

**TITLE 31 - MONEY AND FINANCE****SUBTITLE IV - MONEY****CHAPTER 53 - MONETARY TRANSACTIONS****SUBCHAPTER II - RECORDS AND REPORTS ON MONETARY INSTRUMENTS  
TRANSACTIONS****§ 5324. Structuring transactions to evade reporting requirement prohibited**

(a) **Domestic Coin and Currency Transactions Involving Financial Institutions.**— No person shall, for the purpose of evading the reporting requirements of section 5313 (a) or 5325 or any regulation prescribed under any such section, the reporting or recordkeeping requirements imposed by any order issued under section 5326, or the recordkeeping requirements imposed by any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508—

(1) cause or attempt to cause a domestic financial institution to fail to file a report required under section 5313 (a) or 5325 or any regulation prescribed under any such section, to file a report or to maintain a record required by an order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508;

(2) cause or attempt to cause a domestic financial institution to file a report required under section 5313 (a) or 5325 or any regulation prescribed under any such section, to file a report or to maintain a record required by any order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508, that contains a material omission or misstatement of fact; or

(3) structure or assist in structuring, or attempt to structure or assist in structuring, any transaction with one or more domestic financial institutions.

(b) **Domestic Coin and Currency Transactions Involving Nonfinancial Trades or Businesses.**— No person shall, for the purpose of evading the report requirements of section 5331 or any regulation prescribed under such section—

(1) cause or attempt to cause a nonfinancial trade or business to fail to file a report required under section 5331 or any regulation prescribed under such section;

(2) cause or attempt to cause a nonfinancial trade or business to file a report required under section 5331 or any regulation prescribed under such section that contains a material omission or misstatement of fact; or

(3) structure or assist in structuring, or attempt to structure or assist in structuring, any transaction with 1 or more nonfinancial trades or businesses.

(c) **International Monetary Instrument Transactions.**— No person shall, for the purpose of evading the reporting requirements of section 5316—

(1) fail to file a report required by section 5316, or cause or attempt to cause a person to fail to file such a report;

(2) file or cause or attempt to cause a person to file a report required under section 5316 that contains a material omission or misstatement of fact; or

(3) structure or assist in structuring, or attempt to structure or assist in structuring, any importation or exportation of monetary instruments.

(d) **Criminal Penalty.**—

(1) **In general.**— Whoever violates this section shall be fined in accordance with title 18, United States Code, imprisoned for not more than 5 years, or both.

(2) **Enhanced penalty for aggravated cases.**— Whoever violates this section 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 twice the amount provided in subsection (b)(3) or

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(c)(3) (as the case may be) of section 3571 of title 18, United States Code, imprisoned for not more than 10 years, or both.

(Added Pub. L. 99–570, title I, § 1354(a), Oct. 27, 1986, 100 Stat. 3207–22; amended Pub. L. 102–550, title XV, §§ 1517(a), 1525 (a), 1535 (a)(1), Oct. 28, 1992, 106 Stat. 4059, 4064, 4066; Pub. L. 103–322, title XXXIII, § 330017(a)(2), Sept. 13, 1994, 108 Stat. 2149; Pub. L. 103–325, title IV, §§ 411(a), 413 (a)(2), Sept. 23, 1994, 108 Stat. 2253, 2254; Pub. L. 107–56, title III, §§ 353(c), 365 (b)(1), (2)(A), Oct. 26, 2001, 115 Stat. 323, 334, 335; Pub. L. 108–458, title VI, § 6203(g), Dec. 17, 2004, 118 Stat. 3747.)

## References in Text

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

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

## Amendments

2004—Subsec. (b). Pub. L. 108–458 substituted “5331” for “5333” wherever appearing.

2001—Subsec. (a). Pub. L. 107–56, §§ 353(c)(1), (2), 365 (b)(2)(A), inserted “Involving Financial Institutions” after “Transactions” in heading, and in introductory provisions, inserted comma after “No person shall” and substituted “section, the reporting or recordkeeping requirements imposed by any order issued under section 5326, or the recordkeeping requirements imposed by any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508—” for “section—”.

Subsec. (a)(1). Pub. L. 107–56, § 353(c)(3), inserted “, to file a report or to maintain a record required by an order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508” before semicolon at end.

Subsec. (a)(2). Pub. L. 107–56, § 353(c)(4), inserted “, to file a report or to maintain a record required by any order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,” after “regulation prescribed under any such section”.

Subsecs. (b) to (d). Pub. L. 107–56, § 365(b)(1), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1994—Subsec. (a). Pub. L. 103–322, § 330017(a)(2) and Pub. L. 103–325, § 413(a)(2), amended subsec. (a), introductory provisions, identically, substituting “section 5313 (a) or 5325 or any regulation prescribed under any such section” for “section 5313 (a), section 5325, or the regulations issued thereunder or section 5325 or regulations prescribed under such section 5325” and striking out “with respect to such transaction” before dash.

Subsec. (a)(1), (2). Pub. L. 103–322, § 330017(a)(2)(A) and Pub. L. 103–325, § 413(a)(2)(A), amended pars. (1) and (2) identically, substituting “section 5313 (a) or 5325 or any regulation prescribed under any such section” for “section 5313 (a), section 5325, or the regulations issued thereunder or section 5325 or regulations prescribed under such section 5325”.

Subsec. (c). Pub. L. 103–325, § 411(a), added subsec. (c).

1992—Pub. L. 102–550, § 1525(a)(1), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 102–550, §§ 1517(a), 1535 (a)(1), inserted the following duplicative provisions “or section 5325 or regulations prescribed under such section 5325” and “, section 5325, or the regulations issued thereunder” after “section 5313 (a)” wherever appearing.

## 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.

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*NB: This unofficial compilation of the U.S. Code is current as of Jan. 2, 2006 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

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### **Effective Date**

Section 1364(a) of Pub. L. 99-570 provided that: "The amendment made by section 1354 [enacting this section] shall apply with respect to transactions for the payment, receipt, or transfer of United States coins or currency or other monetary instruments completed after the end of the 3-month period beginning on the date of the enactment of this Act [Oct. 27, 1986]."