



# National Association of Assistant United States Attorneys

*Safeguarding Justice for All Americans*

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November 7, 2022

Senator Chuck Schumer  
Senate Majority Leader  
322 Hart Senate Office Bldg  
Washington D.C. 20002

Representative Nancy Pelosi  
Speaker of the House  
1236 Longworth House Office Bldg

Senator Mitch McConnell  
Senate Minority Leader  
317 Russell Senate Office Bldg  
Washington D.C. 20002

Representative Kevin McCarthy  
House Minority Leader  
2468 Rayburn House Office Bldg

Dear Leader Schumer, Leader McConnell, Speaker Pelosi, and Leader McCarthy:

On behalf of the National Association of Assistant United States Attorneys (NAAUSA), representing the interests of over 6,400 Assistant U.S. Attorneys (AUSAs) working in the 94 U.S. Attorney Offices, I express our strong support for the bipartisan *Establishing New Authorities for Businesses Laundering and Enabling Risks to Security (ENABLERS) Act*, which was filed as an amendment to the National Defense Authorization Act (H.R. 7900) by Senators Whitehouse (D-RI) and Wicker (R-MS) and passed in the House version of the defense bill (House Amendment 416).

Federal prosecutors across the country are witnessing the devastating effects of large-scale human trafficking, drug trafficking, and terrorist activity. These crimes, alongside many others, are made possible by money laundering schemes that make criminal enterprises a profitable venture. Federal prosecutors rely on the leads generated by financial institutions to identify suspects engaging in this activity and begin investigations.

Unfortunately, loopholes in the law allow certain professions to aid these criminal groups in hiding their financial tracks. While the law *already requires* banks and other financial institutions to employ safeguards to ensure money is used for legal purposes and suspicious activity is reported; accountants, lawyers, trust and company service providers, and others are exempt from these requirements. This is a lucrative loophole for illegal actors.

It is increasingly difficult to identify and combat money laundering operations when a small number of enablers are encouraged by federal regulations to turn a blind eye to suspicious activity and avoid reporting red flags. The ENABLERS Act eliminates this loophole and encourages the Financial Crimes Enforcement Network to review additional avenues to impose anti-money laundering safeguards and enforce requirements on certain professions.

This legislation takes the critical step toward encouraging reporting of illicit activity without infringing on attorney-client privilege. It does not violate privilege for attorneys to privately report suspicions of criminal activity. In fact, the ABA already encourages lawyers to notify law enforcement about potential criminal activity.

Overall, this legislation represents a commonsense step toward closing loopholes often used to fund criminal enterprises. As long as drug and human trafficking, as well as other criminal activities, are profitable for transnational criminal organizations, these organizations will continue to engage in this activity. Combatting money laundering is critical to combatting these organization's pernicious effects on our communities.

Transnational criminal enterprises undermine our national and homeland security. They prey on vulnerable community groups and cause widespread economic harm. For these reasons, we urge the Senate to follow in the House's steps and pass the ENABLERS Act in the NDAA. Thank you for considering NAAUSA's perspective, please reach out to our Washington Representative Natalia Castro ([ncastro@shawbransford.com](mailto:ncastro@shawbransford.com)) if we can be of any further assistance on this issue.

Respectfully,

A handwritten signature in black ink, appearing to read "Steven Wasserman". The signature is fluid and cursive, with a large initial "S" and "W".

Steven Wasserman  
President