

Carl Levin

S.L.C.

3-7-12
7:03p

AMENDMENT NO. _____ Calendar No. _____

Purpose: To authorize special measures against foreign jurisdictions, financial institutions, and others that significantly impede United States tax enforcement.

IN TH	AMENDMENT NO 1818	Sess.
By	<i>Levin</i>	
To	<i>S. 1013</i>	y
Refe	<i>6</i> Page(s)	and

GPO: 2010 63-070 (mac)

AMENDMENT intended to be proposed by Mr. LEVIN (for himself and Mr. CONRAD)

Viz:

1 At the end, add the following:

2 **TITLE _____ —STOP TAX HAVEN**
3 **ABUSE**

4 **SEC. _____ . AUTHORIZING SPECIAL MEASURES**
5 **AGAINST FOREIGN JURISDICTIONS, FINAN-**
6 **CIAL INSTITUTIONS, AND OTHERS THAT SIG-**
7 **NIFICANTLY IMPEDE UNITED STATES TAX**
8 **ENFORCEMENT.**

9 Section 5318A of title 31, United States Code, is
10 amended—

1 (1) by striking the section heading and insert-
2 ing the following:

3 **“§ 5318A. Special measures for jurisdictions, financial**
4 **institutions, or international transactions**
5 **that are of primary money laundering**
6 **concern or significantly impede United**
7 **States tax enforcement”;**

8 (2) in subsection (a), by striking the subsection
9 heading and inserting the following:

10 “(a) SPECIAL MEASURES TO COUNTER MONEY
11 LAUNDERING AND EFFORTS TO SIGNIFICANTLY IMPEDE
12 UNITED STATES TAX ENFORCEMENT.—”;

13 (3) in subsection (c)—

14 (A) by striking the subsection heading and
15 inserting the following:

16 “(c) CONSULTATIONS AND INFORMATION TO BE
17 CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS,
18 TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRI-
19 MARY MONEY LAUNDERING CONCERN OR TO BE SIGNIFI-
20 CANTLY IMPEDING UNITED STATES TAX ENFORCE-
21 MENT.—”; and

22 (B) by inserting at the end of paragraph
23 (2) thereof the following new subparagraph:

24 “(C) OTHER CONSIDERATIONS.—The fact
25 that a jurisdiction or financial institution is co-

1 operating with the United States on imple-
2 menting the requirements specified in chapter 4
3 of the Internal Revenue Code of 1986 may be
4 favorably considered in evaluating whether such
5 jurisdiction or financial institution is signifi-
6 cantly impeding United States tax enforce-
7 ment.”;

8 (4) in subsection (a)(1), by inserting “or is sig-
9 nificantly impeding United States tax enforcement”
10 after “primary money laundering concern”;

11 (5) in subsection (a)(4)—

12 (A) in subparagraph (A)—

13 (i) by inserting “in matters involving
14 money laundering,” before “shall consult”;
15 and

16 (ii) by striking “and” at the end;

17 (B) by redesignating subparagraph (B) as
18 subparagraph (C); and

19 (C) by inserting after subparagraph (A)
20 the following:

21 “(B) in matters involving United States
22 tax enforcement, shall consult with the Commis-
23 sioner of the Internal Revenue, the Secretary of
24 State, the Attorney General of the United
25 States, and in the sole discretion of the Sec-

1 retary, such other agencies and interested par-
2 ties as the Secretary may find to be appro-
3 priate; and”;

4 (6) in each of paragraphs (1)(A), (2), (3), and
5 (4) of subsection (b), by inserting “or to be signifi-
6 cantly impeding United States tax enforcement”
7 after “primary money laundering concern” each
8 place that term appears;

9 (7) in subsection (b), by striking paragraph (5)
10 and inserting the following:

11 “(5) PROHIBITIONS OR CONDITIONS ON OPEN-
12 ING OR MAINTAINING CERTAIN CORRESPONDENT OR
13 PAYABLE-THROUGH ACCOUNTS OR AUTHORIZING
14 CERTAIN PAYMENT CARDS.—If the Secretary finds a
15 jurisdiction outside of the United States, 1 or more
16 financial institutions operating outside of the United
17 States, or 1 or more classes of transactions within
18 or involving a jurisdiction outside of the United
19 States to be of primary money laundering concern or
20 to be significantly impeding United States tax en-
21 forcement, the Secretary, in consultation with the
22 Secretary of State, the Attorney General of the
23 United States, and the Chairman of the Board of
24 Governors of the Federal Reserve System, may pro-
25 hibit, or impose conditions upon—

1 “(A) the opening or maintaining in the
2 United States of a correspondent account or
3 payable-through account; or

4 “(B) the authorization, approval, or use in
5 the United States of a credit card, charge card,
6 debit card, or similar credit or debit financial
7 instrument by any domestic financial institu-
8 tion, financial agency, or credit card company
9 or association, for or on behalf of a foreign
10 banking institution, if such correspondent ac-
11 count, payable-through account, credit card,
12 charge card, debit card, or similar credit or
13 debit financial instrument, involves any such ju-
14 risdiction or institution, or if any such trans-
15 action may be conducted through such cor-
16 respondent account, payable-through account,
17 credit card, charge card, debit card, or similar
18 credit or debit financial instrument.”; and

19 (8) in subsection (c)(1), by inserting “or is sig-
20 nificantly impeding United States tax enforcement”
21 after “primary money laundering concern”;

22 (9) in subsection (c)(2)(A)—

23 (A) in clause (ii), by striking “bank secrecy
24 or special regulatory advantages” and inserting

1 “bank, tax, corporate, trust, or financial secrecy
2 or regulatory advantages”;

3 (B) in clause (iii), by striking “supervisory
4 and counter-money” and inserting “supervisory,
5 international tax enforcement, and counter-
6 money”;

7 (C) in clause (v), by striking “banking or
8 secrecy” and inserting “banking, tax, or se-
9 crecy”; and

10 (D) in clause (vi), by inserting “, tax trea-
11 ty, or tax information exchange agreement”
12 after “treaty”;

13 (10) in subsection (c)(2)(B)—

14 (A) in clause (i), by inserting “or tax eva-
15 sion” after “money laundering”; and

16 (B) in clause (iii), by inserting “, tax eva-
17 sion,” after “money laundering”; and

18 (11) in subsection (d), by inserting “involving
19 money laundering, and shall notify, in writing, the
20 Committee on Finance of the Senate and the Com-
21 mittee on Ways and Means of the House of Rep-
22 resentatives of any such action involving United
23 States tax enforcement” after “such action”.