

Union Calendar No. 780

118TH CONGRESS
2D SESSION

H. R. 3244

[Report No. 118–783, Part I]

To provide authority to the Secretary of the Treasury to take special measures against certain entities outside of the United States of primary money laundering concern in connection with illicit fentanyl and narcotics financing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Mr. LUETKEMEYER (for himself, Mr. NUNN of Iowa, Mr. BARR, and Mrs. KIM of California) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

NOVEMBER 29, 2024

Reported from the Committee on Financial Services with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

NOVEMBER 29, 2024

Referral to the Committee on the Judiciary extended for a period ending not later than December 19, 2024

DECEMBER 19, 2024

Additional sponsors: Ms. PETERSEN, Mr. LAWLER, Mr. LALOTA, Mr. MEUSER, and Ms. DE LA CRUZ

DECEMBER 19, 2024

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 11, 2023]

A BILL

To provide authority to the Secretary of the Treasury to take special measures against certain entities outside of the United States of primary money laundering concern in connection with illicit fentanyl and narcotics financing, 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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Stop Fentanyl Money*
5 *Laundrying Act of 2023”.*

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

9 *(a) IN GENERAL.—If the Secretary of the Treasury de-*
10 *termines that one or more financial institutions operating*
11 *outside of the United States, or one or more classes of trans-*
12 *actions within, or involving, a jurisdiction outside of the*
13 *United States, or one or more types of accounts within, or*
14 *involving, a jurisdiction outside of the United States is of*
15 *primary money laundering concern in connection with il-*
16 *licit fentanyl and narcotics financing, the Secretary of the*
17 *Treasury may, by order, regulation, or otherwise as per-*
18 *mitted by law, require domestic financial institutions and*
19 *domestic financial agencies to take one or more of the spe-*
20 *cial measures described in section 5318A(b) of title 31,*
21 *United States Code.*

22 *(b) CLASSIFIED INFORMATION.—In any judicial re-*
23 *view of a finding of the existence of a primary money laun-*
24 *dering concern, or of the requirement for 1 or more special*
25 *measures with respect to a primary money laundering con-*

1 cern made under this section, if the designation or imposi-
2 tion, or both, were based on classified information (as de-
3 fined in section 1(a) of the Classified Information Proce-
4 dures Act (18 U.S.C. App.)), such information may be sub-
5 mitted by the Secretary of the Treasury to the reviewing
6 court *ex parte* and *in camera*. This subsection does not con-
7 fer or imply any right to judicial review of any finding
8 made or any requirement imposed under this section.

9 (c) *AVAILABILITY OF INFORMATION.*—*The exemptions*
10 *from, and prohibitions on, search and disclosure referred*
11 *to in section 9714(c) of the National Defense Authorization*
12 *Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C.*
13 *5318A note) shall apply to any report or record of report*
14 *filed pursuant to a requirement imposed under subsection*
15 *(a). For purposes of section 552 of title 5, United States*
16 *Code, this section shall be considered a statute described in*
17 *subsection (b)(3)(B) of that section.*

18 (d) *PENALTIES.*—*The penalties referred to in section*
19 *9714(d) of the National Defense Authorization Act for Fis-*
20 *cal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note)*
21 *shall apply to violations of any order, regulation, special*
22 *measure, or other requirement imposed under subsection*
23 *(a), in the same manner and to the same extent as described*
24 *in such section 9714(d).*

1 (e) *INJUNCTIONS.*—*The Secretary of the Treasury may*
2 *bring a civil action to enjoin a violation of any order, regu-*
3 *lation, special measure, or other requirement imposed under*
4 *subsection (a) in the same manner and to the same extent*
5 *as described in section 9714(e) of the National Defense Au-*
6 *thorization Act for Fiscal Year 2021 (Public Law 116–283;*
7 *31 U.S.C. 5318A note).*

8 (f) *DEFINITIONS.*—*In this section, the terms “domestic*
9 *financial agency”, “domestic financial institution”, “finan-*
10 *cial agency”, and “financial institution” have the mean-*
11 *ings given those terms as used in section 9714 of the Na-*
12 *tional Defense Authorization Act for Fiscal Year 2021 (Pub-*
13 *lic Law 116–283; 31 U.S.C. 5318A note).*

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

15 *Not later than one year following the date of the enact-*
16 *ment of this Act, the Financial Crimes Enforcement Net-*
17 *work shall update and issue a new advisory to financial*
18 *institutions on identifying Chinese professional money*
19 *laundering facilitating the trafficking of fentanyl and other*
20 *synthetic opioids. Such advisory shall incorporate the fol-*
21 *lowing advisories:*

22 (1) *FIN–2014–A005, entitled “Update on U.S.*
23 *Currency Restrictions in Mexico: Funnel Accounts*
24 *and TBML”;*

1 (2) *FIN–2010–A001, entitled “Advisory to Fi-*
2 *ancial Institutions on Filing Suspicious Activity*
3 *Reports regarding Trade-Based Money Laundering”;*
4 *and*

5 (3) *FIN–2019–A006, entitled “Advisory to Fi-*
6 *ancial Institutions on Illicit Financial Schemes and*
7 *Methods Related to the Trafficking of Fentanyl and*
8 *Other Synthetic Opioids”.*

9 **SEC. 4. TREATMENT OF TRANSNATIONAL CRIMINAL ORGA-**
10 **NIZATIONS IN SUSPICIOUS TRANSACTIONS.**

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

19 (b) *PRIORITIZATION OF REPORTS RELATING TO NAR-*
20 *COTICS TRAFFICKING OR TRANSNATIONAL CRIMINAL ORGA-*
21 *NIZATIONS.*—*The Director shall prioritize research into re-*
22 *ports described in subsection (a) that indicate a connection*
23 *to trafficking of narcotics.*

24 (c) *BRIEFING TO CONGRESS.*—*Not later than one year*
25 *after the date of enactment of this Act, the Director shall*

1 *brief the Committees on Financial Services and Foreign Af-*
2 *fairs of the House of Representatives and the Committees*
3 *on Banking, Housing, and Urban Affairs and Foreign Re-*
4 *lations of the Senate on the usefulness of the guidance or*
5 *instructions issued under subsection (a).*

Union Calendar No. 780

118TH CONGRESS
2D Session

H. R. 3244

[Report No. 118-783, Part I]

A BILL

To provide authority to the Secretary of the Treasury to take special measures against certain entities outside of the United States of primary money laundering concern in connection with illicit fentanyl and narcotics financing, and for other purposes.

DECEMBER 19, 2024

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed