

# Index

## ABETTORS

- Liability, **4:41**
- Misapplication, embezzlement, and false entries, **3:54**

## ABUSE

- FDIC Examiner's Manual, surveillance module on bank fraud and insider abuse (1-90), **App. 2J**
- Justice Department Handbook, Anti-Drug Abuse Act of 1986 (Excerpt) (March 1987), **App. 8A**
- Sentencing, abuse of position of trust or special skill, **11:71 to 11:77**

## ACCEPTANCE

- Bribery, **5:13**
- Sentencing, **11:84 to 11:87**

## ACCESS

- Right to Financial Privacy Act, **9:50**
- United States Attorneys' Manual, Title 9: Criminal Resource Manual §§ 9-13.800, **App. 9C**

## ACCOUNTS AND

### ACCOUNTING

- Bank Secrecy Act, **6:37, 6:38**
- Form 90-22.1, Report of foreign bank and financial accounts, **App. 6D**
- Right to Financial Privacy Act, **9:44**

## ACTUAL KNOWLEDGE

- Money laundering, **8:5, 8:80**

## ACTUAL LOSS

- Fraud, necessity of actual loss, **7:11**
- Sentencing, former Guideline § 2F1.1, **11:26**

## ACTUAL TRANSACTIONS

- Misapplication, embezzlement, and false entries, **3:40**

## ACTUS REUS

- Bank Secrecy Act, Title II, **6:60**

## ADDITIONAL RECORDS

- Bank Secrecy Act, **6:24 to 6:27**

## ADJUSTMENT

- Sentencing** (this index)

## ADMINISTRATIVE ORDERS

- Sentencing, **11:14**

## ADMINISTRATIVE

### PROCEEDINGS

- Appearance, failure to appear in response to administrative subpoena, 12 U.S.C. § 1818(n), **10:22**
- Bank Secrecy Act, **6:88 to 6:93**
- Bribery, **5:21**
- Criminal referrals and suspicious activity reports, **2:16, 2:21, 2:27**
- Forfeitures, **6:88 to 6:103**
- National Credit Union Administration Letter to Credit Unions, **App. 2H**
- Right to Financial Privacy Act, **9:12, 9:36**

## ADVANCE

- False statements to federally insured financial institution, **4:9**

**ADVICE OF COUNSEL**

Bank Secrecy Act, Title II, **6:70**  
 Fraud, **7:21**

**AFTER-ACQUIRED BRANCHES**

Bank Secrecy Act, **6:66, 6:85**

**AGENTS AND AGENCIES**

Bank Secrecy Act, **6:107**  
 Criminal referrals and suspicious activity reports, **2:37**  
 Misapplication, embezzlement, and false entries, **3:10**  
 Right to Financial Privacy Act, **9:7, 9:55**

**AGGRAVATING ROLE IN OFFENSE**

Sentencing adjustments, **11:64 to 11:66**

**AGREEMENTS**

Bribery, **5:13**

**AIDERS**

Liability, **4:41**  
 Misapplication, embezzlement, and false entries, **3:54**

**AMBIGUITIES**

False statements to federally insured financial institution, **4:21**  
 Misapplication, embezzlement, and false entries, **3:42**

**AMENDMENTS**

False statements to federally insured financial institution, **4:27**  
**Money Laundering** (this index)  
 Right to Financial Privacy Act, **9:24**  
 United States Attorneys' Manual, Title 9: Criminal Resource Manual §§ 9-105.960 et seq., **App. 9B**

**AMOUNT OF LOSS**

Sentencing, **11:7, 11:19, 11:25 et seq.**

**ANY PERSON**

Bribery, **5:6, 5:13**

**APPEAL AND REVIEW**

Bank Secrecy Act, **6:92**  
 Right to Financial Privacy Act, **9:19**

**APPEARANCE**

12 U.S.C. § 1818(n), failure to appear in response to administrative subpoena, **10:22**

**ARTIFICE**

**Fraud** (this index)

**ASSETS**

Bank Secrecy Act, **6:98**  
 Concealment of assets, 18 U.S.C. § 1032, **10:2**  
 Corruptly placing assets beyond reach of conservator or receiver, 18 U.S.C. § 1032, **10:5**  
 Money laundering, **8:100, 8:127**

**ASSIGNMENT**

Bank Secrecy Act, **6:101**

**ATTEMPT**

Fraud, **7:6**  
**Money Laundering** (this index)

**ATTESTATIONS**

False statements to federally insured financial institution, **4:39**

**ATTORNEY-CLIENT RELATIONSHIP**

Bank Secrecy Act, **6:34**

**ATTORNEYS**

Bank Secrecy Act, **6:70**

## INDEX

### ATTORNEYS—Cont'd

- Federal criminal justice system, **1:5**
- Fraud, **7:21**
- Money Laundering (this index)
- United States Attorneys' Manual (this index)

### ATTORNEYS' FEES

- Money laundering, **8:79**

### AUTHORITY AND AUTHORIZATION

- False statements to federally insured financial institution, **4:38**
- Fraud, **7:20**
- Misapplication, embezzlement, and false entries, **3:30**
- Right to Financial Privacy Act, **9:5, 9:11**
- Sentencing, departures from guidelines for substantial assistance to authorities, **11:91**

### AVOIDANCE

- Bank Secrecy Act, **6:68**
- False statements to federally insured financial institution, **4:11**
- Money laundering, **8:26, 8:46**

### BANK HOLDING COMPANY ACT

- 12 U.S.C. § 1847, **10:17**

### BANKING REGULATIONS

- Fraud, evidentiary issues, **7:29**

### BANKRUPTCY

- Sentencing, fraudulent conduct, **11:15**

### BANK SECRECY ACT

- Generally, **6:1 et seq.**
- Civil penalties
  - Generally, **6:81 et seq.**
  - After-acquired branches, **6:85**

### BANK SECRECY ACT—Cont'd

- Civil penalties—Cont'd
  - Computation of number of violations, **6:84**
  - Double jeopardy, **6:87**
  - Enforcement, generally, **6:82 et seq.**
  - Prior satisfactory examinations, effect of, **6:86**
  - Title I, **6:5, 6:8**
  - Willful and negligent failure to file, **6:83**
- Constitutionality, **6:44 to 6:46**
- Defenses, **6:67 to 6:70, 6:100**
- Enforcement
  - Civil penalties, supra
  - Examining agencies, **6:107**
  - Treasury information systems
    - Financial Crimes Enforcement Network, **6:18**
    - Treasury Enforcement Communications system, **6:17**
- Evidence
  - Forfeitures, **6:97**
  - Title II, *infra*
- FDIC Risk Management Manual, **App. 2M**
- Felony charges, **6:62**
- Fines, forfeitures, and penalties
  - Generally, **6:88 et seq.**
  - Administrative proceedings, **6:89 to 6:103**
  - Assignment, **6:101**
  - Burden of proof, **6:97**
  - Civil penalties, supra
  - Collateral estoppel, **6:96**
  - Defenses, **6:100**
  - Extent of forfeiture and assets traceable to property subject to forfeiture, **6:98**
  - Forfeitures, generally, **6:88 et seq.**
  - Fugitive's right to contest, **6:99**
  - Injunctions, **6:103**

**BANK SECRECY ACT—Cont'd**

Fines, forfeitures, and penalties  
—Cont'd

- Judicial procedure, **6:94**
- Judicial review of administrative remission or mitigation proceedings, **6:92**
- Jurisdiction, **6:102**
- Property, other than monetary instruments, worth more than \$ 500,000, **6:91**
- Property worth less than \$ 500,000 and monetary instruments, **6:91**
- Structuring violations, seizures involving certain, **6:93**
- Title I, **6:6, 6:9**
- Title II, **6:80**
- Venue, **6:102**

Forfeitures. Fines, forfeitures, and penalties, supra

Intent, **6:59**

Penalties. Fines, forfeitures, and penalties, supra

Records and recording

- Generally, **6:20 et seq.**
- Additional records, **6:24 to 6:27**
- Additional records to be made and retained by banks, **6:24**
- All financial institutions, records to be made and retained by, **6:21**
- Banks, additional records to be made and retained by, **6:24**
- Brokers and dealers in securities, additional records to be made and retained by, **6:25**
- Card clubs, additional records to be made and retained by, **6:26**
- Casinos, **6:21, 6:23, 6:24**
- Civil penalties, **6:83**
- Currency dealers, **6:21, 6:23**

**BANK SECRECY ACT—Cont'd**

Records and recording—Cont'd

Customer identification

- programs, records to be made and retained by all financial institutions, **6:22**

Preservation of records, **6:42**

Programs and procedures,

- Identifying customers and the beneficial owners, **6:22**

Title I, generally, **6:2 et seq.**

Title II

- Evidence, proof of failure to file Form 105, **6:51**
- Form 104 (CTR) for currency transactions, duty to file, **6:55**
- Form 104 (CTR) for currency transactions, proof of failure to file, **6:56**
- Form 105 for transportation or receipt of monetary instrument, duty to file, **6:50**

Registration, **6:43**

Reports and reporting

- Generally, **6:28 et seq.**
- CTRs and Form 104, **6:29 et seq.**
- Domestic currency transactions, reports of, **6:29 et seq.**
- Exemption process, **6:32**
- Foreign bank accounts and foreign financial transactions, reports of control over, **6:37, 6:38**
- IRS Form 8300 and attorney-client relationship, **6:34**
- IRS Form 8300 and reporting requirement for persons other than financial institutions required by BSA to report, **6:33**
- Suspicious transactions, reports of, **6:40, 6:41**

## INDEX

### **BANK SECRECY ACT—Cont'd**

Reports and reporting—Cont'd  
Transportation of monetary instruments, reports of, Form 105, **6:35, 6:36**  
Validity of beneficial ownership reporting requirements, **6:47**  
Validity of reporting requirement for structured transactions, **6:46**  
Secretary's examination and summons authority, **6:104 to 6:106**  
Structuring violations, seizures involving certain, **6:93**  
Title I  
Generally, **6:2 et seq.**  
Civil penalties, **6:5, 6:8**  
Criminal penalties, **6:6, 6:9**  
Insured depository institutions, recordkeeping by, **6:4 to 6:6**  
Other financial institutions, recordkeeping by, **6:7 to 6:9**  
Recordkeeping, generally, **6:2 et seq.**  
12 U.S.C. §§ 1951-1959, **6:7**  
Title II  
Generally, **6:48 et seq.**  
Actus reus, **6:60**  
After-acquired branches, **6:66**  
Avoidance vs. evasion and due process of law, **6:68**  
Challenges, **6:61**  
Collective knowledge and indifference, **6:65**  
Conspiracy to defraud United States, 18 U.S.C. § 371, **6:77**  
Corporate criminal liability, **6:63 to 6:66**  
Currency smuggling, **6:53**  
Defenses, **6:67 to 6:70**

### **BANK SECRECY ACT—Cont'd**

Title II—Cont'd  
18 U.S.C. § 1001, false statements, **6:76**  
Evidence  
Generally, **6:71 to 6:75**  
Border searches, **6:74**  
Expert testimony, **6:75**  
Form 105, proof of failure to file, **6:51**  
Miranda, **6:73**  
Notice, **6:72**  
Exculpatory no, **6:69**  
False statements, **6:76**  
Felony charges, **6:62**  
Form 105, proof of failure to file, **6:51**  
Form 104 (CTR) for currency transactions, duty to file, **6:55**  
Form 104 (CTR) for currency transactions, proof of failure to file, **6:56**  
Form 105 for transportation or receipt of monetary instrument, duty to file, **6:50**  
Good faith, **6:70**  
Intent, **6:59**  
Means, **6:59**  
Mens rea, **6:59**  
Penalties, **6:80**  
Reliance on advice of counsel or official advice, **6:70**  
Reporting and recordkeeping, **6:10 et seq.**  
RICO, 18 U.S.C. § 1961, **6:79**  
Section 5313, **6:54 to 6:56**  
Section 5316, **6:49 to 6:52**  
Section 5324, **6:58 to 6:61**  
Travel Act, 18 U.S.C. § 1952, **6:78**  
Vicarious liability for acts of culpable employees, **6:64**  
Willfulness, **6:52, 6:57**

**BANK SECRECY ACT—Cont'd**

Treasury information systems  
Generally, **6:16 et seq.**  
Financial Crimes Enforcement  
Network, **6:18**  
Treasury Enforcement Com-  
munications system, **6:17**  
Validity of secretary's regulations  
and forms, **6:44 to 6:46**

**BASE OFFENSE LEVEL**

Sentencing (this index)

**BENEFICIAL OWNERSHIP  
INFORMATION**

Regulation requirements, **6:39**

**BENEFICIARIES**

Misapplication, embezzlement,  
and false entries, bank insid-  
ers as ultimate beneficiaries,  
**3:59, 3:60**

**BOARD OF DIRECTORS**

Misapplication, embezzlement,  
and false entries, **3:30**

**BONA FIDE ATTORNEYS' FEES**

Money laundering, **8:79**

**BORDER SEARCHES**

Bank Secrecy Act, **6:74**

**BRANCHES**

Bank Secrecy Act, **6:66, 6:85**

**BRIBERY**

Generally, **5:1 et seq.**  
Administrative guidelines, **5:21**  
Bank Bribery Act, generally, **5:2  
et seq.**  
Briber's offense, elements of, gen-  
erally, **5:5 et seq.**  
Civil remedies, **5:24**  
Construction and interpretation  
Case law and interpretative  
questions under Section  
215 prior to CCCA, *supra*

**BRIBERY—Cont'd**

Construction and interpretation  
—Cont'd  
Justice Department's interpreta-  
tion, **5:25**  
Corrupt intent to be influenced or  
rewarded, **5:14**  
Corrupt intent to influence or  
reward banker, **5:7 et seq.**  
Corruptly, **5:8**  
Defenses, **5:16**  
18 U.S.C. § 215, generally, **5:4 et  
seq.**  
FDIC guidelines for compliance  
with Federal Bank Bribery  
Act, **App. 5C**  
Felony offenses, **5:18, 5:19**  
Gratuities, **5:9**  
Individual to be influenced or  
rewarded, **5:10, 5:15**  
Influence  
Corrupt intent to be influenced  
or rewarded, **5:14**  
Corrupt intent to influence or  
reward banker, **5:7 et seq.**  
Individual to be influenced or  
rewarded, **5:15**  
To influence or reward, **5:9**  
In connection with any transaction  
or business of bank, **5:16**  
In connection with any transaction  
or business of such financial  
institution, **5:11**  
Intent  
Corrupt intent to be influenced  
or rewarded, **5:14**  
Corrupt intent to influence or  
reward banker, **5:7 et seq.**  
Interpretative questions. Case law  
and interpretative questions  
under Section 215 prior to  
CCCA, *supra*  
Justice Department's interpreta-  
tion, **5:25**  
Misdemeanor offenses, **5:19**  
Noncustomer transactions, **5:11**

## INDEX

### **BRIBERY—Cont'd**

Other statutes, **5:23**  
Payment, **5:6**  
Recipient's offense, elements of,  
generally, **5:12 et seq.**  
Sentencing, **11:35, 11:37**  
Solicitation or demand for any  
person or acceptance or  
agreement to accept, **5:13**  
Statutes, generally, **5:2 et seq.**  
To influence or reward, **5:9**  
United States Attorneys' Manual,  
Title 9: Criminal Resource  
Manual §§ 9-40.500 et seq.,  
**App. 5A**

### **BROKERS**

Bank Secrecy Act, **6:25**

### **BURDEN OF PROOF**

Bank Secrecy Act, **6:97**  
Money laundering, **8:104, 8:110**

### **BUREAU OF CONSUMER FINANCIAL PROTECTION**

Right to Financial Privacy Act,  
**9:49**

### **BUSINESS OPPORTUNITIES**

Money laundering, **8:19**

### **CAPLIN & DRYSDALE**

Money laundering, **8:76**

### **CARD CLUBS**

Bank Secrecy Act, **6:26**

### **CASE LAW**

**Bribery** (this index)

### **CASH PAYMENTS**

Report of cash payments over  
\$10,000, Form 8300, **App.**  
**6E**

### **CASINOS**

Bank Secrecy Act, **6:21, 6:23,**  
**6:26**  
Form 103, **App. 6G**

### **CCCA**

**Bribery** (this index)

### **CERTIFICATES**

Right to Financial Privacy Act,  
**9:53**

### **CHALLENGES**

Bank Secrecy Act, **6:61**  
**Money Laundering** (this index)  
**Right to Financial Privacy Act**  
(this index)

### **CHANGES IN FORM OF PROCEEDS**

Money laundering, **8:18**

### **CHARGING LANGUAGE**

Fraud, **7:26, 7:27**

### **CHARITABLE AFFILIATION**

Sentencing, misrepresentation of  
charitable or other affiliation,  
**11:13**

### **CIVIL FORFEITURE**

**Money Laundering** (this index)

### **CIVIL LAW**

**Bank Secrecy Act** (this index)  
**Bribery**, **5:24**  
Criminal referrals and suspicious  
activity reports, **2:10, 2:12**  
False statements to federally  
insured financial institution,  
**4:48**  
Federal criminal justice system,  
**1:19**  
Fraud, **7:24**  
Guidelines, **App. 6F**  
Misapplication, embezzlement,  
and false entries, **3:33, 3:49**  
**Money Laundering** (this index)  
Right to Financial Privacy Act,  
**9:55**

### **CLOSINGS**

Criminal referrals and suspicious  
activity reports, **2:22**

**CLOSINGS—Cont'd**

Misapplication, embezzlement,  
and false entries, **3:10**

**COLLATERAL ESTOPPEL**

Bank Secrecy Act, **6:96**  
Money laundering, **8:116**

**COLLECTION OF DEBTS**

Right to Financial Privacy Act,  
**9:31**

**COLLECTIVE KNOWLEDGE  
AND INDIFFERENCE**

Bank Secrecy Act, **6:65**

**COMMENTARIES**

United States Sentencing Com-  
mission Guidelines Manual  
(this index)

**COMMERCIAL BRIBERY**

Sentencing, **11:35**

**COMMINGLED FUNDS**

Money laundering, **8:16, 8:32**

**COMMITMENT**

False statements to federally  
insured financial institution,  
**4:9**

**COMMUNICATIONS**

Bank Secrecy Act, **6:17**

**COMPLAINTS**

Money laundering, **8:104**

**COMPLICITY OF BANK  
OFFICERS**

False statements to federally  
insured financial institution,  
**4:17**

**COMPTROLLER'S  
HANDBOOK**

Generally, **App. 2B**

**CONCEALMENT**

18 U.S.C. § 1032, **10:2, 10:3**

**CONDUCTING BUSINESS**

Money laundering, **8:85**

**CONDUCT OF FINANCIAL  
TRANSACTION**

Money laundering, **8:9**

**CONFIDENTIALITY**

Criminal referrals and suspicious  
activity reports, **2:13**

**CONSCIOUS AVOIDANCE**

False statements to federally  
insured financial institution,  
**4:11**

**CONSECUTIVE SENTENCES**

Generally, **11:90**

**CONSENT**

Misapplication, embezzlement,  
and false entries, **3:30**

**CONSERVATOR**

Corruptly impeding conservator or  
receiver, 18 U.S.C. § 1032,  
**10:4**

Corruptly placing assets beyond  
reach of conservator or  
receiver, 18 U.S.C. § 1032,  
**10:5**

Refusal to comply with demand of  
conservator or receiver, 12  
U.S.C. § 1464(d)(4), **10:19**

Right to Financial Privacy Act,  
**9:48**

**CONSPIRACY**

Bank Secrecy Act, **6:77**

Misapplication, embezzlement,  
and false entries, **3:55**

Money laundering, **8:74 et seq.**

**CONSTITUTIONAL LAW**

Bank Secrecy Act, **6:44 to 6:46**

Money laundering, **8:118 to  
8:122, 8:128**

Money laundering (this index),  
**8:60**



## INDEX

### CONSTRUCTION AND INTERPRETATION

**Bribery** (this index)  
False statements to federally  
insured financial institution,  
**4:50**

### CONSUMER ACTIONS

Right to Financial Privacy Act,  
**9:47**

### CONTEST

Bank Secrecy Act, **6:99**  
Money laundering, **8:117**

### CONTINUING FINANCIAL CRIMES ENTERPRISE

18 U.S.C. § 225, **10:6, 10:7**

### CONTINUING TRANSACTION

Money laundering, **8:34**

### CONTRACTORS' EMPLOYEES

Misapplication, embezzlement,  
and false entries, **3:12**

### CONVICTED FELON

12 U.S.C. § 1829, participation in  
affairs of financial institution  
by convicted felon, **10:20**

### CORPORATE CRIMINAL LIABILITY

Bank Secrecy Act, **6:63 to 6:66**

### CORRESPONDENCE

National Credit Union Administra-  
tion Letter to Credit Unions,  
**App. 2H**

### CORRUPT INTENT TO BE INFLUENCED OR REWARDED

Bribery, **5:14**

### CORRUPT INTENT TO INFLUENCE OR REWARD BANKER

Bribery, **5:7 et seq.**

### CORRUPTLY

Bribery, **5:8**

### CORRUPTLY IMPEDING CONSERVATOR OR RECEIVER

18 U.S.C. § 1032, **10:4**

### CORRUPTLY PLACING ASSETS BEYOND REACH OF CONSERVATOR OR RECEIVER

18 U.S.C. § 1032, **10:5**

### COUNSEL, RIGHT TO

Money laundering, **8:122**

### CREDIT

Right to Financial Privacy Act,  
**9:48**

### CREDIT UNION

Criminal referrals and suspicious  
activity reports, **2:30**

National Credit Union Administra-  
tion Letter to Credit Unions,  
**App. 2H**

National Credit Union Referral  
Regulation and Commentary,  
12 C.F.R. § 748.1(c), **App. 2I**

### CRIMINAL FORFEITURE

**Money Laundering** (this index)

### CRIMINAL LAW

Bank Secrecy Act, **6:6, 6:9, 6:48**  
**et seq.**

**Federal Criminal Justice System**  
(this index)

Fraud, **7:23**

Misapplication, embezzlement,  
and false entries, **3:32, 3:48**

Sentencing, **11:88**

### CRIMINALLY DERIVED PROPERTY

Money laundering, **8:67, 8:70**

Sentencing, **11:50**

**CRIMINAL REFERRALS AND  
SUSPICIOUS ACTIVITY  
REPORTS**

Generally, **2:1 et seq.**  
 Convincing agency not to refer  
 matter, **2:37**  
 Custodial interrogation by bank  
 examiners and bank internal  
 investigators, **2:32**  
 Examination  
   Custodial interrogation by bank  
   examiners and bank  
   internal investigators, **2:32**  
   Miranda by bank examiners and  
   bank internal investigators,  
   **2:32**  
   National banks, **2:14**  
   National banks, regular examin-  
   ers and fraud examiners,  
   **2:15**  
   Nonmember insured banks,  
   **2:19, 2:20**  
   Warrantless searches by bank  
   examiners and bank  
   internal investigators, **2:32**  
 FDIC Risk Management Manual,  
   **App. 2M**  
 Federal credit unions, **2:30**  
 Finding out if criminal referral  
 made, **2:36**  
 Grand jury secrecy, **2:31**  
 Holding companies, **2:28, 2:29**  
 Insurance. Nonmember insured  
 banks, *infra*  
 Investigation  
   Custodial interrogation by bank  
   examiners and bank  
   internal investigators, **2:32**  
   Miranda by bank examiners and  
   bank internal investigators,  
   **2:32**  
   National banks, referrals from  
   administrative investiga-  
   tions, **2:16**  
   Nonmember insured banks,  
   **2:24**

**CRIMINAL REFERRALS AND  
SUSPICIOUS ACTIVITY  
REPORTS—Cont'd**

Investigation—Cont'd  
   Warrantless searches by bank  
   examiners and bank  
   internal investigators, **2:32**  
 Member banks and bank holding  
 companies, **2:28, 2:29**  
 Minimizing risk for criminal refer-  
 rals, practice pointers, **2:35**  
 Miranda by bank examiners and  
 bank internal investigators,  
   **2:32**  
 National banks  
   Generally, **2:2 et seq.**  
   Administrative investigations,  
   referrals from, **2:16**  
   Civil liability and right to  
   financial privacy, **2:10**  
   Civil money penalties, **2:12**  
   Confidentiality, **2:13**  
   Examination process, referrals  
   from, **2:14**  
   Federal offenses excluded from  
   SAR, **2:3**  
   Possible criminal sanctions for  
   failure to report, **2:11**  
   Regular examiners and fraud  
   examiners, **2:15**  
   State law violations, **2:7**  
   Suspected crimes and suspi-  
   cious activity, **2:9**  
   Victim, bank as, **2:4**  
 Nonmember insured banks  
   Generally, **2:18 et seq.**  
   Administrative proceedings,  
   referrals from, **2:21**  
   Closing of bank, referrals from,  
   **2:22**  
   Examination process, referrals  
   from, **2:19, 2:20**  
   Financial Institutions Investiga-  
   tive and Enforcement  
   Records System and  
   FinCEN, **2:24**

## INDEX

### **CRIMINAL REFERRALS AND SUSPICIOUS ACTIVITY REPORTS—Cont'd**

- Nonmember insured banks  
—Cont'd
  - Intelligence and informational activities, **2:23**
  - Right to Financial Privacy Act, **2:20**
  - Special activities section, intelligence and informational activities, **2:23**
- Practice pointers, **2:34 to 2:37**
- Referral information systems, **2:17**
- Right to Financial Privacy Act, **2:10, 2:20, 2:33**
- Savings and loan institutions, **2:25 to 2:27**
- Warrantless searches by bank examiners and bank internal investigators, **2:32**

### **CTR**

- Bank Secrecy Act, **6:29 et seq.**
- Money laundering, **8:97**

### **CULPABLE EMPLOYEES**

- Bank Secrecy Act, **6:64**

### **CUMULATIVE REMEDIES**

- Money laundering, **8:92**

### **CURRENCY DEALERS**

- Bank Secrecy Act, **6:21, 6:23, 6:27**

### **CURRENCY SMUGGLING**

- Bank Secrecy Act, **6:53**

### **CURRENCY TRANSACTION REPORT**

- Bank Secrecy Act, **6:29 et seq.**
- Form 103, **App. 6G**
- Form 104, **App. 6A**

### **CUSTODIAL INTERROGATION**

- Criminal referrals and suspicious activity reports, **2:32**

### **CUSTODY**

- Fraud, **7:15**

### **CUSTOMER**

- Right to Financial Privacy** (this index)

### **CUSTOMER IDENTIFICATION PROGRAMS**

- Customer identification programs, records to be made and retained by all financial institutions
- Records and recording, **6:22**

### **CUSTOMS DECLARATION**

- Form 6059B, **App. 6C**

### **DEALERS**

- Bank Secrecy Act, **6:25, 6:27**

### **DEBTS**

- Right to Financial Privacy Act, **9:31**

### **DECISIONS**

- Federal criminal justice system, **1:16, 1:17**
- Negotiations with defense counsel, **1:17**
- Right to Financial Privacy Act, **9:18**

### **DEFENSE COUNSEL**

- Money Laundering** (this index)

### **DEFENSES**

- Bank Secrecy Act, **6:67 to 6:70, 6:100**
- Bribery, **5:17**
- False Statements to Federally Insured Financial Institution** (this index)
- Fraud** (this index)
- Misapplication, embezzlement, and false entries, **3:27 to 3:30, 3:45**
- Money Laundering** (this index)

**DEFENSES—Cont'd**

Right to Financial Privacy Act,  
**9:53**

**DEFINITIONS**

Fraud, **7:16**

**Right to Financial Privacy** (this  
index)

**DELAYED NOTIFICATION**

Right to Financial Privacy Act,  
**9:22**

**DEMAND**

Bribery, **5:13**

12 U.S.C. § 1464(d)(4), refusal to  
comply with demand of con-  
servator or receiver, **10:19**

**DEPARTMENT GUIDELINES**

Justice

Fraud, **7:31**

**DEPARTURES**

Sentencing, **11:30, 11:91**

**DEPOSITORY INSTITUTIONS**

Bank Secrecy Act, **6:4 to 6:6**

**DERIVED FROM UNLAWFUL  
ACTIVITY**

**Money Laundering** (this index)

**DERIVING MORE THAN**

**\$1,000,000 FROM**

**FINANCIAL INSTITUTION**

Sentencing, Guideline 2B1.1,  
**11:10**

**DESCRIPTIONS**

FDIC Special Activities section  
(formerly the Intelligence  
Section) (FDIC Memorandum)  
(June 15, 1988), **App.  
2E**

**DISCIPLINARY ACTION**

Right to Financial Privacy Act,  
**9:56**

**DISCLOSURE**

Obstructing criminal investigation  
through disclosure of grand  
jury subpoenas, 18 U.S.C.  
§ 1510, **10:12 to 10:14**

**Right to Financial Privacy** (this  
index)

United States Attorneys' Manual,  
Title 9: Criminal Resource  
Manual §§ 9-13.800, **App.  
9C**

**DOCHERTY DECISION**

Misapplication, embezzlement,  
and false entries, **3:59**

**DOMESTIC CURRENCY  
TRANSACTIONS**

Bank Secrecy Act, reporting, **6:29  
et seq.**

**DOUBLE JEOPARDY**

Bank Secrecy Act, **6:87**

Money laundering, **8:120**

**DRUGS**

Justice Department Handbook,  
Anti-Drug Abuse Act of 1986  
(Excerpt) (March 1987),  
**App. 8A**

Money laundering, **8:98**

Sentencing, **11:44, 11:48, 11:52**

**DUE PROCESS**

Bank Secrecy Act, **6:68**

Money laundering, **8:121**

**DUPLICITY**

False statements to federally  
insured financial institution,  
**4:24, 4:25**

Misapplication, embezzlement,  
and false entries, **3:51**

**EMBEZZLEMENT**

**Misapplication, Embezzlement,  
and False Entries** (this  
index)

## INDEX

### EMERGENCY ACCESS

Right to Financial Privacy Act,  
**9:23, 9:50**

### EMPLOYMENT

Bank Secrecy Act, **6:64**  
Misapplication, embezzlement,  
and false entries, **3:9, 3:12**  
Right to Financial Privacy Act,  
**9:56**

### ENFORCEMENT

**Bank Secrecy Act** (this index)  
Criminal referrals and suspicious  
activity reports, **2:17, 2:24**  
**Money Laundering** (this index)  
Right to Financial Privacy Act,  
**9:8, 9:37**

### ENGAGE OR ATTEMPT TO ENGAGE

Money laundering, **8:65**

### ENTRAPMENT

Money laundering, **8:47**

### ESTOPPEL

Bank Secrecy Act, **6:96**  
Money laundering, **8:116**

### EVASION

Bank Secrecy Act, **6:68**

### EVIDENCE

**Bank Secrecy Act** (this index)  
**False Statements to Federally  
Insured Financial Institu-  
tion** (this index)  
Fraud, **7:28, 7:29**  
Money laundering, **8:81**

### EXAMINATION

Bank Secrecy Act, **6:86, 6:104 to  
6:107**  
**Criminal Referrals and Suspi-  
cious Activity Reports** (this  
index)  
FDIC Examiner's Manual, **App.  
2D, App. 2J**

### EXAMINATION—Cont'd

Member banks and bank holding  
companies, **2:29**  
Obstructing examination of  
financial institution, 18  
U.S.C. § 1517, **10:8**  
Savings and loan institutions, **2:25**

### EXCEPTIONS

**Right to Financial Privacy** (this  
index)

### EXCESSIVE FINES CLAUSE

Money laundering, **8:119**

### EXCLUSIVE REMEDY

Right to Financial Privacy Act,  
**9:57**

### EXCULPATORY INFORMATION

False statements to federally  
insured financial institution,  
**4:29**

### EXCULPATORY NO

Bank Secrecy Act, **6:69**  
Misapplication, embezzlement,  
and false entries, **3:45**

### EXECUTE OR ATTEMPT TO EXECUTE

Fraud, **7:6**  
Money laundering, **8:12**

### EXEMPTION MANUAL

IRS, **App. 6H**

### EXEMPTION PROCESS

Bank Secrecy Act, **6:32**

### EXPECTED LOSS

Sentencing, former Guideline  
§ 2F1.1, **11:26**

### EXPERT TESTIMONY

Bank Secrecy Act, **6:75**  
False statements to federally  
insured financial institution,  
**4:36**

**EX POST FACTO  
CONSIDERATIONS**

Sentencing, **11:96**

**EXTENSION OF CREDIT**

Right to Financial Privacy Act,  
**9:48**

**EXTRATERRITORIAL  
JURISDICTION**

Fraud, **7:30**  
Money laundering, **8:27, 8:72**

**FALSE ENTRIES**

**Misapplication, Embezzlement,  
and False Entries** (this  
index)

**FALSE STATEMENTS**

Bank Secrecy Act, **6:76**  
18 U.S.C. § 1007, **10:16**  
**Federally Insured Financial  
Institutions** (this index)

**FALSITY**

**False Statements** (this index)  
Misapplication, embezzlement,  
and false entries, **3:39 to 3:42**

**FDIC**

Description of FDIC Special  
Activities section (formerly  
the Intelligence Section)  
(FDIC Memorandum) (June  
15, 1988), **App. 2E**  
Examiner's manual  
Criminal violations, Section 9.2  
(1999), **App. 2D**  
Surveillance module on bank  
fraud and insider abuse  
(1-90), **App. 2J**  
False statements, 18 U.S.C.  
§ 1007, **10:16**  
Federal Bank Bribery Act,  
guidelines for compliance  
with, **App. 5C**

**FDIC—Cont'd**

Referral regulation and commen-  
tary, 12 C.F.R. § 353, **App.**  
**2C**  
Risk Management Manual, **App.**  
**2M**

**FEDERAL CREDIT UNION**

Criminal referrals and suspicious  
activity reports, **2:30**

**FEDERAL CRIMINAL JUSTICE  
SYSTEM**

Generally, **1:1 et seq.**  
Decision to prosecute, **1:16, 1:17**  
Federal investigators, **1:3 to 1:6**  
Fraud statute's applicability to  
holding companies, **1:20**  
Investigation, **1:3 to 1:6**  
Generally, **1:7 to 1:15**  
Federal grand jury system, **1:11  
to 1:14**  
Federal investigator, **1:3 to 1:6**  
Intake process, **1:8**  
Prosecutor's investigation, **1:10**  
Justice Department, **1:3 to 1:6**  
Law enforcement system, gener-  
ally, **1:2**  
Limitation of actions, **1:18**  
Negotiations with defense counsel,  
**1:17**  
Parallel civil penalties, **1:19**  
State criminal justice system, **1:1**  
United states Attorneys' offices,  
**1:5**

**FEDERAL DEPOSIT  
INSURANCE  
CORPORATION (FDIC)**

See **FDIC** (this index)

**FEDERAL EMPLOYEES**

Right to Financial Privacy Act,  
**9:56**

**FEDERAL GRAND JURY  
SYSTEM**

Investigation, **1:11 to 1:14**

## INDEX

### FEDERAL INVESTIGATORS

Federal criminal justice system,  
1:3 to 1:6

### FEDERALLY INSURED

#### FINANCIAL INSTITUTIONS

Generally, 4:1 et seq.

Advance, 4:9

Ambiguity in question answered  
by defendant, 4:21

Civil liability, 4:48

Commitment, 4:9

Complicity of bank officers, 4:17

Conscious avoidance, 4:11

Defenses

Generally, 4:15 et seq.

Ambiguity in question  
answered by defendant,  
4:21

Common defenses, 4:22

Complicity of bank officers,  
4:17

Not made to bank, 4:19

Reliance, 4:18

Repayment of loan, 4:16

Timing of false statement, 4:20

Department of Justice interpreta-  
tion, 4:50

18 U.S.C. § 1014, generally, 4:1  
to 4:3

Evidence questions

Generally, 4:32 et seq.

Authorization for signature,  
4:38

Expert testimony, 4:36

Insured status, 4:37

Other crimes, wrongs, or acts,  
4:35

Section 404(b) and 608(b) of  
Federal Rules of Evidence,  
4:35

Signature attesting to contents,  
4:39

### FEDERALLY INSURED

#### FINANCIAL INSTITUTIONS—Cont'd

Evidence questions—Cont'd

Suppression of customer docu-  
ments seized from bank's  
possession, 4:34

Suppression of evidence  
obtained in violation of  
bank privacy statutes, 4:33

False statements, generally, 4:1 et  
seq.

Formulation, 4:4

Future intent, statements of, 4:12

Indictment or information clauses

Generally, 4:23 et seq.

Amendment, 4:27

Deviations from indictment,  
4:27

Duplicity, 4:24, 4:25

Exculpatory information, 4:29

Multiplicity, 4:24, 4:26

Variance, 4:27

Instructions to jury, 4:43

Intent, 4:7, 4:12

Joinder of offenses, 4:30

Knowing falsity, 4:14

Literal truth, 4:13

Loan, 4:9

Materiality, 4:8

Other statutes, 4:47

Parties to crime, 4:40

Penalties and sentencing, 4:44 et  
seq.

Reliance, 4:18

Repayment of loan, 4:16

Report, false, 4:5

Statutes, generally, 4:1 to 4:3

Timing of false statement, 4:20

Truth and falsity, generally, 4:10  
et seq.

Venue, 4:31

Willful overvaluation, 4:6

**FEDERAL OFFENSES**

Criminal referrals and suspicious activity reports, **2:3**

**FEDERAL RESERVE BOARD  
REFERRAL REGULATION  
AND COMMENTARY**

12 C.F.R. § 208.20, **App. 2L**

**FEDERAL RULES OF  
EVIDENCE**

False statements to federally insured financial institution, **4:35**

**FELONY OFFENSES**

Bank Secrecy Act, **6:62**

Bribery, **5:18, 5:19**

12 U.S.C. § 1829, participation in affairs of financial institution by convicted felon, **10:20**

**FINANCIAL ACCOUNTS**

Report of foreign bank and financial accounts, Form 90-22.1, **App. 6D**

**FINANCIAL CRIMES  
ENFORCEMENT  
NETWORK**

Bank Secrecy Act, **6:18**

**FINANCIAL INSTITUTION**

See more specific topic in this index

**FINANCIAL INSTITUTION  
FRAUD FEDERAL  
PROSECUTION MANUAL**

Bank fraud (excerpt) (Jan. 1994), **App. 7B**

Chapter 1 (Excerpt) (Jan. 1994), **App. 1A**

Chapter 2 (Excerpt) (Jan. 1994), **App. 1A**

Chapter 9 (Excerpt) (Jan. 1994), **App. 9E**

Chapter 11 (Excerpt) (Jan. 1994), **App. 3B**

**FINANCIAL INSTITUTION**

**FRAUD FEDERAL  
PROSECUTION MANUAL  
—Cont'd**

Chapter 12 (Excerpt) (Jan. 1994), **App. 3B**

Chapter 13 (Excerpt) (Jan. 1994), **App. 4B**

Chapter 14 (Excerpt) (Jan. 1994), **App. 5D**

**FINANCIAL PRIVACY ACT**

**Right to Financial Privacy Act**  
(this index)

**FINANCIAL RECORDS**

Right to Financial Privacy, definitions, **9:4**

United States Attorneys' Manual, Title 9: Criminal Resource Manual §§ 9-13.800, **App. 9C**

**FINANCIAL TRANSACTION**

Money laundering, **8:10 to 8:12**

Money laundering, Conduct of, **8:9**

**FINCEN**

Criminal referrals and suspicious activity reports, **2:24**

**FINES, FORFEITURES, AND  
PENALTIES**

**Bank Secrecy Act** (this index)

False statements to federally insured financial institution, **4:44 et seq.**

Federal criminal justice system, parallel civil penalties, **1:19**

Fraud, **7:23, 7:24**

Guidelines, civil money penalties, **App. 6F**

**Misapplication, Embezzlement, and False Entries** (this index)

**Money Laundering** (this index)



## INDEX

### **FINES, FORFEITURES, AND PENALTIES—Cont'd**

Right to Financial Privacy Act,  
**9:55**

Sentencing, **11:95**

12 U.S.C. § 1467a(i), **10:18**

### **2FINES, FORFEITURES, AND PENALTIES**

Criminal referrals and suspicious  
activity reports, **2:12**

### **FOREIGN BANKS AND ACCOUNTS**

Bank Secrecy Act, **6:37, 6:38**

Report of foreign bank and  
financial accounts, Form  
90-22.1, **App. 6D**

Sentencing, Guideline 2B1.1,  
**11:16**

### **FOREIGN INTELLIGENCE**

Right to Financial Privacy Act,  
**9:50**

### **FORFEITURES**

**Fines, Forfeitures, and Penalties**  
(this index)

### **FORM 90-22.1**

Report of foreign bank and  
financial accounts, **App. 6D**

### **FORM 103**

Currency transaction report by  
casinos, **App. 6G**

### **FORM 104**

Bank Secrecy Act, **6:29 et seq.,  
6:55**

Currency Transaction Report,  
**App. 6A**

### **FORM 105**

Bank Secrecy Act, **6:35, 6:36,  
6:50, 6:51**

Report of International  
Transportation of Currency or

### **FORM 105—Cont'd**

Monetary Instruments, **App.  
6B**

### **FORM 8300**

Bank Secrecy Act, **6:33, 6:34**

Report of cash payments over  
§ 10,000, **App. 6E**

### **FORMAL WRITTEN REQUESTS**

Right to Financial Privacy Act,  
**9:15**

### **FORM 6059B**

Customs Declaration, **App. 6C**

### **FORMER U.S. SENTENCING GUIDELINES**

**Sentencing** (this index)

### **FORM OF PROCEEDS**

Money laundering, **8:18**

### **FRAUD**

Generally, **7:1 et seq.**

Actual loss, necessity of, **7:11**

Artifice or scheme to defraud  
financial institution, Section  
1344(1), **7:8 to 7:12 et seq.**

Artifice to defraud or to obtain  
moneys, existence of scheme  
or, **7:7 et seq.**

Bank fraud, generally, **7:1 et seq.**

Banking regulations, violation,  
**7:29**

Bank Secrecy Act, **6:77**

Charging language, **7:26, 7:27**

Civil penalties, **7:24**

Criminal penalties, **7:23**

Criminal referrals and suspicious  
activity reports, **2:15**

Defenses

Generally, **7:18 et seq.**

Authorization by bank officials,  
**7:20**

Good faith, **7:22**

**FRAUD—Cont'd**

## Defenses—Cont'd

Reliance on advice of counsel,  
**7:21**

Repayment, **7:19**

Definition, financial institution,  
**7:16**

Department guidelines, Justice,  
**7:31**

Evidence of crimes or other bad  
acts, **7:28**

## Evidentiary issues

Banking regulations, violation,  
**7:29**

Evidence of crimes or other bad  
acts, **7:28**

Violation of banking regula-  
tions, **7:29**

Executing, act or attempt to exe-  
cute, **7:6**

Existence of scheme or artifice to  
defraud or to obtain moneys,  
**7:7 et seq.**

Extraterritorial jurisdiction, **7:30**

FDIC Examiner's Manual, surveil-  
lance module on bank fraud  
and insider abuse (1-90),  
**App. 2J**

Federal criminal justice system,  
**1:20**

Financial institution, defined, **7:16**

Financial institution, scheme or  
artifice to defraud, Section  
1344(1), **7:8 to 7:12 et seq.**

Financial Institution Fraud Federal  
Prosecution Manual

Bank fraud (excerpt) (Jan.  
1994), **App. 7B**

Chapter 1 (Excerpt) (Jan. 1994),  
**App. 1A**

Chapter 2 (Excerpt) (Jan. 1994),  
**App. 1A**

Chapter 9 (Excerpt) (Jan. 1994),  
**App. 9E**

Chapter 11 (Excerpt) (Jan.  
1994), **App. 3B**

**FRAUD—Cont'd**

Financial Institution Fraud Federal  
Prosecution Manual—Cont'd

Chapter 12 (Excerpt) (Jan.  
1994), **App. 3B**

Chapter 13 (Excerpt) (Jan.  
1994), **App. 4B**

Chapter 14 (Excerpt) (Jan.  
1994), **App. 5D**

Intangible rights, scheme or arti-  
fice to defraud financial  
institution, **7:12**

Knowingly, requirement that  
violation to be done, **7:5**

Mail and wire fraud, generally, **7:1  
et seq.**

**Misapplication, Embezzlement,  
and False Entries** (this  
index)

Multiple victims, effect of, **7:10,  
7:11**

Multiplicity, **7:27**

Property rights, scheme or artifice  
to defraud financial institu-  
tion

Generally, **7:9 to 7:11**

Actual loss, necessity of, **7:11**

Multiple victims, effect of,  
**7:10, 7:11**

Requirement as to ownership,  
custody or control of prop-  
erty, **7:15**

Requirement that violation be  
done knowingly, **7:5**

Restitution, **7:25**

Scheme or artifice to defraud  
financial institution, Section  
1344(1), **7:8 to 7:12 et seq.**

Scheme or artifice to defraud or to  
obtain moneys, **7:7 et seq.**

Section 1344(1), scheme or arti-  
fice to defraud financial  
institution, **7:8 to 7:12 et seq.**

Sentencing, **11:11, 11:15, 11:23,  
11:32**

## INDEX

### **FRAUD—Cont'd**

- United States Attorneys' Manual,  
Title 9
- Criminal Resource Manual  
§§ 814-816, bank frauds  
and related offenses, **App.  
4A**
- Criminal Resource Manual  
§§ 825-828, bank frauds  
and related offenses, **App.  
7A**
- Criminal Resource Manual  
§§ 829-836, bank frauds  
and related offenses, **App.  
5B**
- Criminal Resource Manual  
§§ 801-813 and 817-837,  
bank frauds and related  
offenses, **App. 3A**
- Violation of banking regulations,  
**7:29**
- Wire and mail fraud, generally,  
**7:1 et seq.**

### **FRAUDULENT PRETENSES**

- Fraud** (this index)

### **FUGITIVE'S RIGHT TO CONTEST**

- Bank Secrecy Act, **6:99**
- Money laundering, **8:117**

### **FUTURE INTENT**

- False statements to federally  
insured financial institution,  
**4:12**

### **GAG ORDERS**

- Right to Financial Privacy Act,  
**9:24**

### **GENS DECISION**

- Misapplication, embezzlement,  
and false entries, **3:59, 3:60**

### **GOOD FAITH**

- Bank Secrecy Act, **6:70**
- Fraud, **7:22**

### **GOOD FAITH—Cont'd**

- Misapplication, embezzlement,  
and false entries, **3:31**

### **GOVERNMENT ACCOUNTABILITY OFFICE**

- Right to Financial Privacy Act,  
**9:44**

### **GOVERNMENT LOAN**

- Right to Financial Privacy Act,  
**9:31, 9:38 to 9:41**

### **GRAND JURY**

- Criminal referrals and suspicious  
activity reports, **2:31**
- Federal criminal justice system,  
**1:11 to 1:14**
- Obstructing criminal investigation  
through disclosure of grand  
jury subpoenas, 18 U.S.C.  
§ 1510, **10:12 to 10:14**
- Right to Financial Privacy Act,  
**9:42, 9:43**

### **GRATUITIES**

- Bribery, **5:9**

### **GROSS GAIN**

- Sentencing, former Guideline  
§ 2F1.1, **11:29**

### **GUARANTEE**

- Misapplication, embezzlement,  
and false entries, **3:29**
- Right to Financial Privacy Act,  
**9:38 to 9:41**

### **GUIDELINES**

- Bribery, administrative guidelines,  
**5:21**
- Civil money penalties, **App. 6F**
- Money Laundering** (this index)
- Sentencing** (this index)
- United States Sentencing Com-  
mission Guidelines Manual**  
(this index)

**HANDBOOKS**

Comptroller's Handbook, **App. 2B**

Justice Department Handbook,  
Anti-Drug Abuse Act of 1986  
(Excerpt) (March 1987),  
**App. 8A**

**HOLDING COMPANIES**

Bank Holding Company Act, 12  
U.S.C. § 1847, **10:17**

Criminal referrals and suspicious  
activity reports, **2:28, 2:29**  
Federal criminal justice system,  
**1:20**

**IDENTIFICATION**

Right to Financial Privacy Act,  
**9:32, 9:37**

**ILLEGAL ACTIVITY**

Sentencing, proceeds, **11:53**

**ILLEGAL MONEY**

**TRANSMITTING  
BUSINESSES**

**Money Laundering** (this index)

**IMPROPER BENEFIT**

Sentencing, **11:37**

**IN CONNECTION WITH ANY  
TRANSACTION OR  
BUSINESS OF BANK**

Bribery, **5:16**

**IN CONNECTION WITH ANY  
TRANSACTION OR  
BUSINESS OF SUCH  
FINANCIAL INSTITUTION**

Bribery, **5:11**

**INDICTMENT OR  
INFORMATION**

**False Statements to Federally  
Insured Financial Institu-  
tion** (this index)

Misapplication, embezzlement,  
and false entries, **3:50 to 3:52**

**INDIFFERENCE**

Bank Secrecy Act, **6:65**

**INDIRECT CONTROL**

Misapplication, embezzlement,  
and false entries, **3:11**

**INDIVIDUAL TO BE  
INFLUENCED OR  
REWARDED**

Bribery, **5:15**

**INFLUENCE**

**Bribery** (this index)

False statements to federally  
insured financial institution,  
**4:7**

**INJUNCTIONS**

Bank Secrecy Act, **6:10**

Right to Financial Privacy Act,  
**9:58**

**INNOCENT OWNER DEFENSE**

Money laundering, **8:106, 8:111**

**INSIDERS**

FDIC Examiner's Manual, surveil-  
lance module on bank fraud  
and insider abuse (1-90),  
**App. 2J**

Misapplication, embezzlement,  
and false entries, **3:59, 3:60**

Persons subject to Section 656 and  
657 offenses, **5:1 et seq.**

Right to Financial Privacy Act,  
**9:46, 9:47**

**INSTRUCTIONS TO JURY**

False statements to federally  
insured financial institution,  
**4:43**

**INSURANCE**

Bank Secrecy Act, **6:4 to 6:6**

**Criminal Referrals and Suspi-  
cious Activity Reports** (this  
index)

**False Statements** (this index)

## INDEX

### INTANGIBLE RIGHTS

Fraud, **7:12**

### INTELLIGENCE

Criminal referrals and suspicious activity reports, **2:23**

Description of FDIC Special Activities section (formerly the Intelligence Section) (FDIC Memorandum) (June 15, 1988), **App. 2E**

### INTENT

Bank Secrecy Act, **6:59**

Bribery, **5:7 et seq., 5:14**

False statements to federally insured financial institution, **4:7, 4:12**

**Misapplication, Embezzlement, and False Entries** (this index)

**Money Laundering** (this index)

Sentencing, **11:27, 11:59**

### INTERAGENCY TRANSFER

Right to Financial Privacy Act, **9:25, 9:26, 9:52**

### INTERBANK ACCOUNT FUNDS

Money laundering, **8:101**

### INTERGOVERNMENTAL TRANSFERS

Right to Financial Privacy Act, **9:26**

### INTERNAL INVESTIGATORS

Criminal referrals and suspicious activity reports, **2:32**

### INTERNAL REVENUE CODE

Money laundering, **8:24**

Right to Financial Privacy Act, **9:34**

### INTERNAL REVENUE SERVICE

Bank Secrecy Act, **6:33, 6:34**

Exemption Manual, **App. 6H**

### INTERPRETATION

**Construction and Interpretation** (this index)

### INTERROGATION

Criminal referrals and suspicious activity reports, **2:32**

### INTRA-AGENCY TRANSFERS

Right to Financial Privacy Act, **9:26**

### INVESTIGATION

**Criminal Referrals and Suspicious Activity Reports** (this index)

**Federal Criminal Justice System** (this index)

Obstructing criminal investigation through disclosure of grand jury subpoenas, 18 U.S.C. § 1510, **10:12 to 10:14**

Right to Financial Privacy Act, **9:38 to 9:41**

### IRS

See **Internal Revenue Service** (this index)

### JEOPARDIZING SAFETY AND SOUNDNESS OF FINANCIAL INSTITUTION

Sentencing, **11:9, 11:21, 11:33, 11:38**

### JOINDER OF OFFENSES

False statements to federally insured financial institution, **4:30**

### JUDICIAL ORDERS

Sentencing, **11:14**

### JUDICIAL PROCEDURE

Bank Secrecy Act, **6:92, 6:94**

Right to Financial Privacy Act, **9:14**

### JURISDICTION

Bank Secrecy Act, **6:102**

**JURISDICTION—Cont'd**

Fraud, **7:30**  
 Money laundering, **8:27, 8:72, 8:115**

**JURY AND JURY TRIALS**

Grand jury  
     Criminal referrals and suspicious activity reports, **2:31**  
     Federal criminal justice system, **1:11 to 1:14**  
     Obstructing criminal investigation through disclosure of grand jury subpoenas, 18 U.S.C. § 1510, **10:12 to 10:14**  
     Right to Financial Privacy Act, **9:42, 9:43**  
     Instructions to jury, **4:43**

**JUSTICE**

Sentencing, **11:39, 11:40, 11:78 to 11:81**

**JUSTICE DEPARTMENT**

Anti-Drug Abuse Act of 1986 (Excerpt) (March 1987), **App. 8A**  
 Bribery, **5:25**  
 False statements to federally insured financial institution, **4:50**  
 Federal criminal justice system, **1:3 to 1:6**  
 Money Laundering (this index)

**KNOWLEDGE**

See **Notice and Knowledge** (this index)

**LAW ENFORCEMENT**

Federal Criminal Justice System (this index)  
 Money laundering, **8:39**  
 Right to Financial Privacy Act, **9:8, 9:37**

**LICENSES**

Money transmitting business, unlicensed, **8:87**

**LIMITATION OF ACTIONS**

Federal criminal justice system, **1:18**  
 Misapplication, embezzlement, and false entries, **3:57**

**LITERAL TRUTH**

False statements to federally insured financial institution, **4:13**

**LOANS**

False statements to federally insured financial institution, **4:9, 4:16**  
 Misapplication, embezzlement, and false entries, **3:10**  
 Right to Financial Privacy Act, **9:31, 9:38 to 9:41**

**MANUALS**

FDIC Examiner's Manual  
     Section 9.2 (1999), Criminal violations, **App. 2D**  
     Surveillance module on bank fraud and insider abuse (1-90), **App. 2J**  
 Financial Institution Fraud Federal Prosecution Manual  
     Bank fraud (excerpt) (Jan. 1994), **App. 7B**  
     Chapter 1 (Excerpt) (Jan. 1994), **App. 1A**  
     Chapter 2 (Excerpt) (Jan. 1994), **App. 1A**  
     Chapter 9 (Excerpt) (Jan. 1994), **App. 9E**  
     Chapter 11 (Excerpt) (Jan. 1994), **App. 3B**  
     Chapter 12 (Excerpt) (Jan. 1994), **App. 3B**  
     Chapter 13 (Excerpt) (Jan. 1994), **App. 4B**

## INDEX

### MANUALS—Cont'd

Financial Institution Fraud Federal  
Prosecution Manual—Cont'd  
Chapter 14 (Excerpt) (Jan.  
1994), **App. 5D**  
Internal Revenue Service (IRS)  
Exemption Manual, **App. 6H**  
United States Attorneys' Manual,  
Title 9: Criminal Resource  
Manual  
§§ 2101-2104, **App. 8D**  
Access to and disclosure of  
financial records (October  
1999), §§ 9-13.800, **App.**  
**9C**  
Amendments to Right to  
Financial Privacy Act  
(October 1, 1990 ed.),  
§§ 9-105.960 et seq., **App.**  
**9B**  
Bank bribery (November 5,  
1985 ed.), §§ 9-40.500 et  
seq., **App. 5A**  
Bank frauds and related offen-  
ses  
§§ 814-816, **App. 4A**  
§§ 829-836, **App. 5B**  
§§ 825-828, **App. 7A**  
§§ 801-813 and 817-837,  
**App. 3A**  
Money laundering (October  
1997), §§ 9-105.000 et  
seq., **App. 8C**  
Offenses under 18 U.S.C.  
§§ 1956, 1957 (October 1,  
1990), §§ 9-105.000 et  
seq., **App. 8B**  
Right to Financial Privacy Act  
(December 31, 1984 ed.),  
§§ 9-4.800 et seq., **App.**  
**9A**  
§§ 400 et seq., **App. 9D**  
**United States Sentencing Com-  
mission Guidelines Manual**  
(this index)

### MASS MARKETING

Sentencing, **11:12**

### MATERIALITY

False statements to federally  
insured financial institution,  
**4:8**  
Misapplication, embezzlement,  
and false entries, **3:41**

### MEMBER BANKS AND BANK HOLDING COMPANIES

Criminal referrals and suspicious  
activity reports, **2:28, 2:29**  
Examination process, referrals  
from, **2:29**

### MEMORANDUM

Description of FDIC Special  
Activities section (formerly  
the Intelligence Section)  
(FDIC Memorandum) (June  
15, 1988), **App. 2E**

### MENS REA

Bank Secrecy Act, **6:59**  
**Money Laundering** (this index)  
Obstructing investigations by  
destroying or altering  
records, **10:10**

### MINIMIZING RISK

Criminal referrals and suspicious  
activity reports, **2:35**

### MIRANDA

Bank Secrecy Act, **6:73**  
Criminal referrals and suspicious  
activity reports, **2:32**

### MISAPPLICATION, EMBEZZLEMENT, AND FALSE ENTRIES

Generally, **3:1 et seq.**  
Abettor, defendant's liability as,  
**3:54**  
Aider, defendant's liability as,  
**3:54**

**MISAPPLICATION,  
EMBEZZLEMENT, AND  
FALSE ENTRIES—Cont'd**  
 Bank insiders as ultimate beneficiaries, **3:59, 3:60**  
 Beneficiaries, bank insiders as ultimate, **3:59, 3:60**  
 Civil penalties, **3:33**  
 Connected in any capacity with.  
   Insiders, *infra*  
 Consent, **3:30**  
 Conspirator, defendant's liability as, **3:55**  
 Criminal penalties, **3:32**  
 Defendant's liability  
   Generally, **3:53 to 3:55**  
   Abettor, as, **3:54**  
   Aider, as, **3:54**  
   Conspirator, as, **3:55**  
   Principal, as, **3:53**  
 Defenses, **3:27 to 3:30, 3:45**  
 Docherty decision, **3:59**  
 Duplicity of misapplication and embezzlement clause, **3:51**  
 Exculpatory no, **3:45**  
 Fines, forfeitures, and penalties  
   Civil penalties, **3:33**  
   Criminal penalties, **3:32**  
   Section 1005 and 1006 offenses, **3:48, 3:49**  
 Fraud  
   Intent to injure or defraud bank, *infra*  
   Section 1005 and 1006 offenses, **3:43**  
 Gens decision, **3:59, 3:60**  
 Good faith, **3:31**  
 Indictment, challenges relating to  
   Generally, **3:50 to 3:52**  
   Duplicity of misapplication and embezzlement clause, **3:51**  
   Multiplicity of misapplication and embezzlement clause, **3:51**  
   Vagueness, **3:50**

**MISAPPLICATION,  
EMBEZZLEMENT, AND  
FALSE ENTRIES—Cont'd**  
 Indictment, challenges relating to  
   —Cont'd  
   Variances, **3:52**  
 Insiders  
   Generally, **3:5 et seq.**  
   Connected in any capacity with  
     Generally, **3:8 et seq.**  
   Contractors' employees, **3:12**  
   Employees of related corporations, **3:9**  
   Indirect control, **3:11**  
   Loan generating agents and loan closing agents, **3:10**  
   Persons with miscellaneous connections, **3:13**  
 Official capacity of bank, actions within, **3:7**  
 Section 656 and 657 offenses, generally, **3:5 et seq.**  
 Section 1005 and 1006 offenses, **3:36**  
 Insiders as ultimate beneficiaries, **3:59, 3:60**  
 Intent  
   Injure or defraud bank, intent to  
     Generally, **3:21 et seq.**  
   Benefit institution, intent to, **3:24, 3:25**  
   Illegal use of bank moneys, intent to benefit institution by, **3:25**  
   Objective standards of conduct, **3:23**  
   Reckless disregard for bank's interests compared, **3:22**  
   Regulatory standards and banking policies and procedures, **3:23**  
   Section 656 and 657 offenses, generally, **3:21 et seq.**



## INDEX

### **MISAPPLICATION, EMBEZZLEMENT, AND FALSE ENTRIES—Cont'd**

- Intent—Cont'd
  - Section 1005 and 1006 offenses, **3:43, 3:44**
- Limitation of actions, **3:57**
- Loss to bank
  - Generally, **3:26 et seq.**
  - Authorization, ratification, and consent by board of directors, **3:30**
  - Defenses, **3:27 to 3:30**
  - Personal guarantee, **3:29**
  - Repayment and ability to repay, **3:28**
- Multiplicity of misapplication and embezzlement clause, **3:51**
- Nominee borrowers
  - Generally, **3:58 to 3:60**
  - Bank insiders as ultimate beneficiaries, **3:59, 3:60**
  - Beneficiaries, bank insiders as ultimate, **3:59, 3:60**
  - Docherty decision, **3:59**
  - Gens decision, **3:59, 3:60**
  - Post-Gens decision, **3:60**
  - Ultimate beneficiaries, bank insiders as, **3:59, 3:60**
- Participation, **3:46, 3:47**
- Personal guarantee, **3:29**
- Post-Gens decision, **3:60**
- Principal, defendant's liability as, **3:53**
- Ratification, **3:30**
- Repayment and ability to repay, **3:28**
- Rule 404(b), **3:56**
- Section 656 and 657 offenses
  - Generally, **3:4 et seq.**
  - Belonging or intrusted to institution, **3:17**
  - Insiders, *supra*
  - Institutions covered, **3:14**

### **MISAPPLICATION, EMBEZZLEMENT, AND FALSE ENTRIES—Cont'd**

- Section 656 and 657 offenses—Cont'd
  - Intent to injury or defraud bank, *supra*
  - Items covered by statutes and means by which taken from institution, **3:15 et seq.**
  - Misapplication and embezzlement, **3:18 to 3:20**
  - Moneys, funds, credits, securities, or other things of value, **3:16**
- Section 1005 and 1006 offenses
  - Generally, **3:34 et seq.**
  - Actual transactions, **3:40**
  - Ambiguities, **3:42**
  - Civil penalties, **3:49**
  - Criminal penalties, **3:48**
  - Defenses, **3:45**
  - Exculpatory no, **3:45**
  - False entries, generally, **3:34 et seq.**
  - Falsity, **3:39 to 3:42**
  - Insiders, **3:36**
  - Intent
    - Generally, **3:43, 3:44**
    - Violations of banking regulations, **3:44**
  - Making entry, **3:37**
  - Materiality, **3:41**
  - Number of entries, **3:38**
  - Omissions, **3:42**
  - Technically accurate transactions, **3:40**
  - Types of entries, **3:38**
  - Unlawful participation offenses
    - Generally, **3:46, 3:47**
    - Activities covered by offense, **3:47**
  - Violations of banking regulations, **3:44**

**MISAPPLICATION,  
EMBEZZLEMENT, AND  
FALSE ENTRIES—Cont'd**

Sentencing, **11:17**  
 Statutes, generally, **3:3**  
 Technically accurate transactions,  
**3:40**  
 Ultimate beneficiaries, bank insid-  
 ers as, **3:59, 3:60**  
 Unlawful participation offenses,  
**3:46, 3:47**  
 Vagueness of indictment, **3:50**  
 Variances from indictment, **3:52**  
 Violations of banking regulations,  
**3:44**

**MISCELLANY**

Misapplication, embezzlement,  
 and false entries, **3:13**

**MISDEMEANOR OFFENSES**

Bribery, **5:19**

**MISREPRESENTATION**

Sentencing, misrepresentation of  
 charitable or other affiliation,  
**11:13**

**MITIGATION**

Bank Secrecy Act, **6:92**  
 Sentencing adjustments, **11:67 to  
 11:70**

**MONETARY INSTRUMENT**

Bank Secrecy Act, **6:35, 6:36,  
 6:50, 6:89**  
 Form 105, **App. 6B**  
 Money laundering, **8:54**

**MONETARY REGULATIONS**

Right to Financial Privacy Act,  
**9:33**

**MONETARY TRANSACTION**

Money laundering, **8:66**

**MONEY LAUNDERING**

Generally, **8:1 et seq.**  
 Actual knowledge, **8:5**

**MONEY LAUNDERING—Cont'd**

Alternative remittance system,  
**8:20**

**Amendments**

Burden of proof  
 Procedures after 2000  
 amendments, **8:110**

Procedures prior to 2000  
 amendments, **8:104**

Complaint, requisites of,  
 procedures prior to 2000  
 amendments, **8:104**

Defense counsel, right to, **8:76**

Defenses, innocent owner

Procedures after 2000  
 amendments, **8:111**

Procedures prior to 2000  
 amendments, **8:106**

**Forfeiture**

Pre-amendment stay of  
 proceedings, **8:106**

**Innocent owner defense**

Procedures after 2000  
 amendments, **8:111**

Procedures prior to 2000  
 amendments, **8:106**

Procedures after 2000 amend-  
 ments

Generally, **8:108 to 8:112**

Burden of proof for forfei-  
 tures of any property,  
**8:110**

Defenses, innocent owner,  
**8:111**

Forfeitures of real property,  
**8:109**

Innocent owner defense,  
**8:111**

Real property, forfeitures of,  
**8:109**

Stay of forfeiture proceed-  
 ings, **8:112**

Procedures prior to 2000  
 amendments

Generally, **8:103 to 8:107**

## INDEX

### MONEY LAUNDERING—Cont'd

- Amendments—Cont'd
  - Procedures prior to 2000 amendments—Cont'd
    - Burden of proof, **8:104**
    - Complaint, requisites of, **8:104**
    - Defenses, innocent owner, **8:106**
    - Innocent owner defense, **8:106**
    - Requisites of complaint, **8:104**
    - Stay of forfeiture proceedings, **8:106**
  - Real property, forfeitures of, procedures after 2000 amendments, **8:109**
  - Requisites of complaint, procedures prior to 2000 amendments, **8:104**
  - Stay of forfeiture proceedings, procedures after 2000 amendments, **8:112**
- Applicable law, civil forfeiture, **8:102**
- Attempt, **8:8 to 8:12, 8:38, 8:65**
- Attorneys. Defense counsel, *infra*
- Burden of proof
  - Procedures after 2000 amendments, **8:110**
  - Procedures prior to 2000 amendments, **8:104**
- Business opportunities, specified unlawful activity, **8:19**
- Challenges, civil forfeiture
  - Due process, **8:121**
  - Excessive fines clause, **8:119**
- Changes in form of proceeds, specified unlawful activity, **8:18**
- Civil forfeiture
  - Generally, **8:93 et seq.**
  - Amendments, procedures after 2000 amendments
    - Generally, **8:108 to 8:112**

### MONEY LAUNDERING—Cont'd

- Civil forfeiture—Cont'd
  - Amendments, procedures after 2000 amendments—Cont'd
    - Burden of proof for forfeitures of any property, **8:110**
    - Defenses, innocent owner, **8:111**
    - Innocent owner defense, **8:111**
    - Real property, forfeitures of, **8:109**
    - Stay of forfeiture proceedings, **8:112**
  - Amendments, procedures prior to 2000 amendments
    - Generally, **8:103 to 8:107**
    - Burden of proof, **8:104**
    - Complaint, requisites of, **8:104**
    - Defenses, innocent owner, **8:106**
    - Innocent owner defense, **8:106**
    - Requisites of complaint, **8:104**
    - Stay of forfeiture proceedings, **8:106**
- Applicable law, **8:102**
- Burden of proof, **8:104, 8:110**
- Collateral estoppel, **8:116**
- Complaint, requisites of, **8:104**
- Constitutional challenges
  - Due process, **8:121**
  - Excessive fines clause, **8:119**
- Constitutional considerations
  - Generally, **8:118 to 8:122**
  - Challenges, due process, **8:121**
  - Challenges, excessive fines clause, **8:119**
- Double jeopardy, **8:120**

**MONEY LAUNDERING—Cont'd**

Civil forfeiture—Cont'd  
 Constitutional considerations  
   —Cont'd  
     Due process challenges, **8:121**  
     Excessive fines clause challenge, **8:119**  
     Right to counsel, **8:122**  
 CTR violations, property involved in, **8:97**  
 Cumulative remedies, **8:92**  
 Defenses, innocent owner  
   Amendments, procedures after 2000 amendments, **8:111**  
   Amendments, procedures prior to 2000 amendments, **8:106**  
 Disposition of property, **8:113**  
 Double jeopardy, **8:120**  
 Due process challenges, **8:121**  
 Excessive fines clause challenge, **8:119**  
 Forfeitures of real property, **8:109**  
 Fugitive's right to contest, **8:117**  
 Innocent owner defense  
   Amendments, procedures after 2000 amendments, **8:111**  
   Amendments, procedures prior to 2000 amendments, **8:106**  
 Interbank account funds, **8:101**  
 Jurisdiction, **8:115**  
 Pre-amendment stay of proceedings, **8:106**  
 Proceeds, **8:98, 8:99**  
 Property, generally, **8:94 et seq.**  
 Real property, forfeitures of, **8:109**  
 Requisites of complaint, **8:104**  
 Right to counsel, **8:122**

**MONEY LAUNDERING—Cont'd**

Civil forfeiture—Cont'd  
 Statute, generally, **8:91**  
 Stay of forfeiture proceedings, **8:112**  
 Substitute assets, **8:100**  
 Traceable property, **8:96**  
 Venue, **8:115**  
 Vesting of title at commission of offense, **8:114**  
 Civil law, **8:57, 8:78**  
 Civil penalty, Subsection 1956(b)  
   Generally, **8:57**  
   Enforcement, **8:58**  
 Commingled funds, **8:16, 8:32**  
 Complaint, requisites of, **8:104**  
 Conducting or attempting to conduct financial transaction, generally, **8:8 to 8:12**  
 "Conduct" of financial transaction, **8:9**  
 "Conduct" of transaction, **8:9**  
 Conspiracy, generally, **8:74 et seq.**  
 Constitutional challenges, **8:60, 8:90, 8:119, 8:121**  
 Constitutional considerations  
   Civil forfeiture, **8:118 to 8:122**  
   Criminal forfeiture, **8:128**  
 Continuing transaction, **8:34**  
 Counsel, right to, **8:122**  
 Criminal forfeiture  
   Generally, **8:123 et seq.**  
   Constitutional considerations, **8:128**  
   18 U.S.C. § 982, generally, **8:123**  
   Mandatory statutory forfeiture, **8:124, 8:125**  
   Pre-conviction restraint or seizure of property, **8:125**  
   Tracing and substitute assets, **8:127**  
 Defense counsel  
   Generally, **8:75 et seq.**  
   Actual knowledge, **8:80**

## INDEX

### MONEY LAUNDERING—Cont'd

- Defense counsel—Cont'd
  - Bona fide attorneys' fees, **8:79**
  - Caplin & Drysdale and Sixth Amendment right to counsel, **8:76**
  - Evidence at trial, **8:81**
  - Guidelines of Justice Department, generally, **8:77 et seq.**
  - Justice Department guidelines, generally, **8:77 et seq.**
  - Representation in civil litigation, **8:78**
- Defenses, **8:47, 8:106, 8:111**
- Derived from unlawful activity.
  - Property, *infra*
- Disposition of forfeited property, **8:113**
- Double jeopardy, **8:120**
- Due process challenges, **8:121**
- 18 U.S.C. § 1956(a)(1), generally, **8:3 et seq.**
- Enforcement
  - Civil penalty, Subsection 1956(b), **8:58**
  - Sting operation involving property represented by law enforcement officer, **8:39**
- Excessive fines clause challenges, **8:119**
- Extraterritorial jurisdiction, **8:27**
- "Financial transaction," **8:10 to 8:12**
- Fines, forfeitures, and penalties
  - Civil forfeiture, *supra*
  - Civil penalty, Subsection 1956(b), **8:57**
  - Criminal forfeiture, *supra*
  - 18 U.S.C. § 1956(a)(1), **8:28, 8:29**
  - Illegal money transmitting businesses, **8:88**
- Guidelines. Defense counsel, *supra*

### MONEY LAUNDERING—Cont'd

- Illegal money transmitting businesses
  - Generally, **8:82 et seq.**
  - Conducting business, **8:85**
  - Constitutional challenges, **8:90**
  - Knowledge, **8:86**
  - Penalties, **8:88**
  - Statute of limitations, **8:89**
  - Unlicensed money transmitting business, **8:87**
- Innocent owner defense, **8:106, 8:111**
- Intent
  - Mens rea, **8:23, 8:24**
  - Specified unlawful activity, intent to promote carrying on of, **8:51**
  - Sting operation, **8:44 to 8:46**
  - Transportation with intent to launder, Subsection 1956(a)(2)(B), *infra*
- Interbank account funds, **8:101**
- Justice Department guidelines.
  - Defense counsel, *supra*
- Knowledge. Notice and knowledge, *infra*
- Means by which "transaction" is executed, **8:12**
- Mens rea
  - Generally, **8:22 et seq.**
  - Intent to engage in conduct constituting violation of Section 7201 or 7206 of Internal Revenue Code, Subsection 1956(a)(1)(A)(ii), **8:24**
  - Intent to promote carrying on of specified unlawful activity, Subsection 1956(a)(1)(A)(i), **8:23**
  - Knowledge that transaction is designed to avoid transaction reporting requirement, Subsection 1956(a)(1)(B)(ii), **8:26**

**MONEY LAUNDERING—Cont'd**

Mens rea—Cont'd  
 Knowledge that transaction is designed to disguise characteristics of proceeds, Subsection 1956(a)(1)(B)(i), **8:25**  
 Sting operation, **8:43 to 8:46**  
 Monetary instrument or funds, **8:54**  
 Monies historically derived from unlawful funds, **8:33**  
 Notice and knowledge  
   Generally, **8:4 to 8:7**  
   Defense counsel, actual knowledge, **8:80**  
   Derived from unlawful activity, Section 1957  
     Generally, **8:68, 8:69**  
     Secondary transactions and subsequently-acquired knowledge, **8:69**  
 Illegal money transmitting businesses, **8:86**  
 Mens rea, **8:25, 8:26**  
 Secondary transactions and subsequently-acquired knowledge, **8:69**  
 Transportation with intent to launder, Subsection 1956(a)(2)(B), **8:55, 8:56**  
 Penalties. Fines, forfeitures, and penalties, *supra*  
 Procedures after 2000 amendments  
   Generally, **8:108 to 8:112**  
   Burden of proof for forfeitures of any property, **8:110**  
   Defenses, innocent owner, **8:111**  
   Innocent owner defense, **8:111**  
   Real property, forfeitures of, **8:109**  
   Stay of forfeiture proceedings, **8:112**

**MONEY LAUNDERING—Cont'd**

Procedures prior to 2000 amendments  
 Burden of proof, **8:104**  
 Complaint, requisites of, **8:104**  
 Defenses, innocent owner, **8:106**  
 Innocent owner defense, **8:106**  
 Requisites of complaint, **8:104**  
 Proceeds  
   Alternative remittance system, **8:20**  
   Business opportunities, **8:19**  
   Changes in form, **8:18**  
   Civil forfeiture, **8:98, 8:99**  
   Commingled funds, **8:16**  
   Mens rea, **8:25**  
   Receipt of payment, **8:17**  
   Specified unlawful activity  
     Generally, **8:13 to 8:21**  
     Business opportunities, **8:19**  
     Changes in form, **8:18**  
     Commingled funds, **8:16**  
     Receipt of payment, **8:17**  
     Sting operation, **8:40 to 8:42, 8:45**  
   Transportation with intent to launder, Subsection 1956(a)(2)(B), **8:55**  
 Property  
   Civil forfeiture, *supra*  
   Derived from unlawful activity, Section 1957  
     Generally, **8:62 et seq., 8:68, 8:69**  
     Criminally derived property, **8:67**  
   Derived from specified unlawful activity, **8:71**  
   Engage or attempt to engage, **8:65**  
   Extraterritorial jurisdiction, **8:72**  
   Monetary transaction, **8:66**  
   Punishment, **8:73**

## INDEX

### MONEY LAUNDERING—Cont'd

- Property—Cont'd
  - Derived from unlawful activity,
    - Section 1957—Cont'd
  - Secondary transactions, **8:69**
  - Section 1957, generally, **8:64 et seq.**
  - Sections 1956 and 1957
    - compared, **8:63**
  - Subsequently-acquired knowledge, **8:69**
  - Value of criminally derived property, **8:70**
- Disposition of forfeited property, **8:113**
- Sting operation, **8:39, 8:45**
- Receipt of payment, **8:17**
- Requisites of complaint, **8:104**
- Restitution, **8:29**
- Right to counsel, **8:122**
- Secondary transactions, **8:69**
- Sections 1956 and 1957
  - compared, **8:63**
- Sentencing, **11:41 et seq., 11:44 to 11:46, 11:48, 11:49, 11:52, 11:53**
- Special problems, generally, **8:30**
- Specific nature of unlawful activity, knowledge of, **8:7**
- Specified unlawful activity
  - Business opportunities, **8:19**
  - Changes in form of proceeds, **8:18**
  - Commingled funds, **8:16**
  - Mens rea, **8:23**
  - Proceeds of specified unlawful activity
    - Generally, **8:13 to 8:21**
    - Business opportunities, **8:19**
    - Changes in form, **8:18**
    - Commingled funds, **8:16**
    - Receipt of payment, **8:17**
  - Property derived from unlawful activity, monetary transac-

### MONEY LAUNDERING—Cont'd

- Specified unlawful activity—Cont'd
  - tions in, Section 1957, **8:71**
  - Receipt of payment, **8:17**
  - Sting operation, **8:40 to 8:42, 8:44**
  - Transportation of monetary instruments to promote specified unlawful activity, Subsection 1956(a)(2)(A), **8:48 to 8:51**
- Statute, generally, **8:2**
- Statute of limitations, **8:89**
- Stay
  - Post-amendment stay of forfeiture proceeding, **8:112**
  - Pre-amendment stay of forfeiture proceeding, **8:107**
- Sting operation
  - Generally, **8:31, 8:35 et seq.**
  - Avoid transaction reporting requirement, Subsection 1956(a)(3)(C), **8:46**
  - Conducting or attempting to conduct financial transaction, **8:38**
  - Defenses, **8:47**
  - Disguise characteristics of property believed to be proceeds, Subsection 1956(a)(3)(B), **8:45**
  - 18 U.S.C. § 1956(a)(3), **8:35**
  - Entrapment, **8:47**
  - Intent, **8:44 to 8:46**
  - Law enforcement officer, sting operation involving property represented by, **8:39**
  - Mens rea, **8:43 to 8:46**
  - Proceeds of specified unlawful activity or property used to conduct or facilitate such activity, **8:40 to 8:42**
  - Promote carrying on of specified unlawful activity,

**MONEY LAUNDERING—Cont'd**

Sting operation—Cont'd  
     Subsection 1956(a)(3)(A),  
     **8:44**  
     Subsection 1956(a)(1), **8:36**  
     Subsection 1956(a)(3), **8:36**  
     Subsection 1956(a)(3), gener-  
     ally, **8:37 et seq.**  
     Subsequently acquired knowledge,  
     **8:6, 8:69**  
     “Transaction,” **8:11**  
     Transportation element, **8:53**  
     Transportation of monetary instru-  
     ments to promote specified  
     unlawful activity, Subsection  
     1956(a)(2)(A), **8:48 to 8:51**  
     Transportation with intent to  
     launder, Subsection  
     1956(a)(2)(B)  
     Generally, **8:52 et seq.**  
     Knowledge of intent of  
     transportation, **8:56**  
     Knowledge that funds represent  
     proceeds, **8:55**  
     Monetary instrument or funds,  
     **8:54**  
     Transportation element, **8:53**  
     United States Attorneys’ Manual,  
     Title 9: Criminal Resource  
     Manual §§ 9-105.000 et seq.,  
     **App. 8C**  
     Unlicensed money transmitting  
     business, **8:87**  
     Venue, **8:61**  
     Vesting of title at commission of  
     offense, **8:114**

**MORE THAN MINIMAL  
 PLANNING**

Sentencing, **11:20, 11:31**

**MULTIPLE COUNTS**

Sentencing, **11:82, 11:83**

**MULTIPLE VICTIMS**

Fraud, **7:10, 7:11**

Sentencing, **11:11**

**MULTIPLICITY**

False statements to federally  
 insured financial institution,  
**4:24, 4:26**  
 Fraud, **7:27**  
 Misapplication, embezzlement,  
 and false entries, **3:51**

**NATIONAL BANKS**

**Criminal Referrals and Suspi-  
 cious Activity Reports** (this  
 index)

**NATIONAL CREDIT UNION**

Letter to credit unions, **App. 2H**  
 Referral regulation and commen-  
 tary  
 12 C.F.R. § 748.1(c), **App. 2I**

**NEGLIGENCE**

Bank Secrecy Act, **6:83**

**NOMINEE BORROWERS**

Misapplication, embezzlement,  
 and false entries, **3:58 to 3:60**

**NONCUSTOMER  
 TRANSACTIONS**

Bribery, **5:11**

**NONMEMBER INSURED  
 BANKS**

**Criminal Referrals and Suspi-  
 cious Activity Reports** (this  
 index)

**NON-TARGET EXCEPTION**

Right to Financial Privacy Act,  
**9:39**

**NOTICE AND KNOWLEDGE**

Bank Secrecy Act, **6:65, 6:72**  
 False statements to federally  
 insured financial institution,  
**4:14**  
 Fraud, **7:5**  
**Money Laundering** (this index)  
 Right to Financial Privacy Act,  
**9:21 to 9:24**



## INDEX

### OBJECTIVE STANDARDS OF CONDUCT

Misapplication, embezzlement, and false entries, **3:23**

### OBSTRUCTION

Criminal investigation through disclosure of grand jury subpoenas, 18 U.S.C. § 1510, **10:12 to 10:14**

Destroying, altering, or falsifying records, **10:9 to 10:11**

Examination of financial institution, 18 U.S.C. § 1517, **10:8**

Sentencing, Guideline § 2J1.2, obstruction of justice applicable to violations of 18 U.S.C. §§ 1510, 1517, and 1519, **11:39, 11:40**

Sentencing adjustments, **11:78 to 11:81**

### OCC

Referral regulation and commentary, 12 C.F.R. § 21.11, **App. 2A**

### OFFICERS AND DIRECTORS

False statements to federally insured financial institution, **4:17**

Fraud, **7:20**

### OFFICIAL ADVICE

Bank Secrecy Act, **6:70**

### OFFICIAL CAPACITY OF BANK

Misapplication, embezzlement, and false entries, **3:7**

### OMISSIONS

Misapplication, embezzlement, and false entries, **3:42**

### \$1,000,000, DERIVING MORE THAN

Sentencing, **11:10**

### ORDER

Right to Financial Privacy Act, **9:24**

12 U.S.C. § 1818(j), participation in affairs of financial institution by person subject to removal and prohibition or suspension order, **10:21**

### OTS

Referral regulation and commentary, 12 C.F.R. § 563.180, **App. 2F**

### OWNERSHIP

Fraud, **7:15**

### PARALLEL CIVIL PENALTIES

Federal criminal justice system, **1:19**

### PARTICIPATION

Misapplication, embezzlement, and false entries, **3:46, 3:47**

12 U.S.C. § 1818(j), participation in affairs of financial institution by person subject to removal and prohibition or suspension order, **10:21**

12 U.S.C. § 1829, participation in affairs of financial institution by convicted felon, **10:20**

### PARTIES

False statements to federally insured financial institution, **4:40 et seq.**

Right to Financial Privacy Act, **9:36**

### PAYMENT

Bribery, **5:6**

Fraud, **7:19**

Report of cash payments over \$ 10,000, Form 8300, **App. 6E**

### PENALTIES

**Fines, Forfeitures, and Penalties** (this index)

**PERMISSIBLE DISCLOSURES**

Right to Financial Privacy Act,  
**9:29**

**PERSON**

Right to Financial Privacy Act, **9:6**

**PERSONAL GUARANTEE**

Misapplication, embezzlement,  
and false entries, **3:29**

**POSSESSION**

False statements to federally  
insured financial institution,  
**4:34**

**POST-GENS DECISION**

Misapplication, embezzlement,  
and false entries, **3:60**

**PREEMPTION**

Right to Financial Privacy Act,  
**9:60**

**PRESERVATION**

Bank Secrecy Act, **6:42**

**PRIOR SATISFACTORY  
EXAMINATIONS**

Bank Secrecy Act, **6:86**

**PRIVACY**

Criminal referrals and suspicious  
activity reports, **2:10, 2:20,  
2:33**

False statements to federally  
insured financial institution,  
**4:33**

**Right to Financial Privacy Act**  
(this index)

United States Attorneys' Manual,  
Title 9: Criminal Resource  
Manual

Amendments to Right to  
Financial Privacy Act  
(October 1, 1990 ed.),  
§§ 9-105.960 et seq., **App.  
9B**

**PRIVACY—Cont'd**

United States Attorneys' Manual,  
Title 9: Criminal Resource  
Manual—Cont'd

Right to Financial Privacy Act,  
§§ 400 et seq., **App. 9D**

Right to Financial Privacy Act  
(December 31, 1984 ed.),  
§§ 9-4.800 et seq., **App.  
9A**

**PRIVILEGES AND  
IMMUNITIES**

Grand jury system, **1:14**

**PROBABLE LOSS**

Sentencing, former Guideline  
§ 2F1.1, **11:28**

**PROCEEDS**

**Money Laundering** (this index)  
Sentencing, **11:44, 11:48, 11:52,  
11:53, 11:58**

**PROMISES**

**Fraud** (this index)

**PROPERTY**

Bank Secrecy Act, **6:90, 6:91,  
6:98**

**Fraud, 7:9 to 7:11, 7:15**

**Money Laundering** (this index)  
Sentencing, **11:50**

**PROSECUTOR'S  
INVESTIGATION**

Federal criminal justice system,  
**1:10**

**PUNISHMENT**

Money laundering, **8:73**

**RAILROAD RETIREMENT**

Right to Financial Privacy Act,  
**9:45**

**RANGE OF SENTENCING**

Generally, **11:89 to 11:94**

## INDEX

### RATIFICATION

Misapplication, embezzlement,  
and false entries, **3:30**

### REAL PROPERTY

Money laundering, civil forfei-  
tures, **8:109**

### RECEIPT OF BRIBE

**Bribery** (this index)

### RECEIPT OF MONETARY INSTRUMENT

Bank Secrecy Act, **6:50**

### RECEIPT OF PAYMENT

Money laundering, **8:17**

### RECEIVER

Corruptly impeding conservator or  
receiver, 18 U.S.C. § 1032,  
**10:4**

Corruptly placing assets beyond  
reach of conservator or  
receiver, 18 U.S.C. § 1032,  
**10:5**

Refusal to comply with demand of  
conservator or receiver, 12  
U.S.C. § 1464(d)(4), **10:19**

### RECKLESS DISREGARD

Misapplication, embezzlement,  
and false entries, **3:22**

### RECORDS AND RECORDING

**Bank Secrecy Act** (this index)

**Misapplication, Embezzlement,  
and False Entries** (this  
index)

Obstructing investigations by  
destroying or altering  
records, **10:9 to 10:11**

**Right to Financial Privacy Act**  
(this index)

United States Attorneys' Manual,  
Title 9: Criminal Resource  
Manual §§ 9-13.800, **App.  
9C**

### REFERRALS

**Criminal Referrals and Suspi-  
cious Activity Reports** (this  
index)

FDIC Referral Regulation and  
Commentary, 12 C.F.R.  
§ 353, **App. 2C**

Federal Reserve Board Referral  
Regulation and Commentary,  
12 C.F.R. § 208.20, **App. 2L**

National Credit Union Referral  
Regulation and Commentary,  
12 C.F.R. § 748.1(c), **App. 2I**

OCC Referral Regulation and  
Commentary, 12 C.F.R.  
§ 21.11, **App. 2A**

OTS Referral Regulation and  
Commentary, 12 C.F.R.  
§ 563.180, **App. 2F**

### REGISTRATION

Bank Secrecy Act, **6:43**

### REIMBURSEMENT

Right to Financial Privacy Act,  
**9:59**

### RELEVANT CONDUCT

Sentencing, **11:5**

### RELIANCE

Bank Secrecy Act, **6:70**

False statements to federally  
insured financial institution,  
**4:18**

Fraud, **7:21**

### REMISSION

Bank Secrecy Act, **6:92**

### REMOVAL

Participation in affairs of financial  
institution by person subject  
to removal and prohibition or  
suspension order, 12 U.S.C.  
§ 1818(j), **10:21**

### REPAYMENT

False statements to federally  
insured financial institution,  
**4:16**

**REPAYMENT—Cont'd**

- Fraud, **7:19**
- Misapplication, embezzlement,  
and false entries, **3:28**

**REPORTS AND REPORTING**

- Bank secrecy act
  - Validity of beneficial ownership  
reporting requirements,  
**6:47**
- Bank Secrecy Act** (this index)
- Cash payments over \$10,000,  
report of, Form 8300, **App. 6E**
- Criminal Referrals and Suspicious Activity Reports** (this index)
- Currency Transaction Report,  
Form 104, **App. 6A**
- Currency transaction report by  
casinos, Form 103, **App. 6G**
- False statements to federally  
insured financial institution,  
**4:6**
- Foreign bank and financial  
accounts, report of, Form  
90-22.1, **App. 6D**
- International transportation of cur-  
rency or monetary instru-  
ments, report of, Form 105,  
**App. 6B**
- Money laundering, **8:26, 8:46**
- Right to Financial Privacy Act,  
**9:28 to 9:30, 9:35**
- Sentencing, **11:55**
- Suspicious Activity Report, **App. 2K**

**REQUISITES OF COMPLAINT**

- Money laundering, **8:104**

**RESPONSE**

- Appearance, failure to appear in  
response to administrative  
subpoena, 12 U.S.C.  
§ 1818(n), **10:22**

**RESTITUTION**

- Fraud, **7:25**
- Money laundering, **8:29**

**RESTRAINT OF PROPERTY**

- Money laundering, **8:125**

**REWARD**

- Bribery, **5:7 et seq., 5:14, 5:15**

**RICO**

- Bank Secrecy Act, **6:79**

**RIGHT TO COUNSEL**

- Money laundering, **8:122**

**RIGHT TO FINANCIAL  
PRIVACY ACT**

- Generally, **9:1 et seq.**
- Administrative interpretations, **9:2**
- Bureau of Consumer Financial  
Protection, **9:49**
- Certificate of compliance and  
protection from liability, **9:53**
- Challenges. Customer challenges,  
infra
- Collecting on debt or processing  
government loan, **9:31**
- Consumer actions, protection  
against, **9:47**
- Criminal referrals and suspicious  
activity reports, **2:10, 2:20,  
2:33**
- Customer
  - Challenges
    - Generally, **9:16 et seq.**
    - Appeal, Subsection 3410(d),  
**9:19**
    - Court's decision, Subsection  
3410(c), **9:18**
    - Exclusive statutory procedure  
to oppose disclosure,  
Subsection 3410(e),  
**9:20**
    - Subsection 3410(a), **9:17**
  - Definitions, **9:6**
  - Disclosure, **9:11**

## INDEX

### RIGHT TO FINANCIAL

#### PRIVACY ACT—Cont'd

- Customer—Cont'd
  - Notification, **9:21 to 9:24**
  - Records, **9:32, 9:36**
  - Records, protecting, **9:9**
- Defenses, certificate of compliance and protection from liability, **9:53**
- Definitions
  - Customer and person, **9:6**
  - Financial institution, **9:3**
  - Financial record, **9:4**
  - Government authority, **9:5**
  - Law enforcement inquiry, **9:8**
  - Supervisory agency, **9:7**
- Delayed notification, **9:22**
- Disclosure
  - Generally, **9:10 et seq.**
  - Administrative subpoena or summons, **9:12**
  - Customer authorization, **9:11**
  - Customer challenges, **9:20**
  - Formal written requests, **9:15**
  - Internal Revenue Code process, disclosure pursuant to, **9:34**
  - Judicial subpoena, **9:14**
  - Permissible disclosure, **9:29**
  - Search warrants, **9:13**
  - Social Security and Railroad Retirement disclosure, **9:45**
  - Supervisory, regulatory, or monetary functions of financial institutions, disclosure pursuant to exercise of, **9:33**
- Emergency access, **9:23, 9:50**
- Exceptions, generally, **9:27 et seq.**
- Extensions of credit and conservatorship, **9:48**
- Financial institutions
  - Generally, **9:28 to 9:30, 9:33, 9:46, 9:47, 9:55**

### RIGHT TO FINANCIAL

#### PRIVACY ACT—Cont'd

- Financial institutions—Cont'd
  - Disclosures, scope and extent of permissible, **9:29**
  - Permissible disclosures, scope and extent, **9:29**
  - Safe harbors, **9:30**
  - Scope and extent of permissible disclosures, **9:29**
  - Section 3403(c) and 31 U.S.C.A. § 5318(g), safe harbors in, **9:30**
  - 31 U.S.C.A. § 5318(g) and Section 3403(c), safe harbors in, **9:30**
- Foreign intelligence, **9:50**
- Government Accountability Office, **9:44**
- Government loan guarantee program, **9:40**
- Grand jury
  - Generally, **9:42, 9:43**
  - Records produced pursuant to subpoena, **9:43**
- Insiders, records related to crimes against financial institutions by. Records and recording, *infra*
- Interagency transfer and use of documents, Section 3412
  - Generally, **9:25, 9:26**
  - Application to intra-agency transfers and intergovernmental transfers, **9:26**
  - Intergovernmental transfers, application to, **9:26**
  - Intra-agency transfers, application to, **9:26**
  - Securities and Exchange Commission rules, **9:52**
- Intergovernmental transfers, **9:26**
- Intra-agency transfers, **9:26**
- Investigation of institution and government loan guarantees, **9:38 to 9:41**

**RIGHT TO FINANCIAL**

**PRIVACY ACT—Cont'd**

- Law enforcement inquiry for identifying information, **9:37**
- Legislative interpretations, **9:2**
- Non-target exception, **9:39**
- Notice, **9:21 to 9:24**
- Permissible disclosures, scope and extent, **9:29**
- Preemption and state law, **9:60**
- Protection against consumer actions, **9:47**
- Records and recording
  - Consumer actions, protection against, **9:47**
  - Customer records, **9:32, 9:36**
  - Customer records, protecting, **9:9**
  - Definition of financial record, **9:4**
  - Government, records required to be reported to, **9:35**
  - Insiders, records related to crimes against financial institutions by
    - Generally, **9:46, 9:47**
    - Consumer actions, protection against, **9:47**
  - Protection against consumer actions, **9:47**
- Records produced pursuant to grand jury subpoena, **9:43**
- Reimbursement, **9:59**
- Safe harbors, **9:30**
- Sanctions
  - Generally, **9:54 et seq.**
  - Civil penalties against government agencies and financial institutions, **9:55**
  - Disciplinary action against federal employee, **9:56**
  - Exclusive remedy, **9:57**
  - Injunctive relief, **9:58**
  - Secret service, **9:50**

**RIGHT TO FINANCIAL**

**PRIVACY ACT—Cont'd**

- Section 3403(c) and 31 U.S.C.A. § 5318(g), safe harbors in, **9:30**
- Securities and Exchange Commission
  - Generally, **9:51, 9:52**
  - Interagency transfers under SEC rules, **9:52**
- Social Security and Railroad Retirement disclosure, **9:45**
- Special procedure exemption, **9:50**
- 31 U.S.C.A. § 5318(g) and Section 3403(c), safe harbors in, **9:30**
- United States Attorneys' Manual, Title 9: Criminal Resource Manual
  - (December 31, 1984 ed.), §§ 9-4.800 et seq., **App. 9A**
  - Amendments to Right to Financial Privacy Act (October 1, 1990 ed.), §§ 9-105.960 et seq., **App. 9B**
  - §§ 400 et seq., **App. 9D**
- Voluntary notification, gag orders, and 1986 amendments, **9:24**

**SAFE HARBORS**

- Right to Financial Privacy Act, **9:30**

**SAFETY**

- Sentencing, **11:9, 11:21, 11:33, 11:38**

**SANCTIONS**

- Criminal referrals and suspicious activity reports, **2:11**
- Right to Financial Privacy Act** (this index)

**SATISFACTION**

- Bank Secrecy Act, **6:86**

## INDEX

### SAVINGS AND LOAN INSTITUTIONS

Administrative proceedings, referrals from, **2:27**

**Criminal Referrals and Suspicious Activity Reports** (this index)

Examination process, referrals from, **2:26**

### SCHEME

**Fraud** (this index)

Sentencing, **11:11, 11:32**

### SEARCH AND SEIZURE

Bank Secrecy Act, **6:74**

Criminal referrals and suspicious activity reports, **2:32**

False statements to federally insured financial institution, **4:34**

Money laundering, **8:125**

### SEARCH WARRANTS

Right to Financial Privacy Act, **9:13**

### SECONDARY TRANSACTIONS

Money laundering, **8:69**

### SECRECY

**Bank Secrecy Act** (this index)

Criminal referrals and suspicious activity reports, **2:31**

### SECRETARY

Bank Secrecy Act, **6:44 to 6:46, 6:104 to 6:106**

### SECRET SERVICE

Right to Financial Privacy Act, **9:50**

### SECURITIES

Bank Secrecy Act, **6:25**

### SECURITIES AND EXCHANGE COMMISSION

Right to Financial Privacy Act, **9:51, 9:52**

### SEIZURE

See **Search and Seizure** (this index)

### SENTENCING

Generally, **11:1 et seq.**

Acceptance of responsibility, **11:84 to 11:87**

Actual loss, **11:26**

Adjustments

Generally, **11:60 et seq.**

Abuse of position of trust or special skill, **11:71 to 11:77**

Aggravating role in offense, **11:64 to 11:66**

Mitigating role in offense, **11:67 to 11:70**

Obstruction of justice, **11:78 to 11:81**

Vulnerable victim, **11:61 to 11:63**

Administrative order, **11:14**

Affected financial institution, **11:22**

Affecting financial institution, **11:34**

Amount of loss, **11:7, 11:19, 11:25 et seq.**

Bankruptcy proceedings, enhancement for fraudulent conduct in, **11:15**

Charitable or other affiliation, enhancement for misrepresentation for, **11:13**

Commercial bribery applicable to violations of 18 U.S.C. § 215, **11:35**

Consecutive sentences and statutory maximums, **11:90**

Criminal history, **11:88**

Criminally-derived property applicable to 18 U.S.C. § 1957, transactions in, **11:50**

Defraud more than one victim, enhancement for scheme to, **11:11**

**SENTENCING—Cont'd**

Departures, **11:30, 11:91**  
 Deriving more than \$1,000,000 from financial institution, **11:10**  
 Drug-related activity, **11:44, 11:52**  
 Expected loss, **11:26**  
 Ex post facto considerations, **11:96**  
 False statements to federally insured financial institution, **4:44 et seq.**  
 Financial institutions  
   Affected financial institution, **11:22**  
   Affecting financial institution, **11:34**  
   Jeopardizing safety and soundness of financial institution, **11:21, 11:33, 11:38**  
 Fines, **11:95**  
 Foreign bank accounts, enhancement for use of, **11:16**  
 Former Guideline § 2B1.1, applicable to violations of 18 U.S.C. §§ 656-657.  
   Guidelines applicable to violations of 18 U.S.C. §§ 656, 657, 1005, 1006, 1014, and 1344, *infra*  
 Former Guideline § 2B1.1.  
   Guidelines Applicable to Violations of 18 U.S.C. §§ 656, 657, 1005, 1006, 1014, and 1344, *infra*  
 Former Guideline § 2F1.1, applicable to violations of 18 U.S.C. §§ 656, 657, 1005, 1006, 1014, and 1344.  
   Guidelines applicable to violations of 18 U.S.C. §§ 656, 657, 1005, 1006, 1014, and 1344, *infra*  
 Former Guideline § 2F1.1.  
   Guidelines Applicable to Violations of 18 U.S.C.

**SENTENCING—Cont'd**

§§ 656, 657, 1005, 1006, 1014, and 1344, *infra*  
 Former Guideline § 2S1.1.  
   Guidelines applicable to violations of the money laundering statutes, 18 U.S.C. §§ 1956, 1957, and 1960, *infra*  
 Former Guideline § 2S1.2.  
   Guidelines applicable to violations of the money laundering statutes, 18 U.S.C. §§ 1956, 1957, and 1960, *infra*  
 Fraudulent conduct in bankruptcy proceedings, **11:15**  
 Gross gain, **11:29**  
 Guideline § 2B4.1, **11:35 to 11:39**  
 Guideline § 2B1.1. Guidelines  
   Applicable to Violations of 18 U.S.C. §§ 656, 657, 1005, 1006, 1014, and 1344, *infra*  
 Guideline § 2J1.2, obstruction of justice applicable to violations of 18 U.S.C. §§ 1510, 1517, and 1519, **11:39, 11:40**  
 Guideline § 2S1.3, applicable to certain violations of the Bank Secrecy Act (31 U.S.C. §§ 5313, 5314, 5316, 5318, 5318A, and 5324)  
 Generally, **11:55 et seq.**  
 Intended to promote unlawful activity, **11:59**  
 Proceeds of unlawful activity, **11:58**  
 Unlawful activity, intended to promote, **11:59**  
 Unlawful activity, proceeds of, **11:58**  
 Value of funds, **11:57**  
 Guidelines applicable to violations of the money laundering statutes, 18 U.S.C. §§ 1956, 1957, and 1960  
 Drug-related activity, proceeds



## INDEX

### SENTENCING—Cont'd

Guidelines applicable to violations of the money laundering statutes, 18 U.S.C. §§ 1956, 1957, and 1960—Cont'd of, **11:44, 11:48, 11:52**

Former Guideline § 2S1.1

Generally, **11:46 et seq.**

Drug-related activity, proceeds of, **11:48**

Funds, value of, **11:49**

Proceeds of drug-related activity, **11:48**

Value of funds, **11:49**

Former Guideline § 2S1.2

Generally, **11:50 et seq.**

Drug-related activity, proceeds of, **11:52**

Illegal activity, proceeds of specified, **11:53**

Proceeds of drug-related activity, **11:52**

Proceeds of specified illegal activity, **11:53**

Specified illegal activity, proceeds of, **11:53**

Guideline 2S1.1

Generally, **11:41 et seq.**

Drug-related activity, offenses involving proceeds of, **11:44**

Money laundering, sophisticated, **11:45**

Offenses involving proceeds of drug-related activity, **11:44**

Proceeds of drug-related activity, offenses involving, **11:44**

Sophisticated money laundering, **11:45**

Illegal activity, proceeds of specified, **11:53**

Money laundering, sophisticated, **11:45**

### SENTENCING—Cont'd

Guidelines applicable to violations of the money laundering statutes, 18 U.S.C. §§ 1956, 1957, and 1960—Cont'd

Proceeds of drug-related activity, **11:44, 11:48, 11:52**

Proceeds of specified illegal activity, **11:53**

Sophisticated money laundering, **11:45**

Specified illegal activity, proceeds of, **11:53**

Value of funds, **11:49**

Guidelines applicable to violations of 18 U.S.C. §§ 656, 657, 1005, 1006, 1014, and 1344

Actual loss, **11:26**

Administrative order, **11:14**

Affected financial institution, **11:22**

Affecting financial institution, **11:34**

Amount of loss, **11:7, 11:19, 11:25 et seq.**

Bankruptcy proceedings, enhancement for fraudulent conduct in, **11:15**

Charitable or other affiliation, enhancement for misrepresentation for, **11:13**

Defraud more than one victim, enhancement for scheme to, **11:11**

Departures, **11:30**

Deriving more than § d1,000,000 from financial institution, **11:10**

Expected loss, **11:26**

Foreign bank accounts, enhancement for use of, **11:16**

Former Guideline § 2B1.1, applicable to violations of 18 U.S.C. §§ 656-657

Generally, **11:17 et seq.**

**SENTENCING—Cont'd**

Guidelines applicable to violations of 18 U.S.C. §§ 656, 657, 1005, 1006, 1014, and 1344 —Cont'd

Former Guideline § 2B1.1, applicable to violations of 18 U.S.C. §§ 656-657 —Cont'd

Affected financial institution, **11:22**

Amount of loss, **11:19**

Jeopardizing safety and soundness of financial institution, **11:21**

More than minimal planning, **11:20**

Former Guideline § 2F1.1, applicable to violations of 18 U.S.C. §§ 656, 657, 1005, 1006, 1014, and 1344

Generally, **11:23 et seq.**

Actual loss, **11:26**

Affecting financial institution, **11:34**

Amount of loss, generally, **11:25 et seq.**

Departures, **11:30**

Expected loss, **11:26**

Gross gain, **11:29**

Intended loss, **11:27**

Jeopardizing safety and soundness of financial institution, **11:33**

More than minimal planning, **11:31**

Probable loss, **11:28**

Scheme to defraud more than one victim, **11:32**

Fraudulent conduct in bankruptcy proceedings, **11:15**

Gross gain, **11:29**

Guideline 2B1.1

Generally, **11:6 et seq.**

**SENTENCING—Cont'd**

Guidelines applicable to violations of 18 U.S.C. §§ 656, 657, 1005, 1006, 1014, and 1344 —Cont'd

Guideline 2B1.1—Cont'd

Administrative order, enhancement for violation of, **11:14**

Amount of loss, **11:7**

Bankruptcy proceedings, enhancement for fraudulent conduct in, **11:15**

Charitable or other affiliation, enhancement for misrepresentation for, **11:13**

Defraud more than one victim, enhancement for scheme to, **11:11**

Deriving more than \$ d1,000,000 from financial institution, **11:10**

Foreign bank accounts, enhancement for use of, **11:16**

Fraudulent conduct in bankruptcy proceedings, **11:15**

Jeopardizing safety and soundness of financial institution, **11:9**

Judicial order, enhancement for violation of, **11:14**

Mass marketing to commit offense, enhancement for use of, **11:12**

Misrepresentation of charitable or other affiliation, **11:13**

Multiple victims, enhancement for scheme to defraud, **11:11**

§ D1,000,000 from financial institution, enhancement for deriving more than, **11:10**

## INDEX

### SENTENCING—Cont'd

- Guidelines applicable to violations of 18 U.S.C. §§ 656, 657, 1005, 1006, 1014, and 1344—Cont'd
  - Guideline 2B1.1—Cont'd
    - Safety of financial institution, enhancement for jeopardizing, **11:9**
    - Scheme to defraud more than one victim, **11:11**
    - Sophisticated means, **11:8**
    - Soundness of financial institution, enhancement for jeopardizing, **11:9**
    - Use of foreign bank accounts, **11:16**
    - Use of mass marketing to commit offense, **11:12**
    - Use of sophisticated means, **11:8**
    - Violation of judicial or administrative order, **11:14**
  - Intended loss, **11:27**
  - Jeopardizing safety and soundness of financial institution, **11:9, 11:21, 11:33**
  - Judicial order, **11:14**
  - Mass marketing to commit offense, enhancement for use of, **11:12**
  - Misrepresentation of charitable or other affiliation, **11:13**
  - More than minimal planning, **11:20, 11:31**
  - Multiple victims, enhancement for scheme to defraud, **11:11**
  - § D1,000,000 from financial institution, enhancement for deriving more than, **11:10**
  - Probable loss, **11:28**
  - Safety of financial institution, enhancement for jeopardizing, **11:9**

### SENTENCING—Cont'd

- Guidelines applicable to violations of 18 U.S.C. §§ 656, 657, 1005, 1006, 1014, and 1344—Cont'd
  - Scheme to defraud more than one victim, **11:11, 11:32**
  - Sophisticated means, **11:8**
  - Soundness of financial institution, enhancement for jeopardizing, **11:9**
  - Use of foreign bank accounts, **11:16**
  - Use of mass marketing to commit offense, **11:12**
  - Use of sophisticated means, **11:8**
  - Violation of judicial or administrative order, **11:14**
- Guideline selection
  - Generally, **11:4**
  - Relevant conduct, **11:5**
- Guideline § 2S1.1. Guidelines applicable to violations of the money laundering statutes, 18 U.S.C. §§ 1956, 1957, and 1960, *infra*
- Guidelines system, generally, **11:2**
- Illegal activity, proceeds of specified, **11:53**
- Intended loss, **11:27**
- Intended to promote unlawful activity, **11:59**
- Jeopardizing safety and soundness of financial institution, **11:9, 11:21, 11:33, 11:38**
- Judicial order, **11:14**
- Mass marketing to commit offense, enhancement for use of, **11:12**
- Misrepresentation of charitable or other affiliation, **11:13**
- Money laundering. Guidelines Applicable to Violations of Money Laundering Statutes,

**SENTENCING—Cont'd**

18 U.S.C. § 1956, 1957, and 1960, *supra*  
 More than minimal planning, **11:20, 11:31**  
 Multiple counts, **11:82, 11:83**  
 Multiple victims, enhancement for scheme to defraud, **11:11**  
 § D1,000,000 from financial institution, enhancement for deriving more than, **11:10**  
 Probable loss, **11:28**  
 Proceeds, **11:44, 11:48, 11:52, 11:53, 11:58**  
 Range of sentencing, **11:89 to 11:94**  
 Relevant conduct, **11:5**  
 Scheme to defraud more than one victim, **11:11, 11:32**  
 Sophisticated means, **11:8**  
 Sophisticated money laundering, **11:45**  
 Specified illegal activity, proceeds of, **11:53**  
 Structuring or failing to report transactions applicable to violations of 31 U.S.C. §§ 5313, 5314, 5316 and 5324, **11:55**  
 2001 consolidation of certain guidelines, **11:3**  
**United States Sentencing Commission Guidelines Manual** (this index)  
 Unlawful activity, **11:58, 11:59**  
 Use of foreign bank accounts, **11:16**  
 Use of mass marketing to commit offense, **11:12**  
 Use of sophisticated means, **11:8**  
 Value, **11:37, 11:49, 11:54, 11:57**  
 Violation of judicial or administrative order, **11:14**

**SIGNATURE**

False statements to federally insured financial institution, **4:38, 4:39**

**SIXTH AMENDMENT**

Money laundering, **8:76**

**SKILL**

Sentencing adjustments, **11:71 to 11:77**

**SMUGGLING CURRENCY**

Bank Secrecy Act, **6:53**

**SOCIAL SECURITY**

Right to Financial Privacy Act, **9:45**

**SOLICITATION**

Bribery, **5:13**

**SOPHISTICATED MEANS**

Sentencing, **11:8**

**SOPHISTICATED MONEY LAUNDERING**

Sentencing, **11:45**

**SOUNDNESS**

Sentencing, **11:9, 11:21, 11:33, 11:38**

**SPECIAL ACTIVITIES**

Criminal referrals and suspicious activity reports, **2:23**

Description of FDIC Special Activities section (formerly the Intelligence Section) (FDIC Memorandum) (June 15, 1988), **App. 2E**

**SPECIAL PROCEDURE EXEMPTION**

Right to Financial Privacy Act, **9:50**

**SPECIAL SKILL**

Sentencing adjustments, **11:71 to 11:77**

## INDEX

### SPECIFIC NATURE OF UNLAWFUL ACTIVITY

Money laundering, **8:7**

### SPECIFIED ILLEGAL ACTIVITY

Sentencing, **11:53**

### SPECIFIED UNLAWFUL ACTIVITY

**Money Laundering** (this index)

### STATE CRIMINAL JUSTICE SYSTEM

Federal criminal justice system,  
**1:1**

### STATE LAW

Criminal referrals and suspicious  
activity reports, **2:7**

Right to Financial Privacy Act,  
**9:60**

### STATUTES

Generally, **10:1 et seq.**

Administrative proceedings, 12  
U.S.C. § 1818(n), failure to  
appear in response to  
administrative subpoena,  
**10:22**

Appear, 12 U.S.C. § 1818(n), fail-  
ure to appear in response to  
administrative subpoena,  
**10:22**

Bank Holding Company Act, 12  
U.S.C. § 1847, violations of  
Bank Holding Company Act,  
**10:17**

**Bank Secrecy Act** (this index)

Bribery, defenses, **5:17**

Concealment of assets, 18 U.S.C.  
§ 1032, **10:2, 10:3**

Conservator or receiver, 12 U.S.C.  
§ 1464(d)(4), refusal to  
comply with demand of con-  
servator or receiver, **10:19**

Continuing financial crimes  
enterprise, 18 U.S.C. § 225,

### STATUTES—Cont'd

continuing financial crimes  
enterprise, **10:6, 10:7**

Convicted felon, 12 U.S.C.  
§ 1829, participation in  
affairs of financial institution  
by convicted felon, **10:20**

Corruptly impeding conservator or  
receiver, 18 U.S.C. § 1032,  
**10:4**

Corruptly placing assets beyond  
reach of conservator or  
receiver, 18 U.S.C. § 1032,  
**10:5**

Demand of conservator or  
receiver, 12 U.S.C.  
§ 1464(d)(4), refusal to  
comply with demand of con-  
servator or receiver, **10:19**

18 U.S.C. § 1032, **10:2 to 10:5**

18 U.S.C. § 1510(b)(1), **10:13**

18 U.S.C. § 1510(b)(2), **10:14**

18 U.S.C. § 225, continuing  
financial crimes enterprise,  
**10:6, 10:7**

18 U.S.C. § 1007, false statements  
to FDIC, **10:16**

18 U.S.C. § 1510, obstructing  
criminal investigation  
through disclosure of grand  
jury subpoenas, **10:12 to  
10:14**

18 U.S.C. § 1517, obstructing  
examination of financial  
institution, **10:8**

False statements, 18 U.S.C.  
§ 1007, false statements to  
FDIC, **10:16**

### FDIC

18 U.S.C. § 1007, false state-  
ments to FDIC, **10:16**

Federal Bank Bribery Act,  
guidelines for compliance  
with, **App. 5C**

Felon, 12 U.S.C. § 1829,  
participation in affairs of

**STATUTES—Cont'd**

- financial institution by convicted felon, **10:20**
- Financial institution
  - 12 U.S.C. § 1818(j), participation in affairs of financial institution by person subject to removal and prohibition or suspension order, **10:21**
  - 12 U.S.C. § 1829, participation in affairs of financial institution by convicted felon, **10:20**
- Justice Department Handbook, Anti-Drug Abuse Act of 1986 (Excerpt) (March 1987), **App. 8A**
- Order, 12 U.S.C. § 1818(j), participation in affairs of financial institution by person subject to removal and prohibition or suspension order, **10:21**
- Participation
  - 12 U.S.C. § 1818(j), participation in affairs of financial institution by person subject to removal and prohibition or suspension order, **10:21**
  - 12 U.S.C. § 1829, participation in affairs of financial institution by convicted felon, **10:20**
- Penalties, 12 U.S.C. § 1467a(i), **10:18**
- Receiver, 12 U.S.C. § 1464(d)(4), refusal to comply with demand of conservator or receiver, **10:19**
- Removal, 12 U.S.C. § 1818(j), participation in affairs of financial institution by person subject to removal and prohibition or suspension order, **10:21**

**STATUTES—Cont'd**

- Response, 12 U.S.C. § 1818(n), failure to appear in response to administrative subpoena, **10:22**
- Right to Financial Privacy Act** (this index)
- Sentencing, consecutive sentences and statutory maximums, **11:90**
- Subpoena, 12 U.S.C. § 1818(n), failure to appear in response to administrative subpoena, **10:22**
- Suspension order, 12 U.S.C. § 1818(j), participation in affairs of financial institution by person subject to removal and prohibition or suspension order, **10:21**
- Travel Act, 18 U.S.C. § 1952, **6:78**
- 12 U.S.C. § 1464(d)(4), refusal to comply with demand of conservator or receiver, **10:19**
- 12 U.S.C. § 1818(j), participation in affairs of financial institution by person subject to removal and prohibition or suspension order, **10:21**
- 12 U.S.C. § 1818(n), failure to appear in response to administrative subpoena, **10:22**
- 12 U.S.C. § 1829, participation in affairs of financial institution by convicted felon, **10:20**
- 12 U.S.C. § 1847, violations of Bank Holding Company Act, **10:17**
- 12 U.S.C. § 1467a(i), penalties, **10:18**

**STAY**

- Money Laundering** (this index)

**STING OPERATION**

- Money Laundering** (this index)

## INDEX

### STRUCTURING

Money laundering, **8:97**  
Sentencing, **11:55**

### SUBPOENA

18 U.S.C. § 1510, obstructing  
criminal investigation  
through disclosure of grand  
jury subpoenas, **10:12 to  
10:14**  
Right to Financial Privacy Act,  
**9:12, 9:14, 9:42, 9:43**  
12 U.S.C. § 1818(n), failure to  
appear in response to  
administrative subpoena,  
**10:22**

### SUBSEQUENTLY ACQUIRED KNOWLEDGE

Money laundering, **8:6, 8:69**

### SUBSTANTIAL ASSISTANCE

Sentencing, **11:91**

### SUBSTITUTE ASSETS

Money laundering, **8:100, 8:127**

### SUMMONS

Bank Secrecy Act, **6:104 to 6:106**  
Right to Financial Privacy Act,  
**9:12**

### SUPERVISORY AGENCY

Right to Financial Privacy Act, **9:7**

### SUPERVISORY FUNCTIONS

Right to Financial Privacy Act,  
**9:33**

### SUPPRESSION OF EVIDENCE

False statements to federally  
insured financial institution,  
**4:33, 4:34**

### SUSPECTED CRIMES AND SUSPICIOUS ACTIVITY

Criminal referrals and suspicious  
activity reports, **2:9**

### SUSPENSION ORDER

12 U.S.C. § 1818(j), participation  
in affairs of financial institu-  
tion by person subject to  
removal and prohibition or  
suspension order, **10:21**

### SUSPICIOUS ACTIVITY OR TRANSACTIONS

As to suspicious activity, gener-  
ally. See **Criminal Referrals  
and Suspicious Activity  
Reports** (this index)  
Bank Secrecy Act, **6:40, 6:41**  
Suspicious activity report  
Generally, **App. 2K**  
See also **Criminal Referrals  
and Suspicious Activity  
Reports** (this index)

### TECHNICALLY ACCURATE TRANSACTIONS

Misapplication, embezzlement,  
and false entries, **3:40**

### TECS

Bank Secrecy Act, **6:17**

### THEFT

Sentencing, **11:17**

### TIMING

False statements to federally  
insured financial institution,  
**4:20**

### TITLE

Money laundering, **8:114**

### TO INFLUENCE OR REWARD

Bribery, **5:9**

### TRACEABLE ASSETS OR PROPERTY

Bank Secrecy Act, **6:98**  
Money laundering, **8:96, 8:97,  
8:127**

### TRANSACTION

Money laundering, **8:11**

**TRANSPORTATION OF  
MONETARY INSTRUMENT**

Bank Secrecy Act, **6:35, 6:36,  
6:50**

Form 105, Report of International  
Transportation of Currency or  
Monetary Instruments, **App.  
6B**

**Money Laundering** (this index)

**TRAVEL ACT**

Bank Secrecy Act, **6:78**

**TREASURY ENFORCEMENT  
COMMUNICATIONS  
SYSTEM**

Bank Secrecy Act, **6:17**

**TREASURY INFORMATION  
SYSTEMS**

**Bank Secrecy Act** (this index)

**TRUST**

Sentencing adjustments, **11:71 to  
11:77**

**TRUTH**

**False Statements to Federally  
Insured Financial Institu-  
tion** (this index)

**UNITED STATES**

Conspiracy to defraud United  
States, 18 U.S.C. § 371, **6:77**

**UNITED STATES ATTORNEYS'  
MANUAL, TITLE 9**

Criminal Resource Manual  
§§ 2101-2104, **App. 8D**

Access to and disclosure of  
financial records (October  
1999), §§ 9-13.800, **App.  
9C**

Amendments to Right to  
Financial Privacy Act  
(October 1, 1990 ed.),  
§§ 9-105.960 et seq., **App.  
9B**

**UNITED STATES ATTORNEYS'  
MANUAL, TITLE 9—Cont'd**

Criminal Resource Manual  
—Cont'd

Bank bribery (November 5,  
1985 ed.), §§ 9-40.500 et  
seq., **App. 5A**

Bank frauds and related offen-  
ses

§§ 814-816, **App. 4A**

§§ 829-836, **App. 5B**

§§ 825-828, **App. 7A**

§§ 801-813 and 817-837,  
**App. 3A**

Money laundering (October  
1997), §§ 9-105.000 et  
seq., **App. 8C**

Offenses under 18 U.S.C.  
§§ 1956, 1957 (October 1,  
1990), §§ 9-105.000 et  
seq., **App. 8B**

Right to Financial Privacy Act,  
§§ 400 et seq., **App. 9D**

Right to Financial Privacy Act  
(December 31, 1984 ed.),  
§§ 9-4.800 et seq., **App.  
9A**

**UNITED STATES ATTORNEYS'  
OFFICES**

Federal criminal justice system,  
**1:5**

**UNITED STATES SENTENCING  
COMMISSION  
GUIDELINES MANUAL**

Commentary to § 2B1.1, **App.  
11A**

Commentary to § 2B4.1, **App.  
11B**

Commentary to § 2F1.1, **App.  
11C**

Commentary to § 2J1.2, **App. 11D**

Commentary to § 2S1.1, **App. 11E**

Commentary to § 2S1.2, **App. 11F**

Commentary to § 2S1.3, **App.  
11G**



## INDEX

### UNITED STATES SENTENCING COMMISSION

#### GUIDELINES MANUAL

##### —Cont'd

Commentary to § 2S1.4, **App.  
11H**

### UNLAWFUL ACTIVITY

Sentencing, **11:58, 11:59**

### UNLAWFUL PARTICIPATION OFFENSES

Misapplication, embezzlement,  
and false entries, **3:46, 3:47**

### VAGUENESS

Misapplication, embezzlement,  
and false entries, **3:50**

### VALIDITY

Bank Secrecy Act, **6:44 to 6:46**

### VALUE

Bank Secrecy Act, **6:90, 6:91**

False statements to federally  
insured financial institution,  
**4:6**

Money laundering, **8:70**

Sentencing, **11:37, 11:49, 11:54,  
11:57**

### VARIANCE

False statements to federally  
insured financial institution,  
**4:27**

Misapplication, embezzlement,  
and false entries, **3:52**

### VENUE

Bank Secrecy Act, **6:102**

False statements to federally  
insured financial institution,  
**4:31**

Money laundering, **8:61, 8:115**

### VESTING OF TITLE

Money laundering, **8:114**

### VICARIOUS LIABILITY

Bank Secrecy Act, **6:64**

### VICTIM

Criminal referrals and suspicious  
activity reports, **2:4**

Fraud, **7:10, 7:11**

Sentencing, former Guideline  
§ 2F1.1, **11:32**

Sentencing adjustments, **11:61 to  
11:66**

### VIOLATION OF BANKING REGULATIONS

Fraud, **7:29**

Misapplication, embezzlement,  
and false entries, **3:44**

### VOLUNTARY NOTIFICATION

Right to Financial Privacy Act,  
**9:24**

### VULNERABLE VICTIM

Sentencing adjustments, **11:61 to  
11:66**

### WARRANTLESS SEARCHES

Criminal referrals and suspicious  
activity reports, **2:32**

### WARRANTS

Right to Financial Privacy Act,  
**9:13**

### WILLFUL ACTS AND MATTERS

Bank Secrecy Act, **6:52, 6:57,  
6:83**

False statements to federally  
insured financial institution,  
**4:5**

### WITNESSES

Bank Secrecy Act, **6:75**

False statements to federally  
insured financial institution,  
**4:36**

### WRITTEN REQUESTS

Right to Financial Privacy Act,  
**9:15**