

117TH CONGRESS
1ST SESSION

S. 3117

To require the Financial Crimes Enforcement Network to issue an advisory about how homegrown violent extremists and other perpetrators of domestic terrorism procure firearms and firearm accessories, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 2021

Mr. MARKEY (for himself, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Ms. WARREN, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To require the Financial Crimes Enforcement Network to issue an advisory about how homegrown violent extremists and other perpetrators of domestic terrorism procure firearms and firearm accessories, 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 “Gun Violence Preven-
5 tion Through Financial Intelligence Act”.

1 **SEC. 2. ADVISORY ON THE PROCUREMENT OF FIREARMS**
2 **AND FIREARM ACCESSORIES.**

3 (a) DEFINITIONS.—In this section:

4 (1) DOMESTIC TERRORISM.—The term “domes-
5 tic terrorism” has the meaning given the term in
6 section 2331 of title 18, United States Code.

7 (2) FINCEN.—The term “FinCEN” means the
8 Financial Crimes Enforcement Network.

9 (3) FINANCIAL INSTITUTION.—The term “fi-
10 nancial institution” has the meaning given the term
11 in section 5312(a) of title 31, United States Code.

12 (4) FIREARM.—The term “firearm” has the
13 meaning given the term in section 921(a) of title 18,
14 United States Code.

15 (b) REQUEST FOR INFORMATION.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, FinCEN shall re-
18 quest information from financial institutions for the
19 purpose of developing an advisory about the identi-
20 fication and reporting of suspicious activity relating
21 to—

22 (A) how homegrown violent extremists and
23 perpetrators of domestic terrorism procure fire-
24 arms and firearm accessories for the purpose of
25 carrying out lone actor or lone wolf acts of ter-
26 ror within the United States; and

1 (B) the ways in which the firearms market
2 in the United States is exploited to facilitate
3 gun violence in the United States.

4 (2) APPLICATION OF SECTION 5318(g) OF
5 TITLE 31.—Section 5318(g) of title 31, United
6 States Code, shall apply to a request for information
7 from a financial institution by FinCEN under para-
8 graph (1) in the same manner that section applies
9 to a requirement by the Secretary of the Treasury
10 of a financial institution to report a suspicious
11 transaction under that section.

12 (3) TAILORING.—In requesting information
13 from a financial institution under paragraph (1),
14 FinCEN shall consider the size of the financial insti-
15 tution and tailor the request accordingly.

16 (4) CONSULTATION.—Before requesting infor-
17 mation from a financial institution under paragraph
18 (1), FinCEN shall consult, with respect to the na-
19 ture of the request, with—

20 (A) the Director of the Federal Bureau of
21 Investigation;

22 (B) the Director of the Bureau of Alcohol,
23 Tobacco, Firearms and Explosives of the De-
24 partment of Justice; and

1 (C) sellers of firearms and firearm acces-
2 sories.

3 (c) ADVISORY.—

4 (1) SUFFICIENT INFORMATION COLLECTED.—
5 Not later than 540 days after the date of enactment
6 of this Act, if FinCEN determines that the informa-
7 tion collected under subsection (b)(1) is sufficient to
8 develop the advisory described in that subsection,
9 FinCEN shall issue the advisory.

10 (2) INSUFFICIENT INFORMATION COL-
11 LECTED.—Not later than 540 days after the date of
12 enactment of this Act, if FinCEN determines that
13 the information collected under subsection (b)(1) is
14 not sufficient to develop the advisory described in
15 that subsection, FinCEN shall submit to the Com-
16 mittee on Banking, Housing, and Urban Affairs of
17 the Senate and the Committee on Financial Services
18 of the House of Representatives a report that de-
19 scribes—

20 (A) the type information collected under
21 subsection (b)(1);

22 (B) the methodology used to collect such
23 information;

24 (C) the degree to which financial institu-
25 tions provided information requested;

1 (D) why such information is not sufficient
2 to develop the advisory described in subsection
3 (b)(1); and

4 (E) any barriers to obtaining the informa-
5 tion that is required to develop the advisory de-
6 scribed in subsection (b)(1).

7 (d) RULEMAKING.—Not later than 90 days after the
8 date of enactment of this Act, FinCEN, in consultation
9 with the Director of the Federal Bureau of Investigation
10 and the Director of the Bureau of Alcohol, Tobacco, Fire-
11 arms and Explosives of the Department of Justice, shall
12 promulgate a rule that defines the following terms for the
13 purpose of this section:

- 14 (1) Firearm accessory.
15 (2) Homegrown violent extremist.
16 (3) Lone wolf.
17 (4) Lone actor.

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