

117TH CONGRESS
2D SESSION

H. R. 6511

To direct the Secretary of the Treasury to determine if there are reasonable grounds to conclude that there is a primary money laundering concern in connection with Afghan illicit finance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2022

Mr. AUCHINCLOSS introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To direct the Secretary of the Treasury to determine if there are reasonable grounds to conclude that there is a primary money laundering concern in connection with Afghan illicit finance, 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 “No Bank Accounts
5 for Terrorists Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) There is evidence to suggest that the
2 Taliban raises revenue to support nefarious and il-
3 licit activities through donations from foreign indi-
4 viduals, illicit drug exports, and precious mineral ex-
5 traction.

6 (2) In August 2021, following the desertion of
7 Afghan President Ashraf Ghani and the withdrawal
8 of United States troops, the Taliban assumed con-
9 trol of the majority of Afghanistan.

10 (3) Members of the Taliban are listed on the
11 Department of the Treasury’s Specially Designated
12 Nationals And Blocked Persons List.

13 (4) The Department of the Treasury’s Office of
14 Foreign Assets Control (OFAC) has issued two gen-
15 eral licenses (GLs) to support humanitarian assist-
16 ance to the Afghanistan people.

17 (5) The Department of the Treasury can issue
18 special measures for entities that are considered a
19 primary money laundering concern.

20 **SEC. 3. DETERMINATION WITH RESPECT TO PRIMARY**
21 **MONEY LAUNDERING CONCERN OF AFGHAN**
22 **ILLICIT FINANCE.**

23 (a) DETERMINATION.—If the Secretary of the Treas-
24 ury determines that reasonable grounds exist for con-
25 cluding that one or more financial institutions operating

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

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

12 (2) prohibit, or impose conditions upon, certain
13 transmittals of funds (to be defined by the Sec-
14 retary) involving any domestic financial institution
15 or domestic financial agency, if such transmittal of
16 funds involves any such institution, class of trans-
17 action, or type of account.

18 (b) REPORT REQUIRED.—

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

1 tional regulations, statutory changes, enhanced due
2 diligence, and reporting requirements that are nec-
3 essary to better identify, prevent, and combat money
4 laundering linked to Afghanistan, including related
5 to—

6 (A) identifying the beneficial ownership of
7 anonymous companies;

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

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

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

23 (c) SENSE OF CONGRESS ON INTERNATIONAL CO-
24 OPERATION.—It is the sense of the Congress that the Sec-
25 retary of the Treasury and other relevant cabinet members

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

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

24 (e) AVAILABILITY OF INFORMATION.—The exemp-
25 tions from, and prohibitions on, search and disclosure pro-

1 vided in section 5319 of title 31, United States Code, shall
2 apply to any report or record of report filed pursuant to
3 a requirement imposed under subsection (a) of this sec-
4 tion. For purposes of section 552 of title 5, United States
5 Code, this subsection shall be considered a statute de-
6 scribed in subsection (b)(3)(B) of that section.

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

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

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