

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2513
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK**

Page 12, starting on line 24, strike “shall” and all that follows through “agency.” and insert the following:
“shall—

1 “(I) protect the privacy of any
2 beneficial ownership information pro-
3 vided by FinCEN to a local, Tribal,
4 State, or Federal law enforcement
5 agency;

6 “(II) ensure that a local, Tribal,
7 State, or Federal law enforcement
8 agency requesting beneficial ownership
9 information has an existing investiga-
10 tory basis for requesting such infor-
11 mation;

12 “(III) ensure that access to bene-
13 ficial ownership information is limited
14 to authorized users at a local, Tribal,
15 State, or Federal law enforcement
16 agency who have undergone appro-

1 appropriate training, and that the identity
2 of such authorized users is verified
3 through appropriate mechanisms,
4 such as two-factor authentication;

5 “(IV) include an audit trail of re-
6 quests for beneficial ownership infor-
7 mation by a local, Tribal, State, or
8 Federal law enforcement agency, in-
9 cluding, as necessary, information
10 concerning queries made by author-
11 ized users at a local, Tribal, State, or
12 Federal law enforcement agency;

13 “(V) require that every local,
14 Tribal, State, or Federal law enforce-
15 ment agency that receives beneficial
16 ownership information from FinCEN
17 conducts an annual audit to verify
18 that the beneficial ownership informa-
19 tion received from FinCEN has been
20 accessed and used appropriately, and
21 consistent with this paragraph; and

22 “(VI) require FinCEN to con-
23 duct an annual audit of every local,
24 Tribal, State, or Federal law enforce-
25 ment agency that has received bene-

1 ficial ownership information to ensure
2 that such agency has requested bene-
3 ficial ownership information, and has
4 used any beneficial ownership infor-
5 mation received from FinCEN, appro-
6 priately, and consistent with this
7 paragraph.”.

Page 17, line 5, strike the semicolon and insert “; or”.

Page 17, line 9, strike “; or” and insert a period.

Page 17, strike lines 10 through 13.

Page 20, line 6, insert before the semicolon the following: “or a savings and loan holding company (as defined in section 10(a) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a))”.

Page 20, line 25, strike “or”.

Page 21, line 5, insert before the semicolon the following: “, or is an investment adviser described under section 203(l) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(1))”.

Page 22, after line 11, insert the following (and redesignate the subsequent clauses accordingly):

1 “(xiv) a financial market utility des-
2 ignated by the Financial Stability Over-
3 sight Council under section 804 of the
4 Dodd-Frank Wall Street Reform and Con-
5 sumer Protection Act;

6 “(xv) an insurance producer (as de-
7 fined in section 334 of the Gramm-Leach-
8 Bliley Act);”.

Page 22, line 25, after “in” insert the following:
“this clause or in”.

Page 23, line 2, strike “or (xiv)” and insert “(xiv),
(xv), or (xvi)”.

Page 30, line 17, strike “and”.

Page 30, after line 19, insert the following:

9 “(C) increases the costs to financial insti-
10 tutions of complying with due diligence require-
11 ments imposed under the Bank Secrecy Act, the
12 USA PATRIOT Act, or other applicable Fed-
13 eral, State, or Tribal law; and”.

Page 31, line 17, after “terms” insert “‘Bank Se-
crecy Act’”.

