dustry, and other interested parties to focus on—

23 “(A) issues specifically related to the fi-
24 nances of terrorist groups, the means terrorist
25 groups use to transfer funds around the world

1 and within the United States, including through
2 the use of charitable organizations, nonprofit
3 organizations, and nongovernmental organiza-
4 tions, and the extent to which financial institu-
5 tions in the United States are unwittingly in-
6 volved in such finances and the extent to which
7 such institutions are at risk as a result;

8 “(B) the relationship, particularly the fi-
9 nancial relationship, between international nar-
10 cotics traffickers and foreign terrorist organiza-
11 tions, the extent to which their memberships
12 overlap and engage in joint activities, and the
13 extent to which they cooperate with each other
14 in raising and transferring funds for their re-
15 spective purposes; and

16 “(C) means of facilitating the identification
17 of accounts and transactions involving terrorist
18 groups and facilitating the exchange of informa-
19 tion concerning such accounts and transactions
20 between financial institutions and law enforce-
21 ment organizations.

22 “(2) APPLICABILITY OF OTHER PROVISIONS.—
23 Sections 552, 552a, and 552b of title 5, United
24 States Code, and the Federal Advisory Committee

1 Act shall not apply to the task force established pur-
2 suant to paragraph (1).”.

3 **SEC. 206. SUSPICIOUS ACTIVITY REPORTING REQUIRE-**
4 **MENTS.**

5 (a) DEADLINE FOR SUSPICIOUS ACTIVITY REPORT-
6 ING REQUIREMENTS FOR REGISTERED BROKERS AND
7 DEALERS.—The Secretary of the Treasury, in consulta-
8 tion with the Securities and Exchange Commission, shall
9 publish proposed regulations in the Federal Register be-
10 fore January 1, 2002, requiring brokers and dealers reg-
11 istered with the Securities and Exchange Commission
12 under the Securities Exchange Act of 1934 to submit sus-
13 picious activity reports under section 5318(g) of title 31,
14 United States Code. Such regulations shall be published
15 in final form no later than June 1, 2002.

16 (b) SUSPICIOUS ACTIVITY REPORTING REQUIRE-
17 MENTS FOR FUTURES COMMISSION MERCHANTS, COM-
18 MODITY TRADING ADVISORS, AND COMMODITY POOL OP-
19 ERATORS.—The Secretary of the Treasury, in consultation
20 with the Commodity Futures Trading Commission, may
21 prescribe regulations requiring futures commission mer-
22 chants, commodity trading advisors, and commodity pool
23 operators registered under the Commodity Exchange Act
24 to submit suspicious activity reports under section
25 5318(g) of title 31, United States Code.

1 **SEC. 207. AMENDMENTS RELATING TO REPORTING OF SUS-**
2 **PICIOUS ACTIVITIES.**

3 (a) AMENDMENT RELATING TO CIVIL LIABILITY IM-
4 MUNITY FOR DISCLOSURES.—Section 5318(g)(3) of title
5 31, United States Code, is amended to read as follows:

6 “(3) LIABILITY FOR DISCLOSURES.—

7 “(A) IN GENERAL.—Any financial institu-
8 tion that makes a voluntary disclosure of any
9 possible violation of law or regulation to a gov-
10 ernment agency or makes a disclosure pursuant
11 to this subsection or any other authority, and
12 any director, officer, employee, or agent of such
13 institution who makes, or requires another to
14 make any such disclosure, shall not be liable to
15 any person under any law or regulation of the
16 United States, any constitution, law, or regula-
17 tion of any State or political subdivision of any
18 State, or under any contract or other legally en-
19 forceable agreement (including any arbitration
20 agreement), for such disclosure or for any fail-
21 ure to provide notice of such disclosure to any
22 person.

23 “(B) RULE OF CONSTRUCTION.—Subpara-
24 graph (A) shall not be construed as creating—

25 “(i) any inference that the term ‘per-
26 son’, as used in such subparagraph, may

1 be construed more broadly than its ordi-
2 nary usage so to include any government
3 or agency of government; or

4 “(ii) any immunity against, or other-
5 wise affecting, any civil or criminal action
6 brought by any government or agency of
7 government to enforce any constitution,
8 law, or regulation of such government or
9 agency.”.

10 (b) PROHIBITION ON NOTIFICATION OF DISCLO-
11 SURES.—Section 5318(g)(2) of title 31, United States
12 Code, is amended to read as follows:

13 “(2) NOTIFICATION PROHIBITED.—

14 “(A) IN GENERAL.—If a financial institu-
15 tion or any director, officer, employee, or agent
16 of any financial institution, voluntarily or pur-
17 suant to this section or any other authority, re-
18 ports a suspicious transaction to a government
19 agency—

20 “(i) the financial institution, director,
21 officer, employee, or agent may not notify
22 any person involved in the transaction that
23 the transaction has been reported; and

24 “(ii) no officer or employee of the
25 Federal Government or of any State, local,

1 tribal, or territorial government within the
2 United States, who has any knowledge that
3 such report was made may disclose to any
4 person involved in the transaction that the
5 transaction has been reported other than
6 as necessary to fulfill the official duties of
7 such officer or employee.

8 “(B) DISCLOSURES IN CERTAIN EMPLOY-
9 MENT REFERENCES.—Notwithstanding the ap-
10 plication of subparagraph (A) in any other con-
11 text, subparagraph (A) shall not be construed
12 as prohibiting any financial institution, or any
13 director, officer, employee, or agent of such in-
14 stitution, from including, in a written employ-
15 ment reference that is provided in accordance
16 with section 18(v) of the Federal Deposit Insur-
17 ance Act in response to a request from another
18 financial institution or a written termination
19 notice or employment reference that is provided
20 in accordance with the rules of the self-regu-
21 latory organizations registered with the Securi-
22 ties and Exchange Commission or the Com-
23 modity Futures Trading Commission, informa-
24 tion that was included in a report to which sub-
25 paragraph (A) applies, but such written employ-

1 ment reference may not disclose that such in-
2 formation was also included in any such report
3 or that such report was made.”.

4 **SEC. 208. AUTHORIZATION TO INCLUDE SUSPICIONS OF IL-**
5 **LEGAL ACTIVITY IN WRITTEN EMPLOYMENT**
6 **REFERENCES.**

7 Section 18 of the Federal Deposit Insurance Act (12
8 U.S.C. 1828) is amended by adding at the end the fol-
9 lowing new subsection:

10 “(w) WRITTEN EMPLOYMENT REFERENCES MAY
11 CONTAIN SUSPICIONS OF INVOLVEMENT IN ILLEGAL AC-
12 TIVITY.—

13 “(1) IN GENERAL.—Notwithstanding any other
14 provision of law, any insured depository institution,
15 and any director, officer, employee, or agent of such
16 institution, may disclose in any written employment
17 reference relating to a current or former institution-
18 affiliated party of such institution which is provided
19 to another insured depository institution in response
20 to a request from such other institution, information
21 concerning the possible involvement of such institu-
22 tion-affiliated party in potentially unlawful activity,
23 to the extent—

1 “(A) the disclosure does not contain infor-
2 mation which the institution, director, officer,
3 employee, or agent knows to be false; and

4 “(B) the institution, director, officer, em-
5 ployee, or agent has not acted with malice or
6 with reckless disregard for the truth in making
7 the disclosure.

8 “(2) DEFINITION.—For purposes of this sub-
9 section, the term ‘insured depository institution’ in-
10 cludes any uninsured branch or agency of a foreign
11 bank.”.

12 **SEC. 209. INTERNATIONAL COOPERATION ON IDENTIFICA-**
13 **TION OF ORIGINATORS OF WIRE TRANSFERS.**

14 The Secretary of the Treasury shall—

15 (1) in consultation with the Attorney General
16 and the Secretary of State, take all reasonable steps
17 to encourage foreign governments to require the in-
18 clusion of the name of the originator in wire transfer
19 instructions sent to the United States and other
20 countries, with the information to remain with the
21 transfer from its origination until the point of dis-
22 bursement; and

23 (2) report annually to the Committee on Finan-
24 cial Services of the House of Representatives and

1 the Committee on Banking, Housing, and Urban Af-
2 fairs of the Senate on—

3 (A) progress toward the goal enumerated
4 in paragraph (1), as well as impediments to im-
5 plementation and an estimated compliance rate;
6 and

7 (B) impediments to instituting a regime in
8 which all appropriate identification, as defined
9 by the Secretary, about wire transfer recipients
10 shall be included with wire transfers from their
11 point of origination until disbursement.

12 **SEC. 210. CHECK TRUNCATION STUDY.**

13 Before the end of the 180-day period beginning on
14 the date of the enactment of this Act, the Secretary of
15 the Treasury, in consultation with the Attorney General
16 and the Board of Governors of the Federal Reserve Sys-
17 tem, shall conduct a study of the impact on—

18 (1) crime prevention (including money laun-
19 dering and terrorism);

20 (2) law enforcement;

21 (3) the financial services industry (including the
22 technical, operational, and economic impact on the
23 industry) and customers of such industry;

24 (4) the payment system (including the liquidity,
25 stability, and efficiency of the payment system and

1 the ability to monitor and access the flow of funds);
 2 and
 3 (5) the consumer protection laws,
 4 of any policy of the Board of Governors of the Federal
 5 Reserve System relating to the promotion of check
 6 electronification, through truncation or other means, or
 7 migration away from paper checks. The study shall also
 8 include an analysis of the benefits and burdens of pro-
 9 moting check electronification on the foregoing entities.

10 **TITLE III—COMBATTING INTER-**
 11 **NATIONAL MONEY LAUN-**
 12 **DERING**

13 **SEC. 301. SPECIAL MEASURES FOR JURISDICTIONS, FINAN-**
 14 **CIAL INSTITUTIONS, OR INTERNATIONAL**
 15 **TRANSACTIONS OF PRIMARY MONEY LAUN-**
 16 **DERING CONCERN.**

17 (a) IN GENERAL.—Subchapter II of chapter 53 of
 18 title 31, United States Code, is amended by inserting after
 19 section 5318 the following new section:

20 **“§ 5318A. Special measures for jurisdictions, financial**
 21 **institutions, or international transactions**
 22 **of primary money laundering concern**

23 “(a) INTERNATIONAL COUNTER-MONEY LAUN-
 24 DERING REQUIREMENTS.—

1 “(1) IN GENERAL.—The Secretary may require
2 domestic financial institutions and domestic financial
3 agencies to take 1 or more of the special measures
4 described in subsection (b) if the Secretary finds
5 that reasonable grounds exist for concluding that a
6 jurisdiction outside of the United States, 1 or more
7 financial institutions operating outside of the United
8 States, 1 or more classes of transactions within, or
9 involving, a jurisdiction outside of the United States,
10 or 1 or more types of accounts is of primary money
11 laundering concern, in accordance with subsection
12 (c).

13 “(2) FORM OF REQUIREMENT.—The special
14 measures described in—

15 “(A) subsection (b) may be imposed in
16 such sequence or combination as the Secretary
17 shall determine;

18 “(B) paragraphs (1) through (4) of sub-
19 section (b) may be imposed by regulation,
20 order, or otherwise as permitted by law; and

21 “(C) subsection (b)(5) may be imposed
22 only by regulation.

23 “(3) DURATION OF ORDERS; RULEMAKING.—
24 Any order by which a special measure described in
25 paragraphs (1) through (4) of subsection (b) is im-

1 posed (other than an order described in section
2 5326)—

3 “(A) shall be issued together with a notice
4 of proposed rulemaking relating to the imposi-
5 tion of such special measure; and

6 “(B) may not remain in effect for more
7 than 120 days, except pursuant to a regulation
8 prescribed on or before the end of the 120-day
9 period beginning on the date of issuance of
10 such order.

11 “(4) PROCESS FOR SELECTING SPECIAL MEAS-
12 URES.—In selecting which special measure or meas-
13 ures to take under this subsection, the Secretary—

14 “(A) shall consult with the Chairman of
15 the Board of Governors of the Federal Reserve
16 System, any other appropriate Federal banking
17 agency (as defined in section 3 of the Federal
18 Deposit Insurance Act), the Secretary of State,
19 the Securities and Exchange Commission, the
20 Commodity Futures Trading Commission, the
21 National Credit Union Administration Board,
22 and in the sole discretion of the Secretary such
23 other agencies and interested parties as the
24 Secretary may find to be appropriate; and

25 “(B) shall consider—

1 “(i) whether similar action has been
2 or is being taken by other nations or multi-
3 lateral groups;

4 “(ii) whether the imposition of any
5 particular special measure would create a
6 significant competitive disadvantage, in-
7 cluding any undue cost or burden associ-
8 ated with compliance, for financial institu-
9 tions organized or licensed in the United
10 States;

11 “(iii) the extent to which the action or
12 the timing of the action would have a sig-
13 nificant adverse systemic impact on the
14 international payment, clearance, and set-
15 tlement system, or on legitimate business
16 activities involving the particular jurisdic-
17 tion, institution, or class of transactions;
18 and

19 “(iv) the effect on national security
20 and foreign policy.

21 “(5) NO LIMITATION ON OTHER AUTHORITY.—
22 This section shall not be construed as superseding or
23 otherwise restricting any other authority granted to
24 the Secretary, or to any other agency, by this sub-
25 chapter or otherwise.

1 “(b) SPECIAL MEASURES.—The special measures re-
2 ferred to in subsection (a), with respect to a jurisdiction
3 outside of the United States, financial institution oper-
4 ating outside of the United States, class of transaction
5 within, or involving, a jurisdiction outside of the United
6 States, or 1 or more types of accounts are as follows:

7 “(1) RECORDKEEPING AND REPORTING OF
8 CERTAIN FINANCIAL TRANSACTIONS.—

9 “(A) IN GENERAL.—The Secretary may re-
10 quire any domestic financial institution or do-
11 mestic financial agency to maintain records, file
12 reports, or both, concerning the aggregate
13 amount of transactions, or concerning each
14 transaction, with respect to a jurisdiction out-
15 side of the United States, 1 or more financial
16 institutions operating outside of the United
17 States, 1 or more classes of transactions within,
18 or involving, a jurisdiction outside of the United
19 States, or 1 or more types of accounts if the
20 Secretary finds any such jurisdiction, institu-
21 tion, or class of transactions to be of primary
22 money laundering concern.

23 “(B) FORM OF RECORDS AND REPORTS.—
24 Such records and reports shall be made and re-
25 tained at such time, in such manner, and for

1 such period of time, as the Secretary shall de-
2 termine, and shall include such information as
3 the Secretary may determine, including—

4 “(i) the identity and address of the
5 participants in a transaction or relation-
6 ship, including the identity of the origi-
7 nator of any funds transfer;

8 “(ii) the legal capacity in which a par-
9 ticipant in any transaction is acting;

10 “(iii) the identity of the beneficial
11 owner of the funds involved in any trans-
12 action, in accordance with such procedures
13 as the Secretary determines to be reason-
14 able and practicable to obtain and retain
15 the information; and

16 “(iv) a description of any transaction.

17 “(2) INFORMATION RELATING TO BENEFICIAL
18 OWNERSHIP.—In addition to any other requirement
19 under any other provision of law, the Secretary may
20 require any domestic financial institution or domes-
21 tic financial agency to take such steps as the Sec-
22 retary may determine to be reasonable and prac-
23 ticable to obtain and retain information concerning
24 the beneficial ownership of any account opened or
25 maintained in the United States by a foreign person

1 (other than a foreign entity whose shares are subject
2 to public reporting requirements or are listed and
3 traded on a regulated exchange or trading market),
4 or a representative of such a foreign person, that in-
5 volves a jurisdiction outside of the United States, 1
6 or more financial institutions operating outside of
7 the United States, 1 or more classes of transactions
8 within, or involving, a jurisdiction outside of the
9 United States, or 1 or more types of accounts if the
10 Secretary finds any such jurisdiction, institution,
11 transaction, or account to be of primary money laun-
12 dering concern.

13 “(3) INFORMATION RELATING TO CERTAIN PAY-
14 ABLE-THROUGH ACCOUNTS.—If the Secretary finds
15 a jurisdiction outside of the United States, 1 or
16 more financial institutions operating outside of the
17 United States, or 1 or more classes of transactions
18 within, or involving, a jurisdiction outside of the
19 United States to be of primary money laundering
20 concern, the Secretary may require any domestic fi-
21 nancial institution or domestic financial agency that
22 opens or maintains a payable-through account in the
23 United States for a foreign financial institution in-
24 volving any such jurisdiction or any such financial
25 institution operating outside of the United States, or

1 a payable through account through which any such
2 transaction may be conducted, as a condition of
3 opening or maintaining such account—

4 “(A) to identify each customer (and rep-
5 resentative of such customer) of such financial
6 institution who is permitted to use, or whose
7 transactions are routed through, such payable-
8 through account; and

9 “(B) to obtain, with respect to each such
10 customer (and each such representative), infor-
11 mation that is substantially comparable to that
12 which the depository institution obtains in the
13 ordinary course of business with respect to its
14 customers residing in the United States.

15 “(4) INFORMATION RELATING TO CERTAIN COR-
16 RESPONDENT ACCOUNTS.—If the Secretary finds a
17 jurisdiction outside of the United States, 1 or more
18 financial institutions operating outside of the United
19 States, or 1 or more classes of transactions within,
20 or involving, a jurisdiction outside of the United
21 States to be of primary money laundering concern,
22 the Secretary may require any domestic financial in-
23 stitution or domestic financial agency that opens or
24 maintains a correspondent account in the United
25 States for a foreign financial institution involving

1 any such jurisdiction or any such financial institu-
2 tion operating outside of the United States, or a cor-
3 respondent account through which any such trans-
4 action may be conducted, as a condition of opening
5 or maintaining such account—

6 “(A) to identify each customer (and rep-
7 resentative of such customer) of any such finan-
8 cial institution who is permitted to use, or
9 whose transactions are routed through, such
10 correspondent account; and

11 “(B) to obtain, with respect to each such
12 customer (and each such representative), infor-
13 mation that is substantially comparable to that
14 which the depository institution obtains in the
15 ordinary course of business with respect to its
16 customers residing in the United States.

17 “(5) PROHIBITIONS OR CONDITIONS ON OPEN-
18 ING OR MAINTAINING CERTAIN CORRESPONDENT OR
19 PAYABLE-THROUGH ACCOUNTS.—If the Secretary
20 finds a jurisdiction outside of the United States, 1
21 or more financial institutions operating outside of
22 the United States, or 1 or more classes of trans-
23 actions within, or involving, a jurisdiction outside of
24 the United States to be of primary money laun-
25 dering concern, the Secretary, in consultation with

1 the Secretary of State, the Attorney General, and
2 the Chairman of the Board of Governors of the Fed-
3 eral Reserve System, may prohibit, or impose condi-
4 tions upon, the opening or maintaining in the United
5 States of a correspondent account or payable-
6 through account by any domestic financial institu-
7 tion or domestic financial agency for or on behalf of
8 a foreign banking institution, if such correspondent
9 account or payable-through account involves any
10 such jurisdiction or institution, or if any such trans-
11 action may be conducted through such cor-
12 respondent account or payable-through account.

13 “(c) CONSULTATIONS AND INFORMATION TO BE
14 CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS,
15 TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRI-
16 MARY MONEY LAUNDERING CONCERN.—

17 “(1) IN GENERAL.—In making a finding that
18 reasonable grounds exist for concluding that a juris-
19 diction outside of the United States, 1 or more fi-
20 nancial institutions operating outside of the United
21 States, 1 or more classes of transactions within, or
22 involving, a jurisdiction outside of the United States,
23 or 1 or more types of accounts is of primary money
24 laundering concern so as to authorize the Secretary
25 to take 1 or more of the special measures described

1 in subsection (b), the Secretary shall consult with
2 the Secretary of State, and the Attorney General.

3 “(2) ADDITIONAL CONSIDERATIONS.—In mak-
4 ing a finding described in paragraph (1), the Sec-
5 retary shall consider in addition such information as
6 the Secretary determines to be relevant, including
7 the following potentially relevant factors:

8 “(A) JURISDICTIONAL FACTORS.—In the
9 case of a particular jurisdiction—

10 “(i) evidence that organized criminal
11 groups, international terrorists, or both,
12 have transacted business in that jurisdic-
13 tion;

14 “(ii) the extent to which that jurisdic-
15 tion or financial institutions operating in
16 that jurisdiction offer bank secrecy or spe-
17 cial regulatory advantages to nonresidents
18 or nondomiciliaries of that jurisdiction;

19 “(iii) the substance and quality of ad-
20 ministration of the bank supervisory and
21 counter-money laundering laws of that ju-
22 risdiction;

23 “(iv) the relationship between the vol-
24 ume of financial transactions occurring in

1 that jurisdiction and the size of the econ-
2 omy of the jurisdiction;

3 “(v) the extent to which that jurisdic-
4 tion is characterized as an offshore bank-
5 ing or secrecy haven by credible inter-
6 national organizations or multilateral ex-
7 pert groups;

8 “(vi) whether the United States has a
9 mutual legal assistance treaty with that ju-
10 risdiction, and the experience of United
11 States law enforcement officials, and regu-
12 latory officials in obtaining information
13 about transactions originating in or routed
14 through or to such jurisdiction; and

15 “(vii) the extent to which that jurisdic-
16 tion is characterized by high levels of of-
17 ficial or institutional corruption.

18 “(B) INSTITUTIONAL FACTORS.—In the
19 case of a decision to apply 1 or more of the spe-
20 cial measures described in subsection (b) only
21 to a financial institution or institutions, or to a
22 transaction or class of transactions, or to a type
23 of account, or to all 3, within or involving a
24 particular jurisdiction—

1 “(i) the extent to which such financial
2 institutions, transactions, or types of ac-
3 counts are used to facilitate or promote
4 money laundering in or through the juris-
5 diction;

6 “(ii) the extent to which such institu-
7 tions, transactions, or types of accounts
8 are used for legitimate business purposes
9 in the jurisdiction; and

10 “(iii) the extent to which such action
11 is sufficient to ensure, with respect to
12 transactions involving the jurisdiction and
13 institutions operating in the jurisdiction,
14 that the purposes of this subchapter con-
15 tinue to be fulfilled, and to guard against
16 international money laundering and other
17 financial crimes.

18 “(d) NOTIFICATION OF SPECIAL MEASURES IN-
19 VOKED BY THE SECRETARY.—Not later than 10 days
20 after the date of any action taken by the Secretary under
21 subsection (a)(1), the Secretary shall notify, in writing,
22 the Committee on Financial Services of the House of Rep-
23 resentatives and the Committee on Banking, Housing, and
24 Urban Affairs of the Senate of any such action.

1 “(e) DEFINITIONS.—Notwithstanding any other pro-
2 vision of this subchapter, for purposes of this section, the
3 following definitions shall apply:

4 “(1) BANK DEFINITIONS.—The following defini-
5 tions shall apply with respect to a bank:

6 “(A) ACCOUNT.—The term ‘account’—

7 “(i) means a formal banking or busi-
8 ness relationship established to provide
9 regular services, dealings, and other finan-
10 cial transactions; and

11 “(ii) includes a demand deposit, sav-
12 ings deposit, or other transaction or asset
13 account and a credit account or other ex-
14 tension of credit.

15 “(B) CORRESPONDENT ACCOUNT.—The
16 term ‘correspondent account’ means an account
17 established to receive deposits from, make pay-
18 ments on behalf of a foreign financial institu-
19 tion, or handle other financial transactions re-
20 lated to such institution.

21 “(C) PAYABLE-THROUGH ACCOUNT.—The
22 term ‘payable-through account’ means an ac-
23 count, including a transaction account (as de-
24 fined in section 19(b)(1)(C) of the Federal Re-
25 serve Act), opened at a depository institution by

1 a foreign financial institution by means of
2 which the foreign financial institution permits
3 its customers to engage, either directly or
4 through a subaccount, in banking activities
5 usual in connection with the business of bank-
6 ing in the United States.

7 “(D) SECRETARY.—The term ‘Secretary’
8 means the Secretary of the Treasury.

9 “(2) DEFINITIONS APPLICABLE TO INSTITU-
10 TIONS OTHER THAN BANKS.—With respect to any fi-
11 nancial institution other than a bank, the Secretary
12 shall, after consultation with the appropriate Fed-
13 eral functional regulators (as defined in section 509
14 of the Gramm-Leach-Bliley Act), define by regula-
15 tion the term ‘account’, and shall include within the
16 meaning of that term, to the extent, if any, that the
17 Secretary deems appropriate, arrangements similar
18 to payable-through and correspondent accounts.

19 “(3) REGULATORY DEFINITION.—The Sec-
20 retary shall prescribe regulations defining beneficial
21 ownership of an account for purposes of this sub-
22 chapter. Such regulations shall address issues re-
23 lated to an individual’s authority to fund, direct, or
24 manage the account (including the power to direct
25 payments into or out of the account), and an indi-

1 vidual’s material interest in the income or corpus of
2 the account, and shall ensure that the identification
3 of individuals under this section does not extend to
4 any individual whose beneficial interest in the in-
5 come or corpus of the account is immaterial.

6 “(4) OTHER TERMS.—The Secretary may, by
7 regulation, further define the terms in paragraphs
8 (1) and (2) and define other terms for the purposes
9 of this section, as the Secretary deems appro-
10 priate.”.

11 (b) FINANCIAL INSTITUTIONS SPECIFIED IN SUB-
12 CHAPTER II OF CHAPTER 53 OF TITLE 31, UNITED
13 STATES CODE.—

14 (1) CREDIT UNIONS.—Subparagraph (E) of
15 section 5312(2) of title 31, United States Code, is
16 amended to read as follows:

17 “(E) any credit union;”.

18 (2) FUTURES COMMISSION MERCHANT; COM-
19 MODITY TRADING ADVISOR; COMMODITY POOL OPER-
20 ATOR.—Section 5312 of title 31, United States
21 Code, is amended by adding at the end the following
22 new subsection:

23 “(c) ADDITIONAL DEFINITIONS.—For purposes of
24 this subchapter, the following definitions shall apply:

1 “(1) CERTAIN INSTITUTIONS INCLUDED IN
2 DEFINITION.—The term ‘financial institution’ (as
3 defined in subsection (a)) includes the following:

4 “(A) Any futures commission merchant,
5 commodity trading advisor, or commodity pool
6 operator registered, or required to register,
7 under the Commodity Exchange Act.”.

8 (3) CFTC INCLUDED.—For purposes of this
9 Act and any amendment made by this Act to any
10 other provision of law, the term “Federal functional
11 regulator” includes the Commodity Futures Trading
12 Commission.

13 (c) CLERICAL AMENDMENT.—The table of sections
14 for subchapter II of chapter 53 of title 31, United States
15 Code, is amended by inserting after the item relating to
16 section 5318 the following new item:

 “5318A. Special measures for jurisdictions, financial institutions, or inter-
 national transactions of primary money laundering concern.”.

17 **SEC. 302. SPECIAL DUE DILIGENCE FOR CORRESPONDENT**
18 **ACCOUNTS AND PRIVATE BANKING AC-**
19 **COUNTS.**

20 (a) IN GENERAL.—Section 5318 of title 31, United
21 States Code, is amended by inserting after subsection (i)
22 (as added by section 119 of this Act) the following new
23 subsection:

1 “(j) DUE DILIGENCE FOR UNITED STATES PRIVATE
2 BANKING AND CORRESPONDENT BANK ACCOUNTS IN-
3 VOLVING FOREIGN PERSONS.—

4 “(1) IN GENERAL.—Each financial institution
5 that establishes, maintains, administers, or manages
6 a private banking account or a correspondent ac-
7 count in the United States for a non-United States
8 person, including a foreign individual visiting the
9 United States, or a representative of a non-United
10 States person, shall establish appropriate, specific,
11 and, where necessary, enhanced due diligence poli-
12 cies, procedures, and controls to detect and report
13 instances of money laundering through those ac-
14 counts.

15 “(2) SPECIAL STANDARDS FOR CERTAIN COR-
16 RESPONDENT ACCOUNTS.—

17 “(A) IN GENERAL.—Subparagraph (B)
18 shall apply if a correspondent account is re-
19 quested or maintained by, or on behalf of, a
20 foreign bank operating—

21 “(i) under an offshore banking li-
22 cense; or

23 “(ii) under a banking license issued
24 by a foreign country that has been
25 designated—

1 “(I) as noncooperative with inter-
2 national anti-money laundering prin-
3 ciples or procedures by an intergov-
4 ernmental group or organization of
5 which the United States is a member
6 with which designation the Secretary
7 of the Treasury concurs; or

8 “(II) by the Secretary as war-
9 ranting special measures due to
10 money laundering concerns.

11 “(B) POLICIES, PROCEDURES, AND CON-
12 TROLS.—The enhanced due diligence policies,
13 procedures, and controls required under para-
14 graph (1) for foreign banks described in sub-
15 paragraph (A) shall, at a minimum, ensure that
16 the financial institution in the United States
17 takes reasonable steps—

18 “(i) to ascertain for any such foreign
19 bank, the shares of which are not publicly
20 traded, the identity of each of the owners
21 of the foreign bank, and the nature and
22 extent of the ownership interest of each
23 such owner;

24 “(ii) to conduct enhanced scrutiny of
25 such account to guard against money laun-

1 dering and report any suspicious trans-
2 actions under section 5318(g); and

3 “(iii) to ascertain whether such for-
4 eign bank provides correspondent accounts
5 to other foreign banks and, if so, the iden-
6 tity of those foreign banks and related due
7 diligence information, as appropriate under
8 paragraph (1).

9 “(3) MINIMUM STANDARDS FOR PRIVATE BANK-
10 ING ACCOUNTS.—If a private banking account is re-
11 quested or maintained by, or on behalf of, a non-
12 United States person, then the due diligence policies,
13 procedures, and controls required under paragraph
14 (1) shall, at a minimum, ensure that the financial
15 institution takes reasonable steps—

16 “(A) to ascertain the identity of the nomi-
17 nal and beneficial owners of, and the source of
18 funds deposited into, such account as needed to
19 guard against money laundering and report any
20 suspicious transactions under section 5318(g);
21 and

22 “(B) to conduct enhanced scrutiny of any
23 such account that is requested or maintained
24 by, or on behalf of, a senior foreign political fig-
25 ure, or any immediate family member or close

1 associate of a senior foreign political figure, to
2 prevent, detect, and report transactions that
3 may involve the proceeds of foreign corruption.

4 “(4) DEFINITIONS.—For purposes of this sub-
5 section, the following definitions shall apply:

6 “(A) OFFSHORE BANKING LICENSE.—The
7 term ‘offshore banking license’ means a license
8 to conduct banking activities which, as a condi-
9 tion of the license, prohibits the licensed entity
10 from conducting banking activities with the citi-
11 zens of, or with the local currency of, the coun-
12 try which issued the license.

13 “(B) PRIVATE BANK ACCOUNT.—The term
14 ‘private bank account’ means an account (or
15 any combination of accounts) that—

16 “(i) requires a minimum aggregate
17 deposits of funds or other assets of not less
18 than \$1,000,000;

19 “(ii) is established on behalf of 1 or
20 more individuals who have a direct or ben-
21 efiticial ownership interest in the account;
22 and

23 “(iii) is assigned to, or is administered
24 or managed by, in whole or in part, an of-
25 ficer, employee, or agent of a financial in-

1 stitution acting as a liaison between the fi-
2 nancial institution and the direct or bene-
3 ficial owner of the account.

4 “(5) REGULATORY AUTHORITY.—Before the
5 end of the 6-month period beginning on the date of
6 the enactment of the Financial Anti-Terrorism Act
7 of 2001, the Secretary, in consultation with the ap-
8 propriate Federal functional regulators (as defined
9 in section 509 of the Gramm-Leach-Bliley Act) shall
10 further define and clarify, by regulation, the require-
11 ments of this subsection.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect beginning 180 days after the
14 date of the enactment of this Act with respect to accounts
15 covered by subsection (j) of section 5318 of title 31,
16 United States Code (as added by this section) that are
17 opened before, on, or after the date of the enactment of
18 this Act.

19 **SEC. 303. PROHIBITION ON UNITED STATES COR-**
20 **RESPONDENT ACCOUNTS WITH FOREIGN**
21 **SHELL BANKS.**

22 Section 5318 of title 31, United States Code, is
23 amended by inserting after subsection (j) (as added by sec-
24 tion 302 of this title) the following new subsection:

1 “(k) PROHIBITION ON UNITED STATES COR-
2 RESPONDENT ACCOUNTS WITH FOREIGN SHELL
3 BANKS.—

4 “(1) IN GENERAL.—A depository institution
5 shall not establish, maintain, administer, or manage
6 a correspondent account in the United States for, or
7 on behalf of, a foreign bank that does not have a
8 physical presence in any country.

9 “(2) PREVENTION OF INDIRECT SERVICE TO
10 FOREIGN SHELL BANKS.—

11 “(A) IN GENERAL.—A depository institu-
12 tion shall take reasonable steps to ensure that
13 any correspondent account established, main-
14 tained, administered, or managed by that insti-
15 tution in the United States for a foreign bank
16 is not being used by that foreign bank to indi-
17 rectly provide banking services to another for-
18 eign bank that does not have a physical pres-
19 ence in any country.

20 “(B) REGULATIONS.—The Secretary shall,
21 in regulations, delineate reasonable steps nec-
22 essary for a depository institution to comply
23 with this subsection.

24 “(3) EXCEPTION.—Paragraphs (1) and (2)
25 shall not be construed as prohibiting a depository in-

1 stitution from providing a correspondent account to
2 a foreign bank, if the foreign bank—

3 “(A) is an affiliate of a depository institu-
4 tion, credit union, or other foreign bank that
5 maintains a physical presence in the United
6 States or a foreign country, as applicable; and

7 “(B) is subject to supervision by a banking
8 authority in the country regulating the affili-
9 ated depository institution, credit union, or for-
10 eign bank, described in subparagraph (A), as
11 applicable.

12 “(4) DEFINITIONS.—For purposes of this sec-
13 tion, the following definitions shall apply:

14 “(A) AFFILIATE.—The term ‘affiliate’
15 means a foreign bank that is controlled by or
16 is under common control with a depository in-
17 stitution, credit union, or foreign bank.

18 “(B) DEPOSITORY INSTITUTION.—The ‘de-
19 pository institution’—

20 “(i) has the meaning given such term
21 in section 3 of the Federal Deposit Insur-
22 ance Act; and

23 “(ii) includes a credit union.

1 “(C) PHYSICAL PRESENCE.—The term
2 ‘physical presence’ means a place of business
3 that—

4 “(i) is maintained by a foreign bank;

5 “(ii) is located at a fixed address
6 (other than solely an electronic address) in
7 a country in which the foreign bank is au-
8 thorized to conduct banking activities, at
9 which location the foreign bank—

10 “(I) employs 1 or more individ-
11 uals on a full-time basis; and

12 “(II) maintains operating records
13 related to its banking activities; and

14 “(iii) is subject to inspection by the
15 banking authority which licensed the for-
16 eign bank to conduct banking activities.”.

17 **SEC. 304. ANTI-MONEY LAUNDERING PROGRAMS.**

18 (a) IN GENERAL.—Section 5318(h) of title 31,
19 United States Code, is amended to read as follows:

20 “(h) ANTI-MONEY LAUNDERING PROGRAMS.—

21 “(1) IN GENERAL.—In order to guard against
22 money laundering through financial institutions,
23 each financial institution shall establish anti-money
24 laundering programs, including, at a minimum—

1 “(A) the development of internal policies,
2 procedures, and controls;

3 “(B) the designation of an officer of the fi-
4 nancial institution responsible for compliance;

5 “(C) an ongoing employee training pro-
6 gram; and

7 “(D) an independent audit function to test
8 programs.

9 “(2) REGULATIONS.—The Secretary may, after
10 consultation with the appropriate Federal functional
11 regulators (as defined in section 509 of the Gramm-
12 Leach-Bliley Act), prescribe minimum standards for
13 programs established under paragraph (1), and may
14 exempt from the application of those standards any
15 financial institution that is not subject to the provi-
16 sions of the regulations contained in part 103 of
17 title 31, of the Code of Federal Regulations, as in
18 effect on the date of the enactment of the Financial
19 Anti-Terrorism Act of 2001, or any successor to
20 such regulations, for so long as such financial insti-
21 tution is not subject to the provisions of such regula-
22 tions.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect at the end of the 180-day
25 period beginning on the date of the enactment of this Act.

1 (c) DATE OF APPLICATION OF REGULATIONS; FAC-
2 TORS TO BE TAKEN INTO ACCOUNT.—Before the end of
3 the 180-day period beginning on the date of the enactment
4 of this Act, the Secretary of the Treasury shall prescribe
5 regulations to implement the amendment made by sub-
6 section (a). In prescribing such regulations, the Secretary
7 shall consider the extent to which the requirements im-
8 posed under such regulations are commensurate with the
9 size, location, and activities of the financial institutions
10 to which such regulations apply.

11 **SEC. 305. CONCENTRATION ACCOUNTS AT FINANCIAL IN-**
12 **STITUTIONS.**

13 Section 5318(h) of title 31, United States Code (as
14 amended by section 304) is amended by adding at the end
15 the following:

16 “(3) CONCENTRATION ACCOUNTS.—The Sec-
17 retary may prescribe regulations under this sub-
18 section that govern maintenance of concentration ac-
19 counts by financial institutions, in order to ensure
20 that such accounts are not used to prevent associa-
21 tion of the identity of an individual customer with
22 the movement of funds of which the customer is the
23 direct or beneficial owner, which regulations shall, at
24 a minimum—

1 “(A) prohibit financial institutions from al-
2 lowing clients to direct transactions that move
3 their funds into, out of, or through the con-
4 centration accounts of the financial institution;

5 “(B) prohibit financial institutions and
6 their employees from informing customers of
7 the existence of, or the means of identifying,
8 the concentration accounts of the institution;
9 and

10 “(C) require each financial institution to
11 establish written procedures governing the doc-
12 umentation of all transactions involving a con-
13 centration account, which procedures shall en-
14 sure that, any time a transaction involving a
15 concentration account commingles funds belong-
16 ing to 1 or more customers, the identity of, and
17 specific amount belonging to, each customer is
18 documented.”.

19 **SEC. 306. INTERNATIONAL COOPERATION IN INVESTIGA-**
20 **TIONS OF MONEY LAUNDERING, FINANCIAL**
21 **CRIMES, AND THE FINANCES OF TERRORIST**
22 **GROUPS.**

23 (a) NEGOTIATIONS.—

24 (1) IN GENERAL.—It is the sense of the Con-
25 gress that, in addition to the existing requirements

1 of section 4702 of the Anti-Drug Abuse Act of 1988,
2 the President should direct the Secretary of State,
3 the Attorney General, or the Secretary of the Treas-
4 ury, as appropriate and in consultation with the
5 Board of Governors of the Federal Reserve System,
6 to seek to enter into negotiations with the appro-
7 priate financial supervisory agencies and other offi-
8 cials of any foreign country the financial institutions
9 of which do business with United States financial in-
10 stitutions or which may be utilized by any foreign
11 terrorist organization (as designated under section
12 219 of the Immigration and Nationality Act), any
13 person who is a member or representative of any
14 such organization, or any person engaged in money
15 laundering or financial or other crimes.

16 (2) PURPOSES OF NEGOTIATIONS.—It is the
17 sense of the Congress that, in carrying out any ne-
18 gotiations described in paragraph (1), the President
19 should direct the Secretary of State, the Attorney
20 General, or the Secretary of the Treasury, as appro-
21 priate, to seek to enter into and further cooperative
22 efforts, voluntary information exchanges, the use of
23 letters rogatory, mutual legal assistance treaties,
24 and international agreements to—

1 (A) ensure that foreign banks and other fi-
2 nancial institutions maintain adequate records
3 of—

4 (i) large United States currency
5 transactions; and

6 (ii) transaction and account informa-
7 tion relating to any foreign terrorist orga-
8 nization (as designated under section 219
9 of the Immigration and Nationality Act),
10 any person who is a member or representa-
11 tive of any such organization, or any per-
12 son engaged in money laundering or finan-
13 cial or other crimes; and

14 (B) establish a mechanism whereby such records
15 may be made available to United States law enforce-
16 ment officials and domestic financial institution su-
17 pervisors, when appropriate.

18 (b) REPORTS.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of the enactment of this Act and annually
21 thereafter, the Secretary of State, in conjunction
22 with the Attorney General and the Secretary of the
23 Treasury, shall submit a report to the Congress, on
24 the progress in any negotiations described in sub-
25 section (a).

1 (2) IDENTIFICATION OF CERTAIN COUN-
2 TRIES.—In any report submitted under paragraph
3 (1), the Secretary of State shall identify countries—

4 (A) with respect to which the Secretary de-
5 termines there is evidence that the financial in-
6 stitutions in such countries are being utilized by
7 any foreign terrorist organization (as des-
8 ignated under section 219 of the Immigration
9 and Nationality Act), any person who is a mem-
10 ber or representative of any such organization,
11 or any person engaged in money laundering or
12 financial or other crimes; and

13 (B) which have not reached agreement
14 with United States authorities to meet the ob-
15 jectives of subparagraphs (A) and (B) of sub-
16 section (a)(2).

17 (3) REPORT ON PENALTIES AND SANCTIONS.—

18 If the President determines that—

19 (A) a foreign country is described in sub-
20 paragraphs (A) and (B) of paragraph (2); and

21 (B) such country—

22 (i) is not negotiating in good faith to
23 reach an agreement described in subsection
24 (a)(2); or

1 (ii) has not complied with, or a finan-
2 cial institution of such country has not
3 complied with, a request, made by an offi-
4 cial of the United States Government au-
5 thorized to make such request, for infor-
6 mation regarding a foreign terrorist orga-
7 nization (as designated under section 219
8 of the Immigration and Nationality Act), a
9 person who is a member or representative
10 of any such organization, or a person en-
11 gaged in money laundering for or with any
12 such organization,

13 and the President imposes any penalties or sanctions
14 on such country or financial institutions of such
15 country on the basis of such determination, the Sec-
16 retary of State shall submit a report to the Congress
17 describing the facts and circumstances of the case
18 before the end of the 60-day period beginning on the
19 date such sanctions and penalties take effect.

1 **TITLE IV—CURRENCY**
2 **PROTECTION**

3 **SEC. 401. COUNTERFEITING DOMESTIC CURRENCY AND OB-**
4 **LIGATIONS.**

5 (a) COUNTERFEIT ACTS COMMITTED OUTSIDE THE
6 UNITED STATES.—Section 470 of title 18, United States
7 Code, is amended—

8 (1) in paragraph (2), by inserting “analog, dig-
9 ital, or electronic image,” after “plate, stone,”; and

10 (2) by striking “shall be fined under this title,
11 imprisoned not more than 20 years, or both” and in-
12 sserting “shall be punished as is provided for the like
13 offense within the United States”.

14 (b) OBLIGATIONS OR SECURITIES OF THE UNITED
15 STATES.—Section 471 of title 18, United States Code, is
16 amended by striking “fifteen years” and inserting “20
17 years”.

18 (c) UTTERING COUNTERFEIT OBLIGATIONS OR SE-
19 CURITIES.—Section 472 of title 18, United States Code,
20 is amended by striking “fifteen years” and inserting “20
21 years”.

22 (d) DEALING IN COUNTERFEIT OBLIGATIONS OR SE-
23 CURITIES.—Section 473 of title 18, United States Code,
24 is amended by striking “ten years” and inserting “20
25 years”.

1 (e) PLATES, STONES, OR ANALOG, DIGITAL, OR
2 ELECTRONIC IMAGES FOR COUNTERFEITING OBLIGA-
3 TIONS OR SECURITIES.—

4 (1) IN GENERAL.—Section 474(a) of title 18,
5 United States Code, is amended by inserting after
6 the second paragraph the following new paragraph:
7 “Whoever, with intent to defraud, makes, executes,
8 acquires, scans, captures, records, receives, transmits, re-
9 produces, sells, or has in such person’s control, custody,
10 or possession, an analog, digital, or electronic image of
11 any obligation or other security of the United States; or”.

12 (2) AMENDMENT TO DEFINITION.—Section
13 474(b) of title 18, United States Code, is amended
14 by striking the first sentence and inserting the fol-
15 lowing new sentence: “For purposes of this section,
16 the term ‘analog, digital, or electronic image’ in-
17 cludes any analog, digital, or electronic method used
18 for the making, execution, acquisition, scanning,
19 capturing, recording, retrieval, transmission, or re-
20 production of any obligation or security, unless such
21 use is authorized by the Secretary of the Treasury.”.

22 (3) TECHNICAL AND CONFORMING AMEND-
23 MENT.—The heading for section 474 of title 18,
24 United States Code, is amended by striking “**or**

1 **stones”** and inserting “**, stones, or analog,**
2 **digital, or electronic images”**.”

3 (4) CLERICAL AMENDMENT.—The table of sec-
4 tions for chapter 25 of title 18, United States Code,
5 is amended in the item relating to section 474 by
6 striking “or stones” and inserting “, stones, or ana-
7 log, digital, or electronic images”.

8 (f) TAKING IMPRESSIONS OF TOOLS USED FOR OBLI-
9 GATIONS OR SECURITIES.—Section 476 of title 18, United
10 States Code, is amended—

11 (1) by inserting “analog, digital, or electronic
12 image,” after “impression, stamp,”; and

13 (2) by striking “ten years” and inserting “25
14 years”.

15 (g) POSSESSING OR SELLING IMPRESSIONS OF
16 TOOLS USED FOR OBLIGATIONS OR SECURITIES.—Sec-
17 tion 477 of title 18, United States Code, is amended—

18 (1) in the first paragraph, by inserting “analog,
19 digital, or electronic image,” after “imprint,
20 stamp,”;

21 (2) in the second paragraph, by inserting “ana-
22 log, digital, or electronic image,” after “imprint,
23 stamp,”; and

24 (3) in the third paragraph, by striking “ten
25 years” and inserting “25 years”.

1 (h) CONNECTING PARTS OF DIFFERENT NOTES.—
2 Section 484 of title 18, United States Code, is amended
3 by striking “five years” and inserting “10 years”.

4 (i) BONDS AND OBLIGATIONS OF CERTAIN LENDING
5 AGENCIES.—The first and second paragraphs of section
6 493 of title 18, United States Code, are each amended
7 by striking “five years” and inserting “10 years”.

8 **SEC. 402. COUNTERFEITING FOREIGN CURRENCY AND OB-**
9 **LIGATIONS.**

10 (a) FOREIGN OBLIGATIONS OR SECURITIES.—Sec-
11 tion 478 of title 18, United States Code, is amended by
12 striking “five years” and inserting “20 years”.

13 (b) UTTERING COUNTERFEIT FOREIGN OBLIGA-
14 TIONS OR SECURITIES.—Section 479 of title 18, United
15 States Code, is amended by striking “three years” and
16 inserting “20 years”.

17 (c) POSSESSING COUNTERFEIT FOREIGN OBLIGA-
18 TIONS OR SECURITIES.—Section 480 of title 18, United
19 States Code, is amended by striking “one year” and in-
20 serting “20 years”.

21 (d) PLATES, STONES, OR ANALOG, DIGITAL, OR
22 ELECTRONIC IMAGES FOR COUNTERFEITING FOREIGN
23 OBLIGATIONS OR SECURITIES.—

1 (1) IN GENERAL.—Section 481 of title 18,
2 United States Code, is amended by inserting after
3 the second paragraph the following new paragraph:
4 “Whoever, with intent to defraud, makes, executes,
5 acquires, scans, captures, records, receives, transmits, re-
6 produces, sells, or has in such person’s control, custody,
7 or possession, an analog, digital, or electronic image of
8 any bond, certificate, obligation, or other security of any
9 foreign government, or of any treasury note, bill, or prom-
10 ise to pay, lawfully issued by such foreign government and
11 intended to circulate as money; or”.

12 (2) INCREASED SENTENCE.—The last para-
13 graph of section 481 of title 18, United States Code,
14 is amended by striking “five years” and inserting
15 “25 years”.

16 (3) TECHNICAL AND CONFORMING AMEND-
17 MENT.—The heading for section 481 of title 18,
18 United States Code, is amended by striking “**or**
19 **stones**” and inserting “**, stones, or analog,**
20 **digital, or electronic images**”.

21 (4) CLERICAL AMENDMENT.—The table of sec-
22 tions for chapter 25 of title 18, United States Code,
23 is amended in the item relating to section 481 by
24 striking “or stones” and inserting “**, stones, or ana-**
25 **log, digital, or electronic images**”.

1 (e) FOREIGN BANK NOTES.—Section 482 of title 18,
2 United States Code, is amended by striking “two years”
3 and inserting “20 years”.

4 (f) UTTERING COUNTERFEIT FOREIGN BANK
5 NOTES.—Section 483 of title 18, United States Code, is
6 amended by striking “one year” and inserting “20 years”.

7 **SEC. 403. PRODUCTION OF DOCUMENTS.**

8 Section 5114(a) of title 31, United States Code (re-
9 lating to engraving and printing currency and security
10 documents), is amended—

11 (1) by striking “(a) The Secretary of the Treas-
12 ury” and inserting:

13 “(a) AUTHORITY TO ENGRAVE AND PRINT.—

14 “(1) IN GENERAL.—The Secretary of the
15 Treasury”; and

16 (2) by adding at the end the following new
17 paragraph:

18 “(2) ENGRAVING AND PRINTING FOR OTHER
19 GOVERNMENTS.—The Secretary of the Treasury
20 may, if the Secretary determines that it will not
21 interfere with engraving and printing needs of the
22 United States, produce currency, postage stamps,
23 and other security documents for foreign govern-
24 ments, subject to a determination by the Secretary

1 of State that such production would be consistent
2 with the foreign policy of the United States.”.

3 **SEC. 404. REIMBURSEMENT.**

4 Section 5143 of title 31, United States Code (relating
5 to payment for services of the Bureau of Engraving and
6 Printing), is amended—

7 (1) in the first sentence, by inserting “, any for-
8 eign government, or any territory of the United
9 States” after “agency”;

10 (2) in the second sentence, by inserting “and
11 other” after “administrative”; and

12 (3) in the last sentence, by inserting “, foreign
13 government, or territory of the United States” after
14 “agency”.

Passed the House of Representatives October 17,
2001.

Attest:

JEFF TRANDAHL,

Clerk.