

Editorial Notes

REFERENCES IN TEXT

Section 3 of the Federal Deposit Insurance Act, referred to in subsec. (a)(4)(A), is classified to section 1813 of Title 12, Banks and Banking.

Section 19(b)(1)(C) of the Federal Reserve Act, referred to in subsec. (e)(1)(C), is classified to section 461(b)(1)(C) of Title 12, Banks and Banking.

Section 509 of the Gramm-Leach-Bliley Act, referred to in subsec. (e)(2), is classified to section 6809 of Title 15, Commerce and Trade.

Section 1(a) of the Classified Information Procedures Act, referred to in subsec. (f), is section 1(a) of Pub. L. 96-456, which is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

AMENDMENTS

2006—Subsec. (c)(2)(A)(i). Pub. L. 109-293, § 501(1), substituted “or entities involved in the proliferation of weapons of mass destruction or missiles” for “or both.”

Subsec. (c)(2)(B)(i). Pub. L. 109-293, § 501(2), inserted “, including any money laundering activity by organized criminal groups, international terrorists, or entities involved in the proliferation of weapons of mass destruction or missiles” before semicolon at end.

2004—Pub. L. 108-458, § 6203(e), amended section catchline generally. Prior to amendment, catchline read as follows: “Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern”.

Subsec. (a)(4)(A). Pub. L. 108-458, § 6203(f)(1), substituted “(as defined in section 3 of the Federal Deposit Insurance Act)” for “, as defined in section 3 of the Federal Deposit Insurance Act.”

Subsec. (a)(4)(B)(iii). Pub. L. 108-458, § 6203(f)(2), substituted “class of transactions, or type of account” for “or class of transactions”.

Subsec. (b)(1)(A). Pub. L. 108-458, § 6203(f)(3), substituted “class of transactions, or type of account to be” for “or class of transactions to be”.

Subsec. (e)(3). Pub. L. 108-458, § 6203(f)(4), inserted “or subsection (i) or (j) of section 5318” after “identification of individuals under this section”.

2003—Subsec. (f). Pub. L. 108-177 added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-458 effective as if included in Pub. L. 107-56, as of the date of enactment of such Act, and no amendment made by Pub. L. 107-56 that is inconsistent with such amendment to be deemed to have taken effect, see section 6205 of Pub. L. 108-458, set out as a note under section 1828 of Title 12, Banks and Banking.

DETERMINATION WITH RESPECT TO PRIMARY MONEY LAUNDERING CONCERN OF RUSSIAN ILLICIT FINANCE

Pub. L. 116-283, div. H, title XCVII, § 9714(a)-(e), Jan. 1, 2021, 134 Stat. 4838, as amended by Pub. L. 117-81, div. F, title LXI, § 6106(b)(2), Dec. 27, 2021, 135 Stat. 2387, provided that:

“(a) DETERMINATION.—If the Secretary of the Treasury determines that reasonable grounds exist for concluding that one or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts within, or involving, a jurisdiction outside of the United States is of primary money laundering concern in connection with Russian illicit finance, the Secretary of the Treasury may, by order, regulation, or otherwise as permitted by law—

“(1) require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures described in section 5318A(b) of title 31, United States Code; or

“(2) prohibit, or impose conditions upon, certain transmittals of funds (to be defined by the Secretary) by any domestic financial institution or domestic financial agency, if such transmittal of funds involves any such institution, class of transaction, or type of account.

“(b) CLASSIFIED INFORMATION.—In any judicial review of a finding of the existence of a primary money laundering concern, or of the requirement for 1 or more special measures with respect to a primary money laundering concern made under this section, if the designation or imposition, or both, were based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)), such information may be submitted by the Secretary to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review of any finding made or any requirement imposed under this section.

“(c) AVAILABILITY OF INFORMATION.—The exemptions from, and prohibitions on, search and disclosure provided in section 5319 of title 31, United States Code, shall apply to any report or record of report filed pursuant to a requirement imposed under subsection (a) of this section. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of that section.

“(d) PENALTIES.—The penalties provided for in sections 5321 and 5322 of title 31, United States Code, that apply to violations of special measures imposed under section 5318A of title 31, United States Code, shall apply to violations of any order, regulation, special measure, or other requirement imposed under subsection (a) of this section, in the same manner and to the same extent as described in sections 5321 and 5322.

“(e) INJUNCTIONS.—The Secretary of the Treasury may bring a civil action to enjoin a violation of any order, regulation, special measure, or other requirement imposed under subsection (a) of this section in the same manner and to the same extent as described in section 5320 of title 31, United States Code.”

[Section 9714 of Pub. L. 116-283 consists of subsecs. (a) to (g). Subsecs. (a) to (e) are set out above. Subsecs. (f) and (g), formerly (b) and (c), are not classified to the Code.]

“FEDERAL FUNCTIONAL REGULATOR” INCLUDES COMMODITY FUTURES TRADING COMMISSION

For purposes of Pub. L. 107-56 and any amendment by Pub. L. 107-56, the term “Federal functional regulator” includes the Commodity Futures Trading Commission, see section 321(c) of Pub. L. 107-56, set out as a note under section 5318 of this title.

§ 5319. Availability of reports

The Secretary of the Treasury shall make information in a report filed under this subchapter available to an agency, including any State financial institutions supervisory agency, United States intelligence agency or self-regulatory organization registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission, upon request of the head of the agency or organization. The report shall be available for a purpose that is consistent with this subchapter. The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes or by United States intelligence agencies. However, a report and records of reports are exempt from search and disclosure under section 552 of title 5, and may not be disclosed under any State, local, tribal, or territorial “freedom of information”, “open government”, or similar law.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 999; Pub. L. 102-550, title XV, § 1506, Oct. 28, 1992, 106 Stat. 4055; Pub. L. 107-56, title III, § 358(c), Oct. 26, 2001, 115 Stat. 326; Pub. L. 112-74, div. C, title I, § 119, Dec. 23, 2011, 125 Stat. 891; Pub. L. 116-283, div. F, title LXI, § 6109(b), Jan. 1, 2021, 134 Stat. 4561.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5319	31:1052(j). 31:1061.	Oct. 26, 1970, Pub. L. 91-508, §§ 203(j), 212, 84 Stat. 1120, 1121.

The words “upon such conditions and pursuant to such procedures as he may by regulation prescribe” and “set forth” in 31:1061, and the word “specifically” in 31:1052(j), are omitted as surplus.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 inserted “search and” before “disclosure”.

2011—Pub. L. 112-74 inserted “, and may not be disclosed under any State, local, tribal, or territorial ‘freedom of information’, ‘open government’, or similar law” after “section 552 of title 5”.

2001—Pub. L. 107-56 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “The Secretary of the Treasury shall make information in a report filed under section 5313, 5314, or 5316 of this title available to an agency, including any State financial institutions supervisory agency, on request of the head of the agency. The report shall be available for a purpose consistent with those sections or a regulation prescribed under those sections. The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes. However, a report and records of reports are exempt from disclosure under section 552 of title 5.”

1992—Pub. L. 102-550 substituted “to an agency, including any State financial institutions supervisory agency,” for “to an agency” in first sentence and inserted after second sentence “The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-56 applicable with respect to reports filed or records maintained on, before, or after Oct. 26, 2001, see section 358(h) of Pub. L. 107-56, set out as a note under section 1829b of Title 12, Banks and Banking.

§ 5320. Injunctions

When the Secretary of the Treasury believes a person has violated, is violating, or will violate this subchapter or a regulation prescribed or order issued under this subchapter, the Secretary may bring a civil action in the appropriate district court of the United States or appropriate United States court of a territory or possession of the United States to enjoin the violation or to enforce compliance with the subchapter, regulation, or order. An injunction or temporary restraining order shall be issued without bond.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 999.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5320	31:1057. 31:1143(b)(words before last comma).	Oct. 26, 1970, Pub. L. 91-508, § 208, 84 Stat. 1120. Sept. 21, 1973, Pub. L. 93-110, § 203(b)(words before last comma), 87 Stat. 353.

The words “has violated, is violating, or will violate this subchapter” are substituted for “has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of the provisions of this chapter” in 31:1057 and “failed to submit a report required under any rule or regulation issued under this subchapter or has violated any rule or regulation issued hereunder” in 31:1143(b)(words before last comma) to eliminate unnecessary words. The words “or a regulation prescribed” are added because of the restatement. The words “in his discretion” are omitted as surplus. The word “civil” is added because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The word “possession” is substituted for “other place subject to the jurisdiction” for consistency in the revised title and with other titles of the United States Code. The words “or to enforce compliance with the subchapter, regulation, or order” are substituted for 31:1057(last sentence) and the words “a mandatory injunction commanding such person to comply with such rule or regulation” in 31:1143(b)(words before last comma) to eliminate unnecessary words. The words “and upon a proper showing . . . permanent or” are omitted as surplus.

§ 5321. Civil penalties

(a)(1) A domestic financial institution or non-financial trade or business, and a partner, director, officer, or employee of a domestic financial institution or nonfinancial trade or business, willfully violating this subchapter or a regulation prescribed or order issued under this subchapter (except sections 5314, 5315, and 5336 of this title or a regulation prescribed under sections 5314, 5315, and 5336), or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508, is liable to the United States Government for a civil penalty of not more than the greater of the amount (not to exceed \$100,000) involved in the transaction (if any) or \$25,000. 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.

(2) The Secretary of the Treasury may impose an additional civil penalty on a person not filing a report, or filing a report containing a material omission or misstatement, under section 5316 of this title or a regulation prescribed under section 5316. A civil penalty under this paragraph may not be more than the amount of the monetary instrument for which the report was required. A civil penalty under this paragraph is reduced by an amount forfeited under section 5317(b) of this title.

(3) A person not filing a report under a regulation prescribed under section 5315 of this title or not complying with an injunction under section 5320 of this title enjoining a violation of, or enforcing compliance with, section 5315 or a regulation prescribed under section 5315, is liable to the Government for a civil penalty of not more than \$10,000.