



## **GEOGRAPHIC TARGETING ORDER**

The Director, Financial Crimes Enforcement Network (FinCEN), Department of the Treasury, is authorized to issue an order that imposes certain additional reporting and recordkeeping 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 C.F.R. § 1010.370; U.S. Treasury Department Order 180-01.

IT IS HEREBY FOUND that reasonable grounds exist for concluding that the imposition of the additional recordkeeping and reporting requirements described in this Geographic Targeting Order (“Order”) upon each Common Carrier of Currency that is subject to this Order is necessary to carry out the purposes of and prevent evasions of the Bank Secrecy Act. *See* 31 U.S.C. § 5326(a); 31 C.F.R. § 1010.370.

THEREFORE, IT IS ORDERED THAT:

### Section 1 - Definitions.

For purposes of this Order, the following terms shall have the following meanings:

- 1.1 “Common Carrier of Currency” means any person engaged in the business of transporting currency or other monetary instruments for a fee who holds himself 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. The term includes armored car services, as well as cash couriers engaged in the non-secure transportation of currency or other monetary instruments.
- 1.2. “Consignee” means a person appointed by the Shipper to receive currency or other monetary instruments transported by a Common Carrier of Currency.
- 1.3. “Covered Geographic Area” means the land border between San Diego County, California, United States and the United Mexican States at the San Ysidro and Otay Mesa Ports of Entry and Departure.
- 1.4. “Currency” shall have the same meaning as provided in 31 CFR § 1010.100(m).
- 1.5. “Currency Originator” means the person on whose instructions the Shipper acts, when the Shipper is not acting on its own behalf.
- 1.6. “Currency Recipient” means the final beneficiary to whom or to whose account the Consignee is instructed to deliver the currency or other monetary instruments. When the

Consignee is receiving the currency or other monetary instruments on its own behalf, it is the Currency Recipient.

- 1.7. “Monetary Instruments” shall have the same meaning provided in 31 CFR § 1010.100(dd).
- 1.8. “Freight Forwarder” shall have the same meaning provided in 49 U.S.C. § 13102(8).
- 1.9. “Shipper” means any person who either is a Common Carrier of Currency or engages a Common Carrier of Currency and pays the corresponding fees. This definition includes Freight Forwarders as defined in paragraph 1.8.
- 1.10. “Order Period” means the period beginning on August 8, 2015 and ending on February 4, 2016.

Section 2 - Special Reporting, Recordkeeping, and Customer Identification Obligations of a Common Carrier of Currency.

- 2.1. This Order shall apply to Common Carriers of Currency that physically transport currency or other monetary instruments across the Covered Geographic Area. Notwithstanding the exemption set forth at 31 C.F.R. § 1010.340(c)(9) (and reflected in the instructions to FinCEN Form 105), during the Order Period, a Common Carrier of Currency shall make a report when physically transporting currency or other monetary instruments in an aggregate amount at one time exceeding \$10,000 across the Covered Geographic Area. The report must be completed in accordance with the terms of this Order and the instructions to FinCEN Form 105 (when any such terms conflict, the terms of this Order shall control).
- 2.2. A Common Carrier of Currency shall complete a separate FinCEN Form 105 for each combination of Shipper, Consignee, Currency Originator, and Currency Recipient involved in each transaction that is the subject of this Order.
- 2.3. A FinCEN Form 105 filed in connection with this Order shall be deemed complete only when:
  - (a) It identifies the Common Carrier of Currency as the person that transports currency or other monetary instruments on behalf of another person across the Covered Geographic Area;
  - (b) It identifies the city and country of origination and destination, and the date for departure and arrival;
  - (c) It provides the name and address of the Consignee;
  - (d) It provides the name and address of the Currency Originator;
  - (e) It provides the name, address, and type of business of the Shipper/Freight Forwarder;
  - (f) It provides the name and telephone number of the Currency Recipient;
  - (g) It gives a full description of the type and U.S. dollar equivalent amount of currency or other monetary instruments transported; and

- (h) It is signed and dated by the Common Carrier of Currency or a person duly authorized by the Common Carrier of Currency.

The information described in paragraph 2.3 shall be included in the FinCEN Form 105 in the manner set forth in paragraph 2.4.

- 2.4. A Common Carrier of Currency that is obligated to report under Section 2.1 of this Order shall fill out a FinCEN Form 105 containing the information described in paragraph 2.3 in the manner set forth below:

(a) Part I:

1. Fields 1-9 shall be completed with the Common Carrier of Currency's corporate or, if a natural person, personal information.
2. Field 10 shall identify the Currency Recipient's Phone Number (including Country and Area codes, but without any spaces, special characters, or formatting).
3. Field 11 shall remain unchanged.
4. Fields 12a. and 12b. shall remain unchanged.
5. Field 12c. shall include the term "SWBORDERGTO."
6. Field 12d. shall remain unchanged.
7. Field 12e. shall identify the name address and type of business of the Consignee.
8. Field 12f. shall identify the name and address of the Shipper/Freight Forwarder, even if the Shipper/Freight Forwarder is the same as the Currency Originator or Currency Recipient.

(b) Part II:

1. Fields 13-14 shall include information about the Currency Originator.
2. Field 15 shall identify the true and legal name of the Currency Recipient, even if the Currency Recipient is the same as the Consignee or Currency Originator. When inserting the name, ensure that it follows the "Last or Family, First, Middle" format.

(c) Parts III and IV remain unchanged.

- (d) In the event the same person fulfills more than one role in the transportation, the Common Carrier of Currency shall insert the name and identifying information of the person in the sections and fields that correspond to each of the roles fulfilled by the person.

- 2.5. The failure to file a FinCEN Form 105 under the terms of the Order may result in the seizure and forfeiture of currency or other monetary instruments. See 31 U.S.C. § 5317.
- 2.6. A Common Carrier of Currency receiving this Order shall transmit the Order to its Chief Executive Officer.

### Section 3 - General.

- 3.1. All questions about the Order shall be addressed to the FinCEN Resource Center at (800) 767-2825 or via email at [FRC@fincen.gov](mailto:FRC@fincen.gov).
- 3.2. Any Common Carrier of Currency, or partner, director, officer, or employee, of any Common Carrier of Currency may be liable, without limitation, for civil sanctions and/or criminal penalties for violation of any of the terms of this Order.
- 3.3. In addition to other methods of delivery of this Order to Common Carriers of Currency operating within the Covered Geographic Area, a copy of the Order will be provided to each Common Carrier of Currency in the Covered Geographic Area when a transaction that is subject to reporting under this Order occurs. A copy of this Order carries the full force and effect of an original signed Order. Provision of this Order, on behalf of FinCEN, to a Common Carrier of Currency in the Covered Geographic Area at the time a transaction subject to reporting under this Order occurs in no way alters the provisions of this Order.
- 3.4. Any judicial determination that any provision of this Order is invalid shall in no way affect the validity of any other provision of this Order, and each other provision shall thereafter remain in full force and effect.
- 3.5. 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 Numbers 1506-0014 and 1506-0056.

Dated: August 5, 2015

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Jamal El-Hindi  
Deputy Director  
Financial Crimes Enforcement Network