



Department of the Treasury Financial Crimes Enforcement Network

Guidance

FIN-2014-G002

Issued: August 1, 2014

Subject: CMIR guidance for common carriers of currency, including armored car services

The Financial Crimes Enforcement Network (“FinCEN”) is issuing this guidance to correct observed deficiencies and enhance compliance by common carriers of currency,¹ including armored car services, with the filing requirements of FinCEN 105, Report of International Transportation of Currency or Monetary Instruments (“CMIR”).

Background

FinCEN’s regulations implementing the Bank Secrecy Act (“BSA”) stipulate that a CMIR must be used to report the physical transportation of 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.² The obligation to report falls on each person who physically transports, mails, or ships the currency or other monetary instruments.³ The obligation to report also falls on each person who receives currency or other monetary instruments in the United States which have been transported, mailed, or shipped from any place outside the United States.⁴

Common carriers of currency might transport currency or other monetary instruments following a variety of business models. Regardless of the business model employed, each physical transportation involves multiple parties that are responsible for fulfilling one or more specific roles in the delivery process. These roles include:

¹ 31 CFR § 1010.100(k) defines “common carrier” as any person engaged in the business of transporting individuals or goods for a fee who holds itself out as ready to engage in such transportation for hire and who undertakes to do so indiscriminately for all persons who are prepared to pay the fee for the particular service offered. **This guidance addresses the CMIR filing obligations of a subgroup of common carriers, those persons engaged as a business in the transportation of currency, other monetary instruments, or commercial papers, referred to herein as “common carriers of currency.”** An armored car service is within this subgroup of common carriers. When operating outside of the strict scope of the common carrier exemption from money transmission (31 CFR § 1010.100(ff)(5)(ii)(D)), a common carrier of currency may also be a money transmitter under FinCEN’s regulations.

² See 31 CFR § 1010.340.

³ See 31 CFR § 1010.340(a). The obligation also falls on each person who *causes to be* physically transported, mailed, or shipped, or *attempts to* physically transport, mail, or ship, or *attempts to cause to be* physically transported, mailed, or shipped the currency or other monetary instruments.

⁴ See 31 CFR § 1010.340(b).

- the common carrier,
- the shipper,
- the consignee,
- the currency originator, and
- the currency recipient.

Typically, a common carrier of currency transports currency or other monetary instruments as a business, for a person that engages the carrier for a fee (the “shipper”), from one place to another, to be delivered to the person appointed by the shipper to receive the currency or other monetary instruments (the “consignee”). The shipper may be acting of its own accord or on instructions from a different person (the “currency originator”), and the consignee may be instructed to deliver the currency or other monetary instruments to the account of a final beneficiary (the “currency recipient”). The same person may fulfill more than one role in the same shipment.

General Applicability of the Regulation to Common Carriers of Currency

With the exception of those transactions covered under the limited exemption described below, common carriers of currency are obligated to file CMIRs when they transport an aggregate amount of more than \$10,000 in currency or other monetary instruments across the border.

A common carrier of currency required to file a CMIR for a cross-border transportation of currency or other monetary instruments shall be excused from filing if any other person involved in the transaction has filed a truthful, correct, and complete report on the transportation. However, no person required by the regulation to file a report shall be excused from liability for failure to do so if, in fact, a truthful, correct, and complete report has not been filed.⁵

Limited Exemption for Certain Overland Cross Border Transport

FinCEN’s CMIR regulations include a limited exemption from filing for common carriers of currency (the “limited exemption”)⁶ that applies exclusively when all of the following conditions are met:

- a. The transportation consists of currency or other monetary instruments imported into the United States or exported out of the United States;
- b. The transportation takes place overland;
- c. The transportation takes place between a bank or a broker or dealer in securities, on the U.S. side, and a non-U.S. person, on the foreign side;⁷ and

⁵ See 31 CFR § 1010.340(d).

⁶ See 31 CFR § 1010.340(c)(9).

⁷ That is, a person that does not correspond to the definition of U.S. person, contained at 31 CFR § 1010.100(iii).

- d. The shipment is picked up or delivered at the established office of the bank or a broker or dealer in securities on the U.S. side.⁸

The Non-Applicability of Other Exemptions to Common Carriers of Currency

Although the CMIR regulations include a number of exemptions that apply to other parties, a common carrier of currency may not claim for itself any exemption for filing a CMIR that might be applicable to other parties. For example, banks, foreign banks or brokers or dealers in securities are themselves exempted from filing a CMIR with respect to currency or other monetary instruments that they mail or ship via the postal service or a common carrier. A common carrier of currency cannot apply this exemption to itself (although, as described above, the limited exemption may apply). For example, if a common carrier of currency picks up at an airport a cargo of currency air-shipped to a U.S. bank from abroad, the common carrier has an obligation to file a CMIR even though the bank does not.

Guidance for the Completion of CMIRs by Common Carriers of Currency

To correct observed deficiencies and enhance compliance with the filing requirements for CMIRs by common carriers of currency, FinCEN is issuing the following guidance for those common carriers of currency that are obligated to file CMIRs:

A common carrier of currency engaged in the cross-border transportation of currency or other monetary instruments shall file a truthful, correct, and complete CMIR by:

- a. identifying itself as the person shipping currency or monetary instruments on behalf of another;
- b. identifying the city and country of origination and destination, and the date the transportation took place;
- c. providing the name and address of the consignee;
- d. providing the name and address of the currency originator from whom the shipper received the currency or other monetary instruments (if known by the common carrier of currency);
- e. stating the name, address, and type of business of the shipper; and
- f. giving a full description of the type and U.S. dollar equivalent amount of currency and monetary instruments transported.

When engaged in the cross-border transportation of currency or other monetary instruments that aggregate to \$10,000 or more, a common carrier of currency shall complete a separate CMIR for each separate delivery within the same shipment (even if any or all of those separate deliveries represents currency and monetary instruments totaling less than \$10,000).⁹

⁸ “Bank” and “broker or dealer in securities” are regulatory terms defined at 31 CFR § 1010.100(d) and (h), and – by extension – at 31 CFR § 1010.100(t).

⁹ When a single shipment involves currency or other monetary instruments transported on behalf of different shippers, consignees, or currency originators, each combination of a different shipper, consignee, and currency originator (if known to the common carrier of currency and different from the shipper) constitutes a separate

The common carrier of currency filing a CMIR for cross-border transportation of currency or other monetary instruments will complete Part I of each report submitted as follows:

- a. Inserting the common carrier of currency's corporate (or, if a natural person, personal) information and identification number in fields 1 through 10. The common carrier of currency must not complete these fields with the name of the employee or independent contractor transporting the currency or other monetary instruments (such as, for example, the driver of the common carrier's vehicle).¹⁰
- b. When transporting currency or other monetary instruments out of the United States, completing the fields in 11a with the U.S. port/city where the whole shipment started ("Departed From") and the foreign city and country where the currency or other monetary instruments are to be ultimately delivered ("Arrived At"). When transporting currency or other monetary instruments into the United States, completing the fields in 11b with the foreign city and country where the whole shipment started ("Departed From") and the U.S. city where the currency or other monetary instruments are to be ultimately delivered ("Arrived At").
- c. Inserting the date shipped in field 12a ("Date Shipped") and the Method of Shipment (for example, "ground," "air," "sea") in field 12c.
- d. Completing field 12e with the full name and address of the consignee.
- e. Completing field 12f with the full name and address of the person from whom the common carrier received the currency or other monetary instruments. If the currency or other monetary instruments are picked up at the shipper's location, the common carrier must repeat the name and address of the shipper, as reflected in fields 13 through 15 of Part II. If the currency or other monetary instruments are picked up from the shipper, but at a different location from the shipper's place of business, the common carrier must insert the name of the shipper and the actual pick-up location. If the common carrier knows that the shipper is acting on behalf of a currency originator, the common carrier must insert the name and address of the currency originator (regardless of the actual pick-up location).¹¹

delivery that the common carrier of currency must report on a separate CMIR. For example, if in the same shipment for a total amount in excess of \$10,000, a common carrier of currency is transporting currency or other monetary instruments on behalf of Shipper A, to be delivered to Consignee 1 and Consignee 2, and on behalf of Shipper B, to be delivered to Consignee 3, then the common carrier of currency will need to file three different CMIRs, providing correct and complete information on: (a) the currency or other monetary instruments to be delivered to Consignee 1 on behalf of Shipper A; (b) the currency or other monetary instruments to be delivered to Consignee 2 on behalf of Shipper A; and (c) the currency or other monetary instruments to be delivered to Consignee 3 on behalf of Shipper B. In this example, a separate CMIR must be filed for each of the three combinations of parties to the shipment, even if one or more of them aggregates to less than \$10,000.

¹⁰ CMIR instructions define "identification number" as the social security number of a natural person or the employer identification number of a legal person (such as the EIN in the United States or the Registro Federal de Comercio number in Mexico). In the case of aliens who do not have a social security number, the common carrier may provide a passport or alien registration number.

¹¹ FinCEN acknowledges that the information about the parties to a transportation of goods contained in a standard bill of lading is generally limited to the identity and address of the shipper and the consignee. However, a common carrier of currency subject to FinCEN's regulations will often need to be in possession of additional information in order to verify its compliance with such regulations. For example, a U.S. armored car service (or a foreign-located entity engaged as a business in providing secure transportation of currency to shippers physically present in the

The common carrier of currency will complete fields 13 through 15 of Part II of each report submitted with the shipper's corporate or, if a natural person, personal information.

The common carrier of currency will complete Part III of each report submitted by providing the total equivalent in U.S. dollars of each type of monetary instrument involved in field 16. In shipments involving foreign currency, the name of the foreign currency and the country where it serves as legal tender must be listed in fields 17A and 17B, respectively. If currency or monetary instruments of more than one country are covered in the same CMIR report, the common carrier of currency must provide a separate list of every type, country of origin, and equivalent in U.S. dollars. In every case, all total amounts reported in the CMIR must reflect either the U.S. dollar value, or the U.S. dollar equivalent value, of the currency or monetary instruments transported.

A person duly authorized by the common carrier of currency will date and sign Part IV of each report.¹²

In the event the same person fulfills more than one role in the transportation, the common carrier of currency will insert the name and identifying information of such person in the sections and fields that correspond to each of the roles fulfilled by the person. For example, if the shipper and consignee is the same person, operating from the same address, the shipper's information must be repeated in field 12e.¹³

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Common carriers of currency that are ready to submit CMIRs in accordance with this Guidance may start doing so immediately. Those common carriers of currency that may need to modify their procedures to file CMIRs appropriately pursuant to FinCEN's regulations and this Guidance will be expected to do so no later than December 1, 2014.

United States) will need to confirm that, regardless of the identity of the shipper or the consignee, the armored car service or the entity is only transporting currency from one location of the owner of the currency to another location of the owner, or to the account of the owner at a regulated financial institution, to verify that the business activity of transporting the currency or other monetary instruments does not make such armored car service or entity a money transmitter under FinCEN's regulations.

¹² The person signing the report is attesting under penalty of perjury that, to the best of the person's knowledge and belief, the information inserted in the report is correct, complete, and truthful. The regulatory expectation is that the signatory of the report will be in a position to provide any relevant information about the shipment(s) so that the correctness, completeness, and truthfulness of the report can be verified.

¹³ Identifying the natural or legal person that fulfills each role in the transportation, in the space designated for that role in the form (and repeating this personal information for each role the same person might fulfill) is required in order for the form to be complete and correct, and will expedite the process at the border port of entry, for those forms delivered in person.

Financial institutions with questions about this guidance or other matters related to compliance with the implementing regulations of the BSA may contact FinCEN's Resource Center at (800) 767-2825.