

(Added Pub. L. 97-452, §1(18)(A), Jan. 12, 1983, 96 Stat. 2477, §3906; renumbered §3907, Pub. L. 100-496, §9(a)(1), Oct. 17, 1988, 102 Stat. 2460.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 3906(a), 3906(b), and 3906(c).

In the section, the words "be construed to" are omitted as surplus.

In subsection (a), the words "not paid under this chapter" are substituted for "which a Federal agency has failed to pay in accordance with the requirements of section 2 or 3 of this chapter" to eliminate unnecessary words.

In subsection (b)(2), the word "accruing" is added for clarity. The word "both" is omitted as surplus.

In subsection (c), the words "with respect to disputes concerning discounts", "by the required payment date", and "other allegations concerning" are omitted as surplus.

REFERENCES IN TEXT

The Contract Disputes Act of 1978, referred to in subsecs. (b)(1)(A) and (c), is Pub. L. 95-563, Nov. 1, 1978, 92 Stat. 2383, as amended, which is classified principally to chapter 9 (§ 601 et seq.) of Title 41, Public Contracts. For complete classification of this Act to the Code see Short Title note set out under section 601 of Title 41 and Tables.

AMENDMENTS

1988—Pub. L. 100-496 renumbered section 3906 of this title as this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3902 of this title.

SUBTITLE IV—MONEY

Table with 2 columns: Chap., Sec. Rows include 51. Coins and Currency and 53. Monetary Transactions.

CHAPTER 51—COINS AND CURRENCY

SUBCHAPTER I—MONETARY SYSTEM

- Sec. 5101. Decimal system.
5102. Standard weight.
5103. Legal tender.

SUBCHAPTER II—GENERAL AUTHORITY

- 5111. Minting and issuing coins, medals, and numismatic items.
5112. Denominations, specifications, and design of coins.
5113. Tolerances and testing of coins.
5114. Engraving and printing currency and security documents.
5115. United States currency notes.
5116. Buying and selling gold and silver.
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5118. Gold clauses and consent to sue.
5119. Redemption and cancellation of currency.
5120. Obsolete, mutilated, and worn coins and currency.
5121. Refining, assaying, and valuation of bullion.
5122. Payment to depositors.

SUBCHAPTER III—UNITED STATES MINT

- 5131. Organization.
5132. Administrative.

- Sec. 5133. Settlement of accounts.
5134. Numismatic Public Enterprise Fund.
5135. Numismatic Public Enterprise Fund.
5136. United States Mint Public Enterprise Fund.

SUBCHAPTER IV—BUREAU OF ENGRAVING AND PRINTING

- 5141. Operation of the Bureau.
5142. Bureau of Engraving and Printing Fund.
5143. Payment for services.
5144. Providing impressions of portraits and vignettes.

SUBCHAPTER V—MISCELLANEOUS

- 5151. Conversion of currency of foreign countries.
5152. Value of United States money holdings in international institutions.
5153. Counterfeit currency.
5154. State taxation.
5155. Providing engraved plates of portraits of deceased members of Congress.

AMENDMENTS

1992—Pub. L. 102-390, title II, §§221(d), 225(b)(6), 229(b), Oct. 6, 1992, 106 Stat. 1629, 1630, 1632, substituted "UNITED STATES MINT" for "BUREAU OF THE MINT" in subchapter III heading and added items 5134 and 5135.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 2 section 802.

SUBCHAPTER I—MONETARY SYSTEM

§ 5101. Decimal system

United States money is expressed in dollars, dimes or tenths, cents or hundredths, and mills or thousandths. A dime is a tenth of a dollar, a cent is a hundredth of a dollar, and a mill is a thousandth of a dollar.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 980.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 5101 and 31:371.

The word "money" is substituted for "money of account" to eliminate unnecessary words. As far as can be determined, the phrase "money of account" has not been interpreted by any court or Government agency. The phrase was used by Alexander Hamilton in his "Report on the Establishment of the Mint" (1791). In that Report, Hamilton propounded 6 questions, including:

1st. What ought to be the nature of the money unit of the United States?

Thereafter, Hamilton uses the phrases "money unit of the United States" and "money of account" interchangeably and in the sense that the phrases are used to denote the monetary system for keeping financial accounts. In short, the phrases simply indicate that financial accounts are to be based on a decimal money system:

... and it is certain that nothing can be more simple and convenient than the decimal subdivisions. There is every reason to expect that the method will speedily grow into general use, when it shall be seconded by corresponding coins. On this plan the unit in the money of account will continue to be, as established by that resolution [of August 8, 1786], a dollar, and its multiples, dimes, cents, and mills, or tenths, hundredths, [sic] and thousands.

1 So in original. Does not conform to section catchline.

2 Editorially supplied. Section added by Pub. L. 104-52 without corresponding amendment of chapter analysis.

3 So in original. Probably should be hundredths."

Thus, the phrase “money of account” did not mean, by itself, that dollars or fractions of dollars must be equal to something having intrinsic or “substantive” value. This concept is supported by earlier writings of Thomas Jefferson in his “Notes on the Establishment of a Money Unit, and of a Coinage for the United States” (1784), and the 1782 report to the President of the Continental Congress on the coinage of the United States by the Superintendent of Finances, Robert Morris, which was apparently prepared by the Assistant Superintendent, Gouverneur Morris. See Paul L. Ford, *The Writings of Thomas Jefferson*, vol. III (G.P. Putnam’s Sons, 1894) pp. 446-457; William G. Sumner, *The Financier and the Finances of the American Revolution*, vol. II (Burt Franklin, 1891, reprinted 1970) pp. 36-47; and George T. Curtis, *History of the Constitution*, vol. I (Harper and Brothers, 1859) p. 443, n2. The words “or units” and “and all accounts in the public offices and all proceedings in the courts shall be kept and had in conformity to this regulation” are omitted as surplus.

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-329, §1(a), Oct. 20, 1996, 110 Stat. 4005, provided that: “This Act [amending sections 5131 and 5135 of this title and enacting provisions set out as notes under this section, sections 5112 and 5135 of this title, and section 431 of Title 16, Conservation] may be cited as the ‘United States Commemorative Coin Act of 1996’.”

Pub. L. 104-329, title III, §301, Oct. 20, 1996, 110 Stat. 4012, provided that: “This title [amending sections 5131 and 5135 of this title and enacting provisions set out as notes under sections 5112 and 5135 of this title] may be cited as the ‘50 States Commemorative Coin Program Act’.”

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-390, title II, §201, Oct. 6, 1992, 106 Stat. 1624, provided that: “This title [enacting sections 5134 and 5135 of this title, amending sections 304, 5111, 5112, 5119, 5131, and 5132 of this title and section 709 of Title 18, Crimes and Criminal Procedure, enacting provisions set out as notes under sections 5132 and 5134 of this title, amending provisions set out as notes under section 5112 of this title, and repealing provisions set out as a note under section 5112 of this title] may be cited as the ‘United States Mint Reauthorization and Reform Act of 1992’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-585, §1, Nov. 15, 1990, 104 Stat. 2874, provided that: “This Act [amending section 5132 of this title] may be cited as the ‘Silver Coin Proof Sets Act’.”

§ 5102. Standard weight

The standard troy pound of the National Institute of Standards and Technology of the Department of Commerce shall be the standard used to ensure that the weight of United States coins conforms to specifications in section 5112 of this title.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 980; Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5102 .....	31:364.	R.S. § 3548; restated Mar. 4, 1911, ch. 268, §1, 36 Stat. 1354.

The words “National Bureau of Standards of the Department of Commerce” are substituted for “Bureau of Standards of the United States” because of 15:1511. The words “troy pound of the mint of the United States, conformably to which the coinage thereof shall be reg-

ulated” are omitted as unnecessary because of the restatement. The word “ensure” is substituted for “securing” as being more precise. The words “specifications in section 5112 of this title” are substituted for “the provisions of the laws relating to coinage” because of the restatement.

AMENDMENTS

1988—Pub. L. 100-418 substituted “National Institute of Standards and Technology” for “National Bureau of Standards”.

§ 5103. Legal tender

United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes, and dues. Foreign gold or silver coins are not legal tender for debts.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 980; Pub. L. 97-452, §1(19), Jan. 12, 1983, 96 Stat. 2477.)

HISTORICAL AND REVISION NOTES  
1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5103 .....	31:392. 31:456.	July 23, 1965, Pub. L. 89-81, §102, 79 Stat. 255. R.S. §3584.

The words “All . . . regardless of when coined or issued” are omitted as unnecessary because of the restatement. The word “debts” is substituted for “debts, public and private” to eliminate unnecessary words. The words “public charges, taxes, duties, and dues” are omitted as included in “debts”.

1983 ACT

This restores to 31:5103 the reference to public charges, taxes, and dues because they are not considered to be debts. See, *Hagar v. Reclamation District No. 108*, 111 U.S. 701, 706 (1884).

AMENDMENTS

1983—Pub. L. 97-452 inserted “, public charges, taxes, and dues” after “all debts”.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment effective Sept. 13, 1982, see section 2(i) of Pub. L. 97-452, set out as a note under section 3331 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5112, 5132 of this title.

SUBCHAPTER II—GENERAL AUTHORITY

§ 5111. Minting and issuing coins, medals, and numismatic items

(a) The Secretary of the Treasury—

(1) shall mint and issue coins described in section 5112 of this title in amounts the Secretary decides are necessary to meet the needs of the United States;

(2) may prepare national medal dies and strike national and other medals if it does not interfere with regular minting operations but may not prepare private medal dies;

(3) may prepare and distribute numismatic items; and

(4) may mint coins for a foreign country if the minting does not interfere with regular minting operations, and shall prescribe a

charge for minting the foreign coins equal to the cost of the minting (including labor, materials, and the use of machinery).

(b) The Department of the Treasury has a coinage metal fund and a coinage profit fund. The Secretary may use the coinage metal fund to buy metal to mint coins. The Secretary shall credit the coinage profit fund with the amount by which the nominal value of the coins minted from the metal exceeds the cost of the metal. The Secretary shall charge the coinage profit fund with waste incurred in minting coins and the cost of distributing the coins, including the cost of coin bags and pallets. The Secretary shall deposit in the Treasury as miscellaneous receipts excess amounts in the coinage profit fund.

(c) **PROCUREMENTS RELATING TO COIN PRODUCTION.**—

(1) **IN GENERAL.**—The Secretary may make contracts, on conditions the Secretary decides are appropriate and are in the public interest, to acquire articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) necessary to produce the coins referred to in this title.

(2) **DOMESTIC CONTROL OF COINAGE.**—(A) Subject to subparagraph (B), in order to protect the national security through domestic control of the coinage process, the Secretary shall acquire only such articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) for the production of coins as have been produced or manufactured in the United States unless the Secretary determines it to be inconsistent with the public interest, or the cost to be unreasonable, and publishes in the Federal Register a written finding stating the basis for the determination.

(B) Subparagraph (A) shall apply only in the case of a bid or offer from a supplier the principal place of business of which is in a foreign country which does not accord to United States companies the same competitive opportunities for procurements in connection with the production of coins as it accords to domestic companies.

(3) **DETERMINATION.**—

(A) **IN GENERAL.**—Any determination of the Secretary referred to in paragraph (2) shall not be reviewable in any administrative proceeding or court of the United States.

(B) **OTHER RIGHTS UNAFFECTED.**—This paragraph does not alter or annul any right of review that arises under any provision of any law or regulation of the United States other than paragraph (2).

(4) Nothing in paragraph (2) of this subsection in any way affects the procurement by the Secretary of gold and silver for the production of coins by the United States Mint.

(d)(1) The Secretary may prohibit or limit the exportation, melting, or treatment of United States coins when the Secretary decides the prohibition or limitation is necessary to protect the coinage of the United States.

(2) A person knowingly violating an order or license issued or regulation prescribed under

paragraph (1) of this subsection, shall be fined not more than \$10,000, imprisoned not more than 5 years, or both.

(3) Coins exported, melted, or treated in violation of an order or license issued or regulation prescribed, and metal resulting from the melting or treatment, shall be forfeited to the United States Government. The powers of the Secretary and the remedies available to enforce forfeitures are those provided in part II of subchapter C of chapter 75 of the Internal Revenue Code of 1954<sup>1</sup> (26 U.S.C. 7321 et seq.).

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 980; Pub. L. 100-274, §3, Mar. 31, 1988, 102 Stat. 49; Pub. L. 102-390, title II, §222, Oct. 6, 1992, 106 Stat. 1629.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5111(a)(1)	31:272. 31:275.  31:322. 31:342.  31:345.  31:353.  31:391(a).	R.S. §3503. R.S. §3509; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384. R.S. §3516. June 4, 1897, ch. 2, §1(1st par. under heading "Recoinage, Reissue, and Transportation of Minor Coins"), 30 Stat. 27. R.S. §3532; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384. R.S. §3540; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384. July 23, 1965, Pub. L. 89-81, §101(a), 79 Stat. 254; restated Dec. 31, 1970, Pub. L. 91-607, §201, 84 Stat. 1768.
5111(a)(2)	31:368.	R.S. §3551; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384.
5111(a)(3)	31:324h.	Oct. 18, 1973, Pub. L. 93-127, §5, 87 Stat. 456.
5111(a)(4)	31:367.	Jan. 29, 1874, ch. 19, 18 Stat. 6.
5111(b) .....	31:340.	R.S. §3528; Apr. 24, 1906, ch. 1861, 34 Stat. 132; Dec. 2, 1918, ch. 1, 40 Stat. 1051; Aug. 14, 1937, ch. 631, 50 Stat. 647; June 21, 1941, ch. 213, 55 Stat. 255; June 30, 1954, ch. 427, 68 Stat. 336; July 9, 1956, ch. 535, §1, 70 Stat. 518; restated July 23, 1965, Pub. L. 89-81, §206(a), 79 Stat. 256.
5111(c) .....	31:393(a).	July 23, 1965, Pub. L. 89-81, §§103(a), 105, 106, 79 Stat. 255.
5111(d) .....	31:395, 396.	

In subsection (a)(1), the words "coins described in" are substituted for "coins of the denominations set forth in" in 31:391(a) because of the restatement. The text of 31:253, 272, and 345(1st sentence) is omitted as superseded by the source provisions restated in section 321(c) of the revised title. The text of 31:275, 322, 342, 345(last sentence), and 353 is omitted as unnecessary because of the restatement.

In subsection (a)(2), the words "Secretary of the Treasury" are substituted for "engraver" and "superintendent of coining department of the mint at Philadelphia" because of the source provisions restated in section 321(c) of the revised title. The words "under such regulations as the superintendent, with the approval of the Director of the Mint, may prescribe" are omitted as unnecessary because of section 321(b) of the revised title. The words "national medal dies" are sub-

<sup>1</sup> See References in Text note below.

stituted for “Dies of a national character” for clarity. The words “or the machinery or apparatus thereof be used for that purpose” are omitted as unnecessary because of the restatement.

In subsection (a)(3), the words “numismatic items” are retained and used throughout the revised title to apply to medals, proof coins, uncirculated coins, numismatic accessories, and other numismatic items to eliminate unnecessary words and for consistency. The words “In connection with the operations of the Bureau of the Mint” are omitted as unnecessary because of the restatement. The text of 31:324h(last sentence) is omitted as unnecessary because of the source provisions restated in section 5132(a) of the revised title.

In subsection (a)(4), the words “may mint” are substituted for “It shall be lawful for coinage to be executed” in 31:367, and the words “regular minting operations” are substituted for “required coinage of the United States”, for consistency in the revised section. The words “at the mints of the United States” and “according to the legally prescribed standards and devices of such country” are omitted as unnecessary because of the restatement. The words “The Secretary of the Treasury . . . shall prescribe a charge” are substituted for “the charge . . . to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury” because of the source provisions restated in section 321(c) of the revised title. The words “minting the foreign coins” are substituted for “the same”, for clarity. The words “under such regulations as the Secretary of the Treasury may prescribe” are omitted as unnecessary because of section 321(b) of the revised title.

In subsection (b), the first sentence is added for clarity and because of the restatement. The words “amount by which the nominal value of the coins minted from the metal exceeds the cost of the metal” are substituted for “gain arising from the coinage of metals purchased out of such fund into coin of a nominal value exceeding the cost of such metals” to eliminate unnecessary words. The words “The Secretary shall deposit in the Treasury as miscellaneous receipts excess amounts in the coinage profit fund” are substituted for “such sums as shall from time to time be transferred therefrom to the general fund of the Treasury” for clarity and for consistency in the revised title.

In subsection (c), the words “metallic strip” are omitted as being included in “materials”, and the word “terms” is omitted as being included in “conditions”.

In subsection (d)(1), the words “prohibit or limit” are substituted for “prohibit, curtail, or regulate” because of the restatement and to eliminate unnecessary words. The words “prohibition or limitation” are substituted for “such action” because of the restatement. The words “under such rules and regulations as he may prescribe” are omitted as unnecessary because of section 321(b) of the revised title.

In subsection (d)(2), the word “person” is substituted for “Whoever” for consistency in the revised title.

In subsection (d)(3), the words “and his delegates” are omitted as unnecessary because of the power of the Secretary to delegate under section 321(b) of the revised title. The word “remedies” is substituted for “judicial and other remedies available to the United States” to eliminate unnecessary words. The words “of property subject to forfeiture pursuant to subsection (a) of this section” and “for the enforcement of forfeitures of property subject to forfeiture under any provision of title 26” are omitted as unnecessary because of the restatement.

#### REFERENCES IN TEXT

The Internal Revenue Code of 1954, referred to in subsection (d)(3), was redesignated the Internal Revenue Code of 1986 by Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095, and is classified generally to Title 26, Internal Revenue Code.

#### AMENDMENTS

1992—Subsec. (b). Pub. L. 102-390 inserted “, including the cost of coin bags and pallets” after “distributing the coins” in fourth sentence.

1988—Subsec. (c). Pub. L. 100-274 inserted heading and amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Secretary may make contracts on conditions the Secretary decides are appropriate and in the public interest to acquire equipment, manufacturing facilities, patents, patent rights, technical knowledge and assistance, and materials necessary to produce rapidly an adequate supply of coins referred to in section 5112(a)(1)–(4) of this title.”

#### TERMINATION OF COINAGE PROFIT FUND AND COINAGE METAL FUND

All assets and liabilities of Coinage Profit Fund and Coinage Metal Fund transferred to United States Mint Public Enterprise Fund and both coinage funds to cease to exist as separate funds as their activities and functions are subsumed under and subject to United States Mint Public Enterprise Fund, see section 5136 of this title.

#### CONGRESSIONAL MEDALS FOR CIVILIAN PARTICIPANTS IN DEFENSE OF PEARL HARBOR

Pub. L. 104-201, div. A, title X, §1066, Sept. 23, 1996, 110 Stat. 2654, authorized Speaker of the House and President pro tempore of the Senate, retroactive to Nov. 5, 1990, to present to civilians who defended Pearl Harbor, a bronze medal, previously authorized under Pub. L. 101-510, §1492 [see note below] only for military participants, commemorating their service to their country, and provided for appropriations, certification of eligibility by the Secretary of Defense, application of section 1492(d)(2), (f) of Pub. L. 101-510 in the administration of this award, and striking of additional medals.

#### AWARD OF GOLD MEDAL TO BILLY AND RUTH GRAHAM

Pub. L. 104-111, Feb. 13, 1996, 110 Stat. 772, authorized design and striking of gold medal for presentation by Congress to Billy and Ruth Graham, in recognition of their outstanding and enduring contributions toward faith, morality, and charity, authorized Secretary of the Treasury to accept gifts or donations to finance such medal in lieu of congressional appropriation and to strike and sell bronze duplicates of gold medal as prescribed by regulation, and provided that gold and bronze medals are national medals for purposes of this chapter and numismatic items for purposes of section 5134 of this title.

#### AWARD OF GOLD MEDAL TO RABBI MENACHEM MENDEL SCHNEERSON

Pub. L. 103-457, Nov. 2, 1994, 108 Stat. 4799, authorized President to present on behalf of Congress, a gold medal to the Lubavitcher rebbe, Rabbi Menachem Mendel Schneerson, in recognition of his outstanding and enduring contributions toward world education, morality, and acts of charity, directed Secretary of the Treasury to strike a gold medal with suitable emblems, devices, and inscriptions, provided that gifts or donations but not appropriations were to be used for this purpose, authorized Secretary to have bronze duplicates of the medals coined and sold as prescribed by regulation, and provided that the medals are national medals for purposes of chapter 51 of this title.

#### THOMAS JEFFERSON MEDALS

Pub. L. 102-479, Oct. 23, 1992, 106 Stat. 2308, authorized President to present, on behalf of Congress, to a representative of the American Philosophical Society a gold Thomas Jefferson Medal to commemorate the 250th anniversary of the founding of the American Philosophical Society and of the birth of Thomas Jefferson, directed Secretary of the Treasury to strike the gold medal and 50 bronze duplicate medals to be presented by the American Philosophical Society to persons of

scholarly achievement, provided for payment for the medals and general waiver of procurement regulations, and provided that the medals are national medals for purposes of chapter 51 of this title.

**BENJAMIN FRANKLIN NATIONAL MEMORIAL COMMEMORATIVE MEDAL AND FIRE SERVICE BILL OF RIGHTS**

Pub. L. 102-406, Oct. 12, 1992, 106 Stat. 1986, set forth a fire service bill of rights, directed Secretary of the Treasury to issue not more than 1,500,000 medals commemorating Benjamin Franklin's contributions to the American Fire Service, provided for the design, sale, and marketing of the medals, sources of bullion therefor, termination of authority to mint these medals after June 30, 1994, general waiver of procurement regulations, distribution of surcharges, audits by Comptroller General, and financial assurances, and provided that the medals are national medals for purposes of chapter 51 of this title.

**SILVER CONGRESSIONAL COMMEMORATIVE MEDAL FOR VETERANS OF PERSIAN GULF CONFLICT**

Pub. L. 102-281, title III, May 13, 1992, 106 Stat. 137, as amended by Pub. L. 103-328, title II, § 203, Sept. 29, 1994, 108 Stat. 2369, directed Secretary of the Treasury to design and strike a silver medal for presentation to eligible members of the United States Armed Forces who served in a combat zone in connection with the Persian Gulf conflict, directed Secretary of Defense to develop a list of eligible individuals and to distribute the medals, provided that Secretary of the Treasury could have bronze duplicates of the medals coined and sold as prescribed by regulation, authorized the general waiver of procurement regulations, provided for financial assurances, and provided that the silver and bronze medals are national medals for purposes of chapter 51 of this title.

**AWARD OF GOLD MEDAL TO GENERAL COLIN L. POWELL**

Pub. L. 102-33, Apr. 23, 1991, 105 Stat. 177, authorized President to present, on behalf of Congress, a gold medal to General Colin L. Powell in recognition of his exemplary performance as a military leader and adviser to the President in planning and coordinating the military response of the United States to the Iraqi invasion of Kuwait and the ultimate retreat and defeat of Iraqi forces and Iraqi acceptance of all United Nations Resolutions relating to Kuwait, directed Secretary of the Treasury to strike a gold medal with suitable emblems, devices, and inscriptions, provided that Secretary could have bronze duplicates of the medals coined and sold as prescribed by regulation, provided that the gold and bronze medals are national medals for purposes of chapter 51 of this title, authorized appropriations, and provided for disposition of proceeds of sales.

**AWARD OF GOLD MEDAL TO GENERAL H. NORMAN SCHWARZKOPF**

Pub. L. 102-32, Apr. 23, 1991, 105 Stat. 175, authorized President to present, on behalf of Congress, a gold medal to General H. Norman Schwarzkopf in recognition of his exemplary performance as a military leader in coordinating the planning, strategy, and execution of the United States combat action and his invaluable contributions to the United States and to the liberation of Kuwait as Commander-in-Chief, United States Central Command, directed Secretary of the Treasury to strike a gold medal with suitable emblems, devices, and inscriptions, provided that Secretary could have bronze duplicates of the medals coined and sold as prescribed by regulation, provided that the gold and bronze medals are national medals for purposes of chapter 51 of this title, authorized appropriations, and provided for disposition of proceeds of sales.

**AWARD OF GOLD MEDAL TO GENERAL MATTHEW B. RIDGWAY**

Pub. L. 101-510, div. A, title XIV, § 1491, Nov. 5, 1990, 104 Stat. 1720, authorized President to present, on be-

half of Congress, to General Matthew B. Ridgway, a gold medal in recognition of his distinguished service to the Nation, directed Secretary of the Treasury to strike the gold medal with suitable emblems, devices, and inscriptions, and authorized the Secretary to have bronze duplicates of the gold medal coined and sold as prescribed by regulation.

**CONGRESSIONAL MEDALS FOR VETERANS OF ATTACK ON PEARL HARBOR**

Pub. L. 101-510, div. A, title XIV, § 1492, Nov. 5, 1990, 104 Stat. 1721, authorized Speaker of the House and President pro tempore of the Senate to jointly present, on behalf of Congress, to eligible persons who were members of the Armed Forces of the United States, who were present in Hawaii on Dec. 7, 1941, and who participated in combat operations that day against Japanese military forces attacking Hawaii, bronze medals commemorating the service of those persons to the United States, provided that medals could be accepted by next-of-kin of eligible persons killed in action during that attack or who have since died, and directed Secretary of the Treasury to strike the medals with suitable emblems, devices, and inscriptions.

**YOSEMITE NATIONAL PARK CENTENNIAL MEDALS**

Pub. L. 101-510, div. A, title XIV, § 1493, Nov. 5, 1990, 104 Stat. 1722, directed Secretary of the Treasury to issue medals commemorating the centennial of Yosemite National Park, and provided for specification, design, pricing, and sale of medals, payment of surcharges from sales to a permanent endowment fund for the benefit of Yosemite National Park, and audits by Comptroller General.

**DESIGNATION OF MEDALS ISSUED UNDER SECTIONS 1491 TO 1493 OF PUB. L. 101-510 AS NATIONAL MEDALS**

Pub. L. 101-510, div. A, title XIV, § 1494, Nov. 5, 1990, 104 Stat. 1722, provided that: "The medals authorized by sections 1491, 1492, and 1493 [Pub. L. 101-510, set out above] are national medals for purposes of chapter 51 of title 31, United States Code."

**AWARD OF GOLD MEDAL TO LAURANCE SPELMAN ROCKEFELLER**

Pub. L. 101-296, May 17, 1990, 104 Stat. 197, authorized President to present, on behalf of Congress, a gold medal to Laurance Spelman Rockefeller in recognition of his leadership on behalf of natural resource conservation and historic preservation, directed Secretary of the Treasury to strike a gold medal with suitable emblems, devices, and inscriptions for purposes of presentation by President, provided that Secretary could have bronze duplicates of the medal coined and sold as prescribed by regulation, and provided that the gold and bronze medals are national medals for purposes of chapter 51 of this title.

**UNITED STATES COAST GUARD BICENTENNIAL MEDALS**

Pub. L. 101-260, Mar. 30, 1990, 104 Stat. 122, known as the "United States Coast Guard Bicentennial Medal Act", directed Secretary of the Treasury to design, strike, and sell a medal in commemoration of the bicentennial of the United States Coast Guard in 1990, provided that the medals be sold at a price sufficient to cover the cost of such medals including labor, materials, dies, use of machinery and overhead expenses, directed that the design of the medal be selected by Secretary of the Treasury after consultation with Secretary of Transportation and Commission of Fine Arts, and provided that the medals are national medals for purposes of chapter 51 of this title.

**AWARD OF GOLD MEDAL TO ANDREW WYETH**

Pub. L. 100-639, Nov. 9, 1988, 102 Stat. 3331, authorized President to present, on behalf of Congress, a gold medal to Andrew Wyeth in recognition of his outstanding and invaluable contributions to American art and

culture, directed Secretary of the Treasury to strike a gold medal with suitable emblems, devices, and inscriptions for purposes of presentation by President, provided that Secretary could have bronze duplicates of the medals coined and sold as prescribed by regulation, and provided that the gold and bronze medals are national medals for purposes of chapter 51 of this title.

AWARD OF GOLD MEDAL TO MRS. JESSE OWENS

Pub. L. 100-437, §§1-3, Sept. 20, 1988, 102 Stat. 1717, authorized President to present, on behalf of Congress, to Mrs. Jesse Owens a gold medal in recognition of the late Jesse Owens' athletic achievements and humanitarian contributions to public service, civil rights, and international goodwill, directed Secretary of the Treasury to strike a gold medal with suitable emblems, devices, and inscriptions for purposes of presentation by President, provided that Secretary could have bronze duplicates of the medal coined and sold as prescribed by regulation, and provided that the gold and bronze medals were national medals for purposes of chapter 51 of this title.

AWARD OF SPECIAL GOLD MEDAL TO MARY LASKER

Pub. L. 100-210, §§1, 2, Dec. 24, 1987, 101 Stat. 1441, authorized President to present a gold medal to Mary Lasker in recognition of her humanitarian contributions to medical research and education, urban beautification, and the fine arts, directed Secretary of the Treasury to coin a gold medal with suitable emblems, devices, and inscriptions for purposes of presentation by President, provided that Secretary could have bronze duplicates of the medal coined and sold as prescribed by regulation, and provided that the gold and bronze medals were national medals for purposes of chapter 51 of this title.

AWARD OF GOLD MEDAL TO AARON COPLAND

Pub. L. 99-418, Sept. 23, 1986, 100 Stat. 952, authorized President to present a gold medal to Aaron Copland in recognition of his contributions to American musical composition, directed Secretary of the Treasury to coin a gold medal with suitable emblems, devices, and inscriptions for purposes of presentation by President, provided that Secretary could have bronze duplicates of the medal coined and sold as prescribed by regulation, and provided that the gold and bronze medals were national medals for purposes of 31 U.S.C. 5111.

AWARD OF GOLD MEDAL TO FAMILY OF HARRY CHAPIN

Pub. L. 99-311, May 20, 1986, 100 Stat. 464, authorized President to present a gold medal to the family of Harry Chapin in recognition of his efforts to address issues of world hunger, directed Secretary of the Treasury to strike a gold medal with suitable emblems, devices, and inscriptions for purposes of presentation by President, provided that Secretary could have bronze duplicates of the medal coined and sold as prescribed by regulation, and provided that the gold and bronze medals were national medals for purposes of 31 U.S.C. 5111.

AWARD OF GOLD MEDALS TO NATAN (ANATOLY) AND AVITAL SHCHARANSKY

Pub. L. 99-298, May 13, 1986, 100 Stat. 432, requested President to present Congressional gold medals to Natan (Anatoly) and Avital Shcharansky in recognition of their dedication and commitment to individual human rights and freedoms, directed Secretary of the Treasury to strike two gold medals with suitable emblems, devices, and inscriptions for purposes of presentation by President, provided that Secretary could have bronze duplicates of the medals coined and sold as prescribed by regulation, and provided that the gold and bronze medals be considered to be national medals for purposes of 31 U.S.C. 5111.

YOUNG ASTRONAUT PROGRAM MEDALS

Pub. L. 99-295, May 12, 1986, 100 Stat. 427, as amended by Pub. L. 100-210, §3, Dec. 24, 1987, 101 Stat. 1441; Pub.

L. 100-437, §4, Sept. 20, 1988, 102 Stat. 1717, known as the "Young Astronaut Program Medal Act", directed Secretary of the Treasury to prepare 750,000 gold, silver, and bronze medals, at 10 percent above cost, for disposition at a premium by Young Astronaut Council, provided that the medals are national medals for purposes of chapter 51 of this title, empowered Comptroller General of the United States to examine all records of the Young Astronaut Council related to the medals, and prohibited Secretary of the Treasury from striking medals after Dec. 31, 1989.

AMERICAN ARTS GOLD MEDALLIONS

Pub. L. 95-630, title IV, §§401-407, Nov. 10, 1978, 92 Stat. 3679, 3680, directed Secretary of the Treasury, during each of the first five calendar years beginning after Nov. 10, 1978, to strike and sell to the general public gold medallions, aggregating not less than one million troy ounces of fine gold and commemorating outstanding individuals in the American arts, provided for the size, content, design and inscriptions of the medallions, provided that the medallions were deemed to be a coin of a denomination of higher than 5 cents for the purposes of section 485 of Title 18, Crimes and Criminal Procedure, and provided for the pricing and sale of the medallions by Secretary and Administrator of General Services.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5112, 5116, 5120, 5132 of this title.

**§ 5112. Denominations, specifications, and design of coins**

(a) The Secretary of the Treasury may mint and issue only the following coins:

(1) a dollar coin that is 1.043 inches in diameter and weighs 8.1 grams.

(2) a half dollar coin that is 1.205 inches in diameter and weighs 11.34 grams.

(3) a quarter dollar coin that is 0.955 inch in diameter and weighs 5.67 grams.

(4) a dime coin that is 0.705 inch in diameter and weighs 2.268 grams.

(5) a 5-cent coin that is 0.835 inch in diameter and weighs 5 grams.

(6) except as provided under subsection (c) of this section, a one-cent coin that is 0.75 inch in diameter and weighs 3.11 grams.

(7) A fifty dollar gold coin that is 32.7 millimeters in diameter, weighs 33.931 grams, and contains one troy ounce of fine gold.

(8) A twenty-five dollar gold coin that is 27.0 millimeters in diameter, weighs 16.966 grams, and contains one-half troy ounce of fine gold.

(9) A ten dollar gold coin that is 22.0 millimeters in diameter, weighs 8.483 grams, and contains one-fourth troy ounce of fine gold.

(10) A five dollar gold coin that is 16.5 millimeters in diameter, weighs 3.393 grams, and contains one-tenth troy ounce of fine gold.

(b) The dollar, half dollar, quarter dollar, and dime coins are clad coins with 3 layers of metal. The 2 identical outer layers are an alloy of 75 percent copper and 25 percent nickel. The inner layer is copper. The outer layers are metallurgically bonded to the inner layer and weigh at least 30 percent of the weight of the coin. The 5-cent coin is an alloy of 75 percent copper and 25 percent nickel. In minting 5-cent coins, the Secretary shall use bars that vary not more than 2.5 percent from the percent of nickel required. Except as provided under subsection (c) of this sec-

tion, the one-cent coin is an alloy of 95 percent copper and 5 percent zinc. In minting gold coins, the Secretary shall use alloys that vary not more than 0.1 percent from the percent of gold required. The specifications for alloys are by weight.

(c) The Secretary may prescribe the weight and the composition of copper and zinc in the alloy of the one-cent coin that the Secretary decides are appropriate when the Secretary decides that a different weight and alloy of copper and zinc are necessary to ensure an adequate supply of one-cent coins to meet the needs of the United States.

(d)(1) United States coins shall have the inscription "In God We Trust". The obverse side of each coin shall have the inscription "Liberty". The reverse side of each coin shall have the inscriptions "United States of America" and "E Pluribus Unum" and a designation of the value of the coin. The design on the reverse side of the dollar, half dollar, and quarter dollar is an eagle. The eagle on the reverse side of the dollar is the symbolic eagle of Apollo 11 landing on the moon. The obverse side of the dollar has the likeness of Susan B. Anthony. The coins have an inscription of the year of minting or issuance. However, to prevent or alleviate a shortage of a denomination, the Secretary may inscribe coins of the denomination with the year that was last inscribed on coins of the denomination.

(2) The Secretary shall prepare the devices, models, hubs, and dies for coins, emblems, devices, inscriptions, and designs authorized under this chapter. The Secretary may adopt and prepare new designs or models of emblems or devices that are authorized in the same way as when new coins or devices are authorized. The Secretary may change the design or die of a coin only once within 25 years of the first adoption of the design, model, hub, or die for that coin. The Secretary may procure services under section 3109 of title 5 in carrying out this paragraph.

(e) Notwithstanding any other provision of law, the Secretary shall mint and issue, in quantities sufficient to meet public demand, coins which—

(1) are 40.6 millimeters in diameter and weigh 31.103 grams;

(2) contain .999 fine silver;

(3) have a design—

(A) symbolic of Liberty on the obverse side; and

(B) of an eagle on the reverse side;

(4) have inscriptions of the year of minting or issuance, and the words "Liberty", "In God We Trust", "United States of America", "1 Oz. Fine Silver", "E Pluribus Unum", and "One Dollar"; and

(5) have reeded edges.

(f) SILVER COINS.—

(1) SALE PRICE.—The Secretary shall sell the coins minted under subsection (e) to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dies, use of machinery, and promotional and overhead expenses).

(2) BULK SALES.—The Secretary shall make bulk sales of the coins minted under subsection (e) at a reasonable discount.

(3) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of this title, all coins minted under subsection (e) shall be considered to be numismatic items.

(g) For purposes of section 5132(a)(1) of this title, all coins minted under subsection (e) of this section shall be considered to be numismatic items.

(h) The coins issued under this title shall be legal tender as provided in section 5103 of this title.

(i)(1) Notwithstanding section 5111(a)(1) of this title, the Secretary shall mint and issue the gold coins described in paragraphs (7), (8), (9), and (10) of subsection (a) of this section, in quantities sufficient to meet public demand, and such gold coins shall—

(A) have a design determined by the Secretary, except that the fifty dollar gold coin shall have—

(i) on the obverse side, a design symbolic of Liberty; and

(ii) on the reverse side, a design representing a family of eagles, with the male carrying an olive branch and flying above a nest containing a female eagle and hatchlings;

(B) have inscriptions of the denomination, the weight of the fine gold content, the year of minting or issuance, and the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum"; and

(C) have reeded edges.

(2)(A) The Secretary shall sell the coins minted under this subsection to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dies, use of machinery, and promotional and overhead expenses).

(B) The Secretary shall make bulk sales of the coins minted under this subsection at a reasonable discount.

(3) For purposes of section 5132(a)(1) of this title, all coins minted under this subsection shall be considered to be numismatic items.

(4)(A) Notwithstanding any other provision of law and subject to subparagraph (B), the Secretary of the Treasury may change the diameter, weight, or design of any coin minted under this subsection or the fineness of the gold in the alloy of any such coin if the Secretary determines that the specific diameter, weight, design, or fineness of gold which differs from that otherwise required by law is appropriate for such coin.

(B) The Secretary may not mint any coin with respect to which a determination has been made by the Secretary under subparagraph (A) before the end of the 30-day period beginning on the date a notice of such determination is published in the Federal Register.

(C) The Secretary may continue to mint and issue coins in accordance with the specifications contained in paragraphs (7), (8), (9), and (10) of subsection (a) and paragraph (1)(A) of this subsection at the same time the Secretary in minting and issuing other bullion and proof gold coins under this subsection in accordance with such program procedures and coin specifications, designs, varieties, quantities, denomina-

tions, and inscriptions as the Secretary, in the Secretary's discretion, may prescribe from time to time.

(j) GENERAL WAIVER OF PROCUREMENT REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for minting, marketing, or issuing any coin authorized under paragraph (7), (8), (9), or (10) of subsection (a) or subsection (e), including any proof version of any such coin.

(2) EQUAL EMPLOYMENT OPPORTUNITY.—Paragraph (1) shall not relieve any person entering into a contract with respect to any coin referred to in such paragraph from complying with any law relating to equal employment opportunity.

(k) The Secretary may mint and issue bullion and proof platinum coins in accordance with such specifications, designs, varieties, quantities, denominations, and inscriptions as the Secretary, in the Secretary's discretion, may prescribe from time to time.

(m)<sup>1</sup> COMMEMORATIVE COIN PROGRAM RESTRICTIONS.—

(1) MAXIMUM NUMBER.—Beginning January 1, 1999, the Secretary may mint and issue commemorative coins under this section during any calendar year with respect to not more than 2 commemorative coin programs.

(2) MINTAGE LEVELS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in carrying out any commemorative coin program, the Secretary shall mint—

- (i) not more than 750,000 clad half-dollar coins;
- (ii) not more than 500,000 silver one-dollar coins; and
- (iii) not more than 100,000 gold five-dollar or ten-dollar coins.

(B) EXCEPTION.—If the Secretary determines, based on independent, market-based research conducted by a designated recipient organization of a commemorative coin program, that the mintage levels described in subparagraph (A) are not adequate to meet public demand for that commemorative coin, the Secretary may waive one or more of the requirements of subparagraph (A) with respect to that commemorative coin program.

(C) DESIGNATED RECIPIENT ORGANIZATION DEFINED.—For purposes of this paragraph, the term “designated recipient organization” means any organization designated, under any provision of law, as the recipient of any surcharge imposed on the sale of any numismatic item.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 981; Pub. L. 97-452, §1(20), Jan. 12, 1983, 96 Stat. 2477; Pub. L. 99-61, title II, §202, July 9, 1985, 99 Stat. 115; Pub. L. 99-185, §2(a), (b), Dec. 17, 1985, 99 Stat. 1177; Pub. L. 100-274, §§4(a), 6, Mar. 31, 1988, 102 Stat. 50; Pub. L. 102-390, title II, §§226(a), 227, 228, Oct. 6, 1992, 106 Stat. 1630; Pub. L. 103-272,

§4(f)(1)(R), July 5, 1994, 108 Stat. 1362; Pub. L. 104-208, div. A, title I, §101(f) [title V, §§523, 524, 529(a)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-347 to 3009-349.)

HISTORICAL AND REVISION NOTES  
1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5112(a) .....	31:317(a)(1st, last sentences).	R.S. §3515(a); Sept. 26, 1890, ch. 945, §1, 26 Stat. 485; Sept. 5, 1962, Pub. L. 87-643, §1, 76 Stat. 440; Oct. 11, 1974, Pub. L. 93-441, §1, 88 Stat. 1261.
	31:391(c).	July 23, 1965, Pub. L. 89-81, §101(c), 79 Stat. 255; restated Dec. 31, 1970, Pub. L. 91-607, §201, 84 Stat. 1769; Oct. 10, 1978, Pub. L. 95-447, §2, 92 Stat. 1072.
5112(b) .....	31:317(a)(2d, 3d sentences).	
	31:346.	R.S. §3533; June 14, 1947, ch. 104, §1, 61 Stat. 132.
	31:391(b).	July 23, 1965, Pub. L. 89-81, §101(b), (d), 79 Stat. 254; restated Dec. 31, 1970, Pub. L. 91-607, §201, 84 Stat. 1769.
	31:398(1)-(4), (6).	July 23, 1965, Pub. L. 89-81, §108(1)-(4), (6), 79 Stat. 255.
5112(c) .....	31:317(b).	R.S. §3515(b); added Oct. 11, 1974, Pub. L. 93-441, §1, 88 Stat. 1261.
5112(d)(1)	31:324.	R.S. §3517; Mar. 3, 1887, ch. 396, §3, 24 Stat. 635; Sept. 26, 1890, ch. 945, §1, 26 Stat. 485; May 18, 1908, ch. 173, 35 Stat. 164; restated July 23, 1965, Pub. L. 89-81, §204(a), 79 Stat. 256; Dec. 31, 1970, Pub. L. 91-607, §206, 84 Stat. 1769.
	31:324b-1.	Oct. 10, 1978, Pub. L. 95-447, §3, 92 Stat. 1072.
5112(d)(2)	31:276.	R.S. §3510; restated Sept. 26, 1890, ch. 944, 26 Stat. 484.
5112(e) .....	31:324b.	Dec. 31, 1970, Pub. L. 91-607, §203, 84 Stat. 1769; Oct. 10, 1978, Pub. L. 95-447, §4, 92 Stat. 1072.
	31:324c.	Dec. 31, 1970, Pub. L. 91-607, §209, 84 Stat. 1769.
	31:391(d).	
	31:398(3), (4).	
5112(f) .....	31:321.	R.S. §3514; Jan. 30, 1934, ch. 6, §5, 48 Stat. 340.
	31:399.	July 23, 1965, Pub. L. 89-81, 79 Stat. 254, §109; added Dec. 23, 1981, Pub. L. 97-104, §2, 95 Stat. 1491.

In subsection (a), the words before clause (1) are added because of the restatement. In clause (5), the words “that is 0.835 inch in diameter” are added because the Secretary of the Treasury has prescribed the diameter and the diameter of a coin may not be changed under 31:276. The words “5 grams” are substituted for “seventy-seven and sixteen-hundredths grains troy” for consistency in the revised chapter. In clause (6), the words “that is 0.75 inch in diameter” are added because the Secretary has prescribed the diameter and the diameter of a coin may not be changed under 31:276. The words “except as provided under subsection (c) of this section” are added for clarity and because of the restatement. The words “3.11 grams” are substituted for “forty-eight grains” for consistency in the revised chapter.

In subsection (b), the words “In minting 5-cent coins” are substituted for “in minor-coinage alloys” in 31:346 because 5-cent coins are the minor coins composed of nickel. The words “Secretary shall use” are substituted for “shall be used” because of the source provisions restated in section 321 of the revised title. The word “bars” is substituted for “ingots” for consistency in the revised chapter. The words “2.5 percent” are substituted for “twenty-five thousandths” for consistency in the revised title and with other titles of the United States Code. The words “from the percent of nickel required” are substituted for “the legal standard . . . in the proportion of nickel” because of the restatement. The words “In silver ingots, six-thousandths” are omitted as superseded by the source provisions restated in

<sup>1</sup> So in original. No subsec. (l) has been enacted.

the section. The words “In gold ingots, one-thousandth” in section 3533 of the Revised Statutes are omitted because gold coinage was discontinued by 31:315b. The words “Except as provided in subsection (c) of this section” are added for clarity and because of the restatement.

In subsection (c), the words “a different weight and alloy of copper and zinc” are substituted for “such action” for clarity.

In subsection (d)(1), the words “an impression emblematic of liberty” in 31:324 are omitted as obsolete. The words “The design on the reverse side of the dollar, half dollar, and quarter dollar is an eagle” are substituted for “and upon the reverse side shall be the figure or representation of an eagle . . . but on the dime, 5-, and 1-cent piece, the figure of the eagle shall be omitted”, and the words “The emblem on the obverse side of the dollar is” are substituted for “The one-dollar coin authorized by section 391(c) of this title shall bear on the obverse side” in 31:324b-1, to eliminate unnecessary words. The words “Any coins minted after July 23, 1965, from 900 fine coin silver shall be inscribed with the year 1964” in 31:324 are omitted because the Secretary no longer has authority to mint coins from 900 fine coin silver.

In subsection (d)(2), the word “Secretary” is substituted for “engraver”, “Director of the Mint”, and “Director of the Mint . . . with the approval of the Secretary of the Treasury” because of the source provisions restated in section 321(c) of the revised title. The word “dies” is substituted for “from the original dies already authorized all the working dies required for use in the coinage of the several mints” and “original dies” to eliminate unnecessary words. The word “inscription” is substituted for “legend” for consistency in the section. The words “Provided, That no change be made in the diameter of any coin” are omitted as unnecessary because the diameters are prescribed by subsection (a) of the revised section. The words “procure services under section 3109 of title 5 in carrying out this paragraph” are substituted for “engage temporarily for this purpose the services of one or more artists, distinguished in their respective departments of art” to eliminate unnecessary words. The words “who shall be paid for such service from the contingent appropriation for the mint at Philadelphia” are omitted as obsolete. The text of section 3510(2d) proviso) of the Revised Statutes is omitted as executed.

In subsection (e)(2), the words “80 percent” are substituted for “eight hundred parts” in 31:391(d), and the words “20 percent” are substituted for “two hundred parts”, for consistency in the revised title and with other titles of the Code. The words “that are metallurgically bonded to” are added for clarity and consistency with subsection (b). In clause (4), the words “the late President of the United States” in 31:324b are omitted as unnecessary. Clause (6) is added because 31:324 applies to coins minted under this subsection.

In subsection (f)(1), before clause (A), the words “Notwithstanding this section and section 5111(a)(1) of this title are substituted for “Notwithstanding any other provision of law” in 31:399 for clarity. In clause (B), the words “are an alloy of 90 percent silver and 10 percent copper” are substituted for “be minted in accordance with the standard established in section 3514 of the Revised Statutes (31 U.S.C. 321)” and 31:321 to eliminate unnecessary words and for clarity. In clause (C), the word “symbolizing” is substituted for “emblematic” for clarity.

In subsection (f)(2), the words “under such regulations as he may prescribe” are omitted as unnecessary because of section 321 of the revised title. The word “Treasury” is substituted for “general fund of the Treasury” to eliminate unnecessary words.

The text of 31:399(b)(3) is omitted as unnecessary because of section 5103 of the revised title.

#### 1983 ACT

This amends 31:5112(f)(1) to make technical and conforming changes.

#### AMENDMENTS

1996—Subsec. (i)(4)(C). Pub. L. 104-208, §101(f) [title V, §523], added subpar. (C).

Subsec. (k). Pub. L. 104-208, §101(f) [title V, §524], added subsec. (k).

Subsec. (m). Pub. L. 104-208, §101(f) [title V, §529(a)], added subsec. (m).

1994—Subsec. (h). Pub. L. 103-272 substituted “section 5103 of this title” for “section 5103 of title 31, United States Code”.

1992—Subsec. (d)(1). Pub. L. 102-390, §226(a), inserted “shall” before “have” in first sentence and substituted “coin shall have” for “coin has” in second and third sentences.

Subsec. (i)(4). Pub. L. 102-390, §228, added par. (4).

Subsec. (j). Pub. L. 102-390, §227, added subsec. (j).

1988—Subsec. (b). Pub. L. 100-274, §4(a), inserted before last sentence “In minting gold coins, the Secretary shall use alloys that vary not more than 0.1 percent from the percent of gold required.”

Subsec. (f). Pub. L. 100-274, §6, inserted heading and amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “The Secretary shall sell the coins minted under subsection (e) to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dyes, use of machinery, and overhead expenses).”

1985—Subsec. (a)(7) to (10). Pub. L. 99-185, §2(a), added pars. (7) to (10).

Subsec. (e). Pub. L. 99-61 added subsec. (e). Former subsec. (e), providing for the minting of 150,000,000 silver and copper alloy dollar coins bearing the likeness of Dwight David Eisenhower, was struck out.

Subsec. (f). Pub. L. 99-61 added subsec. (f). Former subsec. (f), providing for the minting of up to 10,000,000 silver and copper alloy half-dollar coins symbolizing the 250th anniversary of the birth of George Washington, was struck out.

Subsecs. (g), (h). Pub. L. 99-61 added subsecs. (g) and (h).

Subsec. (i). Pub. L. 99-185, §2(b), added subsec. (i).

1983—Subsec. (f)(1). Pub. L. 97-452, §1(20)(A), inserted a comma after “10,000,000” in introductory text.

Subsec. (f)(1)(C). Pub. L. 97-452, §1(20)(B), substituted “250th” for “two hundred and fiftieth”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(f) [title V, §529(e)] of Pub. L. 104-208, provided that: “This section [amending this section and sections 5134 and 5135 of this title, enacting provisions set out as a note under section 5134 of this title, and amending provisions set out as a note under this section] and the amendments made by this section shall take effect on the date of enactment of this Act [Sept. 30, 1996].”

#### EFFECTIVE DATE OF 1985 AMENDMENTS

Section 3 of Pub. L. 99-185 provided that: “This Act [amending this section and sections 5116, 5118, and 5132 of this title and enacting provisions set out as notes under this section] shall take effect on October 1, 1985, except that no coins may be issued or sold under section 5112(i) of title 31, United States Code, before October 1, 1986.”

Section 205 of title II of Pub. L. 99-61 provided that: “This title [amending this section and sections 5116 and 5132 of this title and enacting provisions set out as a note under this section] shall take effect on October 1, 1985, except that no coins may be issued or sold under subsection (e) of section 5112 of title 31, United States Code, before September 1, 1986, or before the date on which all coins minted under title I of this Act [set out as a note below] have been sold, whichever is earlier.”

#### SHORT TITLE OF 1985 AMENDMENTS

Section 1 of Pub. L. 99-185 provided that: “This Act [amending this section and sections 5116, 5118, and 5132 of this title and enacting provisions set out as notes

under this section] may be cited as the ‘Gold Bullion Coin Act of 1985.’”

Section 201 of title II of Pub. L. 99-61 provided that: “This title [amending this section and sections 5116 and 5132 of this title and enacting provisions set out as a note under this section] may be cited as the ‘Liberty Coin Act.’”

STUDY AND REPORT TO CONGRESS OF 50 STATES  
COMMEMORATIVE COIN PROGRAM

Pub. L. 104-329, title III, §302, Oct. 20, 1996, 110 Stat. 4012, provided that:

“(a) STUDY.—The Secretary of the Treasury shall by June 1, 1997 complete a study of the feasibility of a circulating commemorative coin program to commemorate each of the 50 States. The study shall assess likely public acceptance of and consumer demand for different coins that might be issued in connection with such a program (taking into consideration the pace of issuance of coins and the length of such a program), a comparison of the costs of producing coins issued under the program and the revenue that the program would generate, the impact on coin distribution systems, the advantages and disadvantages of different approaches to selecting designs for coins in such a program, and such other factors as the Secretary considers appropriate in deciding upon the feasibility of such a program. No steps taken in order to gather information for this study shall be considered a collection of information within the meaning of section 3502 of title 44, United States Code.

“(b) REPORT.—The Secretary shall submit the study required in subsection (a) above, to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate, simultaneously on its receipt by the Secretary.

“(c) 50-STATE COMMEMORATIVE COIN PROGRAM.—The Secretary shall determine by August 1, 1997 whether the results of the study authorized by subsection (a) justify such a program. If the Secretary determines that such a program is justified, then he shall by January 1, 1999, notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) of section 5112, title 31, United States Code, commence a commemorative coin program consisting of the minting and issuance of quarter dollar coins bearing designs, selected in accordance with paragraph (4) of this subsection, which are emblematic of the 50 States. If the Secretary determines that such a commemorative coin program is justified but that it is not practicable to commence the program by January 1, 1999, then he shall notify the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of such impracticability and of the date on which the program will commence.

“(1) DESIGN.—The design for each quarter dollar issued under the program shall be emblematic of 1 of the 50 States. The designs for quarter dollar coins issued during each year of the program shall be emblematic of States which have not previously been commemorated under the program.

“(2) ORDER OF ISSUANCE.—Each State will be honored by a coin in the order of that State’s admission to the United States.

“(3) NUMBER OF COINS.—Of the quarter dollar coins issued during each year of the program, the Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollar coins which shall be issued with each of the designs selected for such year.

“(4) SELECTION OF DESIGN.—Each of the 50 designs required for quarter dollars issued under the program shall be—

“(A) selected pursuant to a process, decided upon by the Secretary, on the basis of the study conducted pursuant to subsection (a), which process shall involve, among other things, consultation with appropriate officials of the State being commemorated with such design; and

“(B) reviewed by the Citizens Commemorative Coin Advisory Committee and the Commission of Fine Arts.

“(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this section shall be considered to be numismatic items.

“(6) NUMISMATIC ITEMS.—

“(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

“(B) SILVER COINS.—Notwithstanding the provisions of subsection 5112(b) of title 31, United States Code, the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection as the Secretary determines to be appropriate with a content of 90 percent silver and 10 percent copper.

“(C) SOURCES OF BULLION.—The Secretary may obtain silver for minting coins under paragraph (6)(B) from stockpiles established under the Strategic and Critical Materials Stock Piling Act [50 U.S.C. 98 et seq.].

“(d) FUNDING.—Funds used to complete this study shall be offset from funds from the Department of the Treasury.”

DEPOSIT OF PROFITS FROM SALE OF GOLD TO MINT FOR  
COMMEMORATIVE COIN PROGRAM

Section 101(f) [title V, §523] of Pub. L. 104-208 provided in part: “That profits generated from the sale of gold to the United States Mint for this program shall be considered as a receipt to be deposited into the General Fund of the Treasury.”

USE OF GOVERNMENT PLATINUM RESERVES STOCKPILED  
AT MINT

Section 101(f) [title V, §524] of Pub. L. 104-208 provided in part: “That the Secretary is authorized to use Government platinum reserves stockpiled at the United States Mint as working inventory and shall ensure that reserves utilized are replaced by the Mint.”

REFORM OF COMMEMORATIVE COIN PROGRAMS

Pub. L. 103-186, title III, Dec. 14, 1993, 107 Stat. 2251, as amended by Pub. L. 104-208, div. A, title I, §101(f) [title V, §529(b)(4)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-352; Pub. L. 104-316, title I, §115(h), Oct. 19, 1996, 110 Stat. 3835, provided that:

“SEC. 301. SENSE OF CONGRESS RESOLUTION.

“(a) FINDINGS.—The Congress hereby makes the following findings:

“(1) Congress has authorized 18 commemorative coin programs in the 9 years since 1984.

“(2) There are more meritorious causes, events, and people worthy of commemoration than can be honored with commemorative coinage.

“(3) Commemorative coin legislation has increased at a pace beyond that which the numismatic community can reasonably be expected to absorb.

“(4) It is in the interests of all Members of Congress that a policy be established to control the flow of commemorative coin legislation.

“(b) DECLARATION.—It is the sense of the Congress that the Committee on Banking, Finance and Urban Affairs [now Committee on Banking and Financial Services] of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate should not report or otherwise clear for consideration by the House of Representatives or the Senate legislation providing for more than 2 commemorative coin programs for any year, unless the committee determines, on the basis of a recommendation by the Citizens Commemorative Coin Advisory Committee, that extraordinary merit exists for an additional commemorative coin program.

“SEC. 302. REPORTS BY RECIPIENTS OF COMMEMORATIVE COIN SURCHARGES.

“(a) QUARTERLY FINANCIAL REPORT.—

“(1) IN GENERAL.—Each person who receives, after the date of the enactment of this Act [Dec. 14, 1993], any surcharge derived from the sale of commemorative coins under any Act of Congress shall submit a quarterly financial report to the Director of the United States Mint and the Comptroller General of the United States describing in detail the expenditures made by such person from the proceeds of the surcharge.

“(2) INFORMATION TO BE INCLUDED.—The report under paragraph (1) shall include information on the proportion of the surcharges received during the period covered by the report to the total revenue of such person during such period, expressed as a percentage, and the percentage of total revenue during such period which was spent on administrative expenses (including salaries, travel, overhead, and fund raising).

“(3) DUE DATES.—Quarterly reports under this subsection shall be due at the end of the 30-day period beginning on the last day of any calendar quarter during which any surcharge derived from the sale of commemorative coins is received by any person.

“(b) FINAL REPORT.—Each person who receives, after the date of the enactment of this Act, any surcharge derived from the sale of commemorative coins under any Act of Congress shall submit a final report on the expenditures made by such person from the proceeds of all surcharges received by such person, including information described in subsection (a)(2), before the end of the 1-year period beginning on the last day on which sales of such coins may be made.”

AMOUNT EQUAL TO PROFIT FROM SALE OF GOLD COINS DEPOSITED IN GENERAL FUND OF TREASURY TO REDUCE NATIONAL DEBT

Section 2(f) of Pub. L. 99-185 provided that an amount equal to the amount by which the proceeds from the sale of the coins issued under 31 U.S.C. 5112(i) exceeded the sum of the cost of minting, marketing, and distributing such coins, and the value of gold certificates (not exceeding forty-two and two-ninths dollars a fine troy ounce) retired from the use of gold contained in such coins, was to be deposited in the general fund of the Treasury and used for the sole purpose of reducing the national debt, prior to repeal by Pub. L. 102-390, title II, §221(c)(2)(A), Oct. 6, 1992, 106 Stat. 1628, effective Oct. 1, 1992.

ISSUANCE OF GOLD COINS TO RESULT IN NO NET COST TO UNITED STATES

Section 2(g) of Pub. L. 99-185 provided that: “The Secretary shall take all actions necessary to ensure that the issuance of the coins minted under section 5112(i) of title 31, United States Code, shall result in no net cost to the United States Government.”

ESTABLISHMENT OF PROGRAMS PURSUANT TO RECOMMENDATIONS OF CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE; DEFINITIONS

Pub. L. 104-329, §2, title I, §§101-108, Oct. 20, 1996, 110 Stat. 4005-4011, directed Secretary of the Treasury, pursuant to recommendations of Citizens Commemorative Coin Advisory Committee, to mint and issue commemorative coins in honor of Dolley Madison, George Washington, Black Revolutionary War Patriots, Franklin Delano Roosevelt, Yellowstone National Park, National Law Enforcement Officers Memorial, and Jackie Robinson, and provided for definitions, for specification and design, legal tender status, sources of bullion for coins for quality, issuance and sale of, coins, together with establishment and distribution of surcharges, and financial assurances respecting payment for such coins at no net cost to the Government, and for general waiver of procurement regulations.

SMITHSONIAN INSTITUTION SESQUICENTENNIAL COMMEMORATIVE COINS

Pub. L. 104-96, Jan. 10, 1996, 109 Stat. 981, directed Secretary of the Treasury to issue not more than 100,000 five dollar gold or platinum coins, and not more than 650,000 one dollar silver coins commemorating the sesquicentennial of the founding of the Smithsonian Institution, and provided for coin specifications, sources of bullion, design, issuance and sale of coins, general waiver of procurement regulations, distribution of surcharges, audits by Comptroller General, and financial assurances.

COMMEMORATION OF 1995 SPECIAL OLYMPIC WORLD GAMES

Pub. L. 103-328, title II, §204, Sept. 29, 1994, 108 Stat. 2369, directed Secretary of the Treasury to issue not more than 800,000 one dollar silver coins commemorating the 1995 Special Olympic World Games, and provided for specification and design of coins, sources of bullion, issuance and sale of coins, waiver of procurement regulations, distribution of surcharges, audits by Comptroller General, and financial assurances.

NATIONAL COMMUNITY SERVICE COMMEMORATIVE COINS

Pub. L. 103-328, title II, §205, Sept. 29, 1994, 108 Stat. 2371, directed Secretary of the Treasury to issue not more than 500,000 one dollar silver coins commemorating students who volunteer to perform community service, and provided for specification and design of coins, sources of bullion, issuance and sale of coins, waiver of procurement regulations, distribution of surcharges, audits by Comptroller General, and financial assurances.

ROBERT F. KENNEDY MEMORIAL COMMEMORATIVE COINS

Pub. L. 103-328, title II, §206, Sept. 29, 1994, 108 Stat. 2373, directed Secretary of the Treasury to issue not more than 500,000 one dollar silver coins commemorating the life and work of Robert F. Kennedy, and provided for specification and design of coins, sources of bullion, issuance and sale of coins, waiver of procurement regulations, distribution of surcharges, audits by Comptroller General, and financial assurances.

UNITED STATES MILITARY ACADEMY BICENTENNIAL COMMEMORATIVE COINS

Pub. L. 103-328, title II, §207, Sept. 29, 1994, 108 Stat. 2375, directed Secretary of the Treasury to issue not more than 500,000 one dollar silver coins commemorating the bicentennial of the United States Military Academy, and provided for specification and design of coins, sources of bullion, issuance and sale of coins, waiver of procurement regulations, distribution of surcharges, audits by Comptroller General, application of Numismatic Public Enterprise Fund requirements, and financial assurances.

UNITED STATES BOTANIC GARDEN COMMEMORATIVE COINS

Pub. L. 103-328, title II, §208, Sept. 29, 1994, 108 Stat. 2377, directed Secretary of the Treasury to issue not more than 500,000 one dollar silver coins commemorating the United States Botanic Garden, and provided for specification and design of coins, sources of bullion, issuance and sale of coins, waiver of procurement regulations, distribution of surcharges, audits by Comptroller General, and financial assurances.

THOMAS JEFFERSON COMMEMORATIVE COINS

Pub. L. 103-186, title I, Dec. 14, 1993, 107 Stat. 2245, directed Secretary of the Treasury to issue not more than 600,000 one dollar silver coins commemorating the 250th anniversary of the birth of Thomas Jefferson, and provided for coin specifications, sources of bullion, selection of design, issuance and sale of coins, general waiver of procurement regulations, distribution of surcharges, audits by Comptroller General, and financial assurances.

## UNITED STATES VETERANS COMMEMORATIVE COINS

Pub. L. 103-186, title II, Dec. 14, 1993, 107 Stat. 2247, directed Secretary of the Treasury to issue not more than 500,000 one dollar silver coins each of 3 designs commemorating American prisoners of war, the 10th anniversary of the Vietnam Veterans Memorial, and the Women in Military Service for America Memorial, and provided for coin specifications, sources of bullion, selection of design, issuance and sale of coins, general waiver of procurement regulations, distribution of surcharges, establishment of the Andersonville Prisoner-of-War Museum Endowment Fund, audits by Comptroller General, and financial assurances.

BICENTENNIAL OF THE UNITED STATES CAPITOL  
COMMEMORATIVE COINS

Pub. L. 103-186, title IV, Dec. 14, 1993, 107 Stat. 2252, directed Secretary of the Treasury to issue not more than 500,000 one dollar silver coins commemorating the bicentennial of the United States Capitol, and provided for specifications of coins, sources of bullion, design of coins, issuance and sale of coins, financial assurances, use of surcharges, and general waiver of procurement regulations.

WORLD WAR II 50th ANNIVERSARY COMMEMORATIVE  
COINS

Pub. L. 102-414, Oct. 14, 1992, 106 Stat. 2106, directed Secretary of the Treasury to mint and issue not more than 300,000 five dollar gold coins, not more than 1 million one dollar silver coins, and not more than 2 million half dollar clad coins commemorating the 50th anniversary of the involvement of the United States in World War II and provided for specification, design, and sale of the coins, sources of bullion therefor, financial assurances, use of surcharges, general waiver of procurement regulations, deposit in the coinage profit fund, and report to Congress.

## 1996 OLYMPIC GAMES COMMEMORATIVE COINS

Pub. L. 102-390, title I, Oct. 6, 1992, 106 Stat. 1620, as amended by Pub. L. 104-74, Dec. 26, 1995, 109 Stat. 784, directed Secretary of the Treasury to issue 2 five dollar gold coins of different designs in 1995 in quantities not to exceed 175,000 of each design, 2 five dollar gold coins of different designs in 1996 in quantities not to exceed 100,000 of the first design and not to exceed 150,000 of the second design, 4 one dollar silver coins of different designs in 1995 in quantities not to exceed 750,000 of each design, 4 one dollar silver coins of different designs in 1996 in quantities not to exceed 350,000 of each of the first 2 designs and not to exceed 500,000 of each of the remaining 2 designs, and not more than 8,000,000 half dollar clad coins of 4 designs selected in such quantities as the Secretary determines to be appropriate and which shall contain an inscription of the year "1995" or "1996", as the Secretary determines to be appropriate, to support the 1996 Atlanta Centennial Olympic Games and the programs of the United States Olympic Committee, and provided for sources of bullion, design, issuance and sale of coins, waiver of procurement regulations, distribution of surcharges, audit by Comptroller General, financial assurances, reciprocity of coin sales, and reports to Congress.

## CIVIL WAR BATTLEFIELD COMMEMORATIVE COINS

Pub. L. 102-379, Oct. 5, 1992, 106 Stat. 1362, directed Secretary of the Treasury to issue not more than 300,000 five dollar coins, 1 million one dollar coins, and 2 million half dollar coins commemorating the 100th anniversary of the beginning of the protection of Civil War battlefields, and provided for specification and design and sale of the coins, sources of bullion therefor, termination of authority to mint these coins after Dec. 31, 1995, establishment of a coinage profit fund, distribution and use of surcharges, general waiver of procurement regulations, financial assurances, and quarterly reports to Congress.

## 1992 WHITE HOUSE COMMEMORATIVE COINS

Pub. L. 102-281, title I, May 13, 1992, 106 Stat. 133, as amended by Pub. L. 102-390, title II, § 221(c)(2)(G), Oct. 6, 1992, 106 Stat. 1628, directed Secretary of the Treasury to issue not more than 500,000 one dollar silver coins commemorating the 200th anniversary of the White House and provided for specifications, sources of bullion, design, sale, and issuance of coins, waiver of procurement regulations, distribution of surcharges, audit by Comptroller General, and financial assurances.

## WORLD CUP USA 1994 COMMEMORATIVE COINS

Pub. L. 102-281, title II, May 13, 1992, 106 Stat. 135, as amended by Pub. L. 102-390, title II, § 221(c)(2)(H), Oct. 6, 1992, 106 Stat. 1628; Pub. L. 104-66, title I, § 1132(a), Dec. 21, 1995, 109 Stat. 725, directed Secretary of the Treasury to issue not more than 750,000 five dollar gold coins, 5 million one dollar silver coins, and 5 million half dollar clad coins, commemorating the 1994 World Cup games and provided for specifications, sources of bullion, design and design competition, sale, and issuance of coins, waiver of procurement regulations, distribution of surcharges, audits by Comptroller General, and financial assurances.

## CHRISTOPHER COLUMBUS QUINCENTENARY COINS

Pub. L. 102-281, title IV, §§ 401-411, May 13, 1992, 106 Stat. 139-141, as amended by Pub. L. 102-390, title II, § 221(c)(2)(I), Oct. 6, 1992, 106 Stat. 1628, directed Secretary of the Treasury to issue not more than 500,000 five dollar gold coins, 4 million one dollar silver coins, and 6 million half dollar clad coins, commemorating the Christopher Columbus Quincentenary and provided for specifications, sources of bullion, design, issuance, and sale of coins, financial assurances, use of surcharges, waiver of procurement regulations, and reports to Congress.

JAMES MADISON—BILL OF RIGHTS COMMEMORATIVE  
COINS

Pub. L. 102-281, title V, May 13, 1992, 106 Stat. 145, as amended by Pub. L. 104-66, title I, § 1132(c), Dec. 21, 1995, 109 Stat. 725, directed Secretary of the Treasury to issue not more than 300,000 five dollar gold coins, 900,000 one dollar silver coins, and 1 million half dollar silver coins, commemorating James Madison and the Bill of Rights and provided for specifications, sources of bullion, issuance and sale of coins, financial assurances, distribution of surcharges, audits by Comptroller General, and waiver of procurement regulations.

KOREAN WAR VETERANS MEMORIAL THIRTY-EIGHTH  
ANNIVERSARY COMMEMORATIVE COINS

Pub. L. 101-495, Oct. 31, 1990, 104 Stat. 1187, as amended by Pub. L. 102-390, title II, § 221(c)(2)(F), Oct. 6, 1992, 106 Stat. 1628, directed Secretary of the Treasury to issue not more than 1 million one dollar silver coins commemorating the thirty-eighth anniversary of the ending of the Korean War and provided for sources of bullion, design, issuance and sale of coins, financial assurances, use of surcharges, audit by Comptroller General, and waiver of procurement regulations.

## 1992 OLYMPIC COMMEMORATIVE COINS

Pub. L. 101-406, Oct. 3, 1990, 104 Stat. 879, as amended by Pub. L. 102-390, title II, § 221(c)(2)(E), Oct. 6, 1992, 106 Stat. 1628, directed Secretary of the Treasury to issue not more than 500,000 five dollar gold coins, 4 million one dollar silver coins, and 6 million half dollar clad coins to support the training of American athletes participating in the 1992 Olympic Games and provided for sources of bullion, specification, design, issuance, and sale of coins, waiver of procurement regulations, distribution of surcharges, audit by Comptroller General, and financial assurances.

UNITED SERVICES ORGANIZATION 50TH ANNIVERSARY  
COMMEMORATIVE COINS

Pub. L. 101-404, Oct. 2, 1990, 104 Stat. 875, as amended by Pub. L. 102-390, title II, § 221(c)(2)(D), Oct. 6, 1992, 106 Stat. 1628, directed Secretary of the Treasury to issue not more than 1 million one dollar silver coins commemorating the 50th anniversary of the United Services Organization and provided for sources of bullion, design, issuance, and sale of coins, financial assurances, use of surcharges, audit by Comptroller General, report to Congress, and waiver of procurement regulations.

MOUNT RUSHMORE COMMEMORATIVE COINS

Pub. L. 101-332, July 16, 1990, 104 Stat. 313, as amended by Pub. L. 102-390, title II, § 221(c)(2)(C), Oct. 6, 1992, 106 Stat. 1628; Pub. L. 103-328, title II, § 209, Sept. 29, 1994, 108 Stat. 2378, directed Secretary of the Treasury to issue not more than 500,000 five dollar gold coins, 2.5 million one dollar silver coins, and 2.5 million half dollar clad coins commemorating the golden anniversary of the Mount Rushmore National Memorial and provided for sources of bullion, specification, design, issuance, and sale of coins, waiver of procurement regulations, distribution of surcharges, audit by Comptroller General, and financial assurances.

BICENTENNIAL OF THE UNITED STATES CONGRESS  
COMMEMORATIVE COINS

Pub. L. 100-673, Nov. 17, 1988, 102 Stat. 3992, as amended by Pub. L. 101-302, title III, § 312(c), May 25, 1990, 104 Stat. 245; Pub. L. 103-186, title IV, § 408(b), Dec. 14, 1993, 107 Stat. 2253, directed Secretary of the Treasury to issue not more than one million five dollar coins, three million one dollar coins, and four million half dollar coins commemorating the bicentennial of the United States Congress, and provided for specification and design and sale of coins, sources of bullion therefor, financial assurances, use of surcharges, inapplicability of other provisions governing procurement of goods and services, and compliance with provisions relating to equal employment opportunity.

Similar provisions were contained in Pub. L. 100-378, Aug. 1, 1988, 102 Stat. 887, and were repealed on enactment by section 11 of Pub. L. 100-378.

Pub. L. 101-36, June 9, 1989, 103 Stat. 69, authorized a first strike ceremony at the United States Capitol for the Bicentennial of the Congress Commemorative Coin.

DWIGHT DAVID EISENHOWER COMMEMORATIVE COINS

Pub. L. 100-467, Oct. 3, 1988, 102 Stat. 2275, as amended by Pub. L. 102-390, title II, § 221(c)(2)(B), Oct. 6, 1992, 106 Stat. 1628, directed Secretary of the Treasury to issue not more than four million one dollar coins commemorating the one hundredth anniversary of the birth of Dwight David Eisenhower, and provided for specification, design and sale of coins, sources of bullion therefor, financial assurances, inapplicability of other provisions governing procurement of goods and services, and compliance with provisions relating to equal employment opportunity.

1988 OLYMPIC COMMEMORATIVE COINS

Pub. L. 100-141, Oct. 28, 1987, 101 Stat. 832, directed Secretary of the Treasury to issue not more than one million five dollar coins and ten million one dollar coins commemorating the 1988 Olympics and provided for coin specifications, sources of bullion, design, sale, and issuance of coins, waiver of procurement regulations, distribution of surcharges, audit by the Comptroller General, establishment of a coinage profit fund, and financial assurances.

BICENTENNIAL OF UNITED STATES CONSTITUTION  
COMMEMORATIVE COINS

Pub. L. 99-582, Oct. 29, 1986, 100 Stat. 3315, directed Secretary of the Treasury to issue not more than one million five dollar coins and ten million one dollar coins commemorating the bicentennial of the United

States Constitution, and provided for specification, design and sale of coins, sources of bullion therefor, financial assurances, use of revenue from sales for reduction of national debt, inapplicability of other provisions governing procurement of goods and services, and compliance with provisions relating to equal employment opportunity.

STATUE OF LIBERTY-ELLIS ISLAND COMMEMORATIVE  
COINS

Pub. L. 99-61, title I, July 9, 1985, 99 Stat. 113, directed Secretary of the Treasury to issue not more than 500,000 five dollar coins, ten million one dollar coins, and twenty-five million half dollar coins commemorating the Statue of Liberty and Ellis Island, and provided for coin specifications, sources of bullion, design of coins, requirements for issuance, waiver of procurement regulations, distribution of surcharges, audit by the Comptroller General, establishment of a coinage profit fund, and financial assurances.

1984 OLYMPIC COMMEMORATIVE COINS

Pub. L. 97-220, July 22, 1982, 96 Stat. 222, directed Secretary of the Treasury to issue not more than fifty million one-dollar coins and two million ten-dollar coins commemorating the 1984 summer Olympic games and provided for national and international sales, distribution of proceeds, establishment of a coinage profit fund, audits by the Comptroller General, financial assurances, and reports to Congress.

POSSESSION OF GOLD COINS AND BULLION

The possession of gold coins and bullion was prohibited except under Government license by Ex. Ord. No. 6260, eff. Aug. 28, 1933. That prohibition was revoked by Ex. Ord. No. 11825, Dec. 31, 1974, 40 F.R. 1003, eff. Dec. 31, 1974. See notes set out under section 95a of Title 12, Banks and Banking.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5102, 5111, 5113, 5116, 5132 of this title; title 26 section 408.

**§ 5113. Tolerances and testing of coins**

(a) The Secretary of the Treasury may prescribe reasonable manufacturing tolerances for specifications in section 5112 of this title (except for specifications that are limits) for the dollar, half dollar, quarter dollar, and dime coins. The weight of the 5-cent coin may vary not more than 0.194 gram. The weight of the one-cent coin may vary not more than 0.13 gram. Any gold coin issued under section 5112 of this title shall contain the full weight of gold stated on the coin.

(b) The Secretary shall keep a record of the kind, number, and weight of each group of coins minted and test a number of the coins separately to determine if the coins conform to the weight specified in section 5112(a) of this title. If the coins tested do not conform, the Secretary—

- (1) shall weigh each coin of the group separately and deface the coins that do not conform and cast them into bars for reminting; or
- (2) may remelt the group of coins.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 983; Pub. L. 100-274, § 4(b), Mar. 31, 1988, 102 Stat. 50.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5113(a) .....	31:350. 31:398(5).	R.S. §3537; Sept. 26, 1890, ch. 945, §1, 26 Stat. 485. July 23, 1965, Pub. L. 89-81, §108(5), 79 Stat. 255.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5113(b) .....	31:351.	R.S. §3538; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384.

In subsection (a), the words "for the dollar, half dollar, quarter dollar, and dime coins" are added because of the restatement. The words "0.194 gram" are substituted for "three grains", and the words "0.13 gram" are substituted for "two grains", for consistency in the revised chapter.

In subsection (b), before clause (1), the words "Secretary shall keep a record of the kind, number, and weight of each group of coins minted" are substituted for 31:351(1st sentence) because of the source provisions restated in section 321(c) of the revised title. In clause (1), the words "deface the coins that do not conform and cast them into bars for reminting" are substituted for "shall be defaced and delivered to the superintendent of melting and refining department as standard bullion, to be again formed into ingots and recoined" for consistency in the revised chapter and to eliminate unnecessary words. In clause (2), the words "if more convenient" are omitted as surplus.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-274 inserted at end "Any gold coin issued under section 5112 of this title shall contain the full weight of gold stated on the coin."

**§ 5114. Engraving and printing currency and security documents**

(a) The Secretary of the Treasury shall engrave and print United States currency and bonds of the United States Government and currency and bonds of United States territories and possessions from intaglio plates on plate printing presses the Secretary selects. However, other security documents and checks may be printed by any process the Secretary selects. Engraving and printing shall be carried out within the Department of the Treasury if the Secretary decides the engraving and printing can be carried out as cheaply, perfectly, and safely as outside the Department.

(b) United States currency has the inscription "In God We Trust" in a place the Secretary decides is appropriate. Only the portrait of a deceased individual may appear on United States currency and securities. The name of the individual shall be inscribed below the portrait.

(c) The Secretary may make a contract for a period of not more than 4 years to manufacture distinctive paper for United States currency and securities. To promote competition among manufacturers of the distinctive paper, the Secretary may split the award for the manufacture of the paper between the 2 bidders with the lowest prices a pound. When the Secretary decides that it is necessary to operate more than one mill to manufacture distinctive paper, the Secretary may—

(1) employ individuals temporarily at rates of pay equivalent to the rates of pay of regular employees; and

(2) charge the pay of the temporary employees to the appropriation available for manufacturing distinctive paper.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 983.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5114(a) .....	31:177.	Aug. 24, 1912, ch. 355, §1(4th par. under heading "Engraving and Printing"), 37 Stat. 430. Jan. 3, 1923, ch. 22(2d par. under heading "Bureau of Engraving and Printing"), 42 Stat. 1099.
	31:415.	Mar. 3, 1877, ch. 105(provisos in par. under heading "Bureau of Engraving and Printing"), 19 Stat. 353. R.S. §3577.
5114(b) .....	31:416. 31:324a.	July 11, 1955, ch. 303, 69 Stat. 290. R.S. §3576.
	31:413. 31:414.	Mar. 2, 1889, ch. 411, §1(5th proviso under heading "Engraving and Printing"), 25 Stat. 945.
5114(c) .....	31:418.	July 1, 1916, ch. 209, §1(2d par. on p. 277), 39 Stat. 277; Oct. 31, 1951, ch. 654, §2(19), 65 Stat. 707.
	31:418a.	Aug. 11, 1951, ch. 301, §101(proviso under heading "Bureau of Engraving and Printing"), 65 Stat. 184.
	31:419.	Apr. 4, 1924, ch. 84(1st par. on p. 69), 43 Stat. 69.

In subsection (a), the words "The Secretary of the Treasury shall engrave and print" are substituted for "The work of engraving and printing . . . shall be performed at the Treasury Department" in 31:415 because of the source provisions restated in section 321(c) of the revised title. The words "United States currency and security documents of the United States Government and currency and bonds of the United States territories and possessions" are substituted for "the backs and tints of all United States bonds, the backs and tints of all United States paper money, and the backs and tints of bonds and paper money issued by any of the insular possessions of the United States" in 31:177 to eliminate unnecessary words and for clarity and consistency in the revised title. The words "other security documents and checks" are substituted for "checks" because only currency and bonds must be printed from intaglio plates. The text of 31:177(1st proviso) is omitted as unnecessary because of the authority of the Secretary to engrave and print restated in the subsection and the source provisions restated in section 303 of the revised title. The text of 31:177(last proviso) is omitted as executed. The text of the first and 2d provisos in the 4th paragraph under the heading "Engraving and Printing" in section 1 of the Act of August 24, 1912 (ch. 355, 37 Stat. 430), is omitted as superseded by 31:177(1st proviso). The words after the semicolon in the 2d paragraph under the heading "Bureau of Engraving and Printing" of the Act of January 3, 1923 (ch. 22, 42 Stat. 1099), are omitted as executed. The words "if the Secretary decides the engraving and printing can be carried out . . . as outside the Department" are substituted for "provided it can be done there" in 31:415 for clarity. The words "The Secretary of the Treasury may purchase and provide all the machinery and materials" in 31:416 are omitted as being superseded by section 5142 of the revised title. The words "and employ such persons and appoint such officers as are necessary for the purpose of section 415 of this title" are omitted as unnecessary because of 5:3101. The text of section 3577(words before the semicolon) of the Revised Statutes is omitted as superseded by 31:415.

In subsection (b), the words "United States currency has the inscription" are substituted for "the dies shall bear . . . the inscription" in 31:324a for clarity. The words "At such time as new dies for the printing of currency are adopted" are omitted as executed. The words "and thereafter this inscription shall appear on all United States currency and coins" are omitted as unnecessary because of the restatement of the source provisions in this subsection and section 5112(d) of the revised title. The words "in connection with the current

program of the Treasury Department to increase the capacity of presses utilized by the Bureau of Engraving and Printing” in the Act of July 11, 1955 (ch. 303, 69 Stat. 290), are omitted as unnecessary. The words “Only . . . of a deceased individual” are substituted for “No . . . while the original of such portrait is living” in 31:413 for clarity. The words “United States currency and obligations” are substituted for “bonds, securities, notes, fractional or postal currency of the United States” for consistency in the revised title. The words “shall be placed upon any of the plates for bonds, securities, notes, and silver certificates of the United States” in 31:414 are omitted as unnecessary because of the restatement.

In subsection (c), before clause (1), the words “subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended” in 31:418 are omitted as unnecessary. The words “On and after August 11, 1951” in 31:418a are omitted as executed. The words “received after advertisement” are omitted as unnecessary because of 41:252. The words “the Secretary decides” are added for clarity. In clause (1), the words “as may be necessary” in 31:419 are omitted as surplus. In clause (2), the word “pay” is substituted for “compensation” for consistency in the revised subsection and with other titles of the United States Code.

PROHIBITION ON USE OF FUNDS FOR MANUFACTURE OF DISTINCTIVE PAPER FOR CURRENCY AND SECURITIES BY FOREIGN OWNED CORPORATIONS OR OUTSIDE UNITED STATES; EXCEPTION

Pub. L. 100-440, title VI, §617(a), Sept. 22, 1988, 102 Stat. 1755, provided that: “None of the funds made available by this or any other Act with respect to any fiscal year may be used to make a contract for the manufacture of distinctive paper for United States currency and securities pursuant to section 5114 of title 31, United States Code, with any corporation or other entity owned or controlled by persons not citizens of the United States, or for the manufacture of such distinctive paper outside of the United States or its possessions. This subsection shall not apply if the Secretary of the Treasury determines that no domestic manufacturer of distinctive paper for United States currency or securities exists with which to make a contract and if the Secretary of the Treasury publishes in the Federal Register a written finding stating the basis for the determination.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 100-202, §101(m) [title VI, §622(a)], Dec. 22, 1987, 101 Stat. 1329-390, 1329-428.

**§ 5115. United States currency notes**

(a) The Secretary of the Treasury may issue United States currency notes. The notes—

- (1) are payable to bearer; and
- (2) shall be in a form and in denominations of at least one dollar that the Secretary prescribes.

(b) The amount of United States currency notes outstanding and in circulation—

- (1) may not be more than \$300,000,000; and
- (2) may not be held or used for a reserve.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 983.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5115(a) . . . .	31:401.	R.S. §3571.
5115(b) . . . .	31:402.	June 20, 1874, ch. 343, §6, 18 Stat. 124; Jan. 14, 1875, ch. 15, §3, 18 Stat. 296.

In the section, the words “United States currency notes” are substituted for “United States notes” for clarity and consistency in the revised title.

In subsection (a), the first sentence is added for clarity and because of the restatement. The words “shall not bear interest” are omitted because of the source provisions restated in section 5118 of the revised title.

In subsection (b), before clause (1), the words “in circulation” are substituted for “to be used as a part of the circulation medium” to eliminate unnecessary words. In clause (1), the words “the sum of” are omitted as surplus. The words “which said sum shall appear in each monthly statement of the public debt” are omitted because of the source provisions restated in section 5118 of the revised title. In clause (2), the words “and no part thereof shall” are omitted because of the restatement. The text of section 3(less 2d sentence) of the Act of January 14, 1875 (ch. 15, 18 Stat. 296), is omitted as executed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5119 of this title.

**§ 5116. Buying and selling gold and silver**

(a)(1) With the approval of the President, the Secretary of the Treasury may—

(A) buy and sell gold in the way, in amounts, at rates, and on conditions the Secretary considers most advantageous to the public interest; and

(B) buy the gold with any direct obligations of the United States Government or United States coins and currency authorized by law, or with amounts in the Treasury not otherwise appropriated.

(2) Amounts received from the purchase of gold are an asset of the general fund of the Treasury. Amounts received from the sale of gold shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.

(3) The Secretary shall acquire gold for the coins issued under section 5112(i) of this title by purchase of gold mined from natural deposits in the United States, or in a territory or possession of the United States, within one year after the month in which the ore from which it is derived was mined. The Secretary shall pay not more than the average world price for the gold. In the absence of available supplies of such gold at the average world price, the Secretary may use gold from reserves held by the United States to mint the coins issued under section 5112(i) of this title. The Secretary shall issue such regulations as may be necessary to carry out this paragraph.

(b)(1) The Secretary may buy silver mined from natural deposits in the United States, or in a territory or possession of the United States, that is brought to a United States mint or assay office within one year after the month in which the ore from which it is derived was mined. The Secretary may use the coinage metal fund under section 5111(b) of this title to buy silver under this subsection.

(2) The Secretary may sell or use Government silver to mint coins, except silver transferred to stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.). The Secretary shall obtain the silver for the coins authorized under section 5112(e) of this title by purchase from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.). The Secretary shall sell silver under conditions the Sec-

retary considers appropriate for at least \$1.292929292 a fine troy ounce.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 984; Pub. L. 99-61, title II, §203, July 9, 1985, 99 Stat. 116; Pub. L. 99-185, §2(c), Dec. 17, 1985, 99 Stat. 1178; Pub. L. 100-274, §5, Mar. 31, 1988, 102 Stat. 50.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5116(a) .....	31:733(words after semicolon). 31:734.	R.S. §3699(words after semicolon); restated Jan. 30, 1934, ch. 6, §9, 48 Stat. 341. R.S. §3700; restated Jan. 30, 1934, ch. 6, §8, 48 Stat. 341.
5116(b)(1)	31:335.  31:394.	R.S. §3526; restated May 10, 1950, ch. 173, 64 Stat. 157; July 9, 1956, ch. 535, §2, 70 Stat. 518; July 23, 1965, Pub. L. 89-81, §205, 79 Stat. 256. July 23, 1965, Pub. L. 89-81, §104, 79 Stat. 255.
5116(b)(2)	31:405a-1.	June 4, 1963, Pub. L. 88-36, §2, 77 Stat. 54; July 23, 1965, Pub. L. 89-81, §209, 79 Stat. 257; restated June 24, 1967, Pub. L. 90-29, §3, 81 Stat. 77.

In subsection (a)(1), the words "With the approval of the President" are applied to 31:733(words after semicolon) because of 31:822b. The words "at home or abroad" in 31:733(words after semicolon) and 734 are omitted as surplus. The words "terms and" are omitted as included in "conditions". The text of 31:733(proviso) is omitted as superseded by the Bretton Woods Agreement Act (22 U.S.C. 286 et seq.) and sections 6 and 9 of the Act of October 19, 1976 (Pub. L. 94-564, 90 Stat. 2661), repealing 31:449 that provided for parity of the dollar on terms of gold and special drawing rights. The text of 31:734(1st sentence words after semicolon) is omitted as surplus.

In subsection (b)(1), the words "coinage metal fund" are substituted for "bullion fund" in 31:335 as being more precise and because of section 5111 of the revised title. The words "after July 23, 1965" in 31:394 are omitted as executed. The words "to procure bullion for coinage" and 31:335(2d-last sentences) are omitted as obsolete because the Secretary of the Treasury has authority to mint coins containing silver only under section 5112(e) of the revised title and the Secretary holds sufficient silver to mint those coins. See Sen. Rept. No. 91-1084 (1970).

In subsection (b)(2), the word "terms" is omitted as being included in "conditions". The words "for at least" are substituted for "at a price not less than the monetary value of" to eliminate unnecessary words.

REFERENCES IN TEXT

The Strategic and Critical Materials Stock Piling Act, referred to in subsec. (b)(2), is act June 7, 1939, ch. 190, as revised generally by Pub. L. 96-41, §2, July 30, 1979, 93 Stat. 319, which is classified generally to subchapter III (§98 et seq.) of chapter 5 of Title 50, War and National Defense. For complete classification of this Act to the Code, see section 98 of Title 50 and Tables.

AMENDMENTS

1988—Subsec. (a)(2). Pub. L. 100-274 amended last sentence generally, substituting "shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt" for "shall be deposited in the general fund of the Treasury".

1985—Subsec. (a)(3). Pub. L. 99-185 added par. (3).  
Subsec. (b)(1). Pub. L. 99-61, §203(1), (2), substituted "The Secretary may buy silver" for "The Secretary shall buy silver", and struck out provision directing that the Secretary pay \$1.25 a fine troy ounce for silver.

Subsec. (b)(2). Pub. L. 99-61, §203(3), inserted provision directing that the Secretary obtain the silver for the coins authorized under section 5112(e) of this title

by purchase from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

EFFECTIVE DATE OF 1985 AMENDMENTS

Amendment by Pub. L. 99-185 effective Oct. 1, 1985, except that no coins may be issued or sold under section 5112(i) of this title before Oct. 1, 1986, see section 3 of Pub. L. 99-185, set out as a note under section 5112 of this title.

Amendment by Pub. L. 99-61 effective Oct. 1, 1985, with exception as to issuance or sale of coins under section 5112(e) of this title, see section 205 of Pub. L. 99-61, set out as a note under section 5112 of this title.

TERMINATION OF COINAGE METAL FUND

All assets and liabilities of Coinage Metal Fund transferred to United States Mint Public Enterprise Fund and such coinage fund to cease to exist as separate fund as its activities and functions are subsumed under and subject to United States Mint Public Enterprise Fund, see section 5136 of this title.

§ 5117. Transferring gold and gold certificates

(a) All right, title, and interest, and every claim of the Board of Governors of the Federal Reserve System, a Federal reserve bank, and a Federal reserve agent, in and to gold is transferred to and vests in the United States Government to be held in the Treasury. Payment for the transferred gold is made by crediting equivalent amounts in dollars in accounts established in the Treasury under the 15th paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 467). Gold not in the possession of the Government shall be held in custody for the Government and delivered on the order of the Secretary of the Treasury. The Board of Governors, Federal reserve banks, and Federal reserve agents shall give instructions and take action necessary to ensure that the gold is so held and delivered.

(b) The Secretary shall issue gold certificates against gold transferred under subsection (a) of this section. The Secretary may issue gold certificates against other gold held in the Treasury. The Secretary may prescribe the form and denominations of the certificates. The amount of outstanding certificates may be not more than the value (for the purpose of issuing those certificates, of 42 and two-ninths dollars a fine troy ounce) of the gold held against gold certificates. The Secretary shall hold gold in the Treasury equal to the required dollar amount as security for gold certificates issued after January 29, 1934.

(c) With the approval of the President, the Secretary may prescribe regulations the Secretary considers necessary to carry out this section.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 984.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5117(a) .....	31:441(1st, last sentences).	Jan. 30, 1934, ch. 6, §§2(a), 11, 48 Stat. 337, 342.
5117(b) .....	31:405b.  31:408a(last proviso).	Jan. 30, 1934, ch. 6, §14(c), 48 Stat. 344; Mar. 18, 1968, Pub. L. 90-269, §12, 82 Stat. 51; restated Oct. 19, 1976, Pub. L. 94-564, §8, 90 Stat. 2661. Jan. 30, 1934, ch. 6, §6(last proviso), 48 Stat. 340; Mar. 18, 1968, Pub. L. 90-269, §8, 82 Stat. 50.
5117(c) .....	31:441(2d sentence). 31:822b.	

In subsection (a), the words “On January 30, 1934” are omitted as executed. The word “gold” is substituted for “gold coin and gold bullion” for consistency and to omit unnecessary words. The word “transferred” is substituted for “pass” for consistency in the subsection. The words “to be held in the Treasury” are added for consistency with the source provisions restated in subsection (b) of the revised section.

In subsection (b), the first sentence is substituted for 31:441(2d) sentence) for consistency. The word “issued” in 31:405b is omitted as being included in “outstanding”. The words “of 42 and two-ninths dollars a fine troy ounce)” are substituted for “at the legal standard provided in section 449 of this title on October 19, 1976” because that was the legal standard in that section on that date. The text of 31:449 was repealed by section 6 of the Bretton Woods Agreements Act. The words “The Secretary shall hold . . . in the Treasury . . . as security” are substituted for “security . . . shall be maintained” in 31:408a(last proviso) because of the source provisions restated in section 321 of the revised title. The words “gold certificates issued after January 29, 1934” are substituted for “gold certificates (including the gold certificates held in the Treasury for credits payable therein)” for clarity and because of section 5118(c)(1)(A) of the revised title.

In subsection (c), the word “regulations” is substituted for “rules and regulations”, and the word “necessary” is substituted for “necessary or proper”, to eliminate unnecessary words.

### § 5118. Gold clauses and consent to sue

(a) In this section—

(1) “gold clause” means a provision in or related to an obligation alleging to give the obligee a right to require payment in—

(A) gold;

(B) a particular United States coin or currency; or

(C) United States money measured in gold or a particular United States coin or currency.

(2) “public debt obligation” means a domestic obligation issued or guaranteed by the United States Government to repay money or interest.

(b) The United States Government may not pay out any gold coin. A person lawfully holding United States coins and currency may present the coins and currency to the Secretary of the Treasury for exchange (dollar for dollar) for other United States coins and currency (other than gold and silver coins) that may be lawfully held. The Secretary shall make the exchange under regulations prescribed by the Secretary.

(c)(1) The Government withdraws its consent given to anyone to assert against the Government, its agencies, or its officers, employees, or agents, a claim—

(A) on a gold clause public debt obligation or interest on the obligation;

(B) for United States coins or currency; or

(C) arising out of the surrender, requisition, seizure, or acquisition of United States coins or currency, gold, or silver involving the effect or validity of a change in the metallic content of the dollar or in a regulation about the value of money.

(2) Paragraph (1) of this subsection does not apply to a proceeding in which no claim is made for payment or credit in an amount greater than the face or nominal value in dollars of public debt obligations or United States coins or currency involved in the proceeding.

(3) Except when consent is not withdrawn under this subsection, an amount appropriated for payment on public debt obligations and for United States coins and currency may be expended only dollar for dollar.

(d)(1) In this subsection, “obligation” means any obligation (except United States currency) payable in United States money.

(2) An obligation issued containing a gold clause or governed by a gold clause is discharged on payment (dollar for dollar) in United States coin or currency that is legal tender at the time of payment. This paragraph does not apply to an obligation issued after October 27, 1977. This paragraph shall apply to any obligation issued on or before October 27, 1977, notwithstanding any assignment or novation of such obligation after October 27, 1977, unless all parties to the assignment or novation specifically agree to include a gold clause in the new agreement. Nothing in the preceding sentence shall be construed to affect the enforceability of a Gold Clause<sup>1</sup> contained in any obligation issued after October 27, 1977 if the enforceability of that Gold Clause<sup>1</sup> has been finally adjudicated before the date of enactment of the Economic Growth and Regulatory Paperwork Reduction Act of 1996.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 985; Pub. L. 99-185, §2(d), Dec. 17, 1985, 99 Stat. 1178; Pub. L. 104-208, div. A, title II, §2609, Sept. 30, 1996, 110 Stat. 3009-475.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5118(a) .....	31:773d.	Aug. 27, 1935, ch. 780, 49 Stat. 938.
5118(b) .....	31:315b.	Jan. 30, 1934, ch. 6, §5, 48 Stat. 340.
5118(c)(1), (2).	31:773a. 31:773b.	
5118(c)(3)	31:773c.	
5118(d) .....	31:463.	June 5, 1933, ch. 48, §1, 48 Stat. 113.
	31:463(note).	Oct. 28, 1977, Pub. L. 95-147, §4(c), 91 Stat. 1229.

In subsection (a), before clause (1), the words “the phrase” are omitted as surplus. In clause (1), the words “declared to be against public policy by section 463 of this title” are omitted as surplus. Clause (2) is substituted for 31:773d(words after semicolon) for consistency in the revised title and to eliminate unnecessary words.

In subsection (b), the words “after January 30, 1934” in 31:315b are omitted as executed. The words “that may be lawfully held” are substituted for “which may be lawfully acquired and are legal tender for public and private debts” in 31:773a for consistency in the subsection and to eliminate unnecessary words. The words “and that the owners of the gold clause securities of the United States shall be, at their election, entitled to receive immediate payment of the stated dollar amount thereof with interest to the date of payment or to prior maturity or to prior redemption date, whichever is earlier” in section 1 of the Act of August 27, 1935 (ch. 780, 49 Stat. 938), are omitted as expired. The words “make the exchange” are substituted for “make such exchanges and payments upon presentation hereunder” to eliminate unnecessary words. The words “No gold shall after January 30, 1934, be coined” in 31:315b are omitted because of section 5112 of the revised title. The text of 31:315b(proviso) is omitted as unnecessary because of the restatement. The text of 31:315b(last sentence) is omitted as executed.

<sup>1</sup> So in original. Probably should not be capitalized.

In subsection (c)(1), before clause (A), the word “Government” is substituted for “United States” for consistency in the revised title and with other titles of the United States Code. The words “to anyone” are added for clarity. The words “whether by way of suit, counterclaim, set-off, recoupment, or other affirmative action or defense in its own name or in the name of” are omitted as surplus. The word “employees” is added for consistency in the revised title and with other titles of the Code. The word “instrumentalities” is omitted as unnecessary because of section 101 of the revised title. The word “claim” is substituted for “right, privilege, or power” to eliminate unnecessary words and for consistency in the revised title and with other titles of the Code. The words “in any proceeding of any nature whatsoever” are omitted as surplus. In clause (C), the words “or demand” are omitted as surplus.

In subsection (c)(2), the words “any suit commenced prior to August 27, 1935, or which may be commenced by January 1, 1936” are omitted as executed. The words “referred to in this section” are omitted as surplus.

In subsection (c)(3), the words “may be expended” are substituted for “an amount appropriated or authorized to be expended” and “shall be available for or expended in”, and the words “dollar for dollar” are substituted for “on an equal and uniform dollar for dollar basis”, to eliminate unnecessary words.

In subsection (d)(1), the words “including every obligation of and to the United States” are omitted as surplus. The text of 31:463(b)(words after semicolon) is omitted as unnecessary because of the restatement.

REFERENCES IN TEXT

The date of enactment of the Economic Growth and Regulatory Paperwork Reduction Act of 1996, referred to in subsec. (d)(2), is the date of enactment of Pub. L. 104-208, div. A, title II, which was approved Sept. 30, 1996.

AMENDMENTS

1996—Subsec. (d)(2). Pub. L. 104-208 inserted at end “This paragraph shall apply to any obligation issued on or before October 27, 1977, notwithstanding any assignment or novation of such obligation after October 27, 1977, unless all parties to the assignment or novation specifically agree to include a gold clause in the new agreement. Nothing in the preceding sentence shall be construed to affect the enforceability of a Gold Clause contained in any obligation issued after October 27, 1977 if the enforceability of that Gold Clause has been finally adjudicated before the date of enactment of the Economic Growth and Regulatory Paperwork Reduction Act of 1996.”

1985—Subsec.(b). Pub. L. 99-185 struck out “or deliver” after “pay out” and inserted “(other than gold and silver coins)” before “that may be lawfully held”.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-185 effective Oct. 1, 1985, except that no coins may be issued or sold under section 5112(i) of this title before Oct. 1, 1986, see section 3 of Pub. L. 99-185, set out as a note under section 5112 of this title.

§ 5119. Redemption and cancellation of currency

(a) Except to the extent authorized in regulations the Secretary of the Treasury prescribes with the approval of the President, the Secretary may not redeem United States currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) in gold. However, the Secretary shall redeem gold certificates owned by the Federal reserve banks at times and in amounts the Secretary decides are necessary to maintain the equal purchasing power of each kind of United States currency. When redemption in gold is au-

thorized, the redemption may be made only in gold bullion bearing the stamp of a United States mint or assay office in an amount equal at the time of redemption to the currency presented for redemption.

(b)(1) Except as provided in subsection (c)(1) of this section, the following are public debts bearing no interest:

(A) gold certificates issued before January 30, 1934.

(B) silver certificates.

(C) notes issued under the Act of July 14, 1890 (ch. 708, 26 Stat. 289).

(D) Federal Reserve notes for which payment was made under section 4 of the Old Series Currency Adjustment Act.

(E) United States currency notes, including those issued under section 1 of the Act of February 25, 1862 (ch. 33, 12 Stat. 345), the Act of July 11, 1862 (ch. 142, 12 Stat. 532), the resolution of January 17, 1863 (P.R. 9; 12 Stat. 822), section 2 of the Act of March 3, 1863 (ch. 73, 12 Stat. 710), or section 5115 of this title.

(2) REDEMPTION, CANCELLATION, AND DESTRUCTION OF CURRENCY.—The Secretary shall—

(A) redeem any currency described in paragraph (1) from the general fund of the Treasury upon presentation to the Secretary; and

(B) cancel and destroy such currency upon redemption.

The Secretary shall not be required to reissue United States currency notes upon redemption.

(c)(1) The Secretary may determine the amount of the following United States currency that will not be presented for redemption because the currency has been destroyed or irretrievably lost:

(A) circulating notes of Federal reserve banks and national banks issued before July 1, 1929, for which the United States Government has assumed liability.

(B) outstanding currency referred to in subsection (b)(1) of this section.

(2) When the Secretary makes a determination under this subsection, the Secretary shall reduce the amount of that currency outstanding by the amount the Secretary determines will not be redeemed and credit the appropriate receipt account.

(d) To provide a historical collection of United States currency, the Secretary may withhold from cancellation and destruction and transfer to a special account one piece of each design, issue, or series of each denomination of each kind of currency (including circulating notes of Federal reserve banks and national banks) after redemption. The Secretary may make appropriate entries in Treasury accounts because of the transfers.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 985; Pub. L. 102-390, title II, § 226(b), Oct. 6, 1992, 106 Stat. 1630; Pub. L. 103-325, title VI, § 602(g)(14), Sept. 23, 1994, 108 Stat. 2294.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5119(a) .....	31:408a(less last proviso).	Jan. 30, 1934, ch. 6, §§6(less last proviso), 11, 15(1st sentence words between 2d and 3d semicolons), 48 Stat. 340, 342, 344.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5119(b)(1)	31:444(1st sentence words between 2d and 3d semicolons). 31:822b. 31:405a-3.  31:911.	June 24, 1967, Pub. L. 90-29, §§1, 2, 81 Stat. 77. June 30, 1961, Pub. L. 87-66, §§2, 5, 6, 9, 10, 75 Stat. 146, 147.
5119(b)(2)	31:915(a), (b). 31:404.	May 31, 1878, ch. 146, 20 Stat. 87; June 30, 1961, Pub. L. 87-66, §7, 75 Stat. 147. R.S. §3580.
5119(c)(1)	31:420. 31:914. 31:916.	
5119(c)(2)	31:915(c)(words before last comma). 31:405a-2.	
5119(d) .....	31:915(c)(words after last comma). 31:917.	

In subsection (a), the words "Secretary may not redeem" are substituted for "no . . . shall be redeemed" in 31:408a(less last proviso) because of the source provisions restated in section 321 of the revised title. The words "United States currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks)" are substituted for "currency of the United States" and the text of 31:444(1st sentence words between 2d and 3d semicolons) for consistency with section 5103 of this title and to eliminate unnecessary words.

In subsection (b)(1), before clause (A), the words "upon completion of the transfers and credits authorized and directed by section 912 of this title" in 31:915 and "and the amount of the payment credited as a public debt receipt in accordance with such section" are omitted as executed. In clause (B), the text of 31:405a-3(last sentence) and 31:915(a)(4) is consolidated. The text of 31:405a-3(1st sentence) is omitted as executed. In clauses (C) and (E), the citations in parentheses are included only for information purposes.

In subsection (b)(2), the words "cancel and destroy" are substituted for "retired" in 31:914 for consistency in the revised section. The words "paragraph (1) of this subsection" are substituted for "Any currency the funds for the redemption or security of which have been transferred pursuant to the provisions of section 912 of this title, and any Federal Reserve notes as to which payment has been made under section 913 of this title" because of the restatement. The words "presented to the Secretary" are substituted for "presentation at the Treasury" because of the source provisions restated in section 321(c) of the revised title. The text of 31:916 is omitted as unnecessary because of the restatement. The text of 31:404 and 31:420 is omitted as superseded by the source provisions restated in this subsection and subsection (c). The words "All acts and parts of acts in conflict herewith are hereby repealed" in the Act of May 31, 1878 (ch. 146, 20 Stat. 87), are omitted as executed.

In subsection (c)(2), the words "When the Secretary makes a determination under this subsection" are added because of the restatement. The words "on the books of the Treasury" are omitted as surplus. The text of 31:405(e)(2)(1st sentence) is omitted as superseded by the source provisions restated in subsection (b).

In subsection (d), the word "paper" is omitted as surplus. The words "(including circulating notes of Federal Reserve banks and national banks)" are substituted for "including bank notes" for consistency in the section. The words "heretofore or hereafter issued" are omitted as surplus.

REFERENCES IN TEXT

Act of July 14, 1890, ch. 708, 26 Stat. 289, referred to in subsec. (b)(1)(C), which was known as the Sherman

Purchase of Silver Act of July 14, 1890, was classified to sections 408, 410, 412, and 453 of former Title 31, and sections 122 and 145 of Title 12, Banks and Banking, and was repealed by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1069.

Section 4 of the Old Series Currency Adjustment Act, referred to in subsec. (b)(1)(D), is section 4 of Pub. L. 87-66, June 30, 1961, 75 Stat. 146, which was classified to section 913 of former Title 31, and was repealed by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1079.

Acts February 25, 1862, July 11, 1862, and March 3, 1863, and resolution January 17, 1863, referred to in subsec. (b)(1)(E), are acts Feb. 25, 1862, ch. 33, 12 Stat. 345, July 11, 1862, ch. 142, 12 Stat. 532, and Mar. 3, 1863, ch. 73, 12 Stat. 709, and resolution Jan. 17, 1863, 12 Stat. 822, respectively, which are not classified to the Code.

AMENDMENTS

1994—Subsec. (b)(2). Pub. L. 103-325 inserted concluding provisions.

1992—Subsec. (b)(2). Pub. L. 102-390 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "The Secretary shall redeem from the general fund of the Treasury and cancel and destroy currency referred to in paragraph (1) of this subsection when the currency is presented to the Secretary."

§ 5120. Obsolete, mutilated, and worn coins and currency

(a)(1) The Secretary of the Treasury shall melt obsolete and worn United States coins withdrawn from circulation. The Secretary may use the metal from melting the coins for reminting or may sell the metal. The Secretary shall account for the following in the coinage metal fund under section 5111(b) of this title:

(A) obsolete and worn coins and the metal from melting the coins.

(B) proceeds from the sale of the metal.

(C) losses incurred in the sale of the metal.

(D) losses incurred because of the difference between the face value of the coins melted and the coins minted from the metal.

(2) The Secretary shall reimburse the coinage metal fund for losses under paragraph (1)(C) and (D) of this subsection out of amounts in the coinage profit fund under section 5111(b) of this title.

(b) The Secretary shall—

(1) cancel and destroy (by a secure process) obsolete, mutilated, and worn United States currency withdrawn from circulation; and

(2) dispose of the residue of the currency and notes.

(c) The Comptroller General shall audit the cancellation and destruction of United States currency and the accounting of the cancellation and destruction. Records the Comptroller General considers necessary to make an effective audit easier shall be made available to the Comptroller General.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 986.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5120(a) .....	31:317c.	Dec. 18, 1942, ch. 767, §3, 56 Stat. 1065; July 23, 1965, Pub. L. 89-81, §203(a), 79 Stat. 256.
5120(b) .....	31:421. 31:422.	R.S. §3581. June 23, 1874, ch. 455, §1(3d par. under heading "National Currency"), 18 Stat. 206.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5120(c) .....	31:49a.	May 20, 1966, Pub. L. 89-427, § 5, 80 Stat. 161.

In subsection (a)(1), before clause (A), the word “obsolete” is substituted for “uncurrent” as being more precise. The words “withdrawn from circulation” are substituted for “received in the Treasury” for clarity. The words “heretofore or hereafter issued” are omitted as surplus. The words “metal from melting the coins” are substituted for “the resulting metal” because of the restatement. The word “reminting” is substituted for “coinage” for consistency in the revised title. The word “material” is omitted as being included in “metal”. The words “The Secretary shall account” are substituted for “shall be accounted for by entries” because of the source provisions restated in section 321 of the revised title. In clause (D), the word “face” is substituted for “nominal or face” to eliminate unnecessary words. The words “coins minted from the metal” are substituted for “the amount the same will produce in new coin” for clarity.

In subsection (a)(2), the words “The Secretary shall reimburse” are substituted for “fund shall be reimbursed” because of the source provisions restated in section 321 of the revised title. The text of 31:317c(proviso) is omitted as obsolete because the statutory limit on the coinage metal fund was removed by the restatement of section 3528 of the Revised Statutes by section 206(a) of the Coinage Act of 1965 (Pub. L. 89-81, 79 Stat. 256).

In subsection (b), before clause (1), the words “The Secretary shall” are substituted for “shall be destroyed in such manner and under such regulations as the Secretary of the Treasury may prescribe” in 31:421 because of the source provisions restated in section 321 of the revised title. In clause (1), the words “cancel and destroy” are substituted for “shall be destroyed” to conform to subsection (c) and section 5118(c) and (e) of the revised title. The words “(by a secure process)” are substituted for “may be destroyed by maceration instead of burning to ashes” in 31:422 to eliminate unnecessary words and because of the source provisions restated in section 321 of the revised title. The words “obsolete, mutilated, and worn . . . withdrawn from circulation” are substituted for “which by law are required to be taken up, and not reissued, when taken up” in 31:421 for consistency with subsection (a) and 12:124. The words “United States currency” are substituted for “all other notes” in 31:421 and “All national bank notes . . . and other obligations of the United States” for consistency in the revised title. The words “Mutilated United States notes, when replaced according to law” are omitted as superseded by the source provisions restated in section 5119(b) of the revised title. The text of the 3d paragraph(words before the first semicolon and between the 2d and last semicolons) under the heading “National Currency” in section 1 of the Act of June 23, 1874 (ch. 455, 18 Stat. 206), is omitted as executed. In clause (2), the words “dispose of the residue of the currency and notes” are substituted for “The pulp from such macerated issue shall be disposed of only under the direction of the Secretary of the Treasury” in 31:422 to eliminate unnecessary words and for consistency in the revised title.

In subsection (c), the word “currency” is substituted for “currency . . . unfit for circulation” to eliminate unnecessary words. The words “regardless of who is responsible for, and regardless of who performs, such cancellation, destruction, or accounting” are omitted as unnecessary because of the restatement. The word “record” is substituted for “books, documents, papers, and records”, and the words “make . . . easier” are substituted for “facilitate”, for consistency in the revised title and with other titles of the United States Code.

TERMINATION OF COINAGE PROFIT FUND AND COINAGE METAL FUND

All assets and liabilities of Coinage Profit Fund and Coinage Metal Fund transferred to United States Mint Public Enterprise Fund and both coinage funds to cease to exist as separate funds as their activities and functions are subsumed under and subject to United States Mint Public Enterprise Fund, see section 5136 of this title.

§ 5121. Refining, assaying, and valuation of bullion

- (a) The Secretary of the Treasury shall—
  - (1) melt and refine bullion;
  - (2) as required, assay coins, metal, and bullion;
  - (3) cast gold and silver bullion deposits into bars; and
  - (4) cast alloys into bars for minting coins.

(b) A person owning gold or silver bullion may deposit the bullion with the Secretary to be cast into fine, standard fineness, or unrefined bars weighing at least 5 troy ounces. When practicable, the Secretary shall weigh the bullion in front of the depositor. The Secretary shall give the depositor a receipt for the bullion stating the description and weight of the bullion. When the Secretary has to melt the bullion or remove base metals before the value of the bullion can be determined, the weight is the weight after the melting or removal of the metals. The Secretary may refuse a deposit of gold bullion if the deposit is less than \$100 in value or the bullion is so base that it is unsuitable for the operations of the Bureau of the Mint.

(c) When the gold and silver are combined in bullion that is deposited and either the gold or silver is so little that it cannot be separated economically, the Secretary may not pay the depositor for the gold or silver that cannot be separated.

(d)(1) Under conditions prescribed by the Secretary, a person may exchange unrefined bullion for fine bars when—

- (A) gold and silver are combined in the bullion in proportions that cannot be economically refined; or
- (B) necessary supplies of acids cannot be procured at reasonable rates.

(2) The charge for refining in an exchange under this subsection may be not more than the charge imposed in an exchange of unrefined bullion for refined bullion.

(e) The Secretary shall prepare bars for payment of deposits. The Secretary shall stamp each bar with a designation of the weight and fineness of the bar and a symbol the Secretary considers suitable to prevent fraudulent imitation of the bar.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 987.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5121(a) .....	31:274.	R.S. §3508; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading “Assay Office at Salt Lake City, Utah”), 37 Stat. 384.
	31:277.	R.S. §3507.
	31:330.	R.S. §3522.

## HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
	31:343.	R.S. §3530; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384.
	31:344.	R.S. §3531; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384.
5121(b) .....	31:325(words before 4th comma and after last comma). 31:327(1st sentence). 31:328(1st sentence).	R.S. §3518.  R.S. §3519. R.S. §3520; Mar. 3, 1887, ch. 396, §3, 24 Stat. 635.
	31:329.	R.S. §3521; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384.
5121(c) .....	31:327(last sentence). 31:328(last sentence).	
5121(d) .....	31:360. 31:362.	R.S. §3546. June 19, 1878, ch. 329, §1(2d sentence words after last semicolon on p. 191), 20 Stat. 191.
5121(e) .....	31:325(words between 4th and last commas). 31:347.	R.S. §3534; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384.

In the section, the word "Secretary" is substituted for "superintendent", "superintendent of melting and refining department", "assayer", "Director of the Mint", and "Director of the Mint, with the approval of the Secretary of the Treasury" because of the source provisions restated in section 321(c) of the revised title.

In subsection (a), clause (1) is added to provide a complete list of the duties and powers of the Secretary and for consistency with section 5131 of the revised title. In clause (2), the words "as required" are substituted for "required by the operations of the Bureau of the Mint" and "whenever required by the superintendent" in 31:277 to eliminate unnecessary words. The text of 31:330 is omitted as superseded by the source provisions restated in section 321(c) of the revised title. In clause (3), the word "bars" is substituted for "bars conformable in all respects to the law" in 31:274 to eliminate unnecessary words. In clause (4), the word "alloys" is substituted for "standard silver or gold, and alloys for minor" in 31:274, and the text of 31:343(last sentence) is omitted, because coins issued by the Secretary under this chapter are composed of alloys. The words "minting coins" are substituted for "coinage" for consistency in the revised chapter. The words "suitable for the superintendent of coining department, from the metals legally delivered to him for that purpose" in 31:274 and the text of 31:274(last sentence) and 31:343(1st, 2d sentences) are omitted as superseded by the source provisions restated in section 321(c) of the revised title. The text of 31:344(last sentence) is omitted as unnecessary because of the restatement of the source provisions in sections 5112 and 5113 of the revised title.

In subsections (b) and (d), the word "unrefined" is substituted for "unparted" for consistency in the revised chapter.

In subsection (b), the words "At the option of the owner" and "as he may prefer" in 31:325 and "for his benefit" in 31:327 are omitted as unnecessary because of the restatement. The words "weighing at least" are substituted for "and no such bars shall be issued of a less weight than" in 31:325 to eliminate unnecessary words. The word "troy" is added for clarity. The words "into coin" in section 3519 of the Revised Statutes are omitted because the coinage of gold was discontinued by 31:315b. The text of 31:329(last sentence) is omitted

because of the source provisions restated in section 321(c) of the revised title. The words "and no deposit of silver for other coinage shall be received" in 31:328(1st sentence) are omitted as unnecessary because of the restatement.

In subsection (c), the word "economically" is substituted for "advantageously" in 31:327(last sentence) for consistency in the section. The text of 31:328(last sentence) is omitted as unnecessary because of the source provisions restated in section 5121(a) of the revised title.

In subsection (d)(1), before clause (A), the words "at any of the mints" in 31:360(1st sentence) are omitted as superseded by the source provisions restated in section 321(c) of the revised title. The text of 31:360(2d sentence) is omitted as unnecessary because of the source provisions restated in section 5121(a) of the revised title.

In subsection (d)(2), the words "in an exchange under this subsection" are added for clarity. The word "refining" is substituted for "refining or parting" for consistency in the revised chapter.

In subsection (e), the word "suitable" is substituted for "expedient" in 31:325(words between 4th and last commas) for clarity. The words "but the fineness thereof shall be ascertained and" in 31:347 are omitted as unnecessary because of the source provisions restated in section 5121(a) of the revised title.

## POSSESSION OF GOLD COINS AND BULLION

The possession of gold coins and bullion was prohibited except under Government license by Ex. Ord. No. 6260, eff. Aug. 28, 1933. That prohibition was revoked by Ex. Ord. No. 11825, Dec. 31, 1974, 40 F.R. 1003, eff. Dec. 31, 1974. See notes set out under section 95a of Title 12, Banks and Banking.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5122 of this title.

## § 5122. Payment to depositors

(a) The Secretary of the Treasury shall determine the fineness, weight, and value of each deposit and bar under section 5121 of this title. The value and the amount of charges under subsection (b) of this section shall be based on the fineness and weight of the bullion. The Secretary shall give the depositor a statement of the charges and the net amount of the deposit to be paid in money or bars of the same species of bullion as that deposited.

(b) The Secretary shall impose a charge equal to the average cost of material, labor, waste, and use of machinery of a United States mint or assay office for—

- (1) melting and refining bullion;
- (2) using copper as an alloy when bullion deposited is above standard;
- (3) separating gold and silver combined in the bullion; and
- (4) preparing bars.

(c) The Secretary shall pay to the depositor or to a person designated by the depositor money or bars equivalent to the bullion deposited as soon as practicable after the value of the deposit is determined. If demanded, the Secretary shall pay depositors in the order in which the bullion is deposited with the Secretary. However, when there is an unavoidable delay in determining the value of a deposit, the Secretary shall pay subsequent depositors. When practicable and convenient, the Secretary shall pay depositors in the denominations requested by the depositor. After the depositor is paid, the bullion is the property of the United States Government.

(d) To allow the Secretary to pay depositors with as little delay as possible, the Secretary shall keep in the mints and assay offices, when possible, money and bullion the Secretary decides are convenient and necessary.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 987.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5122(a) .....	31:273(last sentence). 31:331. 31:334. 31:332.	R.S. §3506(last sentence). R.S. §3523. R.S. §3525. R.S. §3524; Jan. 14, 1875, ch. 15, §2(words before comma), 18 Stat. 296; Mar. 1, 1881, ch. 95, 21 Stat. 374; Mar. 3, 1887, ch. 396, §3, 24 Stat. 635.
5122(b) .....	31:357. 31:358(2d sentence).	R.S. §3544. R.S. §3545; June 19, 1878, ch. 329, §1(last par. 1st sentence words before 1st semicolon under heading "Mint at Denver, Colorado"), 20 Stat. 191.
5122(c) .....	31:358(1st, last sentences).	

In subsection (a), the words "Secretary of the Treasury" are substituted for "he" in 31:273(last sentence) because of the source provisions restated in section 321 of the revised title. The words "fineness, weight, and value of each deposit and bar" and "The value and the amount of charges . . . shall be based on the fineness and weight of the bullion" are substituted for "From the report of the assayer and the weight of the bullion" for clarity and because of the restatement. The words "or deductions, if any" are omitted as being included in "charges". The word "money" is substituted for "in coins" for clarity. The text of 31:331 and 334 is omitted as unnecessary because of the restatement. The text of 31:273(last sentence words after 7th comma) is omitted because of the source provisions restated in section 321 of the revised title.

In subsection (b), the words "Secretary shall impose a charge" are substituted for "shall be fixed, from time to time, by the director, with the concurrence of the Secretary of the Treasury" because of the source provisions restated in section 321(c) of the revised title. The words "for toughening when metals are contained in it which render it unfit for coinage" are omitted as obsolete because the Secretary of the Treasury has authority to mint coins containing silver only under section 5112(e) of the revised title and the Secretary holds sufficient silver to mint those coins. See Sen. Rept. No. 91-1084 (1970).

In subsection (c), the words "person designated by the depositor" are substituted for "his order" for clarity. The words "an unavoidable delay in determining the value of a deposit" are substituted for "delay in manipulating a refractory deposit, or for any other unavoidable cause" in 31:357 for clarity.

In subsection (d), the words "the Secretary to pay depositors" are substituted for "the several mints and assay offices of the United States to make returns to depositors" because of the source provisions restated in section 321(c) of the revised title. The words "when the state of the Treasury will admit thereof" are omitted as surplus. The words "under such rules and regulations as may be prescribed by the said Secretary" are omitted as unnecessary because of section 321(b) of the revised title. The text of 31:358(last sentence) is omitted as surplus.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5132 of this title.

SUBCHAPTER III—UNITED STATES MINT

AMENDMENTS

1992—Pub. L. 102-390, title II, §225(b)(5), Oct. 6, 1992, 106 Stat. 1630, substituted "UNITED STATES MINT" for "BUREAU OF THE MINT" in subchapter heading.

§ 5131. Organization

(a) The United States Mint has—

(1) a United States mint at Philadelphia, Pennsylvania.

(2) a United States mint at Denver, Colorado.

(3) a United States mint at West Point, New York.

(4) a United States mint at San Francisco, California.

(b) The Secretary of the Treasury shall carry out duties and powers related to refining and assaying bullion, minting coins, striking medals, and numismatic items at the mints. However, until the Secretary decides that the mints are adequate for minting and striking an ample supply of coins and medals, the Secretary may use any facility of the United States Mint to mint coins and strike medals and to store coins and medals.

(c) Laws on mints, officers and employees of mints, and punishment of offenses related to mints and minting coins apply to assay offices, as applicable.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 988; Pub. L. 100-274, §2(a)-(c)(2), Mar. 31, 1988, 102 Stat. 48; Pub. L. 102-390, title II, §§224, 225(b)(3), (4), Oct. 6, 1992, 106 Stat. 1629; Pub. L. 104-208, div. A, title I, §101(f) [title V, §§503, 522], Sept. 30, 1996, 110 Stat. 3009-314, 3009-344, 3009-347; Pub. L. 104-329, title III, §304, Oct. 20, 1996, 110 Stat. 4015.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5131(a) .....	31:251(1st sentence words after 1st comma). 31:261.	R.S. §343(1st sentence words after 1st comma). R.S. §3495; restated July 11, 1962, Pub. L. 87-534, §1, 76 Stat. 155.
5131(b) .....	31:278. 31:283(1st sentence).  31:324f.  31:361(1st sentence words before 1st comma).	R.S. §3553. R.S. §3558(1st sentence); July 11, 1962, Pub. L. 87-534, §2, 76 Stat. 155; restated July 23, 1965, Pub. L. 89-81, §201, 79 Stat. 256. Oct. 18, 1973, Pub. L. 93-127, §3, 87 Stat. 456. June 19, 1878, ch. 329, §1(1st sentence on p. 191), 20 Stat. 191. July 7, 1898, ch. 571(7th par. 1st sentence words before 1st comma under heading "Mints and Assay Offices"), 30 Stat. 661.
5131(c) .....	31:263.  31:279.  31:281.	R.S. §3496; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384. R.S. §3554; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384. R.S. §3555; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384; June 6, 1972, Pub. L. 92-310, §231(g), 86 Stat. 210.
5131(d) .....	31:287.	R.S. §3562.
5131(e) .....	31:292.	Aug. 20, 1963, Pub. L. 88-102, §2, 77 Stat. 129.

In subsection (a), the words “The Bureau of the Mint has” are substituted for “embracing in its organization and under its control all mints . . . and all assay offices” in 31:251(1st sentence words after 1st comma) because of the restatement and to eliminate unnecessary words. The words “for the manufacture of coin . . . for the stamping of bars, which have been, or which may be, authorized by law” are omitted as superseded by the source provisions restated in subsection (b).

In subsection (b), the words “The Secretary of the Treasury shall carry out duties and powers” are added because of the source provisions restated in section 321 of the revised title. The words “related to refining and assaying bullion, minting coins, striking medals, and numismatic items at the mints and assay offices” are substituted for 31:278(1st sentence words before comma), 283(1st–26th words), and 361(1st sentence words before 1st comma) to eliminate unnecessary words and for consistency with the source provisions restated in sections 5111(a)(1)–(3) and 5120(a) of the revised title. The words “and not coin” in 31:278 are omitted as unnecessary because of the restatement. The words “and no metals shall be purchased for minor coinage” are omitted as superseded by section 5111(b) of the revised title. The text of 31:278(2d, last sentences) is omitted as obsolete because the Secretary of the Treasury has authority to mint coins containing silver only under section 5112(e) of the revised title and the Secretary holds sufficient silver to mint those coins. See Sen. Rept. No. 91–1084 (1970). The words “except that until the Secretary of the Treasury determines that the mints of the United States are adequate for the production of ample supplies of coins, its facilities may be used for the production of coins” in 31:283(1st sentence) are omitted as superseded by the source provisions restated in the subsection. The words “striking” and “strike” are added for consistency with section 5111 of the revised title.

In subsection (c), the text of 31:281(words before semicolon) is omitted as superseded by the source provisions restated in section 321 of the revised title, and 31:281(words after semicolon) is omitted as superseded by the source provisions restated in subsection (d) and by 5:ch. 35, subch. II.

In subsection (e), the words “the mint at Philadelphia” are substituted for “any building constructed pursuant to this subchapter” because that is the building that was constructed under the subchapter.

#### AMENDMENTS

1996—Subsecs. (c), (d). Pub. L. 104–208, § 101(f) [title V, §§ 503, 522], and Pub. L. 104–329, amended section identically, redesignating subsec. (d) as (c) and striking out former subsec. (c) which read as follows: “Each mint has a superintendent and an assayer appointed by the President, by and with the advice and consent of the Senate. The mint at Philadelphia has an engraver appointed by the President, by and with the advice and consent of the Senate.”

1992—Subsec. (a). Pub. L. 102–390, § 225(b)(3), substituted “United States Mint” for “Bureau of the Mint” in introductory provisions.

Subsec. (b). Pub. L. 102–390, § 225(b)(4), substituted “United States Mint” for “Bureau”.

Subsec. (e). Pub. L. 102–390, § 224, struck out subsec. (e) which read as follows: “The Secretary shall operate, maintain, and have custody of, the mint at Philadelphia. However, the Administrator of General Services shall make repairs and improvements to the mint.”

1988—Subsec. (a)(3). Pub. L. 100–274, § 2(b), substituted “mint at West Point, New York” for “assay office at New York, New York”.

Subsec. (a)(4). Pub. L. 100–274, § 2(a), substituted “mint” for “assay office”.

Subsec. (b). Pub. L. 100–274, § 2(c)(1), struck out “and assay offices, except that only bars may be made at the assay offices” before period at end of first sentence.

Subsec. (c). Pub. L. 100–274, § 2(c)(2), substituted “Each mint has” for “Each mint and the assay office at New York have”.

#### AUTHORITY OF SPECIAL POLICE OFFICERS

For authority of special police officers of United States Mint over buildings and land under control and in vicinity of the Mint and to protection in transit of bullion, coins, dies, and other property and assets of the Mint, see section 101(f) [title V, § 517(2), (3)] of Pub. L. 104–208, set out as a note under section 5141 of this title.

#### § 5132. Administrative

(a)(1) Except as provided in this chapter, the Secretary of the Treasury shall deposit in the Treasury as miscellaneous receipts amounts the Secretary receives from the operations of the United States Mint. Expenditures made from appropriated funds which are subsequently determined to be properly chargeable to the Numismatic Public Enterprise Fund established by section 5134 shall be reimbursed by such Fund to the appropriation. The Secretary shall annually sell to the public, directly and by mail, sets of uncirculated and proof coins minted under paragraphs (1) through (6) of section 5112(a) of this title, and shall solicit such sales through the use of the customer list of the United States Mint. Except with respect to amounts deposited in the Numismatic Public Enterprise Fund in accordance with section 5134, the Secretary may not use amounts the Secretary receives from profits on minting coins or from charges on gold or silver bullion under section 5122 to pay officers and employees.

(2)(A) In addition to the coins described in paragraph (1), the Secretary shall sell annually to the public directly and by mail, sets of proof coins minted under paragraphs (1) through (6) of section 5112(a).

(B) Notwithstanding any other provision of law, for purposes of this paragraph—

(i) the coins described in paragraphs (1) through (4) of section 5112(a) shall be made of an alloy of 90 percent silver and 10 percent copper; and

(ii) all coins minted under this paragraph shall have a mint mark indicating the place of manufacture.

(C) All coins minted under this paragraph shall be considered to be—

(i) numismatic items for purposes of paragraph (1) and section 5111(a)(3); and

(ii) legal tender, as provided in section 5103.

(D) The Secretary shall obtain silver for coins minted under this paragraph by purchase from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.). At such time as the silver stockpile is depleted, the Secretary shall obtain silver for such coins by purchase of silver mined from natural deposits in the United States or in a territory or possession of the United States not more than 1 year following the month in which the ore from which it is derived was mined. The Secretary shall pay not more than the average world price for such silver. The Secretary may issue such regulations as may be necessary to carry out this subparagraph.

(3) Not more than \$54,208,000 may be appropriated to the Secretary for the fiscal year ending on September 30, 1993, to pay costs of the mints. Not more than \$965,000 of amounts appro-

priated pursuant to the preceding sentence shall remain available until expended for research and development.

(b) To the extent the Secretary decides is necessary, the Secretary may use amounts received from depositors for refining bullion and the proceeds from the sale of byproducts (including spent acids from surplus bullion recovered in refining processes) to pay the costs of refining the bullion (including labor, material, waste, and loss on the sale of sweeps). The Secretary may not use amounts appropriated for the mints to pay those costs.

(c) The Secretary shall make an annual report at the end of each fiscal year on the operation of the United States Mint.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 988; Pub. L. 97-452, §1(21), Jan. 12, 1983, 96 Stat. 2477; Pub. L. 98-151, §123, Nov. 14, 1983, 97 Stat. 979; Pub. L. 98-216, §1(7), Feb. 14, 1984, 98 Stat. 4; Pub. L. 99-61, title II, §204, July 9, 1985, 99 Stat. 116; Pub. L. 99-185, §2(e), Dec. 17, 1985, 99 Stat. 1178; Pub. L. 100-274, §§1, 2(c)(3), Mar. 31, 1988, 102 Stat. 48; Pub. L. 101-585, §2, Nov. 15, 1990, 104 Stat. 2874; Pub. L. 102-390, title II, §§211, 221(c)(1), 225(b)(3), (4), Oct. 6, 1992, 106 Stat. 1624, 1628, 1629.)

HISTORICAL AND REVISION NOTES  
1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5132(a) .....	31:273(1st, 2d sentences). 31:369.	R.S. §3506(1st, 2d sentences).  R.S. §3552; restated May 10, 1950, ch. 172, 64 Stat. 157; Sept. 5, 1962, Pub. L. 87-643, §2, 76 Stat. 440; Aug. 13, 1981, Pub. L. 97-35, §382(b)(1), 95 Stat. 432.
5132(b) .....	31:361(1st sentence words after 1st comma, last sentence).	June 19, 1878, ch. 329, §1(2d sentence words before last semicolon on p. 191), 20 Stat. 191.  July 7, 1898, ch. 571(7th par. 1st sentence words after 1st comma, last sentence under heading "Mints and Assay Offices"), 30 Stat. 661.  R.S. §345.
5132(c) .....	31:253.	

In subsection (a)(1), the words "Secretary of the Treasury shall deposit in the Treasury as miscellaneous receipts" are substituted for "shall . . . be covered into the Treasury" in 31:369 because of the source provisions restated in section 321(c) of the revised title. The words "amounts the Secretary receives from the operations of the Bureau of the Mint" are substituted for "The money arising from all charges and deductions on and from gold and silver bullion and from all other sources" for clarity and to eliminate unnecessary words. The words "amounts from" are substituted for "money arising from the manufacture and sale of" to eliminate unnecessary words. The words "numismatic items" are substituted for "medals, proof coins, and uncirculated coins" for consistency with section 5111(a)(3) of the revised title. The words "minting coins" are substituted for "silver or minor coinage" for consistency with section 5112 of the revised title. The words "made by law" are omitted as surplus. The words "on estimates furnished by the Secretary of the Treasury" are omitted because of section 1108 of the revised title. The text of 31:273(1st, 2d sentences) is omitted because of section 321 of the revised title and the other source provisions restated in this chapter.

In subsection (a)(2), the words "ending September 30" are added for clarity and consistency in the revised title. The words "to pay costs" are substituted for "for all expenditures (salaries and expenses)" for consistency in the revised title and to eliminate unnecessary

words. The words "not herein otherwise provided for" are omitted as surplus.

In subsection (b), the word "refining" is substituted for "parting and refining" for consistency in the revised chapter. The words "mints and assay offices" are substituted for "coinage mints and assay office at New York" because of the source provisions restated in section 5131(b) of the revised title. The words "pursuant to law" are omitted as surplus.

In subsection (c), the text of 31:253(less 18th-38th words) is omitted as superseded by the source provisions restated in section 321(c) of the revised title.

1983 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5132(a)(2)	31 App.:369.	Sept. 8, 1982, Pub. L. 97-253, §202, 96 Stat. 790.

1984 ACT

This is necessary because the language was restated by section 382(h)(1) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35, 95 Stat. 432) but inadvertently codified as 31:5132(a)(1) (last sentence) by section 1 of the Act of September 13, 1982 (Pub. L. 97-258, 96 Stat. 989.)

REFERENCES IN TEXT

The Strategic and Critical Materials Stock Piling Act, referred to in subsec. (a)(2)(D), is act June 7, 1939, ch. 190, as revised generally by Pub. L. 96-41, §2, July 30, 1979, 93 Stat. 319, which is classified generally to subchapter III (§98 et seq.) of chapter 5 of Title 50, War and National Defense. For complete classification of this Act to the Code, see section 98 of Title 50 and Tables.

AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-390, §225(b)(3), substituted "United States Mint" for "Bureau of the Mint" in two places.

Pub. L. 102-390, §221(c)(1)(A), amended second sentence generally. Prior to amendment, second sentence read as follows: "However, amounts from numismatic items shall be reimbursed to the current appropriation used to pay the cost of preparing and selling the items."

Pub. L. 102-390, §221(c)(1)(B), amended last sentence generally. Prior to amendment, last sentence read as follows: "The Secretary may not use amounts the Secretary receives from profits on minting coins or from charges on gold or silver bullion under section 5122 of this title to pay officers and employees."

Subsec. (a)(3) to (5). Pub. L. 102-390, §211, which directed the substitution of "\$54,208,000" for "\$46,511,000" and "1993" for "1988" in par. (2), and the striking out of pars. (3) and (4), was executed by making the substitution in par. (3) and striking out pars. (4) and (5) to reflect the probable intent of Congress and the intervening amendment by Pub. L. 101-585 redesignating pars. (2) to (4) as (3) to (5). See 1990 Amendment note below. Prior to being struck out, par. (4) provided that not more than \$75,000 be expended for purpose of hosting International Mint Directors' Conference in the United States in 1988, and par. (5) authorized Director of the Mint to collect from participants at Conference reasonable fees and assessments in connection with Conference, administer such amounts, and spend such amounts to pay expenses incurred in connection with Conference.

Subsec. (c). Pub. L. 102-390, §225(b)(4), substituted "United States Mint" for "Bureau".

1990—Subsec. (a)(2) to (5). Pub. L. 101-585 added par. (2), redesignated former pars. (2) to (4) as (3) to (5), respectively, and substituted "(3)" for "(2)" in par. (4).

1988—Subsec. (a)(2) to (4). Pub. L. 100-274, §1, added pars. (2) to (4) and struck out former par. (2) which read as follows: "Not more than \$50,165,000 may be appro-

propriated to the Secretary for the fiscal year ending September 30, 1983, to pay costs of the mints and assay offices."

Subsec. (b). Pub. L. 100-274, §2(c)(3), struck out "and assay offices" after "amounts appropriated for the mints" in last sentence.

1985—Subsec. (a)(1). Pub. L. 99-185 inserted "paragraphs (1) through (6) of" before "section 5112(a) of this title".

Pub. L. 99-61 inserted "minted under section 5112(a) of this title" after "proof coins".

1984—Subsec. (a)(1). Pub. L. 98-216 struck out provision requiring the Secretary to pay the costs of the mints and assay offices not provided for in this subsection out of appropriations.

1983—Subsec. (a)(1). Pub. L. 98-151 inserted provisions relating to authority of Secretary to sell sets of uncirculated and proof coins and solicitation of such sales through the customer lists of the Bureau of the Mint.

Subsec. (a)(2). Pub. L. 97-452 substituted "\$50,165,000" for "\$54,706,000", and "1983" for "1982".

#### EFFECTIVE DATE OF 1992 AMENDMENT

Section 221(e) of Pub. L. 102-390 provided that: "The amendments made by this section [enacting section 5134 of this title, amending this section, amending and repealing provisions set out as notes under section 5112 of this title] shall apply with respect to fiscal years beginning after fiscal year 1992."

#### EFFECTIVE DATE OF 1985 AMENDMENTS

Amendment by Pub. L. 99-185 effective Oct. 1, 1985, except that no coins may be issued or sold under section 5112(i) of this title before Oct. 1, 1986, see section 3 of Pub. L. 99-185, set out as a note under section 5112 of this title.

Amendment by Pub. L. 99-61 effective Oct. 1, 1985, with exception as to issuance or sale of coins under section 5112(e) of this title, see section 205 of Pub. L. 99-61, set out as a note under section 5112 of this title.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-216 effective Sept. 13, 1982, see section 4(c) of Pub. L. 98-216, set out as a note under section 490 of Title 18, Crimes and Criminal Procedure.

#### TERMINATION OF NUMISMATIC PUBLIC ENTERPRISE FUND

All assets and liabilities of Numismatic Public Enterprise Fund transferred to United States Mint Public Enterprise Fund and Numismatic Public Enterprise Fund to cease to exist as separate fund as its activities and functions are subsumed under and subject to United States Mint Public Enterprise Fund, see section 5136 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5112 of this title.

### § 5133. Settlement of accounts

(a) The Secretary of the Treasury shall—

(1) charge the superintendent of each mint with the amount in weight of standard metal of bullion the superintendent receives from the Secretary;

(2) credit each superintendent with the amount in weight of coins, clippings, and other bullion the superintendent returns to the Secretary; and

(3) charge separately to each superintendent, who shall account for, copper to be used in the alloy of gold and silver bullion.

(b) SETTLEMENT OF ACCOUNTS.—

(1) IN GENERAL.—At least once each year, the Secretary of the Treasury shall settle the accounts of the superintendents of the mints.

(2) PROCEDURE.—At any settlement under this subsection, the superintendent shall—

(A) return to the Secretary any coin, clipping, or other bullion in the possession of the superintendent; and

(B) present the Secretary with a statement of bullion received and returned since the last settlement (including any bullion returned for settlement).

(3) AUDIT.—The Secretary shall—

(A) audit the accounts of each superintendent; and

(B) allow each superintendent the waste of precious metals that the Secretary determines is necessary—

(i) for refining and minting (within the limitations which the Secretary shall prescribe); and

(ii) for casting fine gold and silver bars (within the limit prescribed for refining), except that any waste allowance under this clause may not apply to deposit operations.

(c) After settlement, the Secretary shall compare the amount of gold and silver bullion and coins on hand with the total liabilities of the mints. The Secretary also shall make a statement of the ordinary expense account.

(d) The Secretary shall procure for each mint a series of standard weights corresponding to the standard troy pound of the National Institute of Standards and Technology of the Department of Commerce. The series shall include a one pound weight and multiples and subdivisions of one pound from .01 grain to 25 pounds. At least once a year, the Secretary shall test the weights normally used in transactions at the mints against the standard weights.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 989; Pub. L. 100-274, §2(c)(4)-(7), (9), (10), Mar. 31, 1988, 102 Stat. 49; Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5133(a) .....	31:354(1st sentence).	R.S. §3541; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384.
	31:355(last sentence).	R.S. §3542; Aug. 23, 1912, ch. 350, §1(last par. words before 7th comma under heading "Assay Office at Salt Lake City, Utah"), 37 Stat. 384; July 23, 1965, Pub. L. 89-81, §207, 79 Stat. 257.
5133(b) .....	31:283(2d, last sentences).	R.S. §3558(2d, last sentences); restated July 11, 1962, Pub. L. 87-534, §2, 76 Stat. 155.
	31:354(last sentence).	
	31:355(1st, 2d sentences).	
5133(c) .....	31:356.	R.S. §3543.
5133(d) .....	31:365.	R.S. §3549; restated Mar. 4, 1911, ch. 268, §2, 36 Stat. 1354.

In the section, the word "Secretary" is substituted for "superintendent" and "Director of the Mint" in 31:354, 356, 365, and the word "Superintendent" is substituted for "superintendent of coining department" in 31:354 and 355 and "superintendent of melting and refining", because of the source provisions restated in section 321(c) of the revised title.

In subsection (a), the words "superintendent of each mint and the assay office at New York and the officer

in charge of the assay office at San Francisco" are added because of the source provisions restated in section 5131(b) and (c) of the revised title.

In subsection (b), before clause (1), the words "shall settle" are substituted for "and at such time as the . . . shall appoint, there shall be an accurate and full settlement" in 31:354(last sentence) to eliminate unnecessary words. In clause (1), the words "The Secretary shall audit" are substituted for "When all the coins, clippings, and other bullion have been delivered to the superintendent, it shall be his duty to examine" in 31:355(1st, 2d sentences) to eliminate unnecessary words. In clause (2), the words "the waste of precious metals . . . decides is necessary for refining and minting" are substituted for "The difference between the amount charged and credited to each officer . . . as necessary wastage, if . . . shall be satisfied that there has been a bona fide waste of the precious metals" for consistency in the subsection and to eliminate unnecessary words. In clause (3), the words "limitations prescribed for refining" are substituted for "that provided for the melter and refiner" in 31:283(2d, last sentences) for consistency in the subsection. The word "bona fide" is omitted as being included in "necessary".

In subsection (c), the words "It shall also be the duty of the superintendent to forward a correct statement of his balance sheet" are omitted as superseded by the source provisions restated in section 321(c) of the revised title. The words "mints and assay offices" are substituted for "mint" for consistency in the section.

In subsection (d), the words "National Bureau of Standards of the Department of Commerce" are substituted for "Bureau of Standards of the United States" because of 15:1511. The words "from .01 grain" are substituted for "from the hundredths part of a grain" for consistency. The words "under the inspection of the superintendent and assayer" are omitted as superseded by the source provisions restated in section 321(c) of the revised title. The words "and the accuracy of those used at the mint at Philadelphia shall be tested annually in the presence of the assay commissioners, at the time of the annual examination and test of coins" are omitted because the position of assay commissioner was abolished by section 201 of the Act of March 14, 1980 (Pub. L. 96-209, 94 Stat. 98).

#### AMENDMENTS

1988—Subsec. (a)(1). Pub. L. 100-274, §2(c)(4), substituted "each mint" and "superintendent receives" for "each mint and the assay office at New York and the officer in charge of the assay office at San Francisco" and "superintendent or officer receives", respectively.

Subsec. (a)(2). Pub. L. 100-274, §2(c)(5), substituted "credit each superintendent with the amount" and "superintendent returns" for "credit each superintendent and the officer with the amount" and "superintendent or officer returns", respectively.

Subsec. (a)(3). Pub. L. 100-274, §2(c)(6), substituted "superintendent, who" for "superintendent and the officer, who".

Subsec. (b). Pub. L. 100-274, §2(c)(7), inserted heading and amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "At least once a year, the Secretary shall settle the accounts of the superintendents and the officer in charge. At settlement, each superintendent and the officer shall return to the Secretary coins, clippings, and other bullion in their possession with a statement of bullion received and returned since the last settlement (including bullion returned for settlement). The Secretary shall—

"(1) audit the accounts and statements of each superintendent and the officer;

"(2) allow each superintendent the waste of precious metals, within limitations prescribed by the Secretary, that the Secretary decides is necessary for refining and minting; and

"(3) allow the officer the waste, within the limitations prescribed for refining, that the Secretary decides is necessary in casting fine gold and silver bars, except that the waste allowance may not apply to deposit operations."

Subsec. (c). Pub. L. 100-274, §2(c)(9), struck out "and assay offices" after "total liabilities of the mints".

Subsec. (d). Pub. L. 100-418 substituted "National Institute of Standards and Technology" for "National Bureau of Standards".

Pub. L. 100-274, §2(c)(10), struck out "and assay office" after "procure for each mint" and "and assay offices" after "transactions at the mints".

#### § 5134. Numismatic Public Enterprise Fund

(a) DEFINITIONS.—For purposes of this section—

(1) FUND.—The term "Fund" means the Numismatic Public Enterprise Fund.

(2) MINT.—The term "Mint" means the United States Mint.

(3) NUMISMATIC ITEM.—The term "numismatic item" means any medal, proof coin, uncirculated coin, bullion coin, or other coin specifically designated by statute as a numismatic item, including products and accessories related to any such medal, coin, or item.

(4) NUMISMATIC OPERATIONS AND PROGRAMS.—The term "numismatic operations and programs"—

(A) means the activities concerning, and assets utilized in, the production, administration, sale, and management of numismatic items and the Numismatic Public Enterprise Fund; and

(B) includes capital, personnel salaries, functions relating to operations, marketing, distribution, promotion, advertising, and official reception and representation, the acquisition or replacement of equipment, and the renovation or modernization of facilities (other than the construction or acquisition of new buildings).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(b) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a revolving Numismatic Public Enterprise Fund consisting of amounts deposited in the fund<sup>1</sup> under subsection (c)(2) of this section or section 221(b) of the United States Mint Reauthorization and Reform Act of 1992 which shall be available to the Secretary for numismatic operations and programs of the United States Mint without fiscal year limitation.

(c) OPERATIONS OF THE FUND.—

(1) PAYMENT OF EXPENSES.—Any expense incurred by the Secretary for numismatic operations and programs which the Secretary determines, in the Secretary's sole discretion, to be ordinary and reasonable incidents of the numismatic business shall be paid out of the Fund, including any expense incurred pursuant to any obligation or other commitment of Mint numismatic operations and programs which was entered into before the beginning of fiscal year 1993.

(2) DEPOSIT OF RECEIPTS.—All receipts from numismatic operations and programs shall be deposited into the Fund, including amounts attributable to any surcharge imposed with respect to the sale of any numismatic item.

(3) TRANSFER OF SEIGNIORAGE.—The Secretary shall transfer monthly from the Fund

<sup>1</sup> So in original. Probably should be capitalized.

to the general fund of the Treasury an amount equal to the total amount on the seigniorage of numismatic items sold since the date of any preceding transfer.

(4) EXPENSES OF CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.—For purposes of paragraph (1), any expense incurred by the Secretary in connection with the Citizens Commemorative Coin Advisory Committee established under section 5135 shall be treated as an expense incurred for numismatic operations and programs which is an ordinary and reasonable incident of the numismatic business.

(5) TRANSFER OF EXCESS AMOUNTS TO THE TREASURY.—

(A) IN GENERAL.—At such times as the Secretary determines to be appropriate, the Secretary shall transfer any amount in the Fund which the Secretary determines to be in excess of the amount required by the Fund to the Treasury for deposit as miscellaneous receipts.

(B) REPORT TO CONGRESS.—The Secretary shall submit an annual report to the Congress containing—

(i) a statement of the total amount transferred to the Treasury pursuant to subparagraph (A) during the period covered by the report;

(ii) a statement of the amount by which the amount on deposit in the Fund at the end of the period covered by the report exceeds the estimated operating costs of the Fund for the 1-year period beginning at the end of such period; and

(iii) an explanation of the specific purposes for which such excess amounts are being retained in the Fund.

(d) BUDGET TREATMENT.—

(1) IN GENERAL.—The Secretary shall prepare budgets for the Fund, and estimates and statements of financial condition of the Fund in accordance with the requirements of section 9103 which shall be submitted to the President for inclusion in the budget submitted under section 1105.

(2) INCLUSION IN ANNUAL REPORT.—Statements of the financial condition of the Fund shall be included in the Secretary's annual report on the operation of the Mint.

(3) TREATMENT AS WHOLLY OWNED GOVERNMENT CORPORATION FOR CERTAIN PURPOSES.—Section 9104 shall apply to the Fund to the same extent such section applies to wholly owned Government corporations.

(e) FINANCIAL STATEMENTS, AUDITS, AND REPORTS.—

(1) ANNUAL FINANCIAL STATEMENT REQUIRED.—By the end of each calendar year, the Secretary shall prepare an annual financial statement of the Fund for the fiscal year which ends during such calendar year.

(2) CONTENTS OF FINANCIAL STATEMENT.—Each statement prepared pursuant to paragraph (1) shall, at a minimum, reflect—

(A) the overall financial position (including assets and liabilities) of the Fund as of the end of the fiscal year;

(B) the results of the numismatic operations and programs of the Fund during the fiscal year;

(C) the cash flows or the changes in financial position of the Fund; and

(D) a reconciliation of the financial statement to the budget reports of the Fund.

(3) ANNUAL AUDITS.—

(A) IN GENERAL.—Each annual financial statement prepared under paragraph (1) shall be audited—

(i) by—

(I) an independent external auditor; or

(II) the Inspector General of the Department of the Treasury,

as designated by the Secretary; and

(ii) in accordance with the generally accepted Government auditing standards issued by the Comptroller General of the United States.

(B) AUDITOR'S REPORT REQUIRED.—The auditor designated to audit any financial statement of the Fund pursuant to subparagraph (A) shall submit a report—

(i) to the Secretary by March 31 of the year beginning after the end of the fiscal year covered by such financial statement; and

(ii) containing the auditor's opinion on—

(I) the financial statement of the Fund;

(II) the internal accounting and administrative controls and accounting systems of the Fund; and

(III) the Fund's compliance with applicable laws and regulations.

(4) ANNUAL REPORT ON FUND.—

(A) REPORT REQUIRED.—By April 30 of each year, the Secretary shall submit a report on the Fund for the most recently completed fiscal year to the President, the Congress, and the Director of the Office of Management and Budget.

(B) CONTENTS OF ANNUAL REPORT.—The annual report required under subparagraph (A) for any fiscal year shall include—

(i) the financial statement prepared under paragraph (1) for such fiscal year;

(ii) the audit report submitted to the Secretary pursuant to paragraph (3)(B) for such fiscal year;

(iii) a description of activities carried out during such fiscal year;

(iv) a summary of information relating to numismatic operations and programs contained in the reports on systems on internal accounting and administrative controls and accounting systems submitted to the President and the Congress under section 3512(c);

(v) a summary of the corrective actions taken with respect to material weaknesses relating to numismatic operations and programs identified in the reports prepared under section 3512(c);

(vi) any other information the Secretary considers appropriate to fully inform the Congress concerning the financial management of the Fund; and

(vii) a statement of the total amount of excess funds transferred to the Treasury.

(5) MARKETING REPORT.—

(A) REPORT REQUIRED FOR 10 YEARS.—For each fiscal year beginning before fiscal year 2003, the Secretary shall submit an annual report on all marketing activities and expenses of the Fund to the Congress before the end of the 3-month period beginning at the end of such fiscal year.

(B) CONTENTS OF REPORT.—The report submitted pursuant to subparagraph (A) shall contain a detailed description of—

- (i) the sources of income including surcharges; and
- (ii) expenses incurred for manufacturing, materials, overhead, packaging, marketing, and shipping.

(f) CONDITIONS ON PAYMENT OF SURCHARGES TO RECIPIENT ORGANIZATIONS.—

(1) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall be paid from the fund<sup>2</sup> to any designated recipient organization unless—

(A) all numismatic operation and program costs allocable to the program under which such numismatic item is produced and sold have been recovered; and

(B) the designated recipient organization submits an audited financial statement that demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the organization has raised funds from private sources for such projects and purposes in an amount that is equal to or greater than the maximum amount the organization may receive from the proceeds of such surcharge.

(2) ANNUAL AUDITS.—

(A) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—Each designated recipient organization that receives any payment from the fund<sup>2</sup> of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such amount, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the organization, of all such payments to the organization beginning in the first fiscal year of the organization in which any such amount is received and continuing until all amounts received by such organization from the fund<sup>2</sup> with respect to such surcharges are fully expended or placed in trust.

(B) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of a designated recipient organization pursuant to subparagraph (A) shall report—

- (i) the amount of payments received by the designated recipient organization from the fund<sup>2</sup> during the fiscal year of the organization for which the audit is conducted that are derived from the proceeds of any surcharge imposed on the sale of any numismatic item;

- (ii) the amount expended by the designated recipient organization from the proceeds of such surcharges during the fiscal year of the organization for which the audit is conducted; and

- (iii) whether all expenditures by the designated recipient organization during the fiscal year of the organization for which the audit is conducted from the proceeds of such surcharges were for authorized purposes.

(C) RESPONSIBILITY OF ORGANIZATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—Each designated recipient organization that receives any payment from the fund<sup>2</sup> of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall take appropriate steps, as a condition for receiving any such payment, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the organization in each fiscal year of the organization can be accounted for separately from all other revenues and expenditures of the organization.

(D) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of a designated recipient organization for which an audit is required under subparagraph (A), the organization shall—

- (i) submit a copy of the report to the Secretary of the Treasury; and
- (ii) make a copy of the report available to the public.

(E) USE OF SURCHARGES FOR AUDITS.—Any designated recipient organization that receives any payment from the fund<sup>2</sup> of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may use the amount received to pay the cost of an audit required under subparagraph (A).

(F) WAIVER OF PARAGRAPH.—The Secretary of the Treasury may waive the application of any subparagraph of this paragraph to any designated recipient organization for any fiscal year after taking into account the amount of surcharges that such organization received or expended during such year.

(G) NONAPPLICABILITY TO FEDERAL ENTITIES.—This paragraph shall not apply to any Federal agency or department or any independent establishment in the executive branch that receives any payment from the fund<sup>2</sup> of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item.

(H) AVAILABILITY OF BOOKS AND RECORDS.—An organization that receives any payment from the fund<sup>2</sup> of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such payment, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and work papers belonging to or used by the organization, or by any independent public account-

<sup>2</sup>So in original. Probably should be capitalized.

ant who audited the organization in accordance with subparagraph (A), which may relate to the receipt or expenditure of any such amount by the organization.

(3) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment from the fund<sup>2</sup> to any designated recipient organization of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may be used, directly or indirectly, by the organization to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to such numismatic item.

(4) DESIGNATED RECIPIENT ORGANIZATION DEFINED.—For purposes of this subsection, the term “designated recipient organization” means any organization designated, under any provision of law, as the recipient of any surcharge imposed on the sale of any numismatic item.

(g) QUARTERLY FINANCIAL REPORTS.—

(1) IN GENERAL.—Not later than the 30th day of each month following each calendar quarter through and including the final period of sales with respect to any commemorative coin program authorized on or after the date of enactment of the Treasury, Postal Service, and General Government Appropriations Act, 1997, the Mint shall submit to the Congress a quarterly financial report in accordance with this subsection.

(2) REQUIREMENTS.—Each report submitted under paragraph (1) shall include, with respect to the calendar quarter at issue—

(A) a detailed financial statement, prepared in accordance with generally accepted accounting principles, that includes financial information specific to that quarter, as well as cumulative financial information relating to the entire program;

(B) a detailed accounting of—

(i) all costs relating to marketing efforts;

(ii) all funds projected for marketing use;

(iii) all costs for employee travel relating to the promotion of commemorative coin programs;

(iv) all numismatic items minted, sold, not sold, and rejected during the production process; and

(v) the costs of melting down all rejected and unsold products;

(C) adequate market-based research for all commemorative coin programs; and

(D) a description of the efforts of the Mint in keeping the sale price of numismatic items as low as practicable.

(Added Pub. L. 102-390, title II, § 221(a), Oct. 6, 1992, 106 Stat. 1624; amended Pub. L. 104-208, div. A, title I, § 101(f) [title V, § 529(b)(1), (2), (c)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-349, 3009-350, 3009-352.)

#### REFERENCES IN TEXT

Section 221(b) of the United States Mint Reauthorization and Reform Act of 1992, referred to in subsec. (b),

is section 221(b) of Pub. L. 102-390, which is set out below.

The date of enactment of the Treasury, Postal Service, and General Government Appropriations Act, 1997, referred to in subsec. (g)(1), is the date of enactment of section 101(f) of title I of div. A of Pub. L. 104-208, which was approved Sept. 30, 1996.

#### AMENDMENTS

1996—Subsec. (c)(2). Pub. L. 104-208, § 101(f) [title V, § 529(b)(1)], inserted “, including amounts attributable to any surcharge imposed with respect to the sale of any numismatic item” before period at end.

Subsec. (f). Pub. L. 104-208, § 101(f) [title V, § 529(b)(2)], added subsec. (f).

Subsec. (g). Pub. L. 104-208, § 101(f) [title V, § 529(c)], added subsec. (g).

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(f) [title V, § 529(b)(3)] of Pub. L. 104-208 provided that: “The amendments made by this section [probably should be this subsection, amending this section] shall apply with respect to the proceeds of any surcharge imposed on the sale of any numismatic item that are deposited in the Numismatic Public Enterprise Fund after the date of the enactment of this Act [Sept. 30, 1996].”

#### EFFECTIVE DATE

Section applicable with respect to fiscal years beginning after fiscal year 1992, see section 221(e) of Pub. L. 102-390, set out as an Effective Date of 1992 Amendment note under section 5132 of this title.

#### TERMINATION OF NUMISMATIC PUBLIC ENTERPRISE FUND

All assets and liabilities of Numismatic Public Enterprise Fund transferred to United States Mint Public Enterprise Fund and Numismatic Public Enterprise Fund to cease to exist as separate fund as its activities and functions are subsumed under and subject to United States Mint Public Enterprise Fund, see section 5136 of this title.

#### INITIAL FUNDING OF FUND FROM EXISTING NUMISMATIC OPERATIONS

Section 221(b) of Pub. L. 102-390 provided that:

“(1) IN GENERAL.—As soon as practicable after the end of fiscal year 1992, the Secretary of the Treasury shall transfer to the Fund—

“(A) from the Mint’s numismatic profits for such fiscal year, an amount which the Secretary determines to be necessary—

“(i) to meet existing numismatic liabilities and obligations; and

“(ii) to provide working capital for Mint numismatic operations and programs; and

“(B) all numismatic receivables, and the numismatic operations and programs (including liabilities and other obligations) of the United States Mint, and the land and buildings of the San Francisco Mint, the Old San Francisco Mint, and the West Point Mint, capitalized at current book value as carried in the Mint combined statement of financial condition.

“(2) EXCESS AMOUNTS TO BE DEPOSITED IN THE GENERAL FUND.—That portion of the total amount of numismatic profits for fiscal year 1992 which remains after the transfer to the Fund pursuant to paragraph (1)(A) is made shall be deposited by the Secretary in the general fund of the Treasury as soon as practicable after the end of the fiscal year.

“(3) DEFINITIONS.—For purposes of paragraphs (1) and (2)—

“(A) NUMISMATIC PROFIT.—The term ‘numismatic profit’ means the amount which is equal to the proceeds (including seigniorage) from the sale of numismatic items minus the costs of numismatic operations and programs.

“(B) NUMISMATIC RECEIVABLE.—The term ‘numismatic receivable’ means any account receivable from

numismatic operations and programs, including chargebacks, returned checks, amounts due from special order sales, and amounts due from consignment sales.

“(C) OTHER TERMS.—The terms ‘Fund’ and ‘numismatic item’ have the meaning given to such terms in the amendment made by subsection (a) [enacting this section].”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5132, 5135, 5136 of this title.

**§ 5135. Citizens Commemorative Coin Advisory Committee**

(a) ESTABLISHMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of the Treasury shall establish a Citizens Commemorative Coin Advisory Committee (hereafter in this section referred to as the “Advisory Committee”) to advise the Secretary on the selection of subjects and designs for commemorative coins.

(2) OVERSIGHT OF ADVISORY COMMITTEE.—The Advisory Committee shall be subject to the direction of the Secretary of the Treasury.

(3) MEMBERSHIP.—

(A) VOTING MEMBERS.—The Advisory Committee shall consist of 7 members appointed by the Secretary of the Treasury—

(i) 3 of whom shall be appointed from among individuals specially qualified to serve on the committee by reason of their education, training, or experience in art, art history, museum or numismatic collection curation, or numismatics;

(ii) 1 of whom shall be appointed from among officers or employees of the United States Mint who will represent the interests of the Mint; and

(iii) 3 of whom shall be appointed from among individuals who will represent the interest of the general public.

(B) NONVOTING MEMBER.—A member of the Commission of Fine Arts may participate in the proceedings of the Advisory Committee as a nonvoting member.

(4) TERMS.—

(A) IN GENERAL.—Each individual appointed to the Advisory Committee under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.

(B) INTERIM APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which such member’s predecessor was appointed shall be appointed only for the remainder of such term.

(C) CONTINUATION OF SERVICE.—Each member appointed under clause (i) or (iii) of paragraph (3)(A) may continue to serve after the expiration of the term to which such member was appointed until a successor has been appointed and qualified.

(5) COMPENSATION; TRAVEL EXPENSES.—

(A) NO COMPENSATION.—Members of the Advisory Committee shall serve without pay.

(B) TRAVEL EXPENSES.—Members of the Advisory Committee shall be entitled to receive travel or transportation expenses, or a

per diem allowance in lieu of expenses, while away from such member’s home or place of business in connection with such member’s service on the Advisory Committee.

(6) FUNDING.—The expenses of the Advisory Committee which the Secretary of the Treasury determines are reasonable and appropriate shall be paid by the Secretary in the manner provided in section 5134.

(7) CHAIRPERSON.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chairperson of the Advisory Committee shall be elected by the members of the Advisory Committee from among such members.

(B) EXCEPTION.—The member appointed pursuant to paragraph (3)(A)(ii) (or the alternate to that member) may not serve as the Chairperson of the Advisory Committee, beginning on June 1, 1999.

(b) DUTIES.—

(1) PREPARATION OF PROPOSALS FOR COMMEMORATIVE COINS FOR 5-YEAR PERIOD.—The Advisory Committee shall—

(A) designate annually the events, persons, or places that the Advisory Committee recommends be commemorated by the issuance of commemorative coins in each of the 5 calendar years succeeding the year in which such designation is made;

(B) make recommendations with respect to the mintage level for any commemorative coin recommended under subparagraph (A); and

(C) submit a report to the Congress containing a description of the events, persons, or places which the Committee recommends be commemorated by a coin, the mintage level recommended for any such commemorative coin, and the committee’s reasons for such recommendations.

(2) DESIGN SELECTION.—The Advisory Committee shall review proposed designs for commemorative coins and provide recommendations to the Secretary of the Treasury with respect to such proposals.

(c) FEDERAL ADVISORY COMMITTEE ACT NOT APPLICABLE.—The Federal Advisory Committee Act shall not apply to the Advisory Committee.

(Added Pub. L. 102-390, title II, §229(a), Oct. 6, 1992, 106 Stat. 1631; amended Pub. L. 104-208, div. A, title I, §101(f) [title V, §529(d)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-352; Pub. L. 104-329, title III, §303(a), Oct. 20, 1996, 110 Stat. 4014.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1996—Subsec. (a)(4). Pub. L. 104-329 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “Each member appointed under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.”

Pub. L. 104-208, §101(f) [title V, §529(d)(1)], reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “No individ-

ual shall be appointed to serve as a member of the Advisory Committee for a term in excess of 5 years.”

Subsec. (a)(7). Pub. L. 104-208, §101(f) [title V, §529(d)(2)], added par. (7).

STAGGERED TERMS FOR MEMBERS OF CITIZENS  
COMMEMORATIVE COIN ADVISORY COMMITTEE

Section 303(b) of Pub. L. 104-329 provided that: “Of the members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, who are serving on the Advisory Committee as of the date of the enactment of this Act [Oct. 20, 1996]—

“(1) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1997;

“(2) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1998; and

“(3) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1999.”

STATUS OF MEMBERS OF CITIZENS COMMEMORATIVE  
COIN ADVISORY COMMITTEE

Section 303(c) of Pub. L. 104-329 provided that: “The members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, shall not be treated as special Government employees.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5134 of this title.

**§ 5136. United States Mint Public Enterprise Fund**

There shall be established in the Treasury of the United States, a United States Mint Public Enterprise Fund (the “Fund”) for fiscal year 1996 and hereafter: *Provided*, That all receipts from Mint operations and programs, including the production and sale of numismatic items, the production and sale of circulating coinage, the protection of Government assets, and gifts and bequests of property, real or personal shall be deposited into the Fund and shall be available without fiscal year limitations: *Provided further*, That all expenses incurred by the Secretary of the Treasury for operations and programs of the United States Mint that the Secretary of the Treasury determines, in the Secretary’s sole discretion, to be ordinary and reasonable incidents of Mint operations and programs, and any expense incurred pursuant to any obligation or other commitment of Mint operations and programs that was entered into before the establishment of the Fund, shall be paid out of the Fund: *Provided further*, That not to exceed 6.2415 percent of the nominal value of the coins minted, shall be paid out of the Fund for the circulating coin operations and programs in fiscal year 1996 for those operations and programs previously provided for by appropriation: *Provided further*, That the Secretary of the Treasury may borrow such funds from the General Fund as may be necessary to meet existing liabilities and obligations incurred prior to the receipt of revenues into the Fund: *Provided further*, That the General Fund shall be reimbursed for such funds by the Fund within one year of

the date of the loan: *Provided further*, That the Fund may retain receipts from the Federal Reserve System from the sale of circulating coins at face value for deposit into the Fund (retention of receipts is for the circulating operations and programs): *Provided further*, That the Secretary of the Treasury shall transfer to the Fund all assets and liabilities of the Mint operations and programs, including all Numismatic Public Enterprise Fund assets and liabilities, all receivables, unpaid obligations and unobligated balances from the Mint’s appropriation, the Coinage Profit Fund, and the Coinage Metal Fund, and the land and buildings of the Philadelphia Mint, Denver Mint, and the Fort Knox Bullion Depository: *Provided further*, That the Numismatic Public Enterprise Fund, the Coinage Profit Fund and the Coinage Metal Fund shall cease to exist as separate funds as their activities<sup>1</sup> and functions are subsumed under and subject to the Fund, and the requirements of 31 USC 5134(c)(4), (c)(5)(B), and (d) and (e) of the Numismatic Public Enterprise Fund shall apply to the Fund: *Provided further*, That at such times as the Secretary of the Treasury determines appropriate, but not less than annually, any amount in the Fund that is determined to be in excess of the amount required by the Fund shall be transferred to the Treasury for deposit as miscellaneous receipts: *Provided further*, That the term “Mint operations and programs” means (1) the activities concerning, and assets utilized in, the production, administration, distribution, marketing, purchase, sale, and management of coinage, numismatic items, the protection and safeguarding of Mint assets and those non-Mint assets in the custody of the Mint, and the Fund; and (2) includes capital, personnel salaries and compensation, functions relating to operations, marketing, distribution, promotion, advertising, official reception and representation, the acquisition or replacement of equipment, the renovation or modernization of facilities, and the construction or acquisition of new buildings: *Provided further*, That the term “numismatic item” includes any medal, proof coin, uncirculated coin, bullion coin, numismatic collectible, other monetary issuances and products and accessories related to any such medal or coin: *Provided further*, That provisions of law governing procurement or public contracts shall not be applicable to the procurement of goods or services necessary for carrying out Mint programs and operations.

(Added Pub. L. 104-52, title V, §522, Nov. 19, 1995, 109 Stat. 494.)

CODIFICATION

Section 522 of Pub. L. 104-52, which directed the amendment of subchapter III of chapter 51 of this title by adding at the end thereof a new section, but had the ending quotation marks following the section catchline, was executed by adding this section as set out above, to reflect the probable intent of Congress.

<sup>1</sup> So in original. Probably should be “activities”.

SUBCHAPTER IV—BUREAU OF ENGRAVING AND PRINTING

§ 5141. Operation of the Bureau

(a) The Secretary of the Treasury shall prepare and submit to the President an annual business-type budget for the Bureau of Engraving and Printing.

(b)(1) The Secretary shall maintain in the Bureau an integrated accounting system with internal controls that—

(A) ensures adequate control over assets and liabilities of the Bureau of Engraving and Printing Fund described in section 5142 of this title;

(B) develops accurate production costs to enable the Bureau to recover those costs on the basis of the work requisitioned;

(C) provides for replacement of capitalized equipment and other fixed assets by maintaining adequate depreciation reserves based on original cost or appraised values;

(D) discloses the financial condition and operations of the Fund on an accrual basis of accounting; and

(E) provides information for the prior fiscal year on the annual budget of the Bureau.

(2) The accounting system shall conform to principles and standards prescribed by the Comptroller General to carry out this subsection. The Comptroller General may review the system to ensure conformity to the principles and standards and its effectiveness of operation.

(c) An officer or employee in the clerical-mechanical service of the Bureau assigned to an established shift or tour of duty at least half of which occurs between 6 p.m. and 6 a.m. is entitled to pay for the regular 40-hour week (except when on leave) at a rate of pay 15 percent higher than the day rate for the same work.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 990.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5141(a) .....	31:181b.	Aug. 4, 1950, ch. 558, §§ 4, 5, 64 Stat. 409.
5141(b) .....	31:181c.	
5141(c) .....	31:180.	July 1, 1944, ch. 357, 58 Stat. 648.

In subsection (a), the word “budget” is substituted for “budget program” to eliminate unnecessary words. The words “to the President” are added because of chapter 11 of the revised title.

In subsection (b)(1), before clause (A), the words “Secretary shall maintain” are substituted for “There shall be installed and maintained” because of sections 301 and 303 of the revised title and to eliminate executed words. The words “internal controls” are substituted for “including proper features of internal control” to eliminate unnecessary words. In clause (B), the word “costs” is substituted for “direct and indirect costs” to eliminate unnecessary words. In clause (D), the word “basis” is substituted for “method” for clarity. In clause (E), the words “provides information” are substituted for “supply on the basis of accounting results the data” to eliminate unnecessary words. The word “prior” is substituted for “last completed” for consistency in the revised title.

In subsection (c), the words “An officer or employee” are substituted for “employees” for consistency in the

revised title and with other titles of the United States Code. The words “assigned to an established shift or tour of duty at least half of which occurs between the hours of 6 p.m. and 6 a.m.” are substituted for “assigned to perform their work at night” and 31:180(proviso) to eliminate unnecessary words.

AUTHORITY OF SPECIAL POLICE OFFICERS

Pub. L. 104-208, div. A, title I, §101(f) [title V, §517], Sept. 30, 1996, 110 Stat. 3009-314, 3009-346, provided that: “Notwithstanding any other provision of law or regulation during the fiscal year ending September 30, 1997, and thereafter:

“(1) The authority of the special police officers of the Bureau of Engraving and Printing, in the Washington, DC Metropolitan area, extends to buildings and land under the custody and control of the Bureau; to buildings and land acquired by or for the Bureau through lease, unless otherwise provided by the acquisition agency; to the streets, sidewalks and open areas immediately adjacent to the Bureau along Wallenberg Place (15th Street) and 14th Street between Independence and Maine Avenues and C and D Streets between 12th and 14th Streets; to areas which include surrounding parking facilities used by Bureau employees, including the lots at 12th and C Streets, SW, Maine Avenue and Water Streets, SW, Maiden Lane, the Tidal Basin and East Potomac Park; to the protection in transit of United States securities, plates and dies used in the production of United States securities, or other products or implements of the Bureau of Engraving and Printing which the Director of that agency so designates.

“(2) The authority of the special police officers of the United States Mint extends to the buildings and land under the custody and control of the Mint; to the streets, sidewalks and open areas in the vicinity to such facilities; to surrounding parking facilities used by Mint employees; and to the protection in transit of bullion, coins, dies, and other property and assets of, or in the custody of, the Mint.

“(3) The exercise of police authority by Bureau or Mint officers, with the exception of the exercise of authority upon property under the custody and control of the Bureau or the Mint, respectively, shall be deemed supplementary to the Federal police force with primary jurisdictional responsibility. This authority shall be in addition to any other law enforcement authority which has been provided to these officers under other provisions of law or regulations.” Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104-52, title V, §520, Nov. 19, 1995, 109 Stat. 494.  
 Pub. L. 103-329, title V, §535, Sept. 30, 1994, 108 Stat. 2414.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 5349, 5545.

§ 5142. Bureau of Engraving and Printing Fund

(a) The Department of the Treasury has a Bureau of Engraving and Printing Fund. Amounts—

- (1) in the Fund are available to operate the Bureau of Engraving and Printing;
- (2) in the Fund remain available until expended; and
- (3) may be appropriated to the Fund.

(b) The Fund consists of—

- (1) property and physical assets (except buildings and land) acquired by the Bureau;
- (2) all amounts received by the Bureau; and
- (3) proceeds from the disposition of property and assets acquired by the Fund.

(c) The capital of the Fund consists of—

- (1) amounts appropriated to the Fund;

(2) physical assets of the Bureau (except buildings and land) as of the close of business June 30, 1951; and

(3) all payments made after June 30, 1974, under section 5143 of this title at prices adjusted to permit buying capital equipment and to provide future working capital.

(d) The Secretary shall deposit each fiscal year, in the Treasury as miscellaneous receipts, amounts accruing to the Fund in the prior fiscal year that the Secretary decides are in excess of the needs of the Fund. However, the Secretary may use the excess amounts to restore capital of the Fund reduced by the difference between the charges for services of the Bureau and the cost of providing those services.

(e) The Secretary shall maintain a special deposit account in the Treasury for the Fund. The Secretary shall credit the account with amounts appropriated to the Fund and receipts of the Bureau without depositing the receipts in the Treasury as miscellaneous receipts.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 990.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5142(a) .....	31:181a(a)(1st sentence), (d).	Aug. 4, 1950, ch. 558, §2, 64 Stat. 409.
5142(b) .....	31:181a(c).	
5142(c) .....	31:181a(a)(last sentence), (b), 31:181(note).	July 31, 1977, Pub. L. 95-81, §100(par. under heading "Bureau of Engraving and Printing"), 91 Stat. 342.
5142(d) .....	31:181a(e).	
5142(e) .....	31:181a(f).	

In subsection (a), before clause (1), the words "as of July 1, 1951" are omitted as executed. In clause (1), the words "subsequent to June 30, 1951" are omitted as executed. In clause (2), the words "remain available until expended" are substituted for "shall be available without fiscal year limitation" for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(2), the words "amounts received by the Bureau" are substituted for "all amounts recoverable as provided in section 181 of this title for the costs of work and services performed by the Bureau, and all other amounts receivable by the Bureau from whatever sources derived" to eliminate unnecessary words.

In subsection (c)(1), the words "amounts appropriated to the Fund" are substituted for "an initial appropriation by the Congress to the fund of not to exceed \$5,000,000 and such additional amounts as from time to time may be appropriated for the purposes of the fund" to eliminate unnecessary words.

In subsection (c)(2), the words "such inventories and other physical assets to be capitalized at fair and reasonable values to be determined by the Secretary" are omitted as executed. The words "receivables and the inventories" are omitted as covered by "physical assets". The words "unexpended balances of appropriations" are omitted as unnecessary because of clause (1).

In subsection (c)(3), the words "\$5,000,000, to remain available until expended" are omitted as unnecessary because of the source provision restated in subsection (a)(2) of this section. The text of 31:181a(a)(3) and (b) is omitted as executed.

In subsection (d), the words "each fiscal year" are substituted for "ensuing fiscal year", and the words "prior fiscal year" are added, because of the restatement. The word "Secretary" is added because of sections 301 and 303 of the revised title. The words "decides are in excess of the needs of the Fund" are substituted for "surplus" for consistency in the chapter.

The words "may use" are substituted for "may be applied first" to eliminate unnecessary words. The word "reduced" is substituted for "impairment" for clarity.

In subsection (e), the words "Secretary shall maintain" are substituted for "shall be established" because of sections 301 and 303 of the revised title and to eliminate executed words. The words "in the Treasury" are substituted for "with the Treasurer of the United States" because of Department of the Treasury Order 229 of January 14, 1974 (39 F.R. 2280). The text of 31:181a(f)(last sentence) is omitted as unnecessary because of the source provisions restated in section 3325 of the revised title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5141 of this title.

§ 5143. Payment for services

The Secretary of the Treasury shall impose charges for Bureau of Engraving and Printing services the Secretary provides to an agency. The charges shall be in amounts the Secretary considers adequate to cover the costs of the services (including administrative costs related to providing the services). The agency shall pay promptly bills submitted by the Secretary.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 991.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5143 .....	31:181.	Aug. 4, 1950, ch. 558, §1, 64 Stat. 408.

The word "costs" is substituted for "direct and indirect costs" to eliminate unnecessary words. The words "shall make payment therefor" are omitted as unnecessary because of the restatement. The words "from funds available to it for such purposes" are omitted as surplus.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5142 of this title.

§ 5144. Providing impressions of portraits and vignettes

The Secretary of the Treasury may provide impressions from an engraved portrait or vignette in the possession of the Bureau of Engraving and Printing. An impression shall be provided—

- (1) at the request of—
  - (A) a member of Congress;
  - (B) a head of an agency;
  - (C) an art association; or
  - (D) a library; and

(2) for a charge and under conditions the Secretary decides are necessary to protect the public interest.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 991.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5144 .....	31:174.	Dec. 22, 1879, ch. 2, 21 Stat. 59.

In the section, before clause (1), the word "engraved" is added before "portrait" because of the restatement. The words "in the possession" are substituted for "which is now, or may be a part of the engraved stock" to eliminate unnecessary words. The words "An impression shall be provided" are added because of the re-

statement. In clause (1)(A), the words “member of Congress” are substituted for “Senator, Representative, or Delegate in Congress” for consistency. In clause (1)(B), the word “agency” is substituted for “department or bureau” because of section 101 of the revised title and for consistency in the revised title. In clause (2), the words “for a charge and under conditions the Secretary decides are” are substituted for “at such rates and under such conditions as he may deem” for consistency.

SUBCHAPTER V—MISCELLANEOUS

§ 5151. Conversion of currency of foreign countries

(a) In this section—

(1) “buying rate” means the buying rate in the market in New York, New York, for cable transfers payable in the currency of a foreign country to be converted.

(2) when merchandise is exported on a day that banks are generally closed in New York, the buying rate at noon on the last prior business day is deemed to be the buying rate at noon on the day the merchandise is exported.

(b) The value of coins of a foreign country expressed in United States money is the value of the pure metal of the standard coin of the foreign country. The Secretary of the Treasury shall estimate the values of standard coins of the country quarterly and publish the values on the first day of January, April, July, and October of each year.

(c) Except as provided in this section, conversion of currency of a foreign country into United States currency for assessment and collection of duties on merchandise imported into the United States shall be made at values published by the Secretary under subsection (b) of this section for the quarter in which the merchandise is exported.

(d) If the Secretary has not published a value for the quarter in which the merchandise is exported, or if the value published by the Secretary varies by at least 5 percent from a value measured by the buying rate at noon on the day the merchandise is exported, the conversion of the currency of the foreign country shall be made at a value—

(1) equal to the buying rate at noon on the day the merchandise is exported; or

(2) prescribed by regulation of the Secretary for the currency that is equal to the first buying rate certified for that currency by the Federal Reserve Bank of New York under subsection (e) of this section in the quarter in which the merchandise is exported, but only if the buying rate at noon on the day the merchandise is exported varies less than 5 percent from the buying rate first certified.

(e) The Federal Reserve Bank of New York shall decide the buying rate and certify the rate to the Secretary. The Secretary shall publish the rate at times and to the extent the Secretary considers necessary. In deciding the buying rate, the Bank may—

(1) consider the last ascertainable transactions and quotations (direct or through exchange of other currencies); and

(2) if there is no buying rate, calculate the rate from—

(A) actual transactions and quotations in demand or time bills of exchange; or

(B) the last ascertainable transactions and quotations outside the United States in or for exchange payable in United States currency or foreign currency.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 991.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5151(a) .....	31:372(c)(2)(1st sentence), (3).	June 17, 1930, ch. 497, § 522(c), 46 Stat. 740; restated Aug. 2, 1956, ch. 887, § 3, 70 Stat. 946.
5151(b) .....	31:372(a).	Aug. 27, 1894, ch. 349, § 25, 28 Stat. 552; May 27, 1921, ch. 14, § 403(a), 42 Stat. 17; restated June 17, 1930, ch. 497, § 522(a), 46 Stat. 739.
5151(c) .....	31:372(b).	June 17, 1930, ch. 497, § 522(b), 46 Stat. 740.
5151(d) .....	31:372(c)(1).	
5151(e) .....	31:372(c)(2)(2d, last sentences).	

In subsection (b), the words “United States money” are substituted for “money of account” for consistency in the chapter. The words “standard coins of the country” are substituted for “values of standard coins in circulation of the various nations of the world” to eliminate unnecessary words. The words “Secretary of the Treasury” are substituted for “Director of the Mint” because of the source provisions restated in section 321(c) of the revised title.

In subsection (c), the words “on or after June 17, 1930” are omitted as executed.

In subsection (d)(1), the words “buying rate at noon on the day the merchandise is exported” are substituted for “such buying rate” for clarity.

In subsection (d)(2), the words “that is equal to” are substituted for “at a value measured by” because of the restatement.

In subsection (e)(2), the words “buying rate” are substituted for “market buying rate for such cable transfers” to eliminate unnecessary words.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3123 of this title; title 19 section 1360.

§ 5152. Value of United States money holdings in international institutions

The Secretary of the Treasury shall maintain the value in terms of gold of the holdings of United States money of the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association, and the Asian Development Bank to the extent provided in the articles of agreement of those institutions. Amounts necessary to maintain the value may be appropriated. Amounts appropriated under this section remain available until expended.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 992.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5152 .....	31:449a.	Mar. 31, 1972, Pub. L. 92-268, § 3, 86 Stat. 117.

The word “money” is substituted for “dollars” for consistency in the revised title. The words “the International Monetary Fund” are omitted as obsolete because of section 9 of the Act of October 19, 1976 (Pub. L. 94-564, 90 Stat. 2661).

**§ 5153. Counterfeit currency**

Disbursing officials of the United States Government and officers of national banks shall stamp or mark the word “counterfeit”, “altered”, or “worthless” on counterfeit notes intended to circulate as currency that are presented to them. An official or officer wrongfully stamping or marking an item of genuine United States currency (including a Federal reserve note or a circulating note of Federal reserve banks and national banks) shall redeem the currency at face value when presented.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 992.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5153 .....	31:424.	June 30, 1876, ch. 156, § 5, 19 Stat. 64.

The words “Disbursing officials” are substituted for “officers charged with the receipt or disbursement of public moneys” for consistency in the revised title and other titles of the United States Code. The word “mark” is substituted for “write in plain letters” to eliminate unnecessary words. The words “counterfeit notes intended to circulate as currency” are substituted for “all fraudulent notes issued in the form of, and intended to circulate as money” for consistency in the revised title and with other titles of the Code. The last sentence is substituted for the words following the semicolon in 31:424 for clarity and to reflect the legislative history of the derivative source. See 4 Cong. Rec. 2225-2228, 3148. In that sentence, the words “United States currency (including a Federal reserve note or a circulating note of Federal reserve banks and national banks)” are substituted for “any genuine note of the United States, or of the national banks” for consistency with section 5103 of the revised title.

**§ 5154. State taxation**

A State or a territory or possession of the United States may tax United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) as money on hand or on deposit in the same way and at the same rate that the State, territory, or possession taxes other forms of money. This section does not affect a law taxing national banks.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 992; Pub. L. 97-452, §1(22), Jan. 12, 1983, 96 Stat. 2477.)

HISTORICAL AND REVISION NOTES  
1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5154 .....	31:425, 426.	Aug. 13, 1894, ch. 281, 28 Stat. 278.

The words “United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks)” are substituted for “Circulating notes of national banking associations and United States legal tender notes and other notes and certificates of the United States payable on demand and circulating or intended to circulate as currency and gold, silver, or other coin” in 31:425 to eliminate unnecessary words and for consistency with section 5103 of the revised title.

1983 ACT

This restates 31:5154 to clarify the intent of the section. See 26 Cong. Rec. 7152, 7170 (1894).

AMENDMENTS

1983—Pub. L. 97-452 substituted “other forms of money” for “United States coins and currency circulating within its jurisdiction”.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment effective Sept. 13, 1982, see section 2(i) of Pub. L. 97-452, set out as a note under section 3331 of this title.

**§ 5155. Providing engraved plates of portraits of deceased members of Congress**

On conditions the Secretary of the Treasury decides, the Secretary may send an engraved plate of a portrait of a deceased Senator or Representative to an heir or legal representative of such a Senator or Representative.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 993.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5155 .....	31:175.	July 1, 1916, ch. 209, §1(3d par. on p. 275), 39 Stat. 275.

The words “terms and” are omitted as being included in “conditions”. The words “that have been or may be made” are omitted as unnecessary.

**CHAPTER 53—MONETARY TRANSACTIONS**

SUBCHAPTER I—CREDIT AND MONETARY EXPANSION

- Sec. 5301. Buying obligations of the United States Government.
- 5302. Stabilizing exchange rates and arrangements.
- 5303. Reserved coins and currencies of foreign countries.
- 5304. Regulations.

SUBCHAPTER II—RECORDS AND REPORTS ON MONETARY INSTRUMENTS TRANSACTIONS

- 5311. Declaration of purpose.
- 5312. Definitions and application.
- 5313. Reports on domestic coins and currency transactions.
- 5314. Records and reports on foreign financial agency transactions.
- 5315. Reports on foreign currency transactions.
- 5316. Reports on exporting and importing monetary instruments.
- 5317. Search and forfeiture of monetary instruments.
- 5318. Compliance, exemptions, and summons authority.
- 5319. Availability of reports.
- 5320. Injunctions.
- 5321. Civil penalties.
- 5322. Criminal penalties.
- 5323. Rewards for informants.
- 5324. Structuring transactions to evade reporting requirement prohibited.
- 5325. Identification required to purchase certain monetary instruments.
- 5326. Records of certain domestic coin and currency transactions.
- [5327. Repealed.]
- 5328. Whistleblower protections.
- 5329. Staff commentaries.
- 5330. Registration of money transmitting businesses.

AMENDMENTS

1996—Pub. L. 104-208, div. A, title II, §2223(2), Sept. 30, 1996, 110 Stat. 3009-415, struck out item 5327 “Identification of financial institutions”.

1994—Pub. L. 103-325, title III, §311(b), title IV, §408(d), Sept. 23, 1994, 108 Stat. 2221, 2252, added items 5329 and 5330.

1992—Pub. L. 102-550, title XV, §§1511(c), 1563(b), Oct. 28, 1992, 106 Stat. 4057, 4073, added items 5327 and 5328.

1988—Pub. L. 100-690, title VI, §6185(f), Nov. 18, 1988, 102 Stat. 4357, added items 5325 and 5326.

1986—Pub. L. 99-570, title I, §§1354(b), 1356(d), Oct. 27, 1986, 100 Stat. 3207-22, 3207-25, substituted “Compliance, exemptions, and summons authority” for “Compliance and exemptions” in item 5318 and added item 5324.

1984—Pub. L. 98-473, title II, §901(f), Oct. 12, 1984, 98 Stat. 2136, added item 5323.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 9703 of this title; title 18 section 1510; title 19 sections 1431, 1613b.

SUBCHAPTER I—CREDIT AND MONETARY EXPANSION

§ 5301. **Buying obligations of the United States Government**

(a) The President may direct the Secretary of the Treasury to make an agreement with the Federal reserve banks and the Board of Governors of the Federal Reserve System when the President decides that the foreign commerce of the United States is affected adversely because—

(1) the value of coins and currency of a foreign country compared to the present standard value of gold is depreciating;

(2) action is necessary to regulate and maintain the parity of United States coins and currency;

(3) an economic emergency requires an expansion of credit; or

(4) an expansion of credit is necessary so that the United States Government and the governments of other countries can stabilize the value of coins and currencies of a country.

(b) Under an agreement under subsection (a) of this section, the Board shall permit the banks (and the Board is authorized to permit the banks notwithstanding another law) to agree that the banks will—

(1) conduct through each entire specified period open market operations in obligations of the United States Government or corporations in which the Government is the majority stockholder; and

(2) buy directly and hold an additional \$3,000,000,000 of obligations of the Government for each agreed period, unless the Secretary consents to the sale of the obligations before the end of the period.

(c) With the approval of the Secretary, the Board may require Federal reserve banks to take action the Secretary and Board consider necessary to prevent unreasonable credit expansion.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 993.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5301(a), (b).	31:821(less (a)(last sentence)).	May 12, 1933, ch. 25, §43(less (b)(1)(last sentence)), 48 Stat. 51; Jan. 30, 1934, ch. 6, §12, 48 Stat. 342; Jan. 23, 1937, ch. 5, §2, 50 Stat. 4; July 6, 1939, ch. 260, §3, 53 Stat. 998; June 30, 1941, ch. 265, §2, 55 Stat. 396; June 12, 1945, ch. 186, §4, 59 Stat. 238; Mar. 18, 1968, Pub. L. 90-269, §9, 82 Stat. 50.
5301(c) .....	31:821(a)(last sentence).	

In subsection (a), before clause (1), the text of 31:821(b)(matter before (1)) is omitted as obsolete because clause (1) is omitted as executed, and clause (2) is omitted as expired. The text of 31:821(b)(matter after (2)) is omitted as obsolete because silver is no longer coined. The words “in his discretion” and “several” are omitted as surplus. The words “Board of Governors of the Federal Reserve System” are substituted for “Federal Reserve Board” because of 12:241. The words “upon investigation” are omitted as surplus. In clause (1), the word “foreign” is substituted for “of any other government or governments” to eliminate unnecessary words. The words “coins and” are added for consistency. In clause (2), the words “United States coins and currency” are substituted for “currency issues of the United States” for consistency. In clause (4), the words “so that the United States Government and the governments of other countries can stabilize” are substituted for “to secure by international agreement a stabilization” for clarity. The words “at proper levels” are omitted as surplus.

In subsection (b), before clause (1), the words “(and the Board is authorized to permit the banks notwithstanding another law)” are substituted for “notwithstanding any provisions of law or rules and regulations to the contrary” for clarity. In clause (1), the words “pursuant to existing law” are omitted as surplus. The words “through each entire” are substituted for “throughout” for clarity. In clause (2), the words “in portfolio”, “or periods of time Treasury bills or other” and “in an aggregate sum of” are omitted as surplus.

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-325, title IV, §401, Sept. 23, 1994, 108 Stat. 2243, provided that: “This title [enacting section 5330 of this title, amending sections 5312, 5313, 5318, 5321, 5322, and 5324 of this title, sections 93, 1464, 1772d, 1786, 1818, and 1821 of Title 12, Banks and Banking, and sections 984, 986, 1956, 1957, and 1960 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as notes under sections 5311, 5313, 5318, and 5330 of this title] may be cited as the ‘Money Laundering Suppression Act of 1994.’”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5304 of this title.

§ 5302. **Stabilizing exchange rates and arrangements**

(a)(1) The Department of the Treasury has a stabilization fund. The fund is available to carry out this section, section 18 of the Bretton Woods Agreement Act (22 U.S.C. 286e-3), and section 3 of the Special Drawing Rights Act (22 U.S.C. 286o), and for investing in obligations of the United States Government those amounts in the fund the Secretary of the Treasury, with the approval of the President, decides are not required at the time to carry out this section. Proceeds of sales and investments, earnings, and interest shall be paid into the fund and are available to carry out this section. However, the fund is not available to pay administrative expenses.

(2) Subject to approval by the President, the fund is under the exclusive control of the Secretary, and may not be used in a way that direct control and custody pass from the President and the Secretary. Decisions of the Secretary are final and may not be reviewed by another officer or employee of the Government.

(b) Consistent with the obligations of the Government in the International Monetary Fund on orderly exchange arrangements and a stable system of exchange rates, the Secretary or an agency designated by the Secretary, with the approval of the President, may deal in gold, foreign exchange, and other instruments of credit and securities the Secretary considers necessary. However, a loan or credit to a foreign entity or government of a foreign country may be made for more than 6 months in any 12-month period only if the President gives Congress a written statement that unique or emergency circumstances require the loan or credit be for more than 6 months.

(c)(1) By the 30th day after the end of each month, the Secretary shall give the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a detailed financial statement on the stabilization fund showing all agreements made or renewed, all transactions occurring during the month, and all projected liabilities.

(2) The Secretary shall report each year to the President and Congress on the operation of the fund.

(d) A repayment of any part of the first subscription payment of the Government to the International Monetary Fund, previously paid from the stabilization fund, shall be deposited in the Treasury as a miscellaneous receipt.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 994.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5302(a) .....	31:822a(b)(1).	Jan. 30, 1934, ch. 6, §10(a), (b)(1), (c), 48 Stat. 341, 342; Jan. 23, 1937, ch. 5, §1, 50 Stat. 4; July 6, 1939, ch. 260, §§1, 2, 53 Stat. 998; June 30, 1941, ch. 265, §1, 55 Stat. 395; Apr. 29, 1943, ch. 76, 57 Stat. 68; July 31, 1945, ch. 339, §7(a), 59 Stat. 514; Dec. 30, 1970, Pub. L. 91-599, §§41, 42, 84 Stat. 1659; Oct. 19, 1976, Pub. L. 94-564, §7, 90 Stat. 2661; Oct. 28, 1977, Pub. L. 95-147, §4(b), 91 Stat. 1229; Nov. 8, 1978, Pub. L. 95-612, §§1, 6, 92 Stat. 3091, 3092.
5302(b) .....	31:822a(a)(1st sentence).	
5302(c)(1)	31:822a(b)(2).	Jan. 30, 1934, ch. 6, 48 Stat. 337, §10(b)(2); added Nov. 8, 1978, Pub. L. 95-612, §6, 92 Stat. 3092.
5302(c)(2)	31:822a(a)(last sentence).	
5302(d) .....	31:822a(c).	

In subsection (a)(1), the words “The Department of the Treasury has a stabilization fund” are substituted for “there is appropriated, out of the receipts which are directed to be covered into the Treasury under section 408b of this title, the sum of \$2,000,000,000, which sum when available shall be deposited in the United States Treasury in a stabilization fund” because the fund has been established. The words “(hereinafter called the ‘fund’)” are omitted as unnecessary because of the re-statement. The words “To enable the Secretary of the

Treasury” and “The fund shall be available for expenditure, under the direction of the Secretary of the Treasury and in his discretion, for any purpose in connection with carrying out the provisions of this section” are omitted as surplus. The words “section 18 of the Bretton Woods Agreement Act (22 U.S.C. 286e-3), and section 3 of the Special Drawing Rights Act (22 U.S.C. 286o)” are added for clarity. The words “and reinvestment” and “direct” are omitted as surplus. The word “Government” is added for consistency. The words “accruing under the operations of this section” are omitted as surplus. The words “to carry out this section” after “are available” are substituted for “for the purposes of the fund” for consistency.

In subsection (b), the words “directly . . . through” and “for the account of the fund established in this section” are omitted as surplus. The words “government of a foreign country” are substituted for “foreign government” for consistency in the revised title and with other titles of the United States Code. The words “by or through such fund” are omitted as surplus.

In subsection (c)(1), the word “calendar” is omitted as surplus. The words “beginning after the effective date of this paragraph” are omitted as executed. The words “to occur” are omitted as surplus.

In subsection (d), the words “any part of the first subscription payment of the Government to the International Monetary Fund, previously paid from the stabilization fund” are substituted for 31:822a(c)(words before semicolon) and “thereof” for clarity because the payment has been made.

#### CHANGE OF NAME

Committee on Banking, Finance and Urban Affairs of House of Representatives treated as referring to Committee on Banking and Financial Services of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

#### MEXICAN DEBT DISCLOSURE

Pub. L. 104-6, title IV, Apr. 10, 1995, 109 Stat. 89, provided that:

“SEC. 401. SHORT TITLE.

“This title may be cited as the ‘Mexican Debt Disclosure Act of 1995’.

“SEC. 402. FINDINGS.

“The Congress finds that—

“(1) Mexico is an important neighbor and trading partner of the United States;

“(2) on January 31, 1995, the President approved a program of assistance to Mexico, in the form of swap facilities and securities guarantees in the amount of \$20,000,000,000, using the exchange stabilization fund;

“(3) the program of assistance involves the participation of the Board of Governors of the Federal Reserve System, the International Monetary Fund, the Bank for International Settlements, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

“(4) the involvement of the exchange stabilization fund and the Board of Governors of the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

“(5) assistance provided by the International Monetary Fund, the International Bank for Reconstruction and Development, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

“(6) the immediate use of taxpayer funds and the potential requirement for additional future United States contributions of taxpayer funds necessitates congressional oversight of the disbursement of funds; and

“(7) the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico.

“SEC. 403. PRESIDENTIAL REPORTS.

“(a) REPORTING REQUIREMENT.—Not later than June 30, 1995, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report concerning all guarantees issued to, and short-term and long-term currency swaps with, the Government of Mexico by the United States Government, including the Board of Governors of the Federal Reserve System.

“(b) CONTENTS OF REPORTS.—Each report described in subsection (a) shall contain a description of the following actions taken, or economic situations existing, during the preceding 6-month period or, in the case of the initial report, during the period beginning on the date of enactment of this Act [Apr. 10, 1995]:

“(1) Changes in wage, price, and credit controls in the Mexican economy.

“(2) Changes in taxation policy of the Government of Mexico.

“(3) Specific actions taken by the Government of Mexico to further privatize the economy of Mexico.

“(4) Actions taken by the Government of Mexico in the development of regulatory policy that significantly affected the performance of the Mexican economy.

“(5) Consultations concerning the program approved by the President, including advice on economic, monetary, and fiscal policy, held between the Government of Mexico and the Secretary of the Treasury (including any designee of the Secretary) and the conclusions resulting from any periodic reviews undertaken by the International Monetary Fund pursuant to the Fund’s loan agreements with Mexico.

“(6) All outstanding loans, credits, and guarantees provided to the Government of Mexico, by the United States Government, including the Board of Governors of the Federal Reserve System, set forth by category of financing.

“(7) The progress the Government of Mexico has made in stabilizing the peso and establishing an independent central bank or currency board.

“(c) SUMMARY OF TREASURY DEPARTMENT REPORTS.—In addition to the information required to be included under subsection (b), each report required under this section shall contain a summary of the information contained in all reports submitted under section 404 during the period covered by the report required under this section.

“SEC. 404. REPORTS BY THE SECRETARY OF THE TREASURY.

“(a) REPORTING REQUIREMENT.—Beginning on the last day of the first month which begins after the date of enactment of this Act [Apr. 10, 1995], and on the last day of every month thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report concerning all guarantees issued to, and short-term and long-term currency swaps with, the Government of Mexico by the United States Government, including the Board of Governors of the Federal Reserve System.

“(b) CONTENTS OF REPORTS.—Each report described in subsection (a) shall include a description of the following actions taken, or economic situations existing, during the month in which the report is required to be submitted:

“(1) The current condition of the Mexican economy.

“(2) The reserve positions of the central bank of Mexico and data relating to the functioning of Mexican monetary policy.

“(3) The amount of any funds disbursed from the exchange stabilization fund pursuant to the program of assistance to the Government of Mexico approved by the President on January 31, 1995.

“(4) The amount of any funds disbursed by the Board of Governors of the Federal Reserve System pursuant to the program of assistance referred to in paragraph (3).

“(5) Financial transactions, both inside and outside of Mexico, made during the reporting period involv-

ing funds disbursed to Mexico from the exchange stabilization fund or proceeds of Mexican Government securities guaranteed by the exchange stabilization fund.

“(6) All outstanding guarantees issued to, and short-term and medium-term currency swaps with, the Government of Mexico by the Secretary of the Treasury, set forth by category of financing.

“(7) All outstanding currency swaps with the central bank of Mexico by the Board of Governors of the Federal Reserve System and the rationale for, and any expected costs of, such transactions.

“(8) The amount of payments made by customers of Mexican petroleum companies that have been deposited in the account at the Federal Reserve Bank of New York established to ensure repayment of any payment by the United States Government, including the Board of Governors of the Federal Reserve System, in connection with any guarantee issued to, or any swap with, the Government of Mexico.

“(9) Any setoff by the Federal Reserve Bank of New York against funds in the account described in paragraph (8).

“(10) To the extent such information is available, once there has been a setoff by the Federal Reserve Bank of New York, any interruption in deliveries of petroleum products to existing customers whose payments were setoff.

“(11) The interest rates and fees charged to compensate the Secretary of the Treasury for the risk of providing financing.

“SEC. 405. TERMINATION OF REPORTING REQUIREMENTS.

“The requirements of sections 403 and 404 shall terminate on the date that the Government of Mexico has paid all obligations with respect to swap facilities and guarantees of securities made available under the program approved by the President on January 31, 1995.

“SEC. 406. PRESIDENTIAL CERTIFICATION REGARDING SWAP OF CURRENCIES TO MEXICO THROUGH EXCHANGE STABILIZATION FUND OR FEDERAL RESERVE.

“(a) IN GENERAL.—Notwithstanding any other provision of law, no loan, credit, guarantee, or arrangement for a swap of currencies to Mexico through the exchange stabilization fund or by the Board of Governors of the Federal Reserve System may be extended or (if already extended) further utilized, unless and until the President submits to the appropriate congressional committees a certification that—

“(1) there is no projected cost (as defined in the Credit Reform Act of 1990 [probably means the Federal Credit Reform Act of 1990, 2 U.S.C. 661 et seq.]) to the United States from the proposed loan, credit, guarantee, or currency swap;

“(2) all loans, credits, guarantees, and currency swaps are adequately backed to ensure that all United States funds are repaid;

“(3) the Government of Mexico is making progress in ensuring an independent central bank or an independent currency control mechanism;

“(4) Mexico has in effect a significant economic reform effort; and

“(5) the President has provided the documents described in paragraphs (1) through (28) of House Resolution 80, adopted March 1, 1995.

“(b) TREATMENT OF CLASSIFIED OR PRIVILEGED MATERIAL.—For purposes of the certification required by subsection (a)(5), the President shall specify, in the case of any document that is classified or subject to applicable privileges, that, while such document may not have been produced to the House of Representatives, in lieu thereof it has been produced to specified Members of Congress or their designees by mutual agreement among the President, the Speaker of the House, and the chairmen and ranking members of the Committee on Banking and Financial Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House.

“SEC. 407. DEFINITIONS.

“For purposes of this title, the following definitions shall apply:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committees on International Relations and Banking and Financial Services of the House of Representatives, the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

“(2) EXCHANGE STABILIZATION FUND.—The term ‘exchange stabilization fund’ means the stabilization fund referred to in section 5302(a)(1) of title 31, United States Code.”

CERTIFICATION REGARDING USE OF EXCHANGE STABILIZATION FUND AND FEDERAL RESERVE IN RELATION TO ECONOMIC CRISIS IN MEXICO

Memorandum of President of the United States, June 29, 1995, 60 F.R. 35113, provided:

Memorandum for the Secretary of the Treasury On January 31, 1995, I approved a program of assistance to Mexico, in the form of swap facilities and securities guarantees in an amount not to exceed \$20 billion, using the Exchange Stabilization Fund (the “ESF program”).

By virtue of the authority vested in me by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, and section 406 of the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Public Law 104-6) [set out above], I hereby certify that:

- (1) There is no projected cost (as defined in the Federal Credit Reform Act of 1990 [2 U.S.C. 661 et seq.]) to the United States from the proposed swap transaction.
(2) All loans, credits, guarantees, and currency swaps to Mexico from the Exchange Stabilization Fund or the Federal Reserve System are adequately backed to ensure that all United States funds are repaid.
(3) The Government of Mexico is making progress in ensuring an independent central bank.
(4) Mexico has in effect a significant economic reform effort.

(5) The Executive Branch has provided the documents requested by House Resolution 80 adopted March 1, 1995, and described in paragraphs (1) through (28) of that Resolution. All documents identified as responsive to the Resolution have been provided to the entire House of Representatives. Pursuant to the terms of the Resolution, the Executive Branch has not provided those documents as to which the Executive Branch has informed the House that it would be inconsistent with the public interest to provide the documents to the House. Pursuant to arrangements for safekeeping of classified materials in House facilities, classified documents have been provided to the House by making them available either at designated, secure House facilities or at Executive Branch facilities. Each agency, including the Federal Reserve Board, has advised the House of the procedures employed by that agency to provide the documents requested by House Resolution 80.

I have been informed that the Board of Governors of the Federal Reserve System has provided the documents requested by House Resolution 80 and described in paragraphs (1) through (28) of that Resolution.

I hereby delegate to you the reporting requirement contained in section 406 of Public Law 104-6 [set out above]. You are authorized and requested to report this certification immediately to the Speaker of the House and appropriate congressional committees, as defined in section 407 of Public Law 104-6 [set out above].

I also hereby delegate to you the reporting requirement contained in section 403 of Public Law 104-6 [set out above].

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

Prior certifications were contained in the following: Memorandum of President of the United States, May 17, 1995, 60 F.R. 27395.

Memorandum of President of the United States, Apr. 14, 1995, 60 F.R. 19485.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5304 of this title; title 22 sections 286e-3, 286e-7, 286o, 5411.

§ 5303. Reserved coins and currencies of foreign countries

An agency may use coins and currencies of a foreign country the United States Government holds that are or may be reserved for a specific program or activity of an agency. The agency shall reimburse the Treasury from appropriations and shall replace the coins and currencies when they are needed for the program or activity for which they were reserved originally.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 994.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 5303, 31:938, Oct. 15, 1966, Pub. L. 89-677, 80 Stat. 955.

The word “Federal” is omitted as unnecessary because of the definition of “agency” in section 101 of the revised title. The words “coins and” and “Government” are added for consistency. The words “or set aside” and “of the Government” are omitted as surplus. The words “The agency shall reimburse . . . shall replace” are substituted for “except (1) that reimbursement shall be made . . . (2) . . . shall be replaced” for clarity. The words “applicable . . . of the agency concerned” are omitted as surplus. The words “program or activity” are substituted for “purpose” for clarity and consistency.

§ 5304. Regulations

With the approval of the President, the Secretary of the Treasury may prescribe regulations—

- (1) to carry out section 5301 of this title; and
(2) the Secretary considers necessary to carry out section 5302 of this title.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 994.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 5304, 31:822, 31:822b, May 12, 1933, ch. 25, §44, 48 Stat. 53; Jan. 30, 1934, ch. 6, §11, 48 Stat. 342.

Before clause (1), the words “prescribe regulations” are substituted for “make and promulgate rules and regulations” in 31:822 and “issue . . . such rules and regulations” in 31:822b for consistency. In clause (1), the words “to carry out” are substituted for “covering any action taken or to be taken by the President under” in 31:822 to eliminate unnecessary words. In clause (2), the words “or proper” in 31:822b and “the purposes of” are omitted as surplus. Reference to 31:821 is omitted as obsolete because silver is no longer coined. Reference to 31:824 is omitted as obsolete because 31:824 is executed and is not part of the revised title.

SUBCHAPTER II—RECORDS AND REPORTS ON MONETARY INSTRUMENTS TRANSACTIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 12 sections 1464, 1786, 1817, 1818, 1829b, 3401, 3413; title 18 sections 1952, 1956, 1961; title 22 section 2714.

§ 5311. Declaration of purpose

It is the purpose of this subchapter (except section 5315) to require certain reports or records where they have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 995.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5311 .....	31:1051.	Oct. 26, 1970, Pub. L. 91-508, § 202, 84 Stat. 1118.

UNIFORM STATE LICENSING AND REGULATION OF CHECK CASHING, CURRENCY EXCHANGE, AND MONEY TRANSMITTING BUSINESSES

Pub. L. 103-325, title IV, §407, Sept. 23, 1994, 108 Stat. 2247, provided that:

“(a) UNIFORM LAWS AND ENFORCEMENT.—For purposes of preventing money laundering and protecting the payment system from fraud and abuse, it is the sense of the Congress that the several States should—

“(1) establish uniform laws for licensing and regulating businesses which—

“(A) provide check cashing, currency exchange, or money transmitting or remittance services, or issue or redeem money orders, travelers’ checks, and other similar instruments; and

“(B) are not depository institutions (as defined in section 5313(g) of title 31, United States Code); and

“(2) provide sufficient resources to the appropriate State agency to enforce such laws and regulations prescribed pursuant to such laws.

“(b) MODEL STATUTE.—It is the sense of the Congress that the several States should develop, through the auspices of the National Conference of Commissioners on Uniform State Laws, the American Law Institute, or such other forum as the States may determine to be appropriate, a model statute to carry out the goals described in subsection (a) which would include the following:

“(1) LICENSING REQUIREMENTS.—A requirement that any business described in subsection (a)(1) be licensed and regulated by an appropriate State agency in order to engage in any such activity within the State.

“(2) LICENSING STANDARDS.—A requirement that—

“(A) in order for any business described in subsection (a)(1) to be licensed in the State, the appropriate State agency shall review and approve—

“(i) the business record and the capital adequacy of the business seeking the license; and

“(ii) the competence, experience, integrity, and financial ability of any individual who—

“(I) is a director, officer, or supervisory employee of such business; or

“(II) owns or controls such business; and

“(B) any record, on the part of any business seeking the license or any person referred to in subparagraph (A)(ii), of—

“(i) any criminal activity;

“(ii) any fraud or other act of personal dishonesty;

“(iii) any act, omission, or practice which constitutes a breach of a fiduciary duty; or

“(iv) any suspension or removal, by any agency or department of the United States or any State,

from participation in the conduct of any federally or State licensed or regulated business, may be grounds for the denial of any such license by the appropriate State agency.

“(3) REPORTING REQUIREMENTS.—A requirement that any business described in subsection (a)(1)—

“(A) disclose to the appropriate State agency the fees charged to consumers for services described in subsection (a)(1)(A); and

“(B) conspicuously disclose to the public, at each location of such business, the fees charged to consumers for such services.

“(4) PROCEDURES TO ENSURE COMPLIANCE WITH FEDERAL CASH TRANSACTION REPORTING REQUIREMENTS.—A civil or criminal penalty for operating any business referred to in paragraph (1) without establishing and complying with appropriate procedures to ensure compliance with subchapter II of chapter 53 of title 31, United States Code (relating to records and reports on monetary instruments transactions).

“(5) CRIMINAL PENALTIES FOR OPERATION OF BUSINESS WITHOUT A LICENSE.—A criminal penalty for operating any business referred to in paragraph (1) without a license within the State after the end of an appropriate transition period beginning on the date of enactment of such model statute by the State.

“(c) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study of—

“(1) the progress made by the several States in developing and enacting a model statute which—

“(A) meets the requirements of subsection (b); and

“(B) furthers the goals of—

“(i) preventing money laundering by businesses which are required to be licensed under any such statute; and

“(ii) protecting the payment system, including the receipt, payment, collection, and clearing of checks, from fraud and abuse by such businesses; and

“(2) the adequacy of—

“(A) the activity of the several States in enforcing the requirements of such statute; and

“(B) the resources made available to the appropriate State agencies for such enforcement activity.

“(d) REPORT REQUIRED.—Not later than the end of the 3-year period beginning on the date of enactment of this Act [Sept. 23, 1994] and not later than the end of each of the first two 1-year periods beginning after the end of such 3-year period, the Secretary of the Treasury shall submit a report to the Congress containing the findings and recommendations of the Secretary in connection with the study under subsection (c), together with such recommendations for legislative and administrative action as the Secretary may determine to be appropriate.

“(e) RECOMMENDATIONS IN CASES OF INADEQUATE REGULATION AND ENFORCEMENT BY STATES.—If the Secretary of the Treasury determines that any State has been unable to—

“(1) enact a statute which meets the requirements described in subsection (b);

“(2) undertake adequate activity to enforce such statute; or

“(3) make adequate resources available to the appropriate State agency for such enforcement activity,

the report submitted pursuant to subsection (d) shall contain recommendations of the Secretary which are designed to facilitate the enactment and enforcement by the State of such a statute.

“(f) FEDERAL FUNDING STUDY.—

“(1) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study to identify possible available sources of Federal funding to cover costs which will be incurred by the States in carrying out the purposes of this section.

“(2) REPORT.—The Secretary of the Treasury shall submit a report to the Congress on the study con-

ducted pursuant to paragraph (1) not later than the end of the 18-month period beginning on the date of enactment of this Act [Sept. 23, 1994].”

#### ANTI-MONEY LAUNDERING TRAINING TEAM

Pub. L. 102-550, title XV, §1518, Oct. 28, 1992, 106 Stat. 4060, provided that: “The Secretary of the Treasury and the Attorney General shall jointly establish a team of experts to assist and provide training to foreign governments and agencies thereof in developing and expanding their capabilities for investigating and prosecuting violations of money laundering and related laws.”

#### ADVISORY GROUP ON REPORTING REQUIREMENTS

Pub. L. 102-550, title XV, §1564, Oct. 28, 1992, 106 Stat. 4073, provided that:

“(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act [Oct. 28, 1992], the Secretary of the Treasury shall establish a Bank Secrecy Act Advisory Group consisting of representatives of the Department of the Treasury, the Department of Justice, and the Office of National Drug Control Policy and of other interested persons and financial institutions subject to the reporting requirements of subchapter II of chapter 53 of title 31, United States Code, or section 6050I of the Internal Revenue Code of 1986 [26 U.S.C. 6050I].

“(b) PURPOSES.—The Advisory Group shall provide a means by which the Secretary—

“(1) informs private sector representatives, on a regular basis, of the ways in which the reports submitted pursuant to the requirements referred to in subsection (a) have been used;

“(2) informs private sector representatives, on a regular basis, of how information regarding suspicious financial transactions provided voluntarily by financial institutions has been used; and

“(3) receives advice on the manner in which the reporting requirements referred to in subsection (a) should be modified to enhance the ability of law enforcement agencies to use the information provided for law enforcement purposes.

“(c) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act [5 App. U.S.C.] shall not apply to the Bank Secrecy Act Advisory Group established pursuant to subsection (a).”

#### GAO FEASIBILITY STUDY OF FINANCIAL CRIMES ENFORCEMENT NETWORK

Pub. L. 102-550, title XV, §1565, Oct. 28, 1992, 106 Stat. 4074, provided that:

“(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a feasibility study of the Financial Crimes Enforcement Network (popularly referred to as ‘Fincen’) established by the Secretary of the Treasury in cooperation with other agencies and departments of the United States and appropriate Federal banking agencies.

“(b) SPECIFIC REQUIREMENTS.—In conducting the study required under subsection (a), the Comptroller General shall examine and evaluate—

“(1) the extent to which Federal, State, and local governmental and nongovernmental organizations are voluntarily providing information which is necessary for the system to be useful for law enforcement purposes;

“(2) the extent to which the operational guidelines established for the system provide for the coordinated and efficient entry of information into, and withdrawal of information from, the system;

“(3) the extent to which the operating procedures established for the system provide appropriate standards or guidelines for determining—

“(A) who is to be given access to the information in the system;

“(B) what limits are to be imposed on the use of such information; and

“(C) how information about activities or relationships which involve or are closely associated with

the exercise of constitutional rights is to be screened out of the system; and

“(4) the extent to which the operating procedures established for the system provide for the prompt verification of the accuracy and completeness of information entered into the system and the prompt deletion or correction of inaccurate or incomplete information.

“(c) REPORT TO CONGRESS.—Before the end of the 1-year period, beginning on the date of the enactment of this Act [Oct. 28, 1992], the Comptroller General of the United States shall submit a report to the Congress containing the findings and conclusions of the Comptroller General in connection with the study conducted pursuant to subsection (a), together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.”

#### REPORTS ON USES MADE OF CURRENCY TRANSACTION REPORTS

Pub. L. 101-647, title I, §101, Nov. 29, 1990, 104 Stat. 4789, provided that: “Not later than 180 days after the effective date of this section [Nov. 29, 1990], and every 2 years for 4 years, the Secretary of the Treasury shall report to the Congress the following:

“(1) the number of each type of report filed pursuant to subchapter II of chapter 53 of title 31, United States Code (or regulations promulgated thereunder) in the previous fiscal year;

“(2) the number of reports filed pursuant to section 6050I of the Internal Revenue Code of 1986 [26 U.S.C. 6050I] (regarding transactions involving currency) in the previous fiscal year;

“(3) an estimate of the rate of compliance with the reporting requirements by persons required to file the reports referred to in paragraphs (1) and (2);

“(4) the manner in which the Department of the Treasury and other agencies of the United States collect, organize, analyze and use the reports referred to in paragraphs (1) and (2) to support investigations and prosecutions of (A) violations of the criminal laws of the United States, (B) violations of the laws of foreign countries, and (C) civil enforcement of the laws of the United States including the provisions regarding asset forfeiture;

“(5) a summary of sanctions imposed in the previous fiscal year against persons who failed to comply with the reporting requirements referred to in paragraphs (1) and (2), and other steps taken to ensure maximum compliance;

“(6) a summary of criminal indictments filed in the previous fiscal year which resulted, in large part, from investigations initiated by analysis of the reports referred to in paragraphs (1) and (2); and

“(7) a summary of criminal indictments filed in the previous fiscal year which resulted, in large part, from investigations initiated by information regarding suspicious financial transactions provided voluntarily by financial institutions.”

#### INTERNATIONAL CURRENCY TRANSACTION REPORTING

Pub. L. 100-690, title IV, §4701, Nov. 18, 1988, 102 Stat. 4290, stated Congressional findings concerning success of cash transaction and money laundering control statutes in United States and desirability of United States playing a leadership role in development of similar international system, urged United States Government to seek active cooperation of other countries in enforcement of such statutes, urged Secretary of the Treasury to negotiate with finance ministers of foreign countries to establish an international currency control agency to serve as central source of information and database for international drug enforcement agencies to collect and analyze currency transaction reports filed by member countries, and encouraged adoption, by member countries, of uniform cash transaction and money laundering statutes, prior to repeal by Pub. L. 102-583, §6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

RESTRICTIONS ON LAUNDERING OF UNITED STATES  
CURRENCY

Pub. L. 100-690, title IV, §4702, Nov. 18, 1988, 102 Stat. 4291, as amended by Pub. L. 103-447, title I, §103(b), Nov. 2, 1994, 108 Stat. 4693, provided that:

“(a) FINDINGS.—The Congress finds that international currency transactions, especially in United States currency, that involve the proceeds of narcotics trafficking fuel trade in narcotics in the United States and worldwide and consequently are a threat to the national security of the United States.

“(b) PURPOSE.—The purpose of this section is to provide for international negotiations that would expand access to information on transactions involving large amounts of United States currency wherever those transactions occur worldwide.

“(c) NEGOTIATIONS.—(1) The Secretary of the Treasury (hereinafter in this section referred to as the ‘Secretary’) shall enter into negotiations with the appropriate financial supervisory agencies and other officials of any foreign country the financial institutions of which do business in United States currency. Highest priority shall be attached to countries whose financial institutions the Secretary determines, in consultation with the Attorney General and the Director of National Drug Control Policy, may be engaging in currency transactions involving the proceeds of international narcotics trafficking, particularly United States currency derived from drug sales in the United States.

“(2) The purposes of negotiations under this subsection are—

“(A) to reach one or more international agreements to ensure that foreign banks and other financial institutions maintain adequate records of large United States currency transactions, and

“(B) to establish a mechanism whereby such records may be made available to United States law enforcement officials.

In carrying out such negotiations, the Secretary should seek to enter into and further cooperative efforts, voluntary information exchanges, the use of letters rogatory, and mutual legal assistance treaties.

“(d) REPORTS.—Not later than 1 year after the date of enactment of this Act [Nov. 18, 1988], the Secretary shall submit an interim report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on progress in the negotiations under subsection (c). Not later than 2 years after such enactment, the Secretary shall submit a final report to such Committees and the President on the outcome of those negotiations and shall identify, in consultation with the Attorney General and the Director of National Drug Control Policy, countries—

“(1) with respect to which the Secretary determines there is evidence that the financial institutions in such countries are engaging in currency transactions involving the proceeds of international narcotics trafficking; and

“(2) which have not reached agreement with United States authorities on a mechanism for exchanging adequate records on international currency transactions in connection with narcotics investigations and proceedings.

“(e) AUTHORITY.—If after receiving the advice of the Secretary and in any case at the time of receipt of the Secretary’s report, the Secretary determines that a foreign country—

“(1) has jurisdiction over financial institutions that are substantially engaging in currency transactions that effect [affect] the United States involving the proceeds of international narcotics trafficking;

“(2) such country has not reached agreement on a mechanism for exchanging adequate records on international currency transactions in connection with narcotics investigations and proceedings; and

“(3) such country is not negotiating in good faith to reach such an agreement,

the President shall impose appropriate penalties and sanctions, including temporarily or permanently—

“(1) prohibiting such persons, institutions or other entities in such countries from participating in any United States dollar clearing or wire transfer system; and

“(2) prohibiting such persons, institutions or entities in such countries from maintaining an account with any bank or other financial institution chartered under the laws of the United States or any State.

Any penalties or sanctions so imposed may be delayed or waived upon certification of the President to the Congress that it is in the national interest to do so. Financial institutions in such countries that maintain adequate records shall be exempt from such penalties and sanctions.

“(f) DEFINITIONS.—For the purposes of this section—

“(1) The term ‘United States currency’ means Federal Reserve Notes and United States coins.

“(2) The term ‘adequate records’ means records of United States’ currency transactions in excess of \$10,000 including the identification of the person initiating the transaction, the person’s business or occupation, and the account or accounts affected by the transaction, or other records of comparable effect.”

INTERNATIONAL INFORMATION EXCHANGE SYSTEM;  
STUDY OF FOREIGN BRANCHES OF DOMESTIC INSTITUTIONS

Pub. L. 99-570, title I, §1363, Oct. 27, 1986, 100 Stat. 3207-33, required the Secretary of the Treasury to initiate discussions with the central banks or other appropriate governmental authorities of other countries and propose that an information exchange system be established to reduce international flow of money derived from illicit drug operations and other criminal activities and to report to Congress before the end of the 9-month period beginning Oct. 27, 1986. The Secretary of the Treasury was also required to conduct a study of (1) the extent to which foreign branches of domestic institutions are used to facilitate illicit transfers of or to evade reporting requirements on transfers of coins, currency, and other monetary instruments into and out of the United States; (2) the extent to which the law of the United States is applicable to the activities of such foreign branches; and (3) methods for obtaining the cooperation of the country in which any such foreign branch is located for purposes of enforcing the law of the United States with respect to transfers, and reports on transfers, of such monetary instruments into and out of the United States and to report to Congress before the end of the 9-month period beginning Oct. 27, 1986.

**§ 5312. Definitions and application**

(a) In this subchapter—

(1) “financial agency” means a person acting for a person (except for a country, a monetary or financial authority acting as a monetary or financial authority, or an international financial institution of which the United States Government is a member) as a financial institution, bailee, depository trustee, or agent, or acting in a similar way related to money, credit, securities, gold, or a transaction in money, credit, securities, or gold.

(2) “financial institution” means—

(A) an insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)));

(B) a commercial bank or trust company;

(C) a private banker;

(D) an agency or branch of a foreign bank in the United States;

(E) an insured institution (as defined in section 401(a)<sup>1</sup> of the National Housing Act (12 U.S.C. 1724(a)));

<sup>1</sup> See References in Text note below.

- (F) a thrift institution;
- (G) a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);
- (H) a broker or dealer in securities or commodities;
- (I) an investment banker or investment company;
- (J) a currency exchange;
- (K) an issuer, redeemer, or cashier of travelers' checks, checks, money orders, or similar instruments;
- (L) an operator of a credit card system;
- (M) an insurance company;
- (N) a dealer in precious metals, stones, or jewels;
- (O) a pawnbroker;
- (P) a loan or finance company;
- (Q) a travel agency;
- (R) a licensed sender of money;
- (S) a telegraph company;
- (T) a business engaged in vehicle sales, including automobile, airplane, and boat sales;
- (U) persons involved in real estate closings and settlements;
- (V) the United States Postal Service;
- (W) an agency of the United States Government or of a State or local government carrying out a duty or power of a business described in this paragraph;
- (X) a casino, gambling casino, or gaming establishment with an annual gaming revenue of more than \$1,000,000 which—
- (i) is licensed as a casino, gambling casino, or gaming establishment under the laws of any State or any political subdivision of any State; or
- (ii) is an Indian gaming operation conducted under or pursuant to the Indian Gaming Regulatory Act other than an operation which is limited to class I gaming (as defined in section 4(6) of such Act);
- (Y) any business or agency which engages in any activity which the Secretary of the Treasury determines, by regulation, to be an activity which is similar to, related to, or a substitute for any activity in which any business described in this paragraph is authorized to engage; or
- (Z) any other business designated by the Secretary whose cash transactions have a high degree of usefulness in criminal, tax, or regulatory matters.
- (3) "monetary instruments" means—
- (A) United States coins and currency;
- (B) as the Secretary may prescribe by regulation, coins and currency of a foreign country, travelers' checks, bearer negotiable instruments, bearer investment securities, bearer securities, stock on which title is passed on delivery, and similar material; and
- (C) as the Secretary of the Treasury shall provide by regulation for purposes of section 5316, checks, drafts, notes, money orders, and other similar instruments which are drawn on or by a foreign financial institution and are not in bearer form.
- (4) "person", in addition to its meaning under section 1 of title 1, includes a trustee, a

representative of an estate and, when the Secretary prescribes, a governmental entity.

(5) "United States" means the States of the United States, the District of Columbia, and, when the Secretary prescribes by regulation, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, the Trust Territory of the Pacific Islands, a territory or possession of the United States, or a military or diplomatic establishment.

(b) In this subchapter—

(1) "domestic financial agency" and "domestic financial institution" apply to an action in the United States of a financial agency or institution.

(2) "foreign financial agency" and "foreign financial institution" apply to an action outside the United States of a financial agency or institution.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 995; Pub. L. 99-570, title I, §1362, Oct. 27, 1986, 100 Stat. 3207-33; Pub. L. 100-690, title VI, §6185(a), (g)(1), Nov. 18, 1988, 102 Stat. 4354, 4357; Pub. L. 103-325, title IV, §§405, 409, Sept. 23, 1994, 108 Stat. 2247, 2252.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5312(a)(1)	31:1052(a), (b), (g), (i).	Oct. 26, 1970, Pub. L. 91-508, §203(a)-(i), (l), 84 Stat. 1118.
5312(a)(2)	31:1052(e).	
5312(a)(3)	31:1052(l).	
5312(a)(4)	31:1052(c).	
5312(a)(5)	31:1052(d).	
5312(b) .....	31:1052(f), (h).	

In subsection (a)(1), the text of 31:1052(a) is omitted as unnecessary. The text of 31:1052(b) is omitted because of the restatement. The text of 31:1052(i) is omitted as unnecessary because the source provision is restated where necessary in the revised subchapter.

In subsection (a)(2), (3), (4), and (5), the words "the Secretary . . . prescribes" are substituted for "specified by the Secretary by regulation", "as the Secretary may by regulation specify", "specified by the Secretary", and "the Secretary shall by regulation specify" for consistency.

In subsection (a)(2) and (3), the words "for the purposes of the provision of this chapter to which the regulation relates" are omitted as surplus.

In subsection (a)(2), before subclause (A), the words "any person which does business in any one or more of the following capacities" are omitted as surplus. In subclause (F), the words "savings bank, building and loan association, credit union, industrial bank, or other" are omitted as surplus. In subclause (T), the words "agency of the United States Government or of a State or local government" are substituted for "Federal, State, or local government institution" for consistency. In subclause (U), the words "type of" are omitted as surplus. The word "agency" is substituted for "institution" for consistency.

In subsection (a)(3)(B)-(5), the word "prescribe" is substituted for "specify" for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(3)(B), the words "in addition", and "and such types of" are omitted as surplus. The words "similar material" are substituted for "the equivalent thereof" for clarity.

In subsection (a)(4), the words "in addition to its meaning under section 1 of title 1" are substituted for "natural persons, partnerships, . . . associations, corporations, and all entities cognizable as legal personalities" for consistency because 1:1 is applicable to all

laws unless otherwise provided. The words “a trustee, a representative of an estate” are substituted for “trusts, estates”, and the word “entity” is substituted for “department or agency”, for consistency. The words “either for the purpose of this chapter generally or any particular requirement thereunder” are omitted as surplus.

In subsection (a)(5), the words “used in a geographic sense” are omitted because of the restatement. The words “either for the purposes of this chapter generally or any particular requirement thereunder” are omitted as surplus. The words “territory or” are added for consistency.

Subsection (b) is substituted for 31:1052(f) and (h) to eliminate unnecessary words and for consistency.

#### REFERENCES IN TEXT

Section 401 of the National Housing Act, referred to in subsec. (a)(2)(E), which was classified to section 1724 of Title 12, Banks and Banking, was repealed by Pub. L. 101-73, title IV, §407, Aug. 9, 1989, 103 Stat. 363.

The Securities Exchange Act of 1934, referred to in subsec. (a)(2)(G), is act June 6, 1934, ch. 404, 48 Stat. 881, as amended, which is classified principally to chapter 2B (§78a et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 78a of Title 15 and Tables.

The Indian Gaming Regulatory Act, referred to in subsec. (a)(2)(X)(ii), is Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, as amended, which is classified principally to chapter 29 (§2701 et seq.) of Title 25, Indians. Section 4(6) of the Act is classified to section 2703(6) of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

#### AMENDMENTS

1994—Subsec. (a)(2)(X) to (Z). Pub. L. 103-325, §409, added subpar. (X) and redesignated former subpars. (X) and (Y) as (Y) and (Z), respectively.

Subsec. (a)(3)(C). Pub. L. 103-325, §405, added subpar. (C).

1988—Subsec. (a)(2)(T) to (Y). Pub. L. 100-690, §6185(a), added subpars. (T) to (Y) and struck out former subpars. (T) and (U) which read as follows:

“(T) an agency of the United States Government or of a State or local government carrying out a duty or power of a business described in this clause (2), including the United States Postal Service; or

“(U) another business or agency carrying out a similar, related, or substitute duty or power the Secretary of the Treasury prescribes.”

Subsec. (a)(5). Pub. L. 100-690, §6185(g)(1), inserted a comma after “Puerto Rico” and struck out second comma after “Pacific Islands”.

1986—Subsec. (a)(2)(T). Pub. L. 99-570, §1362(a), which directed that the Postal Service be included within United States agencies by amending subsec. (a)(2)(U) of this section by inserting before the semicolon at the end thereof the following “, including the United States Postal Service”, was executed to subsec. (a)(2)(T) of this section as the probable intent of Congress, because subsec. (a)(2)(U) does not contain a semicolon and subsec. (a)(2)(T) relates to United States agencies.

Subsec. (a)(5). Pub. L. 99-570, §1362(b), inserted “the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, the Trust Territory of the Pacific Islands,” after “Puerto Rico”.

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1953; title 18 sections 986, 1956, 2339B; title 19 sections 1401, 1607; title 26 section 6050I; title 50 section 438.

### § 5313. Reports on domestic coins and currency transactions

(a) When a domestic financial institution is involved in a transaction for the payment, receipt, or transfer of United States coins or currency (or other monetary instruments the Secretary of the Treasury prescribes), in an amount, denomination, or amount and denomination, or under circumstances the Secretary prescribes by regulation, the institution and any other participant in the transaction the Secretary may prescribe shall file a report on the transaction at the time and in the way the Secretary prescribes. A participant acting for another person shall make the report as the agent or bailee of the person and identify the person for whom the transaction is being made.

(b) The Secretary may designate a domestic financial institution as an agent of the United States Government to receive a report under this section. However, the Secretary may designate a domestic financial institution that is not insured, chartered, examined, or registered as a domestic financial institution only if the institution consents. The Secretary may suspend or revoke a designation for a violation of this subchapter or a regulation under this subchapter (except a violation of section 5315 of this title or a regulation prescribed under section 5315), section 411<sup>1</sup> of the National Housing Act (12 U.S.C. 1730d), or section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b).

(c)(1) A person (except a domestic financial institution designated under subsection (b) of this section) required to file a report under this section shall file the report—

- (A) with the institution involved in the transaction if the institution was designated;
- (B) in the way the Secretary prescribes when the institution was not designated; or
- (C) with the Secretary.

(2) The Secretary shall prescribe—

- (A) the filing procedure for a domestic financial institution designated under subsection (b) of this section; and
- (B) the way the institution shall submit reports filed with it.

(d) MANDATORY EXEMPTIONS FROM REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall exempt, pursuant to section 5318(a)(6), a depository institution from the reporting requirements of subsection (a) with respect to transactions between the depository institution and the following categories of entities:

- (A) Another depository institution.
- (B) A department or agency of the United States, any State, or any political subdivision of any State.

(C) Any entity established under the laws of the United States, any State, or any political subdivision of any State, or under an interstate compact between 2 or more States, which exercises governmental authority on behalf of the United States or any such State or political subdivision.

<sup>1</sup> See References in Text note below.

(D) Any business or category of business the reports on which have little or no value for law enforcement purposes.

(2) NOTICE OF EXEMPTION.—The Secretary of the Treasury shall publish in the Federal Register at such times as the Secretary determines to be appropriate (but not less frequently than once each year) a list of all the entities whose transactions with a depository institution are exempt under this subsection from the reporting requirements of subsection (a).

(e) DISCRETIONARY EXEMPTIONS FROM REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury may exempt, pursuant to section 5318(a)(6), a depository institution from the reporting requirements of subsection (a) with respect to transactions between the depository institution and a qualified business customer of the institution on the basis of information submitted to the Secretary by the institution in accordance with procedures which the Secretary shall establish.

(2) QUALIFIED BUSINESS CUSTOMER DEFINED.—For purposes of this subsection, the term “qualified business customer” means a business which—

(A) maintains a transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act) at the depository institution;

(B) frequently engages in transactions with the depository institution which are subject to the reporting requirements of subsection (a); and

(C) meets criteria which the Secretary determines are sufficient to ensure that the purposes of this subchapter are carried out without requiring a report with respect to such transactions.

(3) CRITERIA FOR EXEMPTION.—The Secretary of the Treasury shall establish, by regulation, the criteria for granting and maintaining an exemption under paragraph (1).

(4) GUIDELINES.—

(A) IN GENERAL.—The Secretary of the Treasury shall establish guidelines for depository institutions to follow in selecting customers for an exemption under this subsection.

(B) CONTENTS.—The guidelines may include a description of the types of businesses or an itemization of specific businesses for which no exemption will be granted under this subsection to any depository institution.

(5) ANNUAL REVIEW.—The Secretary of the Treasury shall prescribe regulations requiring each depository institution to—

(A) review, at least once each year, the qualified business customers of such institution with respect to whom an exemption has been granted under this subsection; and

(B) upon the completion of such review, re-submit information about such customers, with such modifications as the institution determines to be appropriate, to the Secretary for the Secretary’s approval.

(6) 2-YEAR PHASE-IN PROVISION.—During the 2-year period beginning on the date of enact-

ment of the Money Laundering Suppression Act of 1994, this subsection shall be applied by the Secretary on the basis of such criteria as the Secretary determines to be appropriate to achieve an orderly implementation of the requirements of this subsection.

(f) PROVISIONS APPLICABLE TO MANDATORY AND DISCRETIONARY EXEMPTIONS.—

(1) LIMITATION ON LIABILITY OF DEPOSITORY INSTITUTIONS.—No depository institution shall be subject to any penalty which may be imposed under this subchapter for the failure of the institution to file a report with respect to a transaction with a customer for whom an exemption has been granted under subsection (d) or (e) unless the institution—

(A) knowingly files false or incomplete information to the Secretary with respect to the transaction or the customer engaging in the transaction; or

(B) has reason to believe at the time the exemption is granted or the transaction is entered into that the customer or the transaction does not meet the criteria established for granting such exemption.

(2) COORDINATION WITH OTHER PROVISIONS.—Any exemption granted by the Secretary of the Treasury under section 5318(a) in accordance with this section, and any transaction which is subject to such exemption, shall be subject to any other provision of law applicable to such exemption, including—

(A) the authority of the Secretary, under section 5318(a)(6), to revoke such exemption at any time; and

(B) any requirement to report, or any authority to require a report on, any possible violation of any law or regulation or any suspected criminal activity.

(g) DEPOSITORY INSTITUTION DEFINED.—For purposes of this section, the term “depository institution”—

(1) has the meaning given to such term in section 19(b)(1)(A) of the Federal Reserve Act; and

(2) includes—

(A) any branch, agency, or commercial lending company (as such terms are defined in section 1(b) of the International Banking Act of 1978);

(B) any corporation chartered under section 25A of the Federal Reserve Act; and

(C) any corporation having an agreement or undertaking with the Board of Governors of the Federal Reserve System under section 25 of the Federal Reserve Act.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 996; Pub. L. 103-325, title IV, §402(a), Sept. 23, 1994, 108 Stat. 2243.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5313(a) .....	31:1081. 31:1082.	Oct. 26, 1970, Pub. L. 91-508, §§221-223, 84 Stat. 1122.
5313(b) .....	31:1083(a).	
5313(c) .....	31:1083(b).	

In subsection (a), the words “coins or” are added, and the words “prescribe” and “prescribes” are substituted

for “specify” in 31:1081, and “require”, for consistency. The words “other parties thereto or” in 31:1082 are omitted as surplus. The words “to the Secretary” in 31:1081 are omitted as unnecessary and for clarity. The words “in such detail” are omitted as surplus. The words “A participant acting for another person shall make the report as the agent or bailee of the person and identify the person for whom the transaction is being made” are substituted for 31:1082(last sentence) for clarity and to eliminate unnecessary words.

In subsection (b), the words “in his discretion” and “individually or by class” are omitted as surplus. The word “Government” is added for consistency. The words “or a regulation under this subchapter”, are added because of the restatement. The words “(except a violation of section 5315 of this title or a regulation prescribed under section 5315)” are added because 31:1141–1143 was not enacted as a part of the Currency and Foreign Transactions Reporting Act that is restated in this subchapter.

In subsection (c)(1), clause (A) is substituted for “with respect to a domestic financial institution . . . with that institution” for clarity. Clause (C) is substituted for “any such person may, at his election and in lieu of filing the report in the manner hereinabove prescribed, file the report with the Secretary” to eliminate unnecessary words.

REFERENCES IN TEXT

Section 411 of the National Housing Act, referred to in subsec. (b), which was classified to section 1730d of Title 12, Banks and Banking, was repealed by Pub. L. 101–73, title IV, §407, Aug. 9, 1989, 103 Stat. 363.

Section 19(b)(1)(A) and (C) of the Federal Reserve Act, referred to in subsecs. (e)(2)(A) and (g)(1), is classified to section 461(b)(1)(A) and (C) of Title 12.

The date of enactment of the Money Laundering Suppression Act of 1994, referred to in subsec. (e)(6), is the date of enactment of title IV of Pub. L. 103–325, which was approved Sept. 23, 1994.

Section 1(b) of the International Banking Act of 1978, referred to in subsec. (g)(2)(A), is classified to section 3101 of Title 12.

Sections 25 and 25A of the Federal Reserve Act, referred to in subsec. (g)(2)(B), (C), are classified to subchapters I (§§601 et seq.) and II (§§611 et seq.), respectively, of chapter 6 of Title 12.

AMENDMENTS

1994—Subsecs. (d) to (g). Pub. L. 103–325 added subsecs. (d) to (g).

REPORT REDUCTION GOAL; STREAMLINED CURRENCY TRANSACTION REPORTS

Section 402(b), (c) of Pub. L. 103–325 provided that:

“(b) REPORT REDUCTION GOAL; REPORTS.—

“(1) IN GENERAL.—In implementing the amendment made by subsection (a) [amending this section], the Secretary of the Treasury shall seek to reduce, within a reasonable period of time, the number of reports required to be filed in the aggregate by depository institutions pursuant to section 5313(a) of title 31, United States Code, by at least 30 percent of the number filed during the year preceding the date of enactment of this Act [Sept. 23, 1994].

“(2) INTERIM REPORT.—The Secretary of the Treasury shall submit a report to the Congress not later than the end of the 180-day period beginning on the date of enactment of this Act on the progress made by the Secretary in implementing the amendment made by subsection (a).

“(3) ANNUAL REPORT.—The Secretary of the Treasury shall submit an annual report to the Congress after the end of each of the first 5 calendar years which begin after the date of enactment of this Act on the extent to which the Secretary has reduced the overall number of currency transaction reports filed with the Secretary pursuant to section 5313(a) of title 31, United States Code, consistent with the purposes of such section and effective law enforcement.

“(c) STREAMLINED CURRENCY TRANSACTION REPORTS.—The Secretary of the Treasury shall take such action as may be appropriate to—

“(1) redesign the format of reports required to be filed under section 5313(a) of title 31, United States Code, by any financial institution (as defined in section 5312(a)(2) of such title) to eliminate the need to report information which has little or no value for law enforcement purposes; and

“(2) reduce the time and effort required to prepare such report for filing by any such financial institution under such section.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5319, 5324, 5330 of this title; title 12 section 3420; title 18 sections 981, 982; title 26 section 6103; title 28 section 524.

§ 5314. Records and reports on foreign financial agency transactions

(a) Considering the need to avoid impeding or controlling the export or import of monetary instruments and the need to avoid burdening unreasonably a person making a transaction with a foreign financial agency, the Secretary of the Treasury shall require a resident or citizen of the United States or a person in, and doing business in, the United States, to keep records, file reports, or keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency. The records and reports shall contain the following information in the way and to the extent the Secretary prescribes:

- (1) the identity and address of participants in a transaction or relationship.
- (2) the legal capacity in which a participant is acting.
- (3) the identity of real parties in interest.
- (4) a description of the transaction.

(b) The Secretary may prescribe—

- (1) a reasonable classification of persons subject to or exempt from a requirement under this section or a regulation under this section;
- (2) a foreign country to which a requirement or a regulation under this section applies if the Secretary decides applying the requirement or regulation to all foreign countries is unnecessary or undesirable;
- (3) the magnitude of transactions subject to a requirement or a regulation under this section;
- (4) the kind of transaction subject to or exempt from a requirement or a regulation under this section; and
- (5) other matters the Secretary considers necessary to carry out this section or a regulation under this section.

(c) A person shall be required to disclose a record required to be kept under this section or under a regulation under this section only as required by law.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 997.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5314(a) .....	31:1121(a).	Oct. 26, 1970, Pub. L. 91–508, §§ 241, 242, 84 Stat. 1124.
5314(b) .....	31:1122.	

## HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5314(c) .....	31:1121(b).	

In subsection (a), before clause (1), the words “currency or other”, “legitimately”, “by regulation”, and “directly or indirectly” are omitted as surplus. The words “for any person” are substituted for “on behalf of himself or another” to eliminate unnecessary words. The words “and to the extent” are substituted for “and in such detail” for clarity. In clauses (1) and (2), the words “participants” and “participant” are substituted for “parties” for consistency. In clause (2), the words “to the transaction or relationship” are omitted as surplus. In clause (3), the words “if one or more of the parties are not acting solely as principals” are omitted as surplus. In clause (4), the words “including the amounts of money, credit, or other property involved” are omitted as surplus.

In subsection (b), the words “or a regulation under this section” are added because of the restatement. The words “or does not apply” and “uniform” in clause (2) are omitted as surplus. In clause (5), the words “carry out” are substituted for “the application of” for consistency.

In subsection (c), the words “produce or otherwise . . . the contents of” and “in compliance with a subpoena or summons duly authorized and issued or . . . may otherwise be” are omitted as surplus. The words “under a regulation” are added because of the restatement.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5319, 5321 of this title.

**§ 5315. Reports on foreign currency transactions**

(a) Congress finds that—

(1) moving mobile capital can have a significant impact on the proper functioning of the international monetary system;

(2) it is important to have the most feasible current and complete information on the kind and source of capital flows, including transactions by large United States businesses and their foreign affiliates; and

(3) additional authority should be provided to collect information on capital flows under section 5(b) of the Trading With the Enemy Act (50 App. U.S.C. 5(b)) and section 8 of the Bretton Woods Agreement Act (22 U.S.C. 286f).

(b) In this section, “United States person” and “foreign person controlled by a United States person” have the same meanings given those terms in section 7(f)(2)(A) and (C), respectively, of the Securities and Exchange Act of 1934 (15 U.S.C. 78g(f)(2)(A), (C)).

(c) The Secretary of the Treasury shall prescribe regulations consistent with subsection (a) of this section requiring reports on foreign currency transactions conducted by a United States person or a foreign person controlled by a United States person. The regulations shall require that a report contain information and be submitted at the time and in the way, with reasonable exceptions and classifications, necessary to carry out this section.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 997.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5315(a) .....	31:1141.	Sept. 21, 1973, Pub. L. 93-110, §§ 201, 202, 87 Stat. 353.
5315(b), (c).	31:1142.	

In subsection (a)(3), the words “it is desirable to emphasize this objective . . . existing legal” are omitted as unnecessary.

In subsection (c), the words “(hereafter referred to as the ‘Secretary’)” are omitted because of the restatement. The words “under the authority of this subchapter and any other authority conferred by law” are omitted as surplus. The word “prescribe” is substituted for “supplement” for clarity. The words “the statement of findings under” and “the submission of” are omitted as surplus. The words “Reports required under this subchapter shall cover foreign currency transactions” are omitted because of the restatement. The words “such terms are” and “the policy of” are omitted as surplus.

## REFERENCES IN TEXT

Section 5(b) of the Trading With the Enemy Act, referred to in subsec. (a)(3), is also classified to section 95a of Title 12, Banks and Banking.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5311, 5313, 5318, 5321, 5322 of this title.

**§ 5316. Reports on exporting and importing monetary instruments**

(a) Except as provided in subsection (c) of this section, a person or an agent or bailee of the person shall file a report under subsection (b) of this section when the person, agent, or bailee knowingly—

(1) transports, is about to transport, or has transported, monetary instruments of more than \$10,000 at one time—

(A) from a place in the United States to or through a place outside the United States; or

(B) to a place in the United States from or through a place outside the United States; or

(2) receives monetary instruments of more than \$10,000 at one time transported into the United States from or through a place outside the United States.

(b) A report under this section shall be filed at the time and place the Secretary of the Treasury prescribes. The report shall contain the following information to the extent the Secretary prescribes:

(1) the legal capacity in which the person filing the report is acting.

(2) the origin, destination, and route of the monetary instruments.

(3) when the monetary instruments are not legally and beneficially owned by the person transporting the instruments, or if the person transporting the instruments personally is not going to use them, the identity of the person that gave the instruments to the person transporting them, the identity of the person who is to receive them, or both.

(4) the amount and kind of monetary instruments transported.

(5) additional information.

(c) This section or a regulation under this section does not apply to a common carrier of passengers when a passenger possesses a monetary instrument, or to a common carrier of goods if the shipper does not declare the instrument.

(d) CUMULATION OF CLOSELY RELATED EVENTS.—The Secretary of the Treasury may prescribe regulations under this section defining the term “at one time” for purposes of subsection (a). Such regulations may permit the cumulation of closely related events in order that such events may collectively be considered to occur at one time for the purposes of subsection (a).

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 998; Pub. L. 98-473, title II, §901(c), Oct. 12, 1984, 98 Stat. 2135; Pub. L. 99-570, title I, §1358, title III, §3153, Oct. 27, 1986, 100 Stat. 3207-26, 3207-94.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5316(a) .....	31:1101(a).	Oct. 26, 1970, Pub. L. 91-508, §231, 84 Stat. 1122.
5316(b) .....	31:1101(b).	
5316(c) .....	31:1101(c).	

In subsection (a), before clause (1), the words “a person or an agent or bailee of the person shall” are substituted for “whoever, whether as principal, agent, or bailee, or by an agent or bailee” for consistency. The words “or reports” are omitted as unnecessary because of 1:1. In clause (2), the words “transported into the United States” are substituted for “at the termination of their transportation to the United States” for consistency and to eliminate unnecessary words.

In subsection (b), before clause (1), the word “required” is omitted as surplus. The word “prescribes” is substituted for “require” for consistency in the revised title and with other titles of the United States Code. The words “to the extent” are substituted for “in such detail” for clarity. In clause (1), the words “with respect to the monetary instruments transported” are omitted as surplus. In clause (3), the words “or if the person transporting the instruments personally is not going to use them” are substituted for “or are transported for any purpose other than the use in his own behalf of the person transporting the same” for clarity.

In subsection (c), the words “or a regulation under this section” are added because of the restatement.

AMENDMENTS

1986—Subsec. (a)(1). Pub. L. 99-570, §1358(b), substituted “transports, is about to transport, or has transported” for “transports or has transported, or attempts to transport or have transported”.

Subsec. (a)(2). Pub. L. 99-570, §§1358(c), 3153, made identical amendments substituting “\$10,000” for “\$5,000”.

Subsec. (d). Pub. L. 99-570, §1358(a), added subsec. (d).  
 1984—Subsec. (a)(1). Pub. L. 98-473 inserted “, or attempts to transport or have transported,” after “transports or has transported” and substituted “\$10,000” for “\$5,000”.

EFFECTIVE DATE OF REGULATIONS PRESCRIBED UNDER 1986 AMENDMENT

Section 1364(d) of Pub. L. 99-570 provided that: “Any regulation prescribed under the amendments made by section 1358 [amending this section] shall apply with respect to transactions completed after the effective date of such regulation.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5312, 5317, 5319, 5321, 5324 of this title; title 12 section 3420; title 18 section 982.

§ 5317. Search and forfeiture of monetary instruments

(a) The Secretary of the Treasury may apply to a court of competent jurisdiction for a search warrant when the Secretary reasonably believes a monetary instrument is being transported and a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement. The Secretary shall include a statement of information in support of the warrant. On a showing of probable cause, the court may issue a search warrant for a designated person or a designated or described place or physical object. This subsection does not affect the authority of the Secretary under another law.

(b) SEARCHES AT BORDER.—For purposes of ensuring compliance with the requirements of section 5316, a customs officer may stop and search, at the border and without a search warrant, any vehicle, vessel, aircraft, or other conveyance, any envelope or other container, and any person entering or departing from the United States.

(c) If a report required under section 5316 with respect to any monetary instrument is not filed (or if filed, contains a material omission or misstatement of fact), the instrument and any interest in property, including a deposit in a financial institution, traceable to such instrument may be seized and forfeited to the United States Government. Any property, real or personal, involved in a transaction or attempted transaction in violation of section 5324(b), or any property traceable to such property, may be seized and forfeited to the United States Government. A monetary instrument transported by mail or a common carrier, messenger, or bailee is being transported under this subsection from the time the instrument is delivered to the United States Postal Service, common carrier, messenger, or bailee through the time it is delivered to the addressee, intended recipient, or agent of the addressee or intended recipient without being transported further in, or taken out of, the United States.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 998; Pub. L. 98-473, title II, §901(d), Oct. 12, 1984, 98 Stat. 2135; Pub. L. 99-570, title I, §1355, Oct. 27, 1986, 100 Stat. 3207-22; Pub. L. 102-550, title XV, §1525(c)(2), Oct. 28, 1992, 106 Stat. 4065.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5317(a) .....	31:1105.	Oct. 26, 1970, Pub. L. 91-508, §§232, 235, 84 Stat. 1123.
5317(b) .....	31:1102.	

In subsection (a), the words “The Secretary shall include a statement of information in support of the warrant” are substituted for 31:1105(a)(last sentence) to eliminate unnecessary words and for consistency. The word “for” is substituted for “authorizing the search of . . . all of the following” to eliminate unnecessary words. The words “or more” are omitted as unnecessary because the singular includes the plural under 1:1. The words “or premises”, “letters, parcels, packages, or other”, and “vehicles” are omitted as surplus.

In subsection (b), the words “either” and “the possession of” are omitted as surplus. The words “United States Postal Service” are substituted for “postal service” for consistency with title 39. The words “or retained in” are omitted as surplus.

## AMENDMENTS

1992—Subsec. (c). Pub. L. 102-550 inserted after first sentence “Any property, real or personal, involved in a transaction or attempted transaction in violation of section 5324(b), or any property traceable to such property, may be seized and forfeited to the United States Government.”

1986—Subsec. (b). Pub. L. 99-570, §1355(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “A customs officer may stop and search, without a search warrant, a vehicle, vessel, aircraft, or other conveyance, envelope or other container, or person entering or departing from the United States with respect to which or whom the officer has reasonable cause to believe there is a monetary instrument being transported in violation of section 5316 of this title.”

Subsec. (c). Pub. L. 99-570, §1355(b), amended first sentence generally. Prior to amendment, first sentence read as follows: “A monetary instrument being transported may be seized and forfeited to the United States Government when a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement.”

1984—Subsecs. (b), (c). Pub. L. 98-473, §901, added subsec. (b) and redesignated former subsec. (b) as (c).

## EFFECTIVE DATE OF 1986 AMENDMENT

Section 1364(b) of Pub. L. 99-570 provided that: “The amendments made by sections 1355(b) and 1357(a) [amending this section and section 5321 of this title] shall apply with respect to violations committed after the end of the 3-month period beginning on the date of the enactment of this Act [Oct. 27, 1986].”

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5321 of this title.

### § 5318. Compliance, exemptions, and summons authority

(a) GENERAL POWERS OF SECRETARY.—The Secretary of the Treasury may (except under section 5315 of this title and regulations prescribed under section 5315)—

(1) except as provided in subsection (b)(2), delegate duties and powers under this subchapter to an appropriate supervising agency and the United States Postal Service;

(2) require a class of domestic financial institutions to maintain appropriate procedures to ensure compliance with this subchapter and regulations prescribed under this subchapter or to guard against money laundering;

(3) examine any books, papers, records, or other data of domestic financial institutions relevant to the recordkeeping or reporting requirements of this subchapter;

(4) summon a financial institution, an officer or employee of a financial institution (including a former officer or employee), or any person having possession, custody, or care of the reports and records required under this subchapter, to appear before the Secretary of the Treasury or his delegate at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation described in subsection (b);

(5) exempt from the requirements of this subchapter any class of transactions within any State if the Secretary determines that—

(A) under the laws of such State, that class of transactions is subject to requirements

substantially similar to those imposed under this subchapter; and

(B) there is adequate provision for the enforcement of such requirements; and

(6) prescribe an appropriate exemption from a requirement under this subchapter and regulations prescribed under this subchapter. The Secretary may revoke an exemption under this paragraph or paragraph (5) by actually or constructively notifying the parties affected. A revocation is effective during judicial review.

(b) LIMITATIONS ON SUMMONS POWER.—

(1) SCOPE OF POWER.—The Secretary of the Treasury may take any action described in paragraph (3) or (4) of subsection (a) only in connection with investigations for the purpose of civil enforcement of violations of this subchapter, section 21 of the Federal Deposit Insurance Act, section 411<sup>1</sup> of the National Housing Act, or chapter 2 of Public Law 91-508 (12 U.S.C. 1951 et seq.) or any regulation under any such provision.

(2) AUTHORITY TO ISSUE.—A summons may be issued under subsection (a)(4) only by, or with the approval of, the Secretary of the Treasury or a supervisory level delegate of the Secretary of the Treasury.

(c) ADMINISTRATIVE ASPECTS OF SUMMONS.—

(1) PRODUCTION AT DESIGNATED SITE.—A summons issued pursuant to this section may require that books, papers, records, or other data stored or maintained at any place be produced at any designated location in any State or in any territory or other place subject to the jurisdiction of the United States not more than 500 miles distant from any place where the financial institution operates or conducts business in the United States.

(2) FEES AND TRAVEL EXPENSES.—Persons summoned under this section shall be paid the same fees and mileage for travel in the United States that are paid witnesses in the courts of the United States.

(3) NO LIABILITY FOR EXPENSES.—The United States shall not be liable for any expense, other than an expense described in paragraph (2), incurred in connection with the production of books, papers, records, or other data under this section.

(d) SERVICE OF SUMMONS.—Service of a summons issued under this section may be by registered mail or in such other manner calculated to give actual notice as the Secretary may prescribe by regulation.

(e) CONTUMACY OR REFUSAL.—

(1) REFERRAL TO ATTORNEY GENERAL.—In case of contumacy by a person issued a summons under paragraph (3) or (4) of subsection (a) or a refusal by such person to obey such summons, the Secretary of the Treasury shall refer the matter to the Attorney General.

(2) JURISDICTION OF COURT.—The Attorney General may invoke the aid of any court of the United States within the jurisdiction of which—

(A) the investigation which gave rise to the summons is being or has been carried on;

<sup>1</sup> See References in Text note below.

(B) the person summoned is an inhabitant; or

(C) the person summoned carries on business or may be found,

to compel compliance with the summons.

(3) COURT ORDER.—The court may issue an order requiring the person summoned to appear before the Secretary or his delegate to produce books, papers, records, and other data, to give testimony as may be necessary to explain how such material was compiled and maintained, and to pay the costs of the proceeding.

(4) FAILURE TO COMPLY WITH ORDER.—Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(5) SERVICE OF PROCESS.—All process in any case under this subsection may be served in any judicial district in which such person may be found.

(f) WRITTEN AND SIGNED STATEMENT REQUIRED.—No person shall qualify for an exemption under subsection (a)(5)<sup>2</sup> unless the relevant financial institution prepares and maintains a statement which—

(1) describes in detail the reasons why such person is qualified for such exemption; and

(2) contains the signature of such person.

(g) REPORTING OF SUSPICIOUS TRANSACTIONS.—

(1) IN GENERAL.—The Secretary may require any financial institution, and any director, officer, employee, or agent of any financial institution, to report any suspicious transaction relevant to a possible violation of law or regulation.

(2) NOTIFICATION PROHIBITED.—A financial institution, and a director, officer, employee, or agent of any financial institution, who voluntarily reports a suspicious transaction, or that reports a suspicious transaction pursuant to this section or any other authority, may not notify any person involved in the transaction that the transaction has been reported.

(3) LIABILITY FOR DISCLOSURES.—Any financial institution that makes a disclosure of any possible violation of law or regulation or a disclosure pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution, shall not be liable to any person under any law or regulation of the United States or any constitution, law, or regulation of any State or political subdivision thereof, for such disclosure or for any failure to notify the person involved in the transaction or any other person of such disclosure.

(4) SINGLE DESIGNEE FOR REPORTING SUSPICIOUS TRANSACTIONS.—

(A) IN GENERAL.—In requiring reports under paragraph (1) of suspicious transactions, the Secretary of the Treasury shall designate, to the extent practicable and appropriate, a single officer or agency of the United States to whom such reports shall be made.

(B) DUTY OF DESIGNEE.—The officer or agency of the United States designated by the Secretary of the Treasury pursuant to

subparagraph (A) shall refer any report of a suspicious transaction to any appropriate law enforcement or supervisory agency.

(C) COORDINATION WITH OTHER REPORTING REQUIREMENTS.—Subparagraph (A) shall not be construed as precluding any supervisory agency for any financial institution from requiring the financial institution to submit any information or report to the agency or another agency pursuant to any other applicable provision of law.

(h) ANTI-MONEY LAUNDERING PROGRAMS.—

(1) IN GENERAL.—In order to guard against money laundering through financial institutions, the Secretary may require financial institutions to carry out anti-money laundering programs, including at a minimum<sup>3</sup>

(A) the development of internal policies, procedures, and controls,

(B) the designation of a compliance officer,

(C) an ongoing employee training program, and

(D) an independent audit function to test programs.

(2) REGULATIONS.—The Secretary may prescribe minimum standards for programs established under paragraph (1).  
(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 999; Pub. L. 99-570, title I, §1356(a), (b), (c)(2), Oct. 27, 1986, 100 Stat. 3207-23, 3207-24; Pub. L. 100-690, title VI, §§6185(e), 6469(c), Nov. 18, 1988, 102 Stat. 4357, 4377; Pub. L. 102-550, title XV, §§1504(d)(1), 1513, 1517(b), Oct. 28, 1992, 106 Stat. 4055, 4058, 4059; Pub. L. 103-322, title XXXIII, §330017(b)(1), Sept. 13, 1994, 108 Stat. 2149; Pub. L. 103-325, title IV, §§403(a), 410, 413(b)(1), Sept. 23, 1994, 108 Stat. 2245, 2252, 2254.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5318 .....	31:1054(a), (b)(1st sentence). 31:1055.	Oct. 26, 1970, Pub. L. 91-508, §§205(a), (b)(1st sentence), 206, 84 Stat. 1120.

In the section, before clause (1), the words “have the responsibility to assure compliance with the requirements of this chapter” in 31:1054(a) are omitted as unnecessary because of section 321 of the revised title. The words “(except under section 5315 of this title and regulations prescribed under section 5315)” are added because 31:1141-1143 was not enacted as a part of the Currency and Foreign Transactions Reporting Act that is restated in this subchapter. In clause (1), the words “duties and powers” are substituted for “responsibilities” for consistency in the revised title and with other titles of the United States Code. The words “bank supervisory agency, or other” are omitted as surplus. In clause (2), the words “by regulation” and “as he may deem” are omitted as surplus. The words “and regulations prescribed under this subchapter” are added because of the restatement. In clause (3), the word “prescribe” is substituted for “make” in 31:1055 for consistency in the revised title and with other titles of the Code. The words “otherwise imposed”, 31:1055(1st sentence), and the words “in his discretion” are omitted as surplus.

REFERENCES IN TEXT

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

<sup>2</sup> See References in Text note below.

<sup>3</sup> So in original. Probably should be followed by a dash.

Section 411 of the National Housing Act, referred to in subsec. (b)(1), which was classified to section 1730d of Title 12, was repealed by Pub. L. 101-73, title IV, § 407, Aug. 9, 1989, 103 Stat. 363.

Chapter 2 of Public Law 91-508 (12 U.S.C. 1951 et seq.), referred to in subsec. (b)(1), probably means chapter 2 (§§ 121 to 129) of title I of Pub. L. 91-508, Oct. 26, 1970, 84 Stat. 1116, which is classified generally to chapter 21 (§ 1951 et seq.) of Title 12.

Subsection (a)(5), referred to in subsec. (f), was redesignated subsection (a)(6) by section 410(a)(2) of Pub. L. 103-325.

#### AMENDMENTS

1994—Subsec. (a)(5). Pub. L. 103-325, § 410(a), added par. (5). Former par. (5) redesignated (6).

Subsec. (a)(6). Pub. L. 103-325, § 410(b), inserted “under this paragraph or paragraph (5)” after “revoke an exemption” in penultimate sentence.

Pub. L. 103-325, § 410(a)(2), redesignated par. (5) as (6).

Subsec. (g). Pub. L. 103-322, § 330017(b)(1), and Pub. L. 103-325, § 413(b)(1), amended directory language of Pub. L. 102-550, § 1517(b), identically. See 1992 Amendment note below.

Subsec. (g)(4). Pub. L. 103-325, § 403(a), added par. (4).

Subsec. (h). Pub. L. 103-322, § 330017(b)(1), and Pub. L. 103-325, § 413(b)(1), amended directory language of Pub. L. 102-550, § 1517(b), identically. See 1992 Amendment note below.

1992—Subsec. (a)(1). Pub. L. 102-550, § 1504(d)(1), substituted “supervising agency and the United States Postal Service” for “supervising agency or the Postal Inspection Service and the Postal Service”.

Subsec. (a)(2). Pub. L. 102-550, § 1513, inserted before semicolon “or to guard against money laundering”.

Subsecs. (g), (h). Pub. L. 102-550, § 1517(b), as amended by Pub. L. 103-322, § 330017(b)(1), and Pub. L. 103-325, § 413(b)(1), added subsecs. (g) and (h).

1988—Subsec. (a)(1). Pub. L. 100-690, § 6469(c), inserted “or the Postal Inspection Service” after “appropriate supervising agency”.

Pub. L. 100-690, § 6185(e), inserted “and the Postal Service” after “appropriate supervising agency”.

1986—Pub. L. 99-570, § 1356(c)(2), substituted “Compliance, exemptions, and summons authority” for “Compliance and exemptions” in section catchline.

Subsec. (a). Pub. L. 99-570, § 1356(a)(1)-(5), designated existing provisions as subsec. (a), added subsec. heading, inserted “except as provided in subsection (b)(2).” in par. (1), added pars. (3) and (4), and redesignated former par. (3) as (5).

Subsecs. (b) to (e). Pub. L. 99-570, § 1356(a)(6), added subsecs. (b) to (e).

Subsec. (f). Pub. L. 99-570, § 1356(b), added subsec. (f).

#### EFFECTIVE DATE OF 1994 AMENDMENT

Section 330017(b)(1) of Pub. L. 103-322 and section 413(b)(1) of Pub. L. 103-325 provided that the identical amendments made by those sections are effective Oct. 28, 1992.

#### REPORTS

Section 403(b) of Pub. L. 103-325 provided that:

“(1) **REPORTS REQUIRED.**—The Secretary of the Treasury shall submit an annual report to the Congress at the times required under paragraph (2) on the number of suspicious transactions reported to the officer or agency designated under section 5318(g)(4)(A) of title 31, United States Code, during the period covered by the report and the disposition of such reports.

“(2) **TIME FOR SUBMITTING REPORTS.**—The 1st report required under paragraph (1) shall be filed before the end of the 1-year period beginning on the date of enactment of the Money Laundering Suppression Act of 1994 [Sept. 23, 1994] and each subsequent report shall be filed within 90 days after the end of each of the 5 calendar years which begin after such date of enactment.”

#### DESIGNATION REQUIRED TO BE MADE EXPEDITIOUSLY

Section 403(c) of Pub. L. 103-325 provided that: “The initial designation of an officer or agency of the United

States pursuant to the amendment made by subsection (a) [amending this section] shall be made before the end of the 180-day period beginning on the date of enactment of this Act [Sept. 23, 1994].”

#### IMPROVEMENT OF IDENTIFICATION OF MONEY LAUNDERING SCHEMES

Section 404 of Pub. L. 103-325 provided that:

“(a) **ENHANCED TRAINING, EXAMINATIONS, AND REFERRALS BY BANKING AGENCIES.**—Before the end of the 6-month period beginning on the date of enactment of this Act [Sept. 23, 1994], each appropriate Federal banking agency shall, in consultation with the Secretary of the Treasury and other appropriate law enforcement agencies—

“(1) review and enhance training and examination procedures to improve the identification of money laundering schemes involving depository institutions; and

“(2) review and enhance procedures for referring cases to any appropriate law enforcement agency.

“(b) **IMPROVED REPORTING OF CRIMINAL SCHEMES BY LAW ENFORCEMENT AGENCIES.**—The Secretary of the Treasury and each appropriate law enforcement agency shall provide, on a regular basis, information regarding money laundering schemes and activities involving depository institutions to each appropriate Federal banking agency in order to enhance each agency’s ability to examine for and identify money laundering activity.

“(c) **REPORT TO CONGRESS.**—The Financial Institutions Examination Council shall submit a report on the progress made in carrying out subsection (a) and the usefulness of information received pursuant to subsection (b) to the Congress by the end of the 1-year period beginning on the date of enactment of this Act.

“(d) **DEFINITION.**—For purposes of this section, the term ‘appropriate Federal banking agency’ has the same meaning as in section 3 of the Federal Deposit Insurance Act [12 U.S.C. 1813].”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5313, 5321, 5322 of this title.

#### § 5319. Availability of reports

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.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 999; Pub. L. 102-550, title XV, § 1506, Oct. 28, 1992, 106 Stat. 4055.)

#### HISTORICAL AND REVISION NOTES

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

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

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.”

**§ 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5321 of this title.

**§ 5321. Civil penalties**

(a)(1) A domestic financial institution, and a partner, director, officer, or employee of a domestic financial institution, willfully violating this subchapter or a regulation prescribed under this subchapter (except sections 5314 and 5315 of this title or a regulation prescribed under sections 5314 and 5315) 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.

(4) STRUCTURED TRANSACTION VIOLATION.—

(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates any provision of section 5324.

(B) MAXIMUM AMOUNT LIMITATION.—The amount of any civil money penalty imposed under subparagraph (A) shall not exceed the amount of the coins and currency (or such other monetary instruments as the Secretary may prescribe) involved in the transaction with respect to which such penalty is imposed.

(C) COORDINATION WITH FORFEITURE PROVISION.—The amount of any civil money penalty imposed by the Secretary under subparagraph (A) shall be reduced by the amount of any forfeiture to the United States in connection with the transaction with respect to which such penalty is imposed.

(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who willfully violates or any person willfully causing any violation of any provision of section 5314.

(B) MAXIMUM AMOUNT LIMITATION.—The amount of any civil money penalty imposed under subparagraph (A) shall not exceed—

(i) in the case of violation of such section involving a transaction, the greater of—

- (I) the amount (not to exceed \$100,000) of the transaction; or
- (II) \$25,000; and

(ii) in the case of violation of such section involving a failure to report the existence of an account or any identifying information required to be provided with respect to such account, the greater of—

- (I) an amount (not to exceed \$100,000) equal to the balance in the account at the time of the violation; or
- (II) \$25,000.

(6) NEGLIGENCE.—

(A) IN GENERAL.—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.

(B) PATTERN OF NEGLIGENT ACTIVITY.—If any financial institution engages in a pattern of negligent violations of any provision of this subchapter or any regulation prescribed under this subchapter, the Secretary of the Treasury may, in addition to any penalty imposed under subparagraph (A) with respect to any such violation, impose a civil money penalty of not more than \$50,000 on the financial institution.

(b) TIME LIMITATIONS FOR ASSESSMENTS AND COMMENCEMENT OF CIVIL ACTIONS.—

(1) ASSESSMENTS.—The Secretary of the Treasury may assess a civil penalty under subsection (a) at any time before the end of the 6-year period beginning on the date of the transaction with respect to which the penalty is assessed.

(2) CIVIL ACTIONS.—The Secretary may commence a civil action to recover a civil penalty assessed under subsection (a) at any time before the end of the 2-year period beginning on the later of—

(A) the date the penalty was assessed; or

(B) the date any judgment becomes final in any criminal action under section 5322 in connection with the same transaction with respect to which the penalty is assessed.

(c) The Secretary may remit any part of a forfeiture under subsection (c) or (d)<sup>1</sup> of section 5317 of this title or civil penalty under subsection (a)(2) of this section.

(d) CRIMINAL PENALTY NOT EXCLUSIVE OF CIVIL PENALTY.—A civil money penalty may be imposed under subsection (a) with respect to any violation of this subchapter notwithstanding the fact that a criminal penalty is imposed with respect to the same violation.

(e) DELEGATION OF ASSESSMENT AUTHORITY TO BANKING AGENCIES.—

(1) IN GENERAL.—The Secretary of the Treasury shall delegate, in accordance with section 5318(a)(1) and subject to such terms and conditions as the Secretary may impose in accordance with paragraph (3), any authority of the Secretary to assess a civil money penalty under this section on depository institutions (as defined in section 3 of the Federal Deposit Insurance Act) to the appropriate Federal banking agencies (as defined in such section 3).

(2) AUTHORITY OF AGENCIES.—Subject to any term or condition imposed by the Secretary of the Treasury under paragraph (3), the provisions of this section shall apply to an appropriate Federal banking agency to which is delegated any authority of the Secretary under this section in the same manner such provisions apply to the Secretary.

(3) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The Secretary of the Treasury shall prescribe by regulation the terms and conditions which shall apply to any delegation under paragraph (1).

(B) MAXIMUM DOLLAR AMOUNT.—The terms and conditions authorized under subparagraph (A) may include, in the Secretary's

sole discretion, a limitation on the amount of any civil penalty which may be assessed by an appropriate Federal banking agency pursuant to a delegation under paragraph (1).

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 999; Pub. L. 98-473, title II, §901(a), Oct. 12, 1984, 98 Stat. 2135; Pub. L. 99-570, title I, §§1356(c)(1), 1357(a)-(f), (h), Oct. 27, 1986, 100 Stat. 3207-24—3207-26; Pub. L. 100-690, title VI, §6185(g)(2), Nov. 18, 1988, 102 Stat. 4357; Pub. L. 102-550, title XV, §§1511(b), 1525(b), 1535(a)(2), 1561(a), Oct. 28, 1992, 106 Stat. 4057, 4065, 4066, 4071; Pub. L. 103-322, title XXXIII, §330017(a)(1), Sept. 13, 1994, 108 Stat. 2149; Pub. L. 103-325, title IV, §§406, 411(b), 413(a)(1), Sept. 23, 1994, 108 Stat. 2247, 2253, 2254; Pub. L. 104-208, div. A, title II, §2223(3), Sept. 30, 1996, 110 Stat. 3009-415.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5321(a)(1)	31:1054(b)(last sentence related to civil penalties).	Oct. 26, 1970, Pub. L. 91-508, §§205(b)(last sentence related to civil penalties), 207, 233, 234, 84 Stat. 1120, 1123.
5321(a)(2)	31:1056(a).	Sept. 21, 1973, Pub. L. 93-110, §203(a), (b)(words after last comma), 87 Stat. 353.
5321(a)(3)	31:1143(a), (b)(words after last comma).	
5321(b) .....	31:1056(b).	
5321(c) .....	31:1104.	

In subsection (a)(1), the words “or a regulation prescribed under this subchapter” are added because of the restatement. 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 a part of the Currency and Foreign Transactions Reporting Act that is restated in this subchapter. The words “is liable to the United States Government for” are substituted for “the Secretary may assess upon” in 31:1056(a) for consistency in the revised title and with other titles of the United States Code. The words “the purposes of both civil and criminal penalties for” in 31:1054(b)(last sentence)(related to civil penalties) are omitted, and the words “or a regulation prescribed under section 5318(2)” are added, because of the restatement. The words “the violation continues” are added for consistency in the revised title and with other titles of the Code. The word “separate” before “office” is omitted as surplus.

In subsection (a)(2), the word “impose” is substituted for “assess” for consistency in the revised title and with other titles of the Code. The word “additional” is substituted for 31:1103(last sentence words before last comma) to eliminate unnecessary words. The words “or a regulation prescribed under section 5316” are added because of the restatement. The words “amount of this”, “to be filed”, and “actually” are omitted as surplus.

Subsection (a)(3) is substituted for 31:1143(a) and (b)(words after last comma) for clarity and consistency and because of the restatement.

In subsection (b), the words “in the discretion of”, “in the name of the United States”, and “of any person” are omitted as surplus.

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.

#### REFERENCES IN TEXT

Section 3 of the Federal Deposit Insurance Act, referred to in subsec. (e)(1), is classified to section 1813 of Title 12, Banks and Banking.

<sup>1</sup> So in original. Section 5317 does not contain a subsec. (d).

AMENDMENTS

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”.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 1561(b) of Pub. L. 102-550 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.

Section 1364(c) of Pub. L. 99-570 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].”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5330 of this title; title 12 section 1829b.

§ 5322. Criminal penalties

(a) A person willfully violating this subchapter or a regulation prescribed under this subchapter (except section 5315 or 5324 of this title or a regulation prescribed under section 5315 or 5324) 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 under this subchapter (except section 5315 or 5324 of this title or a regulation prescribed under section 5315 or 5324), 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.

(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.)

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.

AMENDMENTS

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.

#### 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.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5321 of this title; title 12 sections 93, 1464, 1772d, 1786, 1818, 1821, 3105; title 18 sections 984, 986, 1956, 2516.

### § 5323. Rewards for informants

(a) The Secretary may pay a reward to an individual who provides original information which leads to a recovery of a criminal fine, civil penalty, or forfeiture, which exceeds \$50,000, for a violation of this chapter.

(b) The Secretary shall determine the amount of a reward under this section. The Secretary may not award more than 25 per centum of the net amount of the fine, penalty, or forfeiture collected or \$150,000, whichever is less.

(c) An officer or employee of the United States, a State, or a local government who provides information described in subsection (a) in the performance of official duties is not eligible for a reward under this section.

(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(Added Pub. L. 98-473, title II, §901(e), Oct. 12, 1984, 98 Stat. 2135.)

### § 5324. Structuring transactions to evade reporting requirement prohibited

(a) DOMESTIC COIN AND CURRENCY TRANSACTIONS.—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—

(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;

(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 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) 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.

(c) 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 (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.)

#### AMENDMENTS

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

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]."

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5317, 5321, 5322 of this title; title 12 sections 93, 1464, 1772d, 1786, 1818, 1821, 3420; title 18 sections 981, 982, 984, 986, 1956; title 28 section 524.

### § 5325. Identification required to purchase certain monetary instruments

(a) IN GENERAL.—No financial institution may issue or sell a bank check, cashier's check, traveler's check, or money order to any individual in connection with a transaction or group of such

contemporaneous transactions which involves United States coins or currency (or such other monetary instruments as the Secretary may prescribe) in amounts or denominations of \$3,000 or more unless—

(1) the individual has a transaction account with such financial institution and the financial institution—

(A) verifies that fact through a signature card or other information maintained by such institution in connection with the account of such individual; and

(B) records the method of verification in accordance with regulations which the Secretary of the Treasury shall prescribe; or

(2) the individual furnishes the financial institution with such forms of identification as the Secretary of the Treasury may require in regulations which the Secretary shall prescribe and the financial institution verifies and records such information in accordance with regulations which such Secretary shall prescribe.

(b) REPORT TO SECRETARY UPON REQUEST.—Any information required to be recorded by any financial institution under paragraph (1) or (2) of subsection (a) shall be reported by such institution to the Secretary of the Treasury at the request of such Secretary.

(c) TRANSACTION ACCOUNT DEFINED.—For purposes of this section, the term “transaction account” has the meaning given to such term in section 19(b)(1)(C) of the Federal Reserve Act.

(Added Pub. L. 100-690, title VI, §6185(b), Nov. 18, 1988, 102 Stat. 4355.)

#### REFERENCES IN TEXT

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

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5324 of this title.

### § 5326. Records of certain domestic coin and currency transactions

(a) IN GENERAL.—If the Secretary of the Treasury finds, upon the Secretary’s own initiative or at the request of an appropriate Federal or State law enforcement official, that reasonable grounds exist for concluding that additional recordkeeping and reporting requirements are necessary to carry out the purposes of this subtitle and prevent evasions thereof, the Secretary may issue an order requiring any domestic financial institution or group of domestic financial institutions in a geographic area—

(1) to obtain such information as the Secretary may describe in such order concerning—

(A) any transaction in which such financial institution is involved for the payment, receipt, or transfer of United States coins or currency (or such other monetary instruments as the Secretary may describe in such order) the total amounts or denominations of which are equal to or greater than an amount which the Secretary may prescribe; and

(B) any other person participating in such transaction;

(2) to maintain a record of such information for such period of time as the Secretary may require; and

(3) to file a report with respect to any transaction described in paragraph (1)(A) in the manner and to the extent specified in the order.

(b) AUTHORITY TO ORDER DEPOSITORY INSTITUTIONS TO OBTAIN REPORTS FROM CUSTOMERS.—

(1) IN GENERAL.—The Secretary of the Treasury may, by regulation or order, require any depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act)—

(A) to request any financial institution (other than a depository institution) which engages in any reportable transaction with the depository institution to provide the depository institution with a copy of any report filed by the financial institution under this subtitle with respect to any prior transaction (between such financial institution and any other person) which involved any portion of the coins or currency (or monetary instruments) which are involved in the reportable transaction with the depository institution; and

(B) if no copy of any report described in subparagraph (A) is received by the depository institution in connection with any reportable transaction to which such subparagraph applies, to submit (in addition to any report required under this subtitle with respect to the reportable transaction) a written notice to the Secretary that the financial institution failed to provide any copy of such report.

(2) REPORTABLE TRANSACTION DEFINED.—For purposes of this subsection, the term “reportable transaction” means any transaction involving coins or currency (or such other monetary instruments as the Secretary may describe in the regulation or order) the total amounts or denominations of which are equal to or greater than an amount which the Secretary may prescribe.

(c) NONDISCLOSURE OF ORDERS.—No financial institution or officer, director, employee or agent of a financial institution subject to an order under this section may disclose the existence of, or terms of, the order to any person except as prescribed by the Secretary.

(d) MAXIMUM EFFECTIVE PERIOD FOR ORDER.—No order issued under subsection (a) shall be effective for more than 60 days unless renewed pursuant to the requirements of subsection (a).

(Added Pub. L. 100-690, title VI, §6185(c), Nov. 18, 1988, 102 Stat. 4355; amended Pub. L. 102-550, title XV, §§1514, 1562, Oct. 28, 1992, 106 Stat. 4058, 4072.)

#### REFERENCES IN TEXT

Section 3(c) of the Federal Deposit Insurance Act, referred to in subsec. (b)(1), is classified to section 1813(c) of Title 12, Banks and Banking.

#### AMENDMENTS

1992—Subsecs. (b) to (d). Pub. L. 102-550 added subsecs. (b) and (c) and redesignated former subsec. (b) as (d).

**[§ 5327. Repealed. Pub. L. 104-208, div. A, title II, § 2223(1), Sept. 30, 1996, 110 Stat. 3009-415]**

Section, added Pub. L. 102-550, title XV, § 1511(a), Oct. 28, 1992, 106 Stat. 4056, required Secretary to prescribe regulations requiring depository institutions to identify and report on financial institution customers.

**§ 5328. Whistleblower protections**

(a) PROHIBITION AGAINST DISCRIMINATION.—No financial institution may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to the Secretary of the Treasury, the Attorney General, or any Federal supervisory agency regarding a possible violation of any provision of this subchapter or section 1956, 1957, or 1960 of title 18, or any regulation under any such provision, by the financial institution or any director, officer, or employee of the financial institution.

(b) ENFORCEMENT.—Any employee or former employee who believes that such employee has been discharged or discriminated against in violation of subsection (a) may file a civil action in the appropriate United States district court before the end of the 2-year period beginning on the date of such discharge or discrimination.

(c) REMEDIES.—If the district court determines that a violation has occurred, the court may order the financial institution which committed the violation to—

- (1) reinstate the employee to the employee's former position;
- (2) pay compensatory damages; or
- (3) take other appropriate actions to remedy any past discrimination.

(d) LIMITATION.—The protections of this section shall not apply to any employee who—

- (1) deliberately causes or participates in the alleged violation of law or regulation; or
- (2) knowingly or recklessly provides substantially false information to the Secretary, the Attorney General, or any Federal supervisory agency.

(e) COORDINATION WITH OTHER PROVISIONS OF LAW.—This section shall not apply with respect to any financial institution which is subject to section 33 of the Federal Deposit Insurance Act, section 213 of the Federal Credit Union Act, or section 21A(q) of the Home Owners' Loan Act<sup>1</sup> (as added by section 251(c) of the Federal Deposit Insurance Corporation Improvement Act of 1991).

(Added Pub. L. 102-550, title XV, § 1563(a), Oct. 28, 1992, 106 Stat. 4072.)

REFERENCES IN TEXT

Section 33 of the Federal Deposit Insurance Act, referred to in subsec. (e), is classified to section 1831j of Title 12, Banks and Banking.

Section 213 of the Federal Credit Union Act, referred to in subsec. (e), is classified to section 1790b of Title 12.

Section 21A(q) of the Home Owners' Loan Act, referred to in subsec. (e), probably means section 21A(q) of the Federal Home Loan Bank Act, which is classified to section 1441a(q) of Title 12.

<sup>1</sup> See References in Text note below.

**§ 5329. Staff commentaries**

The Secretary shall—

- (1) publish all written rulings interpreting this subchapter; and
- (2) annually issue a staff commentary on the regulations issued under this subchapter.

(Added Pub. L. 103-325, title III, § 311(a), Sept. 23, 1994, 108 Stat. 2221.)

**§ 5330. Registration of money transmitting businesses**

(a) REGISTRATION WITH SECRETARY OF THE TREASURY REQUIRED.—

(1) IN GENERAL.—Any person who owns or controls a money transmitting business shall register the business (whether or not the business is licensed as a money transmitting business in any State) with the Secretary of the Treasury not later than the end of the 180-day period beginning on the later of—

- (A) the date of enactment of the Money Laundering Suppression Act of 1994; or
- (B) the date on which the business is established.

(2) FORM AND MANNER OF REGISTRATION.—Subject to the requirements of subsection (b), the Secretary of the Treasury shall prescribe, by regulation, the form and manner for registering a money transmitting business pursuant to paragraph (1).

(3) BUSINESSES REMAIN SUBJECT TO STATE LAW.—This section shall not be construed as superseding any requirement of State law relating to money transmitting businesses operating in such State.

(4) FALSE AND INCOMPLETE INFORMATION.—The filing of false or materially incomplete information in connection with the registration of a money transmitting business shall be considered as a failure to comply with the requirements of this subchapter.

(b) CONTENTS OF REGISTRATION.—The registration of a money transmitting business under subsection (a) shall include the following information:

- (1) The name and location of the business.
- (2) The name and address of each person who—
  - (A) owns or controls the business;
  - (B) is a director or officer of the business;
 or
  - (C) otherwise participates in the conduct of the affairs of the business.

(3) The name and address of any depository institution at which the business maintains a transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act).

(4) An estimate of the volume of business in the coming year (which shall be reported annually to the Secretary).

(5) Such other information as the Secretary of the Treasury may require.

(c) AGENTS OF MONEY TRANSMITTING BUSINESSES.—

(1) MAINTENANCE OF LISTS OF AGENTS OF MONEY TRANSMITTING BUSINESSES.—Pursuant to regulations which the Secretary of the Treasury shall prescribe, each money transmitting business shall—

(A) maintain a list containing the names and addresses of all persons authorized to act as an agent for such business in connection with activities described in subsection (d)(1)(A) and such other information about such agents as the Secretary may require; and

(B) make the list and other information available on request to any appropriate law enforcement agency.

(2) TREATMENT OF AGENT AS MONEY TRANSMITTING BUSINESS.—The Secretary of the Treasury shall prescribe regulations establishing, on the basis of such criteria as the Secretary determines to be appropriate, a threshold point for treating an agent of a money transmitting business as a money transmitting business for purposes of this section.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) MONEY TRANSMITTING BUSINESS.—The term “money transmitting business” means any business other than the United States Postal Service which—

(A) provides check cashing, currency exchange, or money transmitting or remittance services, or issues or redeems money orders, travelers’ checks, and other similar instruments;

(B) is required to file reports under section 5313; and

(C) is not a depository institution (as defined in section 5313(g)).

(2) MONEY TRANSMITTING SERVICE.—The term “money transmitting service” includes accepting currency or funds denominated in the currency of any country and transmitting the currency or funds, or the value of the currency or funds, by any means through a financial agency or institution, a Federal reserve bank or other facility of the Board of Governors of the Federal Reserve System, or an electronic funds transfer network.

(e) CIVIL PENALTY FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.—

(1) IN GENERAL.—Any person who fails to comply with any requirement of this section or any regulation prescribed under this section shall be liable to the United States for a civil penalty of \$5,000 for each such violation.

(2) CONTINUING VIOLATION.—Each day a violation described in paragraph (1) continues shall constitute a separate violation for purposes of such paragraph.

(3) ASSESSMENTS.—Any penalty imposed under this subsection shall be assessed and collected by the Secretary of the Treasury in the manner provided in section 5321 and any such assessment shall be subject to the provisions of such section.

(Added Pub. L. 103–325, title IV, § 408(b), Sept. 23, 1994, 108 Stat. 2250.)

REFERENCES IN TEXT

The date of enactment of the Money Laundering Suppression Act of 1994, referred to in subsec. (a)(1)(A), is the date of enactment of title IV of Pub. L. 103–325, which was approved Sept. 23, 1994.

Section 19(b)(1)(C) of the Federal Reserve Act, referred to in subsec. (b)(3), is classified to section 461(b)(1)(C) of Title 12, Banks and Banking.

FINDINGS AND PURPOSES

Section 408(a) of Pub. L. 103–325 provided that:

“(1) FINDINGS.—The Congress hereby finds the following:

“(A) Money transmitting businesses are subject to the recordkeeping and reporting requirements of subchapter II of chapter 53 of title 31, United States Code.

“(B) Money transmitting businesses are largely unregulated businesses and are frequently used in sophisticated schemes to—

“(i) transfer large amounts of money which are the proceeds of unlawful enterprises; and

“(ii) evade the requirements of such subchapter II, the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.], and other laws of the United States.

“(C) Information on the identity of money transmitting businesses and the names of the persons who own or control, or are officers or employees of, a money transmitting business would have a high degree of usefulness in criminal, tax, or regulatory investigations and proceedings.

“(2) PURPOSE.—It is the purpose of this section [enacting this section and amending section 1960 of Title 18, Crimes and Criminal Procedure] to establish a registration requirement for businesses engaged in providing check cashing, currency exchange, or money transmitting or remittance services, or issuing or redeeming money orders, travelers’ checks, and other similar instruments to assist the Secretary of the Treasury, the Attorney General, and other supervisory and law enforcement agencies to effectively enforce the criminal, tax, and regulatory laws and prevent such money transmitting businesses from engaging in illegal activities.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 1960.

SUBTITLE V—GENERAL ASSISTANCE ADMINISTRATION

Table with 2 columns: Chap. and Sec. listing sections 61 through 77 with their respective titles and section numbers.

AMENDMENTS

1996—Pub. L. 104–134, title III, § 31001(i)(3)(B), Apr. 26, 1996, 110 Stat. 1321–365, which directed that the table of chapters for subtitle VI of this title be amended by inserting a new item for chapter 77 “Access to information for debt collection” before the item for chapter 91, was executed to the table of chapters for subtitle V of this title by substituting “Access to information for debt collection” for “Loan Requirements” in item for chapter 77, to reflect the probable intent of Congress.

1994—Pub. L. 103–322, title III, § 31002, Sept. 13, 1994, 108 Stat. 1882, added item for chapter 67.

Pub. L. 103–272, § 4(f)(1)(Y)(ii), July 5, 1994, 108 Stat. 1363, added item for chapter 77.

1986—Pub. L. 99–547, § 2(c), Oct. 27, 1986, 100 Stat. 3060, added item for chapter 62.

<sup>1</sup> So in original. Probably should be capitalized.