### Union Calendar No. 373

105TH CONGRESS 2D SESSION

# H. R. 1756

[Report No. 105-608, Part I]

To amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

### IN THE HOUSE OF REPRESENTATIVES

June 3, 1997

Ms. Velázquez (for herself, Mr. Leach, Mr. Gonzalez, and Mr. Bachus) introduced the following bill; which was referred to the Committee on Banking and 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

June 25, 1998

Reported from the Committee on Banking and Financial Services with an amendment

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

June 25, 1998

Referral to the Committee on the Judiciary extended for a period ending not later than July 31, 1998

July 31, 1998

Additional sponsors: Mr. Schumer, Mr. Hinchey, Mr. Engel, and Mr. Ackerman

July 31, 1998

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

## A BILL

- To amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related 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,
  - 3 SECTION 1. SHORT TITLE.
  - 4 This Act may be cited as the "Money Laundering and
  - 5 Financial Crimes Strategy Act of 1998".
  - 6 SEC. 2. MONEY LAUNDERING AND RELATED FINANCIAL
  - 7 *CRIMES*.
  - 8 (a) In General.—Chapter 53 of title 31, United
  - 9 States Code is amended by adding at the end the following
- 10 new subchapter:
- 11 "SUBCHAPTER III—MONEY LAUNDERING AND
- 12 RELATED FINANCIAL CRIMES
- 13 **"§5340. Definitions**
- 14 "For purposes of this subchapter, the following defini-
- 15 tions shall apply:
- 16 "(1) Department of the treasury law en-
- 17 FORCEMENT ORGANIZATIONS.—The term 'Department

1	of the Treasury law enforcement organizations' has
2	the meaning given to such term in section $9703(p)(1)$ .
3	"(2) Money laundering and related finan-
4	CIAL CRIME.—The term 'money laundering and relat-
5	ed financial crime' means an offense under sub-
6	chapter II of this chapter, chapter II of title I of Pub-
7	lic Law 91–508 (12 U.S.C. 1951, et seq.; commonly
8	referred to as the 'Bank Secrecy Act'), or section
9	1956, 1957, or 1960 of title 18 or any related Federal,
10	State, or local criminal offense.
11	"(3) Secretary.—The term 'Secretary' means
12	the Secretary of the Treasury.
13	"(4) Attorney General.—The term 'Attorney
14	General' means the Attorney General of the United
15	States.
16	"Part 1—National Money Laundering and Related
17	Financial Crimes Strategy
18	"§ 5341. National money laundering and related fi-
19	nancial crimes strategy
20	"(a) Development and Transmittal to Con-
21	GRESS.—
22	"(1) Development.—The President, acting
23	through the Secretary and in consultation with the
24	Attorney General, shall develop a national strategy

1	for combating money laundering and related finan-
2	cial crimes.
3	"(2) Transmittal to congress.—By February
4	1 of 1999, 2000, 2001, 2002, and 2003, the President
5	shall submit a national strategy developed in accord-
6	ance with paragraph (1) to the Congress.
7	"(3) Separate presentation of classified
8	MATERIAL.—Any part of the strategy that involves in-
9	formation which is properly classified under criteria
10	established by Executive Order shall be submitted to
11	the Congress separately.
12	"(b) Development of Strategy.—The national
13	strategy for combating money laundering and related fi-
14	nancial crimes shall address any area the President, acting
15	through the Secretary and in consultation with the Attorney
16	General, considers appropriate, including the following:
17	"(1) Goals, objectives, and priorities.—
18	Comprehensive, research-based goals, objectives, and
19	priorities for reducing money laundering and related
20	financial crime in the United States.
21	"(2) Prevention.—Coordination of regulatory
22	and other efforts to prevent the exploitation of finan-
23	cial systems in the United States for money launder-
24	ing and related financial crimes, including a require-
25	ment that the Secretary shall—

1	"(A) regularly review enforcement efforts
2	under this subchapter and other provisions of
3	law and, when appropriate, modify existing reg-
4	ulations or prescribe new regulations for pur-
5	poses of preventing such criminal activity; and
6	"(B) coordinate prevention efforts and other
7	enforcement action with the Board of Governors
8	of the Federal Reserve System, the Securities and
9	Exchange Commission, the Federal Trade Com-
10	mission, other Federal banking agencies, and the
11	National Credit Union Administration Board.
12	"(3) Detection initiatives.—A description of
13	operational initiatives to improve detection of money
14	laundering and related financial crimes.
15	"(4) Enhancement of the role of the pri-
16	VATE FINANCIAL SECTOR IN PREVENTION.—A descrip-
17	tion of the enhanced partnership between the private
18	financial sector and law enforcement agencies with
19	regard to the prevention and detection of money laun-
20	dering and related financial crimes, including pro-
21	viding incentives to strengthen internal controls and
22	to adopt on an industrywide basis more effective poli-
23	cies.
24	"(5) Intergovernmental cooperation.—A
25	description of—

1	"(A) cooperative efforts between the Federal
2	Government and State and local officials, in-
3	cluding State and local prosecutors and other
4	law enforcement officials; and
5	"(B) cooperative efforts among the several
6	States and between State and local officials, in-
7	cluding State and local prosecutors and other
8	law enforcement officials,
9	for financial crimes control which could be utilized or
10	should be encouraged.
11	"(6) Project and budget priorities.—A 3-
12	year projection for program and budget priorities and
13	achievable projects for reductions in financial crimes.
14	"(7) Assessment of funding.—A complete as-
15	sessment of how the proposed budget is intended to
16	implement the strategy and whether the funding levels
17	contained in the proposed budget are sufficient to im-
18	plement the strategy.
19	"(8) Designated areas.—A description of geo-
20	graphical areas designated as high-risk money laun-
21	dering and related financial crime areas' in accord-
22	ance with, but not limited to, section 5342.
23	"(9) Persons consulted.—Persons or officers
24	consulted by the Secretary pursuant to subsection (d).

1	"(10) Data regarding trends in money
2	LAUNDERING AND RELATED FINANCIAL CRIMES.—The
3	need for additional information necessary for the pur-
4	pose of developing and analyzing data in order to as-
5	certain financial crime trends.
6	"(11) Improved communications systems.—A
7	plan for enhancing the compatibility of automated in-
8	formation and facilitating access of the Federal Gov-
9	ernment and State and local governments to timely,
10	accurate, and complete information.
11	"(c) Effectiveness Report.—At the time each na-
12	tional strategy for combating financial crimes is transmit-
13	ted by the President to the Congress (other than the 1st
14	transmission of any such strategy) pursuant to subsection
15	(a), the Secretary shall submit a report containing an eval-
16	uation of the effectiveness of policies to combat money laun-
17	dering and related financial crimes.
18	"(d) Consultations.—In addition to the consulta-
19	tions required under this section with the Attorney General,
20	in developing the national strategy for combating money
21	laundering and related financial crimes, the Secretary shall
22	consult with—
23	"(1) the Board of Governors of the Federal Re-
24	serve System and other Federal banking agencies and
25	the National Credit Union Administration Board;

1	"(2) State and local officials, including State
2	and local prosecutors;
3	"(3) the Securities and Exchange Commission;
4	"(4) the Commodities and Futures Trading
5	Commission;
6	"(5) the Director of the Office of National Drug
7	Control Policy, with respect to money laundering and
8	related financial crimes involving the proceeds of
9	drug trafficking;
10	"(6) the Chief of the United States Postal Inspec-
11	tion Service;
12	"(7) to the extent appropriate, State and local
13	officials responsible for financial institution and fi-
14	nancial market regulation;
15	"(8) any other State or local government author-
16	ity, to the extent appropriate;
17	"(9) any other Federal Government authority or
18	instrumentality, to the extent appropriate; and
19	"(10) representatives of the private financial
20	services sector, to the extent appropriate.
21	"§ 5342. High-risk money laundering and related fi-
22	nancial crime areas
23	"(a) Findings and Purpose.—
24	"(1) Findings.—The Congress finds the follow-
25	ing:

1	"(A) Money laundering and related finan-
2	cial crimes frequently appear to be concentrated
3	in particular geographic areas, financial sys-
4	tems, industry sectors, or financial institutions.
5	"(B) While the Secretary has the respon-
6	sibility to act with regard to Federal offenses
7	which are being committed in a particular local-
8	ity or are directed at a single institution, be-
9	cause modern financial systems and institutions
10	are interconnected to a degree which was not
11	possible until recently, money laundering and
12	other related financial crimes are likely to have
13	local, State, national, and international effects
14	wherever they are committed.
15	"(2) Purpose and objective.—It is the pur-
16	pose of this section to provide a mechanism for des-
17	ignating any area where money laundering or a re-
18	lated financial crime appears to be occurring at a
19	higher than average rate such that—
20	"(A) a comprehensive approach to the prob-
21	lem of such crime in such area can be developed,
22	in cooperation with State and local law enforce-
23	ment agencies, which utilizes the authority of the
24	Secretary to prevent such activity; or

1 "(B) such area can be targeted for law en-2 forcement action.

- 3 "(b) Element of National Strategy.—The des-
- 4 ignation of certain areas as areas in which money launder-
- 5 ing and related financial crimes are extensive or present
- 6 a substantial risk shall be an element of the national strat-
- 7 egy developed pursuant to section 5341(b).
- 8 "(c) Designation of Areas.—
- 9 "(1) Designation by Secretary.—The Sec-10 retary, after taking into consideration the factors 11 specified in subsection (d), shall designate any geo-12 graphical area, industry, sector, or institution in the 13 United States in which money laundering and related 14 financial crimes are extensive or present a substantial 15 risk as a high-risk money laundering and related financial crimes area'. 16
  - "(2) Case-by-case determination in consultation with the attorney general.—In addition to the factors specified in subsection (d), any designation of any area under paragraph (1) shall be made on the basis of a determination by the Secretary, in consultation with the Attorney General, that the particular area, industry, sector, or institution is being victimized by, or is particularly vulner-

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1	able to, money laundering and related financial
2	crimes.
3	"(3) Specific initiatives.—Any head of a de-
4	partment, bureau, or law enforcement agency, includ-
5	ing any State or local prosecutor, involved in the de-
6	tection, prevention, and suppression of money laun-
7	dering and related financial crimes and any State or
8	local official or prosecutor may submit—
9	"(A) a written request for the designation of
10	any area as a high-risk money laundering and
11	related financial crimes area; or
12	"(B) a written request for funding under
13	section 5351 for a specific prevention or enforce-
14	ment initiative, or to determine the extent of fi-
15	nancial criminal activity, in an area.
16	"(d) Factors.—In considering the designation of any
17	area as a high-risk money laundering and related financial
18	crimes area, the Secretary shall, to the extent appropriate
19	and in consultation with the Attorney General, take into
20	account the following factors:
21	"(1) The population of the area.
22	"(2) The number of bank and nonbank financial
23	institution transactions which originate in such area
24	or involve institutions located in such area.

1	"(3) The number of stock or commodities trans-
2	actions which originate in such area or involve insti-
3	tutions located in such area.
4	"(4) Whether the area is a key transportation
5	hub with any international ports or airports or an
6	extensive highway system.
7	"(5) Whether the area is an international center
8	for banking or commerce.
9	"(6) The extent to which financial crimes and fi-
10	nancial crime-related activities in such area are hav-
11	ing a harmful impact in other areas of the country.
12	"(7) The number or nature of requests for infor-
13	mation or analytical assistance which—
14	"(A) are made to the analytical component
15	of the Department of the Treasury; and
16	"(B) originate from law enforcement or reg-
17	ulatory authorities located in such area or in-
18	volve institutions or businesses located in such
19	area or residents of such area.
20	"(8) The volume or nature of suspicious activity
21	reports originating in the area.
22	"(9) The volume or nature of currency trans-
23	action reports or reports of cross-border movements of
24	currency or monetary instruments originating in the
25	area.

1	"(10) Whether, and how often, the area has been
2	the subject of a geographical targeting order.
3	"(11) Observed changes in trends and patterns of
4	money laundering activity.
5	"(12) Unusual patterns, anomalies, growth, or
6	other changes in the volume or nature of core eco-
7	nomic statistics or indicators.
8	"(13) Statistics or indicators of unusual or un-
9	explained volumes of cash transactions.
10	"(14) Unusual patterns, anomalies, or changes
11	in the volume or nature of transactions conducted
12	through financial institutions operating within or
13	outside the United States.
14	"(15) The extent to which State and local gov-
15	ernments and State and local law enforcement agen-
16	cies have committed resources to respond to the finan-
17	cial crime problem in the area and the degree to
18	which the commitment of such resources reflects a de-
19	termination by such government and agencies to ad-
20	dress the problem aggressively.
21	"(16) The extent to which a significant increase
22	in the allocation of Federal resources to combat finan-
23	cial crimes in such area is necessary to provide an
24	adequate State and local response to financial crimes

 $and\ financial\ crime-related\ activities\ in\ such\ area.$ 

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1	"Part 2—Financial Crime-Free Communities
2	Support Program
3	"§ 5351. Establishment of financial crime-free commu-
4	nities support program
5	"(a) Establishment.—The Secretary of the Treas-
6	ury, in consultation with the Attorney General, shall estab-
7	lish a program to support local law enforcement efforts in
8	the development and implementation of a program for the
9	detection, prevention, and suppression of money laundering
10	and related financial crimes.
11	"(b) Program.—In carrying out the program, the
12	Secretary of the Treasury, in consultation with the Attorney
13	General, shall—
14	"(1) make and track grants to grant recipients;
15	"(2) provide for technical assistance and train-
16	ing, data collection, and dissemination of information
17	on state-of-the-art practices that the Director deter-
18	mines to be effective in detecting, preventing, and
19	suppressing money laundering and related financial
20	crimes; and
21	"(3) provide for the general administration of
22	the program.
23	"(c) Administration.—The Secretary shall appoint
24	an administrator to carry out the program.

1	"(d) Contracting.—The Secretary may employ any
2	necessary staff and may enter into contracts or agreements
3	with Federal and State law enforcement agencies to delegate
4	authority for the execution of grants and for such other ac-
5	tivities necessary to carry out this chapter.
6	"§ 5352. Program authorization
7	"(a) Grant Eligibility.—To be eligible to receive an
8	initial grant or a renewal grant under this part, a State
9	or local law enforcement agency or prosecutor shall meet
10	each of the following criteria:
11	"(1) Application.—The State or local law en-
12	forcement agency or prosecutor shall submit an appli-
13	cation to the Secretary in accordance with section
14	5353(a)(2).
15	"(2) Accountability.—The State or local law
16	enforcement agency or prosecutor shall—
17	"(A) establish a system to measure and re-
18	port outcomes—
19	"(i) consistent with common indicators
20	and evaluation protocols established by the
21	Secretary, in consultation with the Attorney
22	General; and
23	"(ii) approved by the Secretary;
24	"(B) conduct biennial surveys (or incor-
25	porate local surveys in existence at the time of

1	the evaluation) to measure the progress and effec-
2	tiveness of the coalition; and
3	"(C) provide assurances that the entity con-
4	ducting an evaluation under this paragraph, or
5	from which the applicant receives information,
6	has experience in gathering data related to
7	money laundering and related financial crimes.
8	"(b) Grant Amounts.—
9	"(1) Grants.—
10	"(A) In general.—Subject to subpara-
11	graph (D), for a fiscal year, the Secretary of the
12	Treasury, in consultation with the Attorney Gen-
13	eral, may grant to an eligible applicant under
14	this section for that fiscal year, an amount deter-
15	mined by the Secretary of the Treasury, in con-
16	sultation with the Attorney General, to be appro-
17	priate.
18	"(B) Suspension of Grants.—If such
19	grant recipient fails to continue to meet the cri-
20	teria specified in subsection (a), the Secretary
21	may suspend the grant, after providing written
22	notice to the grant recipient and an opportunity
23	to appeal.
24	"(C) Renewal grants.—Subject to sub-
25	paragraph (D), the Secretary may award a re-

1	newal grant to a grant recipient under this sub-
2	paragraph for each fiscal year following the fis-
3	cal year for which an initial grant is awarded.
4	"(D) Limitation.—The amount of a grant
5	award under this paragraph may not exceed
6	\$750,000 for a fiscal year.
7	"(2) Grant Awards.—
8	"(A) In general.—Except as provided in
9	subparagraph (B), the Secretary may, with re-
10	spect to a community, make a grant to 1 eligible
11	applicant that represents that community.
12	"(B) Exception.—The Secretary may
13	make a grant to more than 1 eligible applicant
14	that represent a community if—
15	"(i) the eligible coalitions demonstrate
16	that the coalitions are collaborating with
17	one another; and
18	"(ii) each of the coalitions has inde-
19	pendently met the requirements set forth in
20	subsection (a).
21	"(c) Condition Relating to Proceeds of Asset
22	Forfeitures.—
23	"(1) In general.—No grant may be made or
24	renewed under this part to any State or local law en-
25	forcement agency or prosecutor unless the agency or

1	prosecutor agrees to donate to the Secretary of the					
2	Treasury for the program established under this part					
3	any amount received by such agency or prosecut					
4	(after the grant is made) pursuant to any criminal					
5	or civil forfeiture under chapter 46 of title 18, Unite					
6	States Code, or any similar provision of State la					
7	"(2) Scope of application.—Paragraph (1					
8	shall not apply to any amount received by a State or					
9	local law enforcement agency or prosecutor pursuan					
10	to any criminal or civil forfeiture referred to in such					
11	paragraph in excess of the aggregate amount of grants					
12	received by such agency or prosecutor under this part.					
13	3 "(d) Rolling Grant Application Periods.—In e					
14	tablishing the program under this part, the Secretary sha					
15	take such action as may be necessary to ensure, to the extent					
16	practicable, that—					
17	"(1) applications for grants under this part may					
18	be filed at any time during a fiscal year; and					
19	"(2) some portion of the funds appropriated					
20	under this part for any such fiscal year will remain					
21	available for grant applications filed later in the fis-					
22	cal year.					
23	"§ 5353. Information collection and dissemination					
24	with respect to grant recipients					
25	"(a) Applicant and Grantee Information.—					

1	"(1) Application process.—The Secretary					
2	shall issue requests for proposal, as necessary, regard-					
3	ing, with respect to the grants awarded under section					
4	5352, the application process, grant renewal, and sus-					
5	pension or withholding of renewal grants. Each ap-					
6	plication under this paragraph shall be in writing					
7	and shall be subject to review by the Secretary.					
8	"(2) Reporting.—The Secretary shall, to the					
9	maximum extent practicable and in a manner con-					
10	sistent with applicable law, minimize reporting re-					
11	quirements by a grant recipient and expedite any ap-					
12	plication for a renewal grant made under this part.					
13	"(b) Activities of Secretary.—The Secretary					
14	may—					
15	"(1) evaluate the utility of specific initiatives re-					
16	lating to the purposes of the program;					
17	"(2) conduct an evaluation of the program; and					
18	"(3) disseminate information described in this					
19	subsection to—					
20	"(A) eligible State local law enforcement					
21	agencies or prosecutors; and					
22	"(B) the general public.					

1	"§ 5354. Grants for fighting money laundering and re					
2	lated financial crimes					
3	"(a) In General.— After the end of the 1-year period					
4	beginning on the date the 1st national strategy for combat-					
5	ing money laundering and related financial crimes is sub					
6	mitted to the Congress in accordance with section 5341, and					
7	subject to subsection (b), the Secretary may review, select,					
8	and award grants for State or local law enforcement agen-					
9	cies and prosecutors to provide funding necessary to inves-					
10	tigate and prosecute money laundering and related finan-					
11	cial crimes in high-risk money laundering and related fi-					
12	nancial crime areas.					
13	"(b) Special Preference.—Special preference shall					
14	be given to applications submitted to the Secretary which					
15	demonstrate collaborative efforts of 2 or more State and					
16	local law enforcement agencies or prosecutors who have a					
17	history of Federal, State, and local cooperative law enforce-					
18	ment and prosecutorial efforts in responding to such crimi-					
19	nal activity.					
20	"§ 5355. Authorization of appropriations					
21	"There are authorized to be appropriated the following					
22	amounts for the following fiscal years to carry out the pur-					
23	poses of this subchapter:					
	"For fiscal year: The amount authorized is:   1999 \$5,000,000   2000 \$7,500,000   2001 \$10,000,000					

"For fiscal year:	The amount authorized is:
2002	\$12,500,000.
2003	\$15,000,000."

- 1 (b) Clerical Amendment.—The table of subchapters
- 2 for chapter 53 of title 31, United States Code, is amended
- 3 by adding at the end the following item:

"SUBCHAPTER III—MONEY LAUNDERING AND RELATED FINANCIAL CRIMES

"5340. Definitions.

"Part 1—National Money Laundering and Related Financial Crimes Strategy

- "5341. National money laundering and related financial crimes strategy.
- "5342. High-risk money laundering and related financial crime areas.

"Part 2—Financial Crime-Free Communities Support Program

- "5351. Establishment of financial crime-free communities support program.
- "5352. Program authorization.
- "5353. Information collection and dissemination with respect to grant recipients.
- "5354. Grants for fighting money laundering and related financial crimes.
- "5355. Authorization of appropriations.".
- 4 (c) Report and Recommendations.—Before the end
- 5 of the 5-year period beginning on the date the 1st national
- 6 strategy for combating money laundering and related fi-
- 7 nancial crimes is submitted to the Congress pursuant to sec-
- 8 tion 5341(a)(1) of title 31, United States Code (as added
- 9 by section 2(a) of this Act), the Secretary of the Treasury
- 10 shall submit a report to the Committee on Banking and
- 11 Financial Services of the House of Representatives and the
- 12 Committee on Banking, Housing, and Urban Affairs of the
- 13 Senate on the effectiveness of and the need for the designa-
- 14 tion of areas, under section 5342 of title 31, United States
- 15 Code (as added by such section 2(a)), as high-risk money
- 16 laundering and related financial crime areas, together with

- 1 such recommendations for legislation as the Secretary may
- 2 determine to be appropriate to carry out the purposes of
- 3 such section.

# Union Calendar No. 373

105TH CONGRESS H. R. 1756

[Report No. 105-608, Part I]

To amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

July 31, 1998

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