

In subsection (c), the words “in his discretion” and “upon such terms and conditions as he deems reasonable and just” are omitted as surplus. The word “civil” is added for clarity.

Editorial Notes

REFERENCES IN TEXT

Section 21 of the Federal Deposit Insurance Act, referred to in subsecs. (a)(1) and (f)(1), is classified to section 1829b of Title 12, Banks and Banking.

Section 123 of Public Law 91-508, referred to in subsecs. (a)(1) and (f)(1), is classified to section 1953 of Title 12, Banks and Banking.

The date of enactment of the Anti-Money Laundering Act of 2020, referred to in subsec. (f)(2), is the date of enactment of div. F of Pub. L. 116-283, which was approved Jan. 1, 2021.

Section 6003 of the Anti-Money Laundering Act of 2020, referred to in subsec. (g)(2), is section 6003 of div. F of Pub. L. 116-283, which is set out as a note under section 5311 of this title. Such section 6003 defines terms, including the Bank Secrecy Act, as used in div. F of Pub. L. 116-283.

AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 116-283, § 6403(b)(1)(A), substituted “sections 5314, 5315, and 5336” for “sections 5314 and 5315” in two places.

Subsec. (a)(6). Pub. L. 116-283, § 6403(b)(1)(B), inserted “(except section 5336)” after “subchapter” wherever appearing.

Subsec. (f). Pub. L. 116-283, § 6309, added subsec. (f).

Subsec. (g). Pub. L. 116-283, § 6310(a), added subsec. (g).

2004—Subsec. (a)(5). Pub. L. 108-357 amended heading and text of par. (5) generally, inserting provisions changing the penalties for violating section 5314 of this title and providing a reasonable cause exception.

2001—Subsec. (a)(1). Pub. L. 107-56, §§ 353(a), 365(c)(2)(B)(i), inserted “or nonfinancial trade or business” after “financial institution” in two places, “or order issued” after “subchapter or a regulation prescribed”, and “, or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508,” after “sections 5314 and 5315”.

Subsec. (a)(6). Pub. L. 107-56, § 365(c)(2)(B)(i), inserted “or nonfinancial trade or business” after “financial institution” wherever appearing.

Subsec. (a)(7). Pub. L. 107-56, § 363(a), added par. (7).

1996—Subsec. (a)(7). Pub. L. 104-208 struck out par. (7) which read as follows:

“(7) FINANCIAL INSTITUTION IDENTIFICATION VIOLATIONS.—

“(A) PENALTY AUTHORIZED.—The Secretary may impose a civil money penalty on any person who willfully violates any provision of section 5327 or any regulation prescribed under such section.

“(B) MAXIMUM AMOUNT LIMITATION.—The amount of any civil money penalty imposed under subparagraph (A) shall not exceed \$10,000 per day for each day during which a report remains unfiled or a report containing a material omission or misstatement of fact remains uncorrected.”

1994—Subsec. (a)(4)(A). Pub. L. 103-325, § 411(b), struck out “willfully” before “violates”.

Subsec. (a)(5)(A). Pub. L. 103-322, § 330017(a)(1) and Pub. L. 103-325, § 413(a)(1), amended subpar. (A) identically, inserting “any violation of” after “causing”.

Subsec. (e). Pub. L. 103-325, § 406, added subsec. (e).

1992—Subsec. (a)(4)(C). Pub. L. 102-550, § 1525(b), struck out “under section 5317(d)” after “forfeiture to the United States”.

Subsec. (a)(5)(A). Pub. L. 102-550, § 1535(a)(2), inserted “or any person willfully causing” after “willfully violates”.

Subsec. (a)(6). Pub. L. 102-550, § 1561(a), amended par. (6) generally. Prior to amendment, par. (6) read as follows: “NEGLIGENCE.—The Secretary of the Treasury

may impose a civil money penalty of not more than \$500 on any financial institution which negligently violates any provision of this subchapter or any regulation prescribed under this subchapter.”

Subsec. (a)(7). Pub. L. 102-550, § 1511(b), added par. (7). 1988—Subsec. (a)(1). Pub. L. 100-690 inserted “(if any)” after “transaction”.

1986—Subsec. (a)(1). Pub. L. 99-570, §§ 1356(c)(1), 1357(b), substituted “sections 5314 and 5315” for “section 5315” in two places, substituted “5318(a)(2)” for “5318(2)” in two places, and substituted “the greater of the amount (not to exceed \$100,000) involved in the transaction or \$25,000” for “\$10,000”.

Subsec. (a)(4). Pub. L. 99-570, § 1357(a), added par. (4).

Subsec. (a)(5). Pub. L. 99-570, § 1357(c), added par. (5).

Subsec. (a)(6). Pub. L. 99-570, § 1357(d), added par. (6).

Subsec. (b). Pub. L. 99-570, § 1357(e), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The Secretary may bring a civil action to recover a civil penalty under subsection (a)(1) or (2) of this section that has not been paid.”

Subsec. (c). Pub. L. 99-570, § 1357(h), substituted “subsection (c) or (d) of section 5317” for “section 5317(b)”.

Subsec. (d). Pub. L. 99-570, § 1357(f), added subsec. (d). 1984—Subsec. (a)(1). Pub. L. 98-473 substituted “\$10,000” for “\$1,000”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-357, title VIII, § 821(b), Oct. 22, 2004, 118 Stat. 1586, provided that: “The amendment made by this section [amending this section] shall apply to violations occurring after the date of the enactment of this Act [Oct. 22, 2004].”

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-550, title XV, § 1561(b), Oct. 28, 1992, 106 Stat. 4072, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to violations committed after the date of the enactment of this Act [Oct. 28, 1992].”

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 1357(a) of Pub. L. 99-570, applicable with respect to violations committed after the end of the 3-month period beginning Oct. 27, 1986, see section 1364(b) of Pub. L. 99-570, set out as a note under section 5317 of this title.

Pub. L. 99-570, title I, § 1364(c), Oct. 27, 1986, 100 Stat. 3207-34, provided that: “The amendments made by section 1357 (other than subsection (a) of such section) [amending sections 5321 and 5322 of this title] shall apply with respect to violations committed after the date of the enactment of this Act [Oct. 27, 1986].”

CONSTRUCTION OF 2021 AMENDMENT

Pub. L. 116-283, div. F, title LXIII, § 6310(b), Jan. 1, 2021, 134 Stat. 4595, provided that: “Nothing in the amendment made by subsection (a) [amending this section] shall be construed to limit the application of section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829).”

§ 5322. Criminal penalties

(a) A person willfully violating this subchapter or a regulation prescribed or order issued under this subchapter (except section 5315, 5324, or 5336 of this title or a regulation prescribed under section 5315, 5324, or 5336), or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508, shall be fined not more than \$250,000, or imprisoned for not more than five years, or both.

(b) A person willfully violating this subchapter or a regulation prescribed or order

issued under this subchapter (except section 5315, 5324, or 5336 of this title or a regulation prescribed under section 5315, 5324, or 5336), or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508, while violating another law of the United States or as part of a pattern of any illegal activity involving more than \$100,000 in a 12-month period, shall be fined not more than \$500,000, imprisoned for not more than 10 years, or both.

(c) For a violation of section 5318(a)(2) of this title or a regulation prescribed under section 5318(a)(2), a separate violation occurs for each day the violation continues and at each office, branch, or place of business at which a violation occurs or continues.

(d) A financial institution or agency that violates any provision of subsection (i) or (j) of section 5318, or any special measures imposed under section 5318A, or any regulation prescribed under subsection (i) or (j) of section 5318 or section 5318A, shall be fined in an amount equal to not less than 2 times the amount of the transaction, but not more than \$1,000,000.

(e) A person convicted of violating a provision of (or rule issued under) the Bank Secrecy Act, as defined in section 6003 of the Anti-Money Laundering Act of 2020, shall—

(1) in addition to any other fine under this section, be fined in an amount that is equal to the profit gained by such person by reason of such violation, as determined by the court; and

(2) if the person is an individual who was a partner, director, officer, or employee of a financial institution at the time the violation occurred, repay to such financial institution any bonus paid to the individual during the calendar year in which the violation occurred or the calendar year after which the violation occurred.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1000; Pub. L. 98-473, title II, § 901(b), Oct. 12, 1984, 98 Stat. 2135; Pub. L. 99-570, title I, §§ 1356(c)(1), 1357(g), Oct. 27, 1986, 100 Stat. 3207-24, 3207-26; Pub. L. 102-550, title XV, § 1504(d)(2), Oct. 28, 1992, 106 Stat. 4055; Pub. L. 103-325, title IV, § 411(c)(1), Sept. 23, 1994, 108 Stat. 2253; Pub. L. 107-56, title III, §§ 353(b), 363(b), Oct. 26, 2001, 115 Stat. 323, 332; Pub. L. 116-283, div. F, title LXIII, § 6312(a), title LXIV, § 6403(b)(2), Jan. 1, 2021, 134 Stat. 4596, 4623.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5322(a)	31:1058.	Oct. 26, 1970, Pub. L. 91-508, §§ 205(b)(last sentence related to criminal penalties), 209, 210, 84 Stat. 1120, 1121.
5322(b)	31:1059.	
5322(c)	31:1054(b)(last sentence related to criminal penalties).	

In subsections (a) and (b), the words “(except section 5315 of this title or a regulation prescribed under section 5315)” are added because 31:1141-1143 was not enacted as part of the Currency and Foreign Transactions Reporting Act that is restated in the subchapter.

In subsection (a), the word “prescribed” is added for consistency.

In subsection (b), the words “or a regulation prescribed under this subchapter” are added because of the restatement. The words “committed” and “the commission of” are omitted as surplus. The words “United States” are substituted for “Federal” for consistency in the revised title and with other titles of the United States Code.

In subsection (c), the words “the purposes of both civil and criminal penalties for” are omitted because of the restatement. The word “separate” before “office” is omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

Section 21 of the Federal Deposit Insurance Act, referred to in subsecs. (a) and (b), is classified to section 1829b of Title 12, Banks and Banking.

Section 123 of Public Law 91-508, referred to in subsecs. (a) and (b), is classified to section 1953 of Title 12, Banks and Banking.

Section 6003 of the Anti-Money Laundering Act of 2020, referred to in subsec. (e), is section 6003 of div. F of Pub. L. 116-283, which is set out as a note under section 5311 of this title. Such section 6003 defines terms, including the Bank Secrecy Act, as used in div. F of Pub. L. 116-283.

AMENDMENTS

2021—Subsecs. (a), (b). Pub. L. 116-283, § 6403(b)(2), substituted “section 5315, 5324, or 5336” for “section 5315 or 5324” in two places.

Subsec. (e). Pub. L. 116-283, § 6312(a), added subsec. (e).

2001—Subsec. (a). Pub. L. 107-56, § 353(b)(1), inserted “or order issued” after “willfully violating this subchapter or a regulation prescribed” and “or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508,” after “under section 5315 or 5324”.

Subsec. (b). Pub. L. 107-56, § 353(b)(2), inserted “or order issued” after “willfully violating this subchapter or a regulation prescribed” and “or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508,” after “under section 5315 or 5324”.

Subsec. (d). Pub. L. 107-56, § 363(b), added subsec. (d).

1994—Subsecs. (a), (b). Pub. L. 103-325 inserted “or 5324” after “section 5315” wherever appearing.

1992—Subsec. (a). Pub. L. 102-550 substituted “imprisoned for” for “imprisonment”.

1986—Subsec. (b). Pub. L. 99-570, § 1357(g), substituted “any illegal activity involving” for “illegal activity involving transactions of” and “10 years” for “5 years”.

Subsec. (c). Pub. L. 99-570, § 1356(c)(1), substituted “5318(a)(2)” for “5318(2)” in two places.

1984—Subsec. (a). Pub. L. 98-473, which directed the substitution of “\$250,000, or imprisonment not more than five years, or both” for “\$1,000, or imprisonment not more than one year, or both”, was executed by substituting the quoted wording for “\$1,000, imprisoned for not more than one year, or both” to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 1357(g) of Pub. L. 99-570 applicable with respect to violations committed after Oct. 27, 1986, see section 1364(c) of Pub. L. 99-570, set out as a note under section 5321 of this title.

CONSTRUCTION OF 2021 AMENDMENT

Pub. L. 116-283, div. F, title LXIII, § 6312(b), Jan. 1, 2021, 134 Stat. 4596, provided that: “The amendment made by subsection (a) [amending this section] may not be construed to prohibit a financial institution from requiring the repayment of a bonus paid to a partner, director, officer, or employee if the financial insti-

tution determines that the partner, director, officer, or employee engaged in unethical, but non-criminal, activities.”

§ 5323. Whistleblower incentives and protections

(a) DEFINITIONS.—In this section:

(1) COVERED JUDICIAL OR ADMINISTRATIVE ACTION.—The term “covered judicial or administrative action” means any judicial or administrative action brought by the Secretary of the Treasury (referred to in this section as the “Secretary”) or the Attorney General under this subchapter, chapter 35 or section 4305 or 4312 of title 50, the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), or .,¹ and for conspiracies to violate the aforementioned provisions that results in monetary sanctions exceeding \$1,000,000.

(2) MONETARY SANCTIONS.—The term “monetary sanctions”, when used with respect to any judicial or administrative action—

(A) means any monies, including penalties, disgorgement, and interest, ordered to be paid; and

(B) does not include—

- (i) forfeiture;
- (ii) restitution; or
- (iii) any victim compensation payment.

(3) ORIGINAL INFORMATION.—The term “original information” means information that—

(A) is derived from the independent knowledge or analysis of a whistleblower;

(B) is not known to the Secretary or the Attorney General from any other source, unless the whistleblower is the original source of the information; and

(C) is not exclusively derived from an allegation made in a judicial or administrative hearing, in a governmental report, hearing, audit, or investigation, or from the news media, unless the whistleblower is a source of the information.

(4) RELATED ACTION.—The term “related action”, when used with respect to any covered judicial or administrative action brought by the Secretary or the Attorney General, means any judicial or administrative action brought by an entity described in any of subclauses (I) through (III) of subsection (g)(4)(D)(i) that is based upon the original information provided by a whistleblower pursuant to subsection (b) that led to the successful enforcement of the covered action.

(5) WHISTLEBLOWER.—

(A) IN GENERAL.—The term “whistleblower” means any individual who provides, or 2 or more individuals acting jointly who provide, information relating to a violation of this subchapter, chapter 35 or section 4305 or 4312 of title 50, the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), or .,¹ and for conspiracies to violate the aforementioned provisions to the employer of the individual or individuals, including as part of the job duties of the individual or individuals, or to the Secretary or the Attorney General.

(B) SPECIAL RULE.—Solely for the purposes of subsection (g)(1), the term “whistle-

blower” includes any individual who takes, or 2 or more individuals acting jointly who take, an action described in subsection (g)(1)(A).

(b) AWARDS.—

(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Secretary, under regulations prescribed by the Secretary, in consultation with the Attorney General and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to the employer of the individual, the Secretary, or the Attorney General, as applicable, that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—

(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

(2) PAYMENT OF AWARDS.—

(A) IN GENERAL.—Any amount paid under paragraph (1) shall be paid from the Fund established under paragraph (3).

(B) RELATED ACTIONS.—The Secretary may pay awards less than the amount described in paragraph (1)(A) for related actions in which a whistleblower may be paid by another whistleblower award program.

(3) SOURCE OF AWARDS.—

(A) IN GENERAL.—There shall be established in the Treasury of the United States a revolving fund to be known as the Financial Integrity Fund (referred to in this subsection as the “Fund”).

(B) USE OF FUND.—The Fund shall be available to the Secretary, without further appropriation or fiscal year limitations, only for the payment of awards to whistleblowers as provided in subsection (b).

(C) RESTRICTIONS ON USE OF FUND.—The Fund shall not be available to pay any personnel or administrative expenses.

(4) DEPOSITS AND CREDITS.—

(A) IN GENERAL.—There shall be deposited into or credited to the Fund an amount equal to—

(i) any monetary sanction collected by the Secretary or Attorney General in any judicial or administrative action under this title, chapter 35 or section 4305 or 4312 of title 50, or the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), unless the balance of the Fund at the time the monetary sanction is collected exceeds \$300,000,000; and

(ii) all income from investments made under paragraph (5).

(B) ADDITIONAL AMOUNTS.—If the amounts deposited into or credited to the Fund under subparagraph (A) are not sufficient to satisfy an award made under this subsection, there shall be deposited into or credited to

¹ So in original.