

(“FinCEN”), U.S. Department of the Treasury, issued on July 13, 2015 a Geographic Targeting Order (“Order”) requiring check cashers located in two South Florida counties to obtain and record identifying information about persons cashing Federal tax refund checks in excess of \$1,000, as further described in the Order.

**DATES:** This Notice is effective on July 17, 2015.

**FOR FURTHER INFORMATION CONTACT:** All questions about the Order must be addressed to the FinCEN Resource Center at (800) 767–2825 (Monday through Friday, 8:00 a.m.–6:00 p.m. EST).

**SUPPLEMENTARY INFORMATION:** The Geographic Targeting Order is published as an attachment to this notice.

**Jennifer Shasky Calvery,**

*Director, Financial Crimes Enforcement Network, U.S. Department of Treasury.*

## Geographic Targeting Order

### I. Authority

The Director of FinCEN may issue an order that imposes certain additional recordkeeping and reporting requirements on one or more domestic financial institutions or nonfinancial trades or businesses in a geographic area. See 31 U.S.C. 5326(a); 31 CFR 1010.370; Treasury Order 180–01. Pursuant to this authority, the Director of FinCEN hereby finds that reasonable grounds exist for concluding that the additional recordkeeping requirements described below are necessary to carry out the purposes of the Bank Secrecy Act and prevent evasions thereof.<sup>1</sup>

### II. Additional Recordkeeping Requirements

#### A. Check Cashers and Transactions Covered by This Order

For purposes of this Order, a “Covered Business” means a check casher, as defined under 31 CFR 1010.100(ff)(2), that maintains a location (including a branch or agent location) in one of the following counties in the State of Florida: Miami-Dade County or Broward County (the “Covered Geographic Area”).

For purposes of this Order, a “Covered Transaction” means any transaction in which a Covered Business cashes a Federal tax refund check in excess of \$1,000 within the Covered Geographic Area. A Federal tax refund

check includes (i) a U.S. Treasury check used to pay a tax refund, or (ii) a check issued by a third party in connection with an anticipated Federal tax refund (e.g., a Refund Anticipation Loan check).

#### B. Records Required To Be Obtained by a Covered Business When Engaging in a Covered Transaction

If a Covered Business engages in a Covered Transaction, the Covered Business must obtain at the time of the Covered Transaction and record the following identifying information about the customer conducting the transaction:

(i) A copy of the customer’s valid government-issued identification, which must evidence nationality or residence, include a photograph of the customer, and be issued in the same name as that of the original payee of the check;<sup>2</sup>

(ii) a clear digital photograph of the customer taken at the time of the Covered Transaction that matches the photograph depicted on the identification provided by the customer;<sup>3</sup>

(iii) the customer’s phone number; and

(iv) a clear original thumbprint of the customer that is recorded on the check.

#### C. Retention of Records

A Covered Business must: (i) Retain all records relating to compliance with this Order for a period of five years from the last day that this Order is effective (including any renewals of this Order); (ii) store such records in a manner accessible within a reasonable period of time; and (iii) make such records available to FinCEN or any other appropriate law enforcement or regulatory agency, upon request.

### III. General Provisions

#### A. Definitions

All terms used but not otherwise defined herein have the meaning set forth in Chapter X of Title 31 of the United States Code of Federal Regulations.

#### B. Order Period

The terms of this Order are effective beginning on August 3, 2015 and ending on January 30, 2016 (except as otherwise provided in Section II(C) above).

#### C. No Effect on Other Provisions of the Bank Secrecy Act

Nothing in this Order modifies or otherwise affects any provision of the regulations implementing the Bank Secrecy Act to the extent not expressly stated herein.

#### D. Compliance

A Covered Business must supervise, and is responsible for, compliance by each of its officers, directors, and employees with the terms of this Order. A Covered Business must transmit the Order to its Chief Executive Officer or other similarly acting manager.

#### E. Penalties for Noncompliance

A Covered Business and any of its officers, directors, employees, or agents may be liable, without limitation, for civil and/or criminal penalties for violating any of the terms of this Order.

#### F. Validity of Order

Any judicial determination that any provision of this Order is invalid does not affect the validity of any other provision of this Order, and each other provision must thereafter remain in full force and effect. A copy of this Order carries the full force and effect of an original signed Order.

#### G. Paperwork Reduction Act

The collection of information subject to the Paperwork Reduction Act contained in this Order has been approved by the Office of Management and Budget (“OMB”) and assigned OMB Control Number 1506–0056.

#### H. Questions

All questions about the Order must be addressed to the FinCEN Resource Center at (800) 767–2825 (Monday through Friday, 8:00 a.m.–6:00 p.m. EST).

Dated: July 8, 2015.

**Jennifer Shasky Calvery,**

*Director, Financial Crimes Enforcement Network, U.S. Department of the Treasury.*

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**BILLING CODE 4810–02–P**

## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### Proposed Renewal Without Change; Comment Request; Customer Identification Programs for Various Financial Institutions

**AGENCY:** Financial Crimes Enforcement Network (“FinCEN”), Treasury.

**ACTION:** Notice and request for comments.

<sup>1</sup> The Bank Secrecy Act is codified at 12 U.S.C. 1829b, 1951–1959 and 31 U.S.C. 5311–5314, 5316–5332. Regulations implementing the Bank Secrecy Act appear at 31 CFR Chapter X.

<sup>2</sup> For example, a driver’s license or passport are acceptable forms of identification.

<sup>3</sup> An image captured by a surveillance video is not sufficient to satisfy this photograph requirement.

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, FinCEN invites comment on a proposed renewal, without change, to information collections found in regulations requiring futures commission merchants, introducing brokers, banks, savings associations, credit unions, certain non-federally regulated banks, mutual funds, and broker-dealers, to develop and implement customer identification programs reasonably designed to prevent those financial institutions from being used to facilitate money laundering and the financing of terrorist activities. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13, 44 U.S.C. 3506(c)(2)(A).

**DATES:** Written comments are welcome and must be received on or before September 15, 2015.

**ADDRESSES:** Written comments should be submitted to: Policy Division, Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, VA 22183, Attention: Customer Identification Program Comments. Comments also may be submitted by electronic mail to the following Internet address: [regcomments@fincen.gov](mailto:regcomments@fincen.gov), again with a caption, in the body of the text, "Attention: Customer Identification Program Comments."

*Inspection of comments:* Persons wishing to inspect the comments submitted must request an appointment with the Disclosure Officer by telephoning (703) 905-5034 (Not a toll free call).

**FOR FURTHER INFORMATION CONTACT:** FinCEN Resource Center at 1-800-767-2825 or 1-703-905-3591 (not a toll free number) and select option 3 for regulatory questions. Email inquiries can be sent to [FRC@fincen.gov](mailto:FRC@fincen.gov).

**SUPPLEMENTARY INFORMATION:**

*Abstract:* FinCEN exercises regulatory functions primarily under the Currency and Financial Transactions Reporting Act of 1970, as amended by the USA PATRIOT Act of 2001 and other legislation. This legislative framework is commonly referred to as the "Bank Secrecy Act" ("BSA").<sup>1</sup> The Secretary of the Treasury has delegated to the Director of FinCEN the authority to implement, administer and enforce compliance with the BSA and associated regulations.<sup>2</sup> Pursuant to this

authority, FinCEN may issue regulations requiring financial institutions to keep records and file reports that "have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism"<sup>3</sup> Additionally, FinCEN is authorized to impose regulations to maintain procedures to ensure compliance with the BSA and FinCEN's implementing regulations, or to guard against money laundering, which includes imposing anti-money laundering ("AML") program requirements on financial institutions.<sup>4</sup>

Section 5318(l) of the BSA authorizes FinCEN to issue regulations prescribing customer identification programs for financial institutions. The regulations must require that, at a minimum, financial institutions implement reasonable procedures for (1) verifying the identity of any person seeking to open an account, to the extent reasonable and practicable; (2) maintaining records of the information used to verify the person's identity, including name, address, and other identifying information; and (3) determining whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency. The regulations are to take into consideration the various types of accounts maintained by various types of financial institutions, the various methods of opening accounts, and the various types of identifying information available. Regulations implementing section 5318(l) are found at 31 CFR 1020.220, 1023.220, 1026.220, and 1024.220.

1. *Title:* Customer identification programs for banks, savings associations, credit unions, and certain non-federally regulated banks. (31 CFR 1020.220).

*Office of Management and Budget Control Number (OMB):* 1506-0026.

*Abstract:* Banks, savings associations, credit unions, and certain non-federally regulated banks are required to develop and maintain customer identification programs and provide their customers with notice of the programs. (See FR 68, 25090, May 9, 2003).

*Current Action:* There is no change to existing regulations.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Business and other for-profit institutions and non-profit institutions.

*Burden:* Estimated Number of Respondents 22,060.

*Estimated average annual recordkeeping burden per respondent:* 10 hours.

*Estimated average annual disclosure burden per respondent:* 1 hour.

*Estimated Total Annual Respondent Burden:* 242,660 hours.

2. *Title:* Customer identification program for broker-dealers (31 CFR 1023.220).

*OMB Control Number:* 1506-0034.

*Abstract:* Broker-dealers are required to establish and maintain customer identification programs and provide their customers with notice of the programs. (See FR 68, 25113, May 9, 2003).

*Current Action:* There is no change to existing regulations.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Business and other for profit institutions.

*Burden:* Estimated Number of Respondents 5,448.

*Estimated Average Annual Burden per Respondent:* The estimated average burden associated with the notice requirement is two minutes per respondent. FinCEN estimates 18,926,880 responses.

*Estimated Number of Hours:* 630,896.

3. *Title:* Customer identification programs for futures commission merchants and introducing brokers (31 CFR 1026.220).

*OMB Control Number:* 1506-0022.

*Abstract:* Futures commission merchants and introducing brokers are required to develop and maintain customer identification programs and provide their customers with notice of the programs. (See FR 68, 25149, May 9, 2003).

*Current Action:* There is no change to existing regulations.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Business and other for profit institutions.

*Burden:* Estimated Number of Respondents: 1856. (Recordkeeping average of 10 hours per customer; Explanation of program average of 1 hour per response).

*Estimated Number of Hours:* 20,416.

4. *Title:* Customer identification programs for mutual funds (31 CFR 1024.220).

*OMB Control Number:* 1505-0033.

*Abstract:* Mutual funds are required to establish and maintain customer

<sup>1</sup> The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, 31 U.S.C. 5311-5314 and 5316-5332 and notes thereto, with implementing regulations at 31 CFR Chapter X. See 31 CFR 1010.100(e).

<sup>2</sup> Treasury Order 180-01 (Jul. 1, 2014).

<sup>3</sup> 31 U.S.C. 5311.

<sup>4</sup> 31 U.S.C. 5318(a) and (h).

identification programs and provide their customers with notice of the programs. (See FR 68, 25131, May 9, 2003).

*Current Action:* There is no change to existing regulations.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Business and other for profit institutions.

*Burden:* Estimated Number of Respondents: 2,296.

*Estimated Average Annual Burden per Respondent:* The estimated average burden associated with the notice requirement is 2 minutes per respondent. FinCEN estimates 8,001,000 responses.

*Estimated Number of Hours:* 266,700.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget. Records required to be retained under the BSA must be retained for five years. Generally, information collected pursuant to the BSA is confidential but may be shared as provided by law with regulatory and law enforcement authorities.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: July 13, 2015.

**Jennifer Shasky Calvery,**

*Director, Financial Crimes Enforcement Network.*

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## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### Agency Information Collection Activities; Proposed Collection; Comment Request; Report of International Transportation of Currency or Monetary Instruments

**AGENCY:** Financial Crimes Enforcement Network ("FinCEN"), Treasury.

**ACTION:** Notice and request for comments regarding the renewal without change of the Report of International Transportation of Currency or Monetary Instruments ("CMIR").

**SUMMARY:** As part of our continuing effort to reduce paperwork and respondent burden, FinCEN invites the general public and other Federal agencies to comment on an information collection requirement concerning the CMIR. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 ("PRA"), Public Law 10 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments should be received on or before September 15, 2015 to be assured of consideration.

**ADDRESSES:** Direct all written comments to: Policy Division, Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, VA 22183-0039, *Attention:* PRA Comments—Report of International Transportation of Currency or Monetary Instruments. Comments also may be submitted by electronic mail to the following Internet address: "[regcomments@fincen.gov](mailto:regcomments@fincen.gov)" with the caption in the body of the text, "*Attention:* PRA Comments—Report of International Transportation of Currency or Monetary Instruments."

*Inspection of comments:* Persons wishing to inspect the comments submitted must request an appointment with the Disclosure Officer by telephoning (703) 905-5034 (Not a toll free call).

**FOR FURTHER INFORMATION CONTACT:** FinCEN Resource Center at 1-800-767-2825 or 1-703-905-3591 (not a toll free number) and select option 3 for regulatory questions. Email inquiries can be sent to [FRC@fincen.gov](mailto:FRC@fincen.gov).

A copy of the form may also be obtained from the FinCEN Web site at [http://www.fincen.gov/forms/files/fin105\\_cmir.pdf](http://www.fincen.gov/forms/files/fin105_cmir.pdf).

#### SUPPLEMENTARY INFORMATION:

*Title:* Report of International Transportation of Currency or Monetary Instruments (CMIR).

*Office of Management and Budget Number ("OMB"):* 1506-0014.

*Form Number:* FinCEN Form 105.

*Abstract:* FinCEN exercises regulatory functions primarily under the Currency and Financial Transactions Reporting Act of 1970, as amended by the USA PATRIOT Act of 2001 and other legislation. This legislative framework is commonly referred to as the "Bank Secrecy Act" ("BSA").<sup>1</sup> The Secretary of the Treasury has delegated to the Director of FinCEN the authority to implement, administer and enforce compliance with the BSA and associated regulations.<sup>2</sup> Pursuant to this authority, FinCEN may issue regulations requiring financial institutions to keep records and file reports that "have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism."<sup>3</sup> Additionally, FinCEN is authorized to impose regulations to maintain procedures to ensure compliance with the BSA and FinCEN's implementing regulations, or to guard against money laundering, which includes imposing anti-money laundering ("AML") program requirements on financial institutions.<sup>4</sup>

Pursuant to the BSA, the requirement of 31 U.S.C. 5316(a) has been implemented through regulations promulgated at 31 CFR 1010.340 and through the instructions for the CMIR as follows:

(1) Each person who physically transports, mails, or ships, or causes to be physically transported, mailed, or shipped currency or other monetary instruments in an aggregate amount exceeding \$10,000 at one time from the United States to any place outside the United States or into the United States from any place outside the United States, and

(2) Each person who receives in the United States currency or other monetary instruments in an aggregate amount exceeding \$10,000 at one time which have been transported, mailed, or shipped to the person from any place outside the United States. A transfer of funds through normal banking procedures, which does not involve the physical transportation of currency or monetary instruments, is not required to be reported on the CMIR.

<sup>1</sup> The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, 31 U.S.C. 5311-5314 and 5316-5332 and notes thereto, with implementing regulations at 31 CFR Chapter X. See 31 CFR 1010.100(e).

<sup>2</sup> Treasury Order 180-01 (Jul. 1, 2014).

<sup>3</sup> 31 U.S.C. 5311.

<sup>4</sup> 31 U.S.C. 5318(a) and (h).