

“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 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.)

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.

AMENDMENTS

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.”

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 and 5315 of this title or a regulation prescribed under sections 5314 and 5315), 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