

FEDERAL RESERVE BANK  
OF NEW YORK

*H. C. No. 10308*  
September 1, 1989

BANK SECRECY ACT

New Currency Transaction Report Form, Effective January 1, 1990

To the Chief Executive Officer of Each State Member Bank, Edge Corporation,  
and Noninsured Branch or Agency of a Foreign Bank, in the Second Federal Reserve District:

The Department of the Treasury has revised IRS Form 4789, the Currency Transaction Report, for use in reporting transactions *after December 31, 1989*. An information copy of the revised report, together with a related press release, instructions, and exemption rulings, are enclosed. **Please note that the revised form cannot be used for transactions occurring before January 1, 1990**; the current version of IRS Form 4789 should be used for 1989 transactions.

As indicated in the accompanying press release, the more significant changes in the form are:

- Inclusion of the date of birth of both the individual conducting a reportable transaction and any individuals on whose behalf it was made;
- Inclusion of the social security number of the individual conducting the transaction;
- Inclusion of the telephone number of a contact person to answer questions about the report;
- Elimination of detailed information on checks and wire transfers involved in the reported transaction; and
- A new filing address for the form.

In addition, as explained in the press release, camera-ready reproduction proofs of the revised form will be available *after October 1, 1989*, from the Internal Revenue Service Distribution Center. This Bank will not have proofs available for distribution.

The enclosed copies of the Department of the Treasury's Administrative Rulings 89-1 and 89-2 address special exemptions for groups of accounts belonging to the same customer and aggregation of multiple transactions involving exempted accounts. The rulings are issued pursuant to Section 103.75 of the Department of the Treasury's Financial Recordkeeping and Reporting Regulations, 31 CFR 103, Subpart F, which are published periodically in the *Federal Register*, the FDIC loose-leaf reporting service (available to all insured banks), and the Federal Reserve Regulatory Service. Questions regarding these rulings, or requests for information on previous rulings, should be addressed to:

Ms. Amy G. Rudnick, Director  
Office of Financial Enforcement  
Department of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, D.C. 20220  
(Phone: 202-566-8022)

If you have any other questions regarding these matters, please contact Ben J. Szwalbenest of this Bank's Compliance Examinations Department (Tel. No. 212-720-8136).

MARGARET E. BRUSH,  
*Assistant Chief Examiner.*

# TREASURY NEWS



Department of the Treasury • Washington, D.C. • Telephone 566-204

For Immediate Release  
July 20, 1989

Contact: Larry Batdorf  
566-2041

## TREASURY ANNOUNCES ISSUANCE OF NEW CURRENCY TRANSACTION REPORT FORM

The Department of the Treasury today announced that the Office of Management and Budget has approved use of a revised Form 4789, the Currency Transaction Report, a copy of which is attached. The form is used by financial institutions to report deposits, withdrawals, exchanges of currency, payments or other transfers of more than \$10,000 in currency, as required by the Bank Secrecy Act.

Filers must continue to use the present Form 4789 through December 31, 1989. The new form may be used only for transactions commencing January 1, 1990. Filers should note that the revised form cannot be used for transactions occurring prior to January 1, 1990.

Several changes have been made to the form. Some of the more significant ones are the inclusion of the date of birth of both the individual conducting a reportable transaction and any individuals on whose behalf it was made, the social security number of the individual conducting the transaction, and the telephone number of a contact person to answer any questions about the report. The current requirement of providing detailed information on checks and wire transfers involved in the reported transaction has been eliminated. The revised form will be filed at a new post office box. The new address for the revised form will be: Internal Revenue Service Detroit Computing Center, P.O. Box 33604, Detroit, Michigan, 48232-5604. This new address is not to be used for transactions occurring prior to January 1, 1990.

The instructions to the new form refer to BSA Administrative Ruling 89-5. This ruling, which will deal with the reporting of information on the person on whose behalf a reportable transaction is conducted, will be issued before October 1, 1989.

Informational copies of the revised form are available by contacting the Repro Coordinator, Internal Revenue Service Eastern Area Distribution Center, 4300 Carolina Avenue, Richmond, Virginia 23222. The telephone number is (804) 329-1056. Camera ready reproduction proofs will be available after October 1, 1989, at the above address.

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Copies of the printed forms for use by filers will be available through the regional Internal Revenue Service distribution centers on November 15, 1989. Again, these printed forms only may be used for transactions occurring after December 31, 1989.

Those wishing additional information should contact the Office of Financial Enforcement, Department of the Treasury, at (202) 566-8022.

# Currency Transaction Report

▶ **File a separate report for each transaction.** ▶ **Please type or print.**  
 ▶ **For Paperwork Reduction Act Notice, see page 3.**  
 (Complete all applicable parts—See instructions)

1 Check appropriate boxes if: a  amends prior report, b  exemption limit exceeded, c  suspicious transaction.

**Part I Identity of individual who conducted this transaction with the financial institution**

2 If more than one individual is involved, see instructions and check here . . . . . ▶

3 Reason items 4-15 below are not fully completed (check all applicable boxes): a  Armored car service (name) ▶  
 b  Mail deposit/shipment c  Night deposit or ATM transaction d  Multiple transactions (see instructions)

4 Last name 5 First name 6 Middle initial 7 Social security number

8 Address (number and street) 9 Occupation, profession, or business

10 City 11 State 12 ZIP code 13 Country (if not U.S.) 14 Date of birth (see instructions)

15 Method used to verify identity: a Describe identification ▶  
 b Issued by ▶ Number ▶

**Part II Person (see General Instructions) on whose behalf this transaction was conducted**

16 If this transaction was conducted on behalf of more than one person, see instructions and check here . . . . . ▶

17 This person is an:  individual or  organization 18 Trust, escrow, brokerage or other 3rd party account, see instructions and check here ▶

19 Individual's last name or organization's name 20 First name 21 Middle initial 22 Social security number

23 Alien identification: a Describe identification ▶  
 b Issued by ▶ c Number ▶ Employer identification number

24 Address (number and street) 25 Occupation, profession, or business

26 City 27 State 28 ZIP code 29 Country (if not U.S.) 30 Date of birth (see instructions)

**Part III Types of accounts and numbers affected by transaction (If more than one of the same type, use additional spaces provided below)**

31  Savings ▶ T  Securities ▶ H  CD/Money market ▶  
 Checking ▶ L  Loan ▶ O  Other (specify) ▶

**Part IV Type of transaction. Check applicable boxes to describe transaction**

32 E  Currency exchange (currency for currency)

33 CASH IN: F  CD/Money market purchased 34 CASH OUT: R  CD/Money market redeemed  
 D  Deposit H  For wire transfer C  Check cashed U  From wire transfer  
 G  Security purchased A  Receipt from abroad T  Security redeemed B  Shipment abroad  
 P  Check purchased K  Other (specify) ▶ W  Withdrawal Y  Other (specify) ▶

35 Total amount of currency transaction (in U.S. dollar equivalent) (always round up)  
 Cash in \$ .....00 Cash out \$ .....00  
 Cash out \$ .....00  Unknown

36 Amount in item 35 in U.S. \$100 bills or higher  
 Cash in \$ .....00 Cash out \$ .....00  Unknown

37 Date of transaction (see instructions)

38 If other than U.S. currency is involved, please furnish the following information: a Exchange made  for or  from U.S. currency  
 b Country ..... c Amount of currency (in U.S. dollar equivalent) \$ .....00  
 b Country ..... c Amount of currency (in U.S. dollar equivalent) \$ .....00

39 If a negotiable instrument or wire transfer was involved in this transaction, please furnish the following information and check this box (see instructions) ▶   
 a Number of negotiable instruments involved ..... c Total amount of all negotiable instruments and all wire transfers (in U.S. dollar equivalent) ▶ \$ .....00

**Part V Financial institution where transaction took place**

40 a  Bank (enter code number from instructions here) ▶ [ ]  
 b  Savings and loan association c  Credit union d  Securities broker/dealer e  Other (specify) ▶

41 Name of financial institution 42 Address where the transaction occurred (see instructions) 43 Employer identification number

44 City 45 State 46 ZIP code 47 MICR number Social security number

48 If this is a multiple transaction, please indicate: a Number of transactions ▶ ..... c ZIP codes ▶  
 b Number of branches ▶

49 Signature (preparer) 50 Title 51 Date

52 Type or print preparer's name 53 Approving official (signature) 54 Date 55 Telephone number ( )

Information copy  
Do Not File



### Multiple Transactions

(Complete applicable parts below if box 2 or 16 on page 1 is checked)

#### Part I Continued—Complete if box 2 on page 1 is checked

4 Last name		5 First name		6 Middle initial	7 Social security number	
8 Address (number and street)				9 Occupation, profession, or business		
10 City		11 State	12 ZIP code	13 Country (if not U.S.)		14 Date of birth (see instructions)
15 Method used to verify identity: a Describe identification ▶						
b Issued by ▶				c Number ▶		

4 Last name		5 First name		6 Middle initial	7 Social security number	
8 Address (number and street)				9 Occupation, profession, or business		
10 City		11 State	12 ZIP code	13 Country (if not U.S.)		14 Date of birth (see instructions)
15 Method used to verify identity: a Describe identification ▶						
b Issued by ▶				c Number ▶		

#### Part II Continued—Complete if box 16 on page 1 is checked

17 This person is an: <input type="checkbox"/> individual or <input type="checkbox"/> organization				18 If trust, escrow, brokerage or other 3rd party account, see instructions and check here <input type="checkbox"/>		
19 Individual's last name or Organization's name		20 First name		21 Middle initial	22 Social security number	
23 Alien identification: a Describe identification ▶						
b Issued by ▶				c Number ▶		
24 Address (number and street)				25 Occupation, profession, or business		
26 City		27 State	28 ZIP code	29 Country (if not U.S.)		30 Date of birth (see instructions)

17 This person is an: <input type="checkbox"/> individual or <input type="checkbox"/> organization				18 If trust, escrow, brokerage or other 3rd party account, see instructions and check here <input type="checkbox"/>		
19 Individual's last name or Organization's name		20 First name		21 Middle initial	22 Social security number	
23 Alien identification: a Describe identification ▶						
b Issued by ▶				c Number ▶		
24 Address (number and street)				25 Occupation, profession, or business		
26 City		27 State	28 ZIP code	29 Country (if not U.S.)		30 Date of birth (see instructions)

Information Copy  
Do Not File



**Paperwork Reduction Act Notice.**—The requested information is useful in criminal, tax, and regulatory investigations, for instance by directing the Federal Government's attention to unusual or questionable transactions. Financial institutions are required to provide the information under 31 CFR 103.22, 103.26, and 103.27.

The time needed to complete this form will vary depending on individual circumstances. The estimated average time is 24 minutes. If you have comments concerning the accuracy of this time estimate or suggestions for making this form more simple, we would be happy to hear from you. You can write to the Internal Revenue Service, Washington, DC 20224, Attention: IRS Reports Clearance Officer T:FP; or the Office of Management and Budget, Paperwork Reduction Project (1545-0183), Washington, DC 20503.

## General Instructions

**Filing Requirements.**—Each financial institution other than a casino must file a Form 4789 for each deposit, withdrawal, exchange of currency, or other payment or transfer, by, through, or to the financial institution which involves a transaction in currency of more than \$10,000. Multiple transactions must be treated as a single transaction if the financial institution has knowledge that: (1) they are for the benefit of any person, and (2) each is either cash or cash out of the financial institution totaling more than \$10,000 during any one business day. For a bank, a business day is the day on which transactions are routinely posted to customers' accounts, as normally communicated to depository customers. For all other financial institutions other than casinos, a business day is a calendar day.

This form also must be filed when a transaction conducted by a bank customer which has been granted an exemption from filing exceeds the exemption limit. (For bank exemptions, see 31 CFR 103.22 (b)). In addition, this form may be filed for any suspicious transaction, even if it does not exceed \$10,000.

**Identification Requirements.**—All individuals (except employees of armored car services) conducting a currency transaction for themselves or for another person must be positively identified by obtaining their name, address, social security or other identifying number, and date of birth. In addition, the individual's name and permanent address must be verified and recorded. See 31 CFR 103.27.

For individuals who are established customers, identifying information previously obtained from the customer and kept in the financial institution's records may be used for verification. For instance, if a customer's account was opened after documents establishing the person's identity were examined and recorded on the signature card, the financial institution may obtain that information from the signature card. However, statements such as "known customer" or "bank signature card on file" are not permitted. For a U.S. citizen, a driver's permit or any other written identification document acceptable to the financial institution in normal check cashing operations for nonaccountholders (other than a bank signature card) is acceptable for verification. For a nonresident alien, his or her passport, alien ID card, or other official document showing nationality or residence must be examined for verification.

**When and Where to File.**—File this form by the 15th day after the date of the transaction with the Internal Revenue Service Detroit Computing Center, P.O. Box 33604, Detroit, MI 48232-5604 ATTN: CTR or with your local IRS office. Keep a copy of each Form 4789 for 5 years from the date you file it.

**Penalties.**—Civil and criminal penalties (up to \$500,000 and 10 years imprisonment) are provided for failure to file a report or to supply information or for filing a false or fraudulent report. See 31 U.S.C. 5321 and 5322.

## Definitions

**Currency.**—The coin and currency of the United States or any other country, which circulates in and is customarily used and accepted as money in the country in which issued. It includes United States silver certificates, United States notes, and Federal Reserve notes, but does not include bank checks or other negotiable instruments not customarily accepted as money.

**Financial Institution.**—Each agency, branch, or office in the United States of any person doing business in one or more of the capacities listed:

- (1) a bank as defined in 31 CFR 103.11
- (2) a broker or dealer in securities, registered or required to be registered with the SEC;
- (3) a person who engages as a business dealing in or exchanging currency (for example, a dealer in foreign currency or a person engaged primarily in the business of check cashing);
- (4) a person who issues, sells, or redeems checks, money orders, or similar instruments except as provided in 31 CFR 103.11;
- (5) a licensed transmitter of funds or other person engaged in the business of transmitting funds;
- (6) a telegraph company;
- (7) the U.S. Postal Service with respect to selling money orders.

**Person.**—An individual, corporation, partnership, trust or estate, joint stock company, association, syndicate, joint venture, or other unincorporated organization or group, and all entities treated as legal personalities.

**Transaction in Currency.**—A transaction involving the physical transfer of currency from one person to another. A transaction in currency does not include a transfer of funds by means of bank check, bank draft, wire transfer or other written order that does not include the physical transfer of currency.

**Negotiable Instruments.**—For purposes of this form, all checks (including personal, business, bank, cashiers, and third-party checks), money orders, traveler's checks, certificates of deposit, and promissory notes.

## Specific Instructions

Because of the limited space available on the form, in supplying information requested, you may find it necessary to submit additional sheets of paper. If you must furnish additional information, submit it on plain paper and fasten the paper to the form. Be sure to reference the additional paper to the form, so that if it becomes separated, it can be reassociated.

**Item 1—Report filed for exceptional reason.**—If this report is filed because it amends a previously filed report, or because deposits or withdrawals exceed a bank customer's exemption limit, or because the transaction is suspicious, check the appropriate box(es) in Item 1. For an amended report, staple a copy of the previously filed report to this report and complete Part V and only those entries which you are amending.

For a suspicious transaction, you should telephone as soon as possible the local office of the Internal Revenue Service, Criminal Investigation Division, in addition to submitting this form. If you do not know the telephone number, call 1-800-BSA-CTRS, which will put you in contact with an IRS employee. This toll-free number is operational Monday through Friday, from approximately 9 a.m. to 6 p.m. Eastern time. See BSA Admin. Ruling 88-1.

**Part I—Identity of individual(s) who conducted the transaction.**—Always complete this part.

**Item 2—Multiple individuals.**—Check the box if two or more individuals conducted the transaction you are reporting. Enter information in Part I for one of the individuals. Enter information on the back of the form for the remaining individuals. For example, if John Doe and Thomas Smith enter your financial institution together and each one deposits \$6,000 in cash

into their joint account, more than one individual has conducted the transaction. Provide information on either John or Thomas in Part I on the front of the form, and information on the other individual in Part I on the back. If more than three individuals are involved, provide identifying information on additional sheets of paper and attach them to this report.

**Item 3—Excluding certain identifying information.**—Check the appropriate box or boxes (a, b, c, or d) in Item 3 if you are reporting any of the following transactions: a withdrawal or deposit by an armored car service, a mail deposit or shipment, a night deposit or ATM transaction, or multiple transactions where none of the individual transactions exceeds \$10,000 or the exemption limit. For withdrawals or deposits by an armored car service only (Box 3a), you must enter the complete name of the armored car service. However, you need not complete Items 4-15. For mail deposits and shipments (Box 3b), night deposits and ATM transactions (Box 3c), and multiple transactions where none of the individual transactions exceeds \$10,000 or the exemption limit (Box 3d), all of the information might not be available. For these transactions, check the appropriate box or boxes and complete as many of Items 4-15 as you can. Complete as much of the back of the form as you can, as well, if Box 3d is checked.

**Items 4, 5, and 6—Name of individual who conducted the transaction.**—Please complete these items with the name of the individual who actually conducted the transaction with your financial institution. For example, if James B. Jones, an employee of Bill's Grocery Store, makes a deposit into Bill's Grocery Store's account, the name of James B. Jones (not Bill's Grocery Store) would be filled in here. Enter the individual's last name in Item 4, first name in Item 5, and middle initial in Item 6.

**Item 7—Social security number.**—The social security number of the individual whose name you entered in Items 4, 5, and 6 must be filled in here. If that individual is an alien who does not have a social security number, write NONE in the space, and complete Item 15.

**Items 8, 10, 11, 12, and 13—Address.**—Enter the permanent street address, including ZIP code, of the individual whose name you entered in Items 4, 5, and 6. Item 11 will always be the 2-letter state abbreviation used by the Postal Service. A P.O. box number may never be used by itself and may only be used if there is no street address. If a P.O. box number is used, the name of the street, road, or route number where the person lives must be provided in Item 8 along with the P.O. box number.

**Item 9—Occupation, profession, or business.**—Fully identify the occupation, profession or business of the individual whose name was entered in Items 4, 5, and 6, for example, secretary, shoe salesman, insurance salesman, carpenter, attorney, etc. Do not use nondescriptive terms such as merchant, self-employed, businessman, etc.

**Item 14—Date of birth.**—The date of birth of the individual whose name you entered in Items 4, 5, and 6 must be included here. Six numerals must be inserted for each date. The first two numerals will reflect the month of birth, the second two numerals the calendar day of birth, and the last two numerals the year of birth. Zero (0) should precede any single-digit number. For example, if the individual's birth date was April 3, 1948, Item 14 should be filled in as 04 03 48.

**Item 15—Method used to verify identity.**—Review the identification requirements under *General Instructions*. Then, in Item a, enter the type of document used to verify the individual's identity, such as driver's license, passport, etc. In Item b, provide the name of the issuer of the document you entered in Item a. For example, if a driver's license was used to verify the individual's identity, provide the name of the state that issued the license in Item b. Enter the number of the license, passport, etc., in Item c.



**Part II—Person on whose behalf this transaction was conducted.**—Refer to the definition of *Person* on page 3. If the individual in Part I conducted the transaction for himself or herself only, do not complete Part II. If the individual in Part I is conducting a transaction for another person, Part II must be completed. If the individual in Part I conducted the transaction for himself or herself and another person, Part II must be completed. (See the instructions for Box 16.) In all other cases, including armored car service, mail deposit/shipment, night deposit, and ATM transactions, complete Part II. See BSA Admin. Ruling 89-5.

**Box 16—Multiple individuals or organizations.**—If this transaction is being conducted for more than one individual (including the individual described in Part I) or organization (see instructions for Box 17), check Box 16, provide identifying information on one of the persons, and complete the applicable entries on the back of the form. For example, if William Brown, the owner of Bill's Grocery Store, Inc., deposits \$4,000 in cash into his personal savings account and \$7,000 in cash into his store's operating account, Box 16 should be checked; William Brown should be identified in Part I and Part II, and Bill's Grocery Store, Inc. should be identified in Part II on the back of the form. If more than three individuals are involved, provide additional information on additional sheets of paper and attach them to this report.

**Box 17—Individual or organization.**—If the person on whose behalf the transaction was completed is an individual, check the "individual" box in item 17. For any person other than an individual, check the "organization" box. Check both boxes if the transaction is on behalf of both an individual and an organization.

**Box 18—Trust, escrow, brokerage, and other third party accounts.**—If the transaction affects a trust, escrow, brokerage, or other third party account, check Box 18. In completing Part II, enter identifying information on the beneficiary of the account. For example, if Karen Coe, the trustee of the Linda Scott Living Trust, makes a reportable deposit for the trust, identifying information on Karen must be entered in Part I on the front of the form, and identifying information on Linda must be entered in Part II on the front of the form. However, if the transaction is not conducted by the trustee, agent, broker, or fiduciary, on the back of the form in Part II enter identifying information on the trustee, agent, broker, or fiduciary.

**Items 19, 20, and 21.—Name of person on whose behalf the transaction was conducted.**—If the person on whose behalf the transaction was conducted was an individual, put his or her last name in item 19, first name in item 20, and middle initial in item 21. If the person is an organization, put its name in item 19 and leave items 20 and 21 blank.

**Items 22 and 23—Identifying number; alien identification.**—If the person whose name you provided in items 19, 20, and 21 is a citizen of the U.S. or an alien with a social security number, enter his or her social security number in item 22. If that person is an organization (see Box 17 above), provide its employer identification number. If the person is an alien who does not have a social security number, you must complete item 23. Enter a general description of the type of official document issued to that person in item 23a (e.g., "passport"), the country that issued it in item 23b, and its number in item 23c.

**Items 24, 26, 27, 28, and 29—Address.**—Provide the permanent street address of the person whose name you entered in items 19, 20, and 21. Follow the instructions for items 8 and 10-13. If a P.O. box number is used, the name of the street, road, or route number where the person lives must be provided in item 24 along with the P.O. box number.

**Item 25—Occupation, profession or business.**—Follow the instructions for item 9.

**Item 30—Date of Birth.**—If an individual is named in items 19, 20, and 21, complete item 30. Follow the instructions in item 14 for furnishing this 6-figure date.

**Part III—Accounts affected by the transaction.**

**Box 31—Types of accounts and account numbers.**—Check the boxes and enter the account numbers of the accounts affected by the transaction. If more than one of the same type of account is affected by the transaction, check the box which has a code letter beside it and enter the account number; then, for each remaining account, enter the same code letter next to a box having no code letter beside it, check that box, and enter that account number. For example, if 2 savings accounts are affected, check the box with "S" beside it and fill in the account number; then print "S" to the left of the box with no code beside it (to signify the type of account), and enter the account number. You may have to use additional sheets of paper to show all of the accounts affected.

If the transaction does not affect any account, make no entry in Part III. For example, a cashier's check purchased only with cash would not affect any account and therefore would not require any entry in this part.

**Part IV—Type of transaction.**—Check the box or boxes that describe the transaction. The code letters beside the boxes in items 31 through 34 are for IRS processing purposes.

**Box 32—Currency exchange.**—Check this box if currency was exchanged for U.S. currency. This includes exchanging U.S. currency for foreign currency, foreign currency for U.S. currency, and U.S. currency for other U.S. currency. It also may include a transaction where negotiable instruments are involved, so long as currency is both received and paid out by your financial institution. See item 35.

**Items 33 and 34—Cash in; cash out.**—Check the appropriate box or boxes under item 33 when currency is received by the financial institution, and the appropriate box or boxes under item 34 when currency is paid out by the financial institution.

**Item 35—Total amount of currency.**—In the space provided, reflect the total amount of Cash in or Cash out. In some instances, such as a currency exchange, both the Cash in and Cash out areas must be filled in. For example, if an individual transfers Mexican pesos to your financial institution strictly for "\$40,000" in U.S. currency, you should check Box 32, and enter "\$40,000" for both the Cash in and Cash out amounts of item 35. If less than a full dollar amount is involved, round that figure to the next higher dollar. For example, if the Cash in totalled \$10,000.05, show the figure as \$10,001.00.

If the transaction involves a negotiable instrument (see *General Instructions*), as well as currency, enter only the amount of currency. Therefore, if an individual transfers a check in the amount of \$6,000 and Mexican pesos in the amount of \$7,000 (U.S. equivalent) in exchange for \$13,000 in U.S. currency, you should check Box 32, write in "\$7,000" for the Cash in amount of item 35, and write in "\$13,000" in the Cash out amount of item 35.

**Item 36—Amount in \$100 bills or higher.**—Enter the amount of the transaction reported in item 35 that is in denominations of U.S. currency of \$100 or higher. For example, if the currency transaction involves Cash in of \$100,000 and \$50,000 is in U.S. currency of \$100 or higher bills, enter \$100,000 in the Cash in portion of item 35, and \$50,000 in the Cash in portion of item 36. If none of the denominations of currency are \$100 or higher, enter "0." If the financial institution does not know the amount of total currency that is in U.S. currency of \$100 or higher (e.g., because there are multiple transactions), check "Unknown." Do not leave this item blank.

**Item 37—Date.**—Enter the business day date of the transaction. Refer to item 14 for instructions in furnishing this 6-figure date.

**Item 38—Foreign currency.**—If the currency transaction involves a foreign currency, enter the information in the appropriate spaces. Check the appropriate box in item a if foreign currency was exchanged for or exchanged from U.S. currency. Enter each country in item b, and the amount of the foreign currency in U.S. dollar equivalent in item c. For example, a deposit of Italian lire would have "Italy" entered in item b, and the amount, converted into U.S. dollars, entered in item c. Since currency was not exchanged, no entry is made in item a. If currency of more than two foreign countries is involved in the transaction, attach a separate sheet of paper that clearly identifies the individual or organization for whom the transaction was completed and report the information for each foreign currency required by item 38.

**Item 39—Negotiable instrument or wire transfer.**—If the transaction involved one or more negotiable instruments (see *General Instructions*) or wire transfers, check the box. In item a, state the number of negotiable instruments involved. In item b, state the number of wire transfers involved. Then, in item c, state the total amount of all negotiable instruments and wire transfers involved in U.S. dollar equivalent. Round less than full dollar amounts to the next higher dollar.

**Part V—Financial institution where transaction took place.**

**Box 40—Type of financial institution.**—Check the box that describes the type of financial institution where the transaction occurred. If you check Box 40e, be sure to specify the type of financial institution (e.g., check casher, currency exchange).

**Box 40a—Banks.**—Enter the appropriate code number in the bracket provided for the Federal agency that performs examinations for compliance with the Bank Secrecy Act regulations:

- Code 1—Comptroller of the Currency
- Code 2—FDIC
- Code 3—Federal Reserve System
- Code 4—None of the above

**Items 41, 42, 44, 45, and 46—Name and address.**—Enter the full legal name, street address, city, state, and ZIP code of the branch or office of the financial institution where the transaction occurred. A P.O. box number is not a street address. If multiple transactions occurred at different locations, provide information in these items on any office or branch where one of the transactions occurred. Also, see item 48.

**Item 43—EIN or SSN.**—Enter the financial institution's employer identification number (EIN) in item 43. However, if the financial institution does not have an EIN, enter the social security number of the financial institution's principal owner.

**Item 47—MICR number.**—Enter the MICR number of the branch or office entered in item 41.

**Item 48—Multiple transactions.**—If this was a multiple transaction, state the number of transactions in item a; the number of branches involved in item b; and the 5-digit ZIP codes of all the branches involved in item c. If the branches are in the same ZIP code, show the ZIP code only once. If only one branch was involved, list the ZIP code of that branch.

**Items 49, 50, 51, and 52—Preparer's signature, title, and date.**—Form 4789 must be signed in item 49 by an individual authorized or designated by the financial institution to sign it. His or her title should be shown in item 50 and the date of signature entered in item 51. This signer's name should be typed or printed legibly in item 52.

**Items 53, 54, and 55—Signature, date, and telephone number.**—The official who reviews and approves the information on the form must sign in item 53 and enter the date signed in item 54. In item 55 provide the commercial telephone number of a contact person to answer any questions about this report.





31 U.S.C. 5313 - Reports of domestic coins and currency transactions.

31 C.F.R. 103.22 - Reports of currency transactions.

Exemptions: special exemption for a group of accounts belonging to the same customer. Under sections 103.22(b)(2)(i) and 103.22(b)(2)(ii) of the Bank Secrecy Act ("BSA") regulations, a bank may exempt only [d]eposits or withdrawals of currency from an existing account by an established depositor who is a United States resident and operates a retail type of business in the United States or one of the businesses specified in Section 103.22(b)(2)(ii). 31 C.F.R. Part 103. A bank may not unilaterally grant one exemption or establish a single dollar exemption limit for a group of existing accounts of the same customer. Under section 103.22(e), however, a bank may apply to the Internal Revenue Service ("IRS") for additional authority to grant exemptions to the reporting requirements not otherwise permitted under section 103.22(b). Under this authority and at the request of a bank, the IRS may, in its discretion, provide the bank with authority to grant one exemption and one exemption limit applicable to a group of exemptible accounts that belong to the same customer and have the same Taxpayer Identification Number ("TIN"). Only accounts with transactions of less than \$10,000 in currency may be included in the group exemption, and the aggregated transactions of the various accounts included in the group must regularly and frequently exceed \$10,000 in currency.

BSA Ruling 89-1

#### ISSUE

Under Section 103.22 of the BSA regulations, may a bank unilaterally grant one exemption or establish a single dollar exemption limit for a group of existing accounts of the same customer? If not, may a bank obtain additional authority from the IRS to grant a single exemption for a group of exemptible accounts belonging to the same customer?

#### FACTS

ABC Inc. ("ABC"), with TIN 12-3456789, owns five fast food restaurants. Each restaurant has its own account at the X State Bank and each restaurant routinely deposits less than \$10,000 into its individual account. However, when the deposits into these five accounts are aggregated they regularly and frequently exceed \$10,000. Accordingly, the



bank prepares and files one CTR for ABC Inc., on each business day that ABC's aggregated currency transactions exceed \$10,000. X State Bank wants to know whether it can unilaterally exempt these five accounts having the same TIN, and, if not, whether it can obtain additional authority from the IRS to grant a single exemption to the group of five accounts belonging to ABC.

#### LAW AND ANALYSIS

Under section 103.22(b)(2)(i) and (ii) of the Bank Secrecy Act ("BSA") regulations, 31 C.F.R. Part 103, only an individual account of a customer may be unilaterally exempted from the currency transaction reporting provisions. The bank may not unilaterally grant one exemption or establish a single dollar exemption limit for multiple accounts of the same customer. This is because sections 103.22(b)(2)(i) and 103.22(b)(2)(ii) of the BSA regulations only permit a bank to unilaterally exempt "[d]eposits or withdrawals of currency from an existing account by an established depositor who is a United States resident and operates a retail type of business in the United States." 31 C.F.R. 103.22(b)(2)(i) and (ii).

Section 103.22(e) of the BSA regulations provides, however, that "[a] bank may apply to the ... [IRS] for additional authority to grant exemptions to the reporting requirements not otherwise permitted under paragraph (b) of this section ...." 31 C.F.R. 103.22(e). Therefore, under this authority, and at the request of a bank, the IRS may, in its discretion, grant the requesting bank additional authority to exempt a group of accounts when the following conditions are met:

- (1) Each of the accounts in the group is owned by the same person and has the same taxpayer identification number.
- (2) The deposits or withdrawals into each account are made by a customer that operates a business that may be either unilaterally or specially exemptible and each account meets the other exemption criteria (except for the dollar amount).
- (3) Currency transactions for each account individually do not exceed \$10,000 on a regular and frequent basis.
- (4) Aggregated currency transactions for all accounts included in the group regularly and frequently exceed \$10,000.



If a bank determines that an exemption would be appropriate in a situation involving a group of accounts belonging to a single customer, it must apply to the IRS for authority to grant one special exemption covering the accounts in question. As with all requests for special exemptions, any request for additional authority to grant a special exemption must be made in writing and accompanied by a statement of the circumstances that warrant special exemption treatment and a copy of the statement signed by the customer as required by section 103.22(d). 31 C.F.R. 103.22(d).

Additional authority to grant a special exemption for a group of accounts must be obtained from the IRS regardless of whether the businesses may be unilaterally exempted under 103.22(b)(2), because the exemption, if granted, would apply to a group of existing accounts as opposed to an individual existing account. 31 C.F.R. § 103.22(b)(2).

Also, if any one of a given customer's accounts has regular and frequent currency transactions which exceed \$10,000, that account may not be included in the group exemption. This is because the bank may, as provided by section 103.22(b)(2), either unilaterally exempt that account or obtain authority from the IRS to grant a special exemption for that account if it meets the other criteria for exemption. Thus, only accounts of exemptible businesses which do not have regular and frequent (e.g., daily, weekly or twice a month) currency transactions in excess of \$10,000 may be eligible for a group exemption.

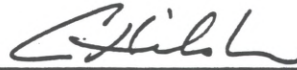
The intention of this special exemption is to permit banks to exempt the accounts of established customers, such as the ABC Inc. restaurants described above, which are owned by the same person and have the same TIN but which individually do not have sufficient currency deposit or withdrawal activity that regularly and frequently exceed \$10,000.

#### HOLDING

If X State Bank determines that an exemption would be appropriate for ABC Inc., it must apply to the IRS for authority to grant one special exemption covering ABC's five separate accounts. As with all requests for special exemptions, ABC's request for additional authority to grant a special exemption must be made in writing and accompanied by a statement of the circumstances that warrant special exemption treatment and a copy of the statement signed by the customer as required by section 103.22(d). 31 C.F.R. 103.22(d). The IRS may, in its discretion, grant additional authority to exempt the ABC accounts if: (1) they have the



same taxpayer identification number; (2) they each are for customers that operate a business that may be either unilaterally or specially exemptible and each account meets the other exemption criteria (except for dollar amount); (3) the currency transactions for each account individually do not exceed \$10,000 on a regular and frequent basis; but (4) when aggregated the currency transactions for all the accounts regularly and frequently do exceed \$10,000.



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Date January 12, 1989



31 U.S.C. 5313 - Reports on Domestic Coins and Currency Transactions

31 C.F.R. 103.22 - Reports of Currency Transactions

Exemptions; aggregation and reporting of multiple transactions involving exempted accounts. When a customer has more than one account and a bank has knowledge that multiple currency transactions have been conducted in these accounts on the same business day, the bank must aggregate the transactions in those accounts. Where one or more of the customers' accounts has been exempted, the bank must total the currency transactions within each account to determine whether the exemption limit has been exceeded. If the exemption limit has not been exceeded, the bank does not have to aggregate the transactions for the exempted account with any other of the customer's currency transactions. If the total of the transactions involving the exempt account exceeds the exemption limit, the bank must aggregate those transactions with the transactions from any other exempted accounts where the exemption limit has been exceeded, with the transactions from any nonexempt accounts, and with any reportable transactions conducted by or on behalf of the customer that do not involve accounts (e.g., purchases of bank checks or "cash back" transactions) of which the bank has knowledge.

Bank Secrecy Act Administrative Ruling 89-2

#### ISSUE

When a customer has established bank accounts for each of several establishments that it owns, and the bank has exempted one or more of those accounts, how does the bank aggregate the customer's currency transactions?

#### FACTS

X Company ("X") operates two fast-food restaurants and a wholesale food business. X has opened separate bank accounts at the A National Bank (the "bank") for each of its two restaurants, account numbers 1 and 2 respectively. Each of these two accounts has been properly exempted by the bank. Account number 1 has an exemption limit of \$25,000 for deposits, and account number 2 has an exemption limit of \$40,000 for deposits. X also has a third account, account number 3, at the bank for use in the operation of its wholesale food business. On occasion, cash deposits of more than \$10,000 are made into this third account. Because these cash deposits are infrequent, the bank cannot obtain additional authority to grant this account a special exemption.



During the same business day, two \$15,000 cash deposits totalling \$30,000 are made into account number 1, a separate cash deposit of \$35,000 is made into account number 2 and a deposit of \$9,000 in currency is made into account number 3 (X's account for its wholesale food business).

The bank must now determine how to aggregate and report all of these transactions on a Form 4789, Currency Transaction Report, ("CTR"). Must they aggregate all of the deposits made into account numbers 1, 2 and 3 and report them on a single CTR?

#### LAW AND ANALYSIS

Section 103.22 of the Bank Secrecy Act ("BSA"), 31 CFR Part 103, requires a financial institution to treat multiple currency transactions "as a single transaction if the financial institution has knowledge that they are by or on behalf of any person and result in either cash-in or cash-out totalling more than \$10,000 during any one business day." This means that a financial institution must file a CTR if it knows that multiple currency transactions involving two or more accounts have been conducted by or on behalf of the same person and, those transactions, when aggregated, exceed \$10,000. Knowledge, in this context, means knowledge on the part of a partner, director, officer or employee of the institution or on the part of any existing computer or manual system at the institution that permits it to aggregate transactions.

Thus, if the bank has knowledge of multiple transactions, the bank should aggregate the transactions in the following manner.

First, the bank should separately review and total all cash-in and cash-out transactions within each account. Cash-in transactions should be aggregated with other cash-in transactions and cash-out transactions should be aggregated with cash-out transactions. Cash-in and cash-out transactions should not be aggregated together or offset against each other.

Second, the bank should determine whether the account has an exemption limit. If the account has an exemption limit, the bank should determine whether it has been exceeded. If the exemption limit has not been exceeded, the transactions for the exempted account should not be aggregated with other transactions.

If the total transactions during the same business day for a particular account exceed the exemption limit, the total of all of the transactions for that account should be aggregated with the total amount of the transactions for other accounts that exceed their respective exemption limits, with any accounts without exemption limits, and with transactions conducted by or on behalf of the same person that do not involve accounts (e.g., purchases of bank checks with cash) of which the bank has knowledge.

In the example discussed above, all of the transactions have been conducted "on behalf of" X, as X owns the restaurants and the wholesale food business. The total \$30,000 deposit for account 1 exceeds



the \$25,000 exemption limit for that account. The \$35,000 deposit into account number 2 is less than the \$40,000 exemption limit for that account. Finally, the \$9,000 deposit into account number 3, does not by itself constitute a reportable transaction.

Therefore, under the facts above, the bank should aggregate the entire \$30,000 deposit into account number 1 (not just the amount that exceeds the exemption limit), with the \$9,000 deposit into account number 3, for a total of \$39,000. The bank should not include the \$35,000 deposit into account number 2, as that deposit does not exceed the exemption limit for that account. Accordingly, the bank should complete and file a single CTR for \$39,000.

If the bank does not have knowledge that multiple currency transactions have been conducted in these accounts on the same business day (e.g., because it does not have a system that aggregates among accounts and the deposits were made by three different individuals at different times) the bank should file one CTR for \$30,000 for account number 1, as the activity into that account exceeds its exemption limit.

#### HOLDING

When a customer has more than one account and a bank employee has knowledge that multiple currency transaction have been conducted in the accounts or the bank has an existing computer or manual system that permits it to aggregate transactions for multiple accounts, the bank should aggregate the transactions in the following manner.

First, the bank should aggregate for each account all cash-in or cash-out transactions conducted during one business day. If the account has an exemption limit, the bank should determine whether the exemption limit of that account has been exceeded. If the exemption limit has not been exceeded, the total of the transactions for that particular account does not have to be aggregated with other transactions. If the total transactions during the same business day for a particular account exceed the exemption limit, however, the total of all of the transactions for that account should be aggregated with any total from other accounts that exceed their respective exemption limits, with any accounts without exemption limits, and with any reportable transactions conducted by or on behalf of the customer not involving accounts (e.g., purchases of bank checks or "cash back" transactions) of which the bank has knowledge. The bank should then file a CTR for the aggregated amount.



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JUN 21 1989

Date