

115TH CONGRESS
2D SESSION

H. R. 6729

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2018

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

AN ACT

To allow nonprofit organizations to register with the Secretary of the Treasury and share information on activities that may involve human trafficking or money laundering with financial institutions and regulatory authorities, under a safe harbor that offers protections from liability, in order to better identify and report potential human trafficking or money laundering activities.

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.**

2 This Act may be cited as the “Empowering Financial
3 Institutions to Fight Human Trafficking Act of 2018”.

4 **SEC. 2. ANTI-MONEY LAUNDERING INFORMATION PRO-**
5 **VIDERS.**

6 (a) IN GENERAL.—Subchapter II of chapter 53 of
7 title 31, United States Code, is amended by adding at the
8 end the following:

9 **“§ 5333. Anti-money laundering information pro-**
10 **viders**

11 “(a) COOPERATION AMONG FINANCIAL INSTITU-
12 TIONS AND SOURCES OF INFORMATION ON HUMAN TRAF-
13 FICKING AND MONEY LAUNDERING.—

14 “(1) IN GENERAL.—Not later than the end of
15 the 120-day period beginning on the date of enact-
16 ment of this section, the Secretary of the Treasury
17 shall issue regulations to allow nonprofit organiza-
18 tions that the Secretary determines to be qualified to
19 share information with financial institutions, asso-
20 ciations of financial institutions, their regulatory au-
21 thorities, and law enforcement agencies regarding in-
22 dividuals, entities, organizations, and countries sus-
23 pected of possible human trafficking or related
24 money laundering activities.

25 “(2) COOPERATION AND INFORMATION SHAR-
26 ING PROCEDURES.—The regulations required under

1 paragraph (1) may include or create procedures for
2 cooperation and information sharing focused on—

3 “(A) matters specifically related to those
4 benefitting directly and indirectly from human
5 trafficking, the means by which human traf-
6 fickers transfer funds within the United States
7 and around the world, and the extent to which
8 financial institutions, including depository insti-
9 tutions, asset managers, and insurers in the
10 United States, are unwittingly involved in such
11 matters or transfers and the extent to which
12 such entities are at risk as a result; and

13 “(B) means of facilitating the identifica-
14 tion of accounts and transactions involving
15 human traffickers and facilitating the exchange
16 of information concerning such accounts and
17 transactions between nonprofit organizations,
18 financial institutions, regulatory authorities,
19 and law enforcement agencies.

20 “(3) METHOD OF REGULATION.—The regula-
21 tions required under paragraph (1) may—

22 “(A) be made coextensive with the regula-
23 tions adopted pursuant to other programs, reg-
24 ulated by the Secretary, for sharing information

1 on unlawful activities between financial institu-
2 tions;

3 “(B) establish a registration process over-
4 seen by the Secretary that—

5 “(i) requires a nonprofit organization
6 to demonstrate that they meet certain
7 qualifications that the Secretary deter-
8 mines appropriate, including the establish-
9 ment of policies and procedures reasonably
10 designed to ensure the prompt identifica-
11 tion and correction of inaccurate informa-
12 tion shared under paragraph (1);

13 “(ii) allows the Secretary to disqualify
14 nonprofit organizations that do not meet
15 such qualifications; and

16 “(iii) allows the Secretary to termi-
17 nate the registration of a nonprofit organi-
18 zation at any point if the Secretary deter-
19 mines such termination is appropriate and
20 provides sufficient notice of such termi-
21 nation to the applicable nonprofit organiza-
22 tion;

23 “(C) require a nonprofit organization to
24 register with the Secretary before sharing infor-

1 mation that will be subject to the safe harbor
2 provided under subsection (b); and

3 “(D) ensure that financial institutions, as-
4 sociations of financial institutions, their regu-
5 latory authorities, law enforcement authorities,
6 and any other appropriate entities are made
7 aware of those nonprofit organizations that are
8 registered with the Secretary.

9 “(4) RECIPIENTS OF INFORMATION.—

10 “(A) IN GENERAL.—The Secretary shall
11 determine those financial institutions which are
12 eligible to be recipients of information from
13 nonprofit organizations made in compliance
14 with the regulations issued under subsection
15 (a). Such eligible financial institutions may in-
16 clude those already participating in existing in-
17 formation sharing programs regulated by the
18 Secretary regarding unlawful activity.

19 “(B) NO SAFE HARBOR FOR INFORMATION
20 PROVIDED TO OTHER FINANCIAL INSTITU-
21 TIONS.—If a nonprofit organization shares in-
22 formation with a financial institution that is not
23 eligible under subparagraph (A), such sharing
24 of information shall not be subject to the safe
25 harbor provided under subsection (b).

1 “(5) INFORMATION SHARING BETWEEN FINAN-
2 CIAL INSTITUTIONS.—The regulations adopted pur-
3 suant to this section—

4 “(A) may be coextensive with other regula-
5 tions governing the sharing of information be-
6 tween financial institutions on suspected unlaw-
7 ful activities; and

8 “(B) shall allow financial institutions that
9 receive information in compliance with the regu-
10 lations issued under subsection (a) to share
11 such information with other financial institu-
12 tions through existing information sharing pro-
13 grams.

14 “(b) SAFE HARBOR FOR INFORMATION PRO-
15 VIDERS.—

16 “(1) IN GENERAL.—A nonprofit organization,
17 financial institution, association of financial institu-
18 tions, regulatory authority of a financial institution,
19 or law enforcement agency in compliance with the
20 regulations issued under subsection (a) that trans-
21 mits or shares information described under sub-
22 section (a) for the purposes of identifying or report-
23 ing activities that may involve human trafficking
24 acts or related money laundering activities shall not
25 be liable to any person under any law or regulation

1 of the United States, any constitution, law, or regu-
2 lation of any State or political subdivision thereof, or
3 under any contract or other legally enforceable
4 agreement (including any arbitration agreement), for
5 such disclosure or for any failure to provide notice
6 of such disclosure to the person who is the subject
7 of such disclosure, or any other person identified in
8 the disclosure, except where such transmission or
9 sharing violates this section or regulations issued
10 pursuant to this section.

11 “(2) NO GOOD FAITH REQUIREMENT.—A non-
12 profit organization, financial institution, association
13 of financial institutions, regulatory authority of a fi-
14 nancial institution, or law enforcement agency that
15 transmits or shares information described under
16 paragraph (1) shall not be required to demonstrate
17 that such transmission or sharing was made on a
18 good faith basis in order to receive the benefit of the
19 safe harbor provided by paragraph (1).

20 “(c) NON-MANDATORY COMPLIANCE WITH THIS
21 SECTION.—This section may not be construed as requir-
22 ing a nonprofit organization to comply with the regula-
23 tions issued under subsection (a) before sharing informa-
24 tion with a financial institution, association of financial

1 institutions, regulatory authority of a financial institution,
2 or law enforcement agency.

3 “(d) REPORTS TO THE FINANCIAL SERVICES INDUS-
4 TRY ON SUSPICIOUS FINANCIAL ACTIVITIES.—Beginning
5 10 months after the date of the enactment of this section,
6 and at least semiannually thereafter, the Secretary of the
7 Treasury shall—

8 “(1) publish a report containing a detailed anal-
9 ysis identifying patterns of suspicious activity and
10 other investigative insights derived from the regula-
11 tions issued under this section and investigations
12 conducted by Federal, State, local, and Tribal law
13 enforcement agencies to the extent appropriate;

14 “(2) distribute such report to financial institu-
15 tions; and

16 “(3) provide such report upon publication to
17 the Committee on Financial Services of the House of
18 Representatives and the Committee on Banking,
19 Housing, and Urban Affairs of the Senate.

20 “(e) NONPROFIT ORGANIZATION DEFINED.—For
21 purposes of this section, the term ‘nonprofit organization’
22 means an organization described in section 501(c)(3) of
23 the Internal Revenue Code of 1986 and exempt from tax-
24 ation under section 501(a) of such Code.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 for chapter 53 of title 31, United States Code, is amended
3 by inserting after the item relating to section 5332 the
4 following:

“5333. Anti-money laundering information providers.”.

Passed the House of Representatives September 26,
2018.

Attest:

KAREN L. HAAS,
Clerk.