



Department of the Treasury Financial Crimes Enforcement Network

Guidance

FIN-2010-G004

Issued: November 9, 2010

Subject: Funds "Travel" Regulations: Questions & Answers

The following is revised guidance to financial institutions on the transmittal of funds "Travel" rule. This guidance updates the document "Funds 'Travel' Regulations: Questions & Answers" issued in 1997. It includes a parenthetical at the end of each answer indicating the date the answer was issued.

1. Are all transmittals of funds subject to this rule?

No. Only transmittals of funds equal to or greater than \$3,000 (or its foreign equivalent) are subject to this rule, regardless of whether or not currency is involved. In addition, transmittals of funds governed by the Electronic Funds Transfer Act (Reg E) or made through ATM or point-of-sale systems are not subject to this rule. (January 1997)

2. What are the "Travel" rule's requirements?

All transmitter's financial institutions must include and send the following in the transmittal order:

The name of the transmitter,
The account number of the transmitter, if used,
The address of the transmitter,
The identity of the transmitter's financial institution,
The amount of the transmittal order,
The execution date of the transmittal order, and
The identity of the recipient's financial institution;

and, if received:

The name of the recipient,
The address of the recipient,
The account number of the recipient, and
Any other specific identifier of the recipient.

An intermediary financial institution must pass on all of the above listed information, as specified in the travel rule, it receives from a transmitter's financial institution or the preceding intermediary financial institution (exceptions are noted below, in FAQ #3), but has no general

duty to retrieve information not provided by the transmitter's financial institution or the preceding intermediary financial institution.

An intermediary financial institution may receive supplementary information about a payment beyond the information the travel rule requires to be sent to the next financial institution in the payment chain. For example, a payment order may contain additional information about the payment or the parties to the transaction. Due to differences in format and detail included in different systems, such as Fedwire, CHIPS, SWIFT and proprietary message formats, this additional information may not be readily transferable to the format used to send a subsequent payment order. In that event, the sending intermediary institution would be in compliance with the travel rule as long as all of the information specified in the travel rule was included in the subsequent payment order. The information does not have to be structured in the same manner or appear in the same format so long as all of the information required by the travel rule is included. For example, if certain information specified in the travel rule was present in two or more fields in the payment order received, that information need only be included once in the payment order sent to satisfy the requirements of the travel rule.

Intermediary financial institutions in receipt of additional information not required by the travel rule should note that, while compliance with the travel rule is accomplished by inclusion of the information identified in the rule, other monitoring and reporting requirements may apply to additional information and nothing in this FAQ relieves a financial institution of any of its duties with regard to other requirements. In addition, as a matter of risk management, an intermediary financial institution may choose to provide a receiving financial institution supplemental information about a payment and the parties involved. Currently, limited interoperability between systems may prevent a bank from choosing to include certain supplementary information in a payment order. These limitations, however, may be temporary as systems develop.

Moreover, if any lawful order is received at, or if a request from another financial institution is made to a recipient's financial institution, all financial institutions must go back to the transmitter's financial institution, or any other preceding financial institution, if the transmitter's financial institution is unknown, and retrieve information required by the travel rule not included in the transmittal of funds due to system limitations. (Updated November 2010)

3. Are there any exceptions to these requirements?

Yes. If the transmitter and the recipient are the same person, and the transmitter's financial institution and the recipient's financial institution are the same domestic bank or domestic securities broker, the transaction is excepted from the requirement contained in these new rules.

In addition, if both the transmitter and the recipient, that is, as defined, the beneficial recipient, are any of the following, then the transmittal of funds is not subject to these rules:

Domestic bank;

Wholly owned domestic subsidiary of a domestic bank;

Domestic broker or dealer in securities;

Wholly owned domestic subsidiary of a domestic broker or dealer in securities;

Domestic futures commission merchant or an introducing broker in commodities;
Wholly owned domestic subsidiary of a domestic futures commission merchant or an introducing broker in commodities;
The United States;
Federal agency or instrumentality;
State or local government;
State or local agency or instrumentality; or
Domestic mutual fund. (Updated November 2010)

4. Does this rule require any reporting to the government of any information?

No. However, if a transmittal of funds seems to the financial institution to be suspicious, then a Suspicious Activity Report is required, if the financial institution is subject to the Bank Secrecy Act's suspicious activity reporting requirement. (January 1997)

5. How long does a financial institution have to keep records required by these new rules?

Five (5) years. (January 1997)

6. What is the benefit of this rule to the public?

Law enforcement authorities have identified instances to the Treasury in which records maintained by financial institutions were incomplete or insufficient and thereby hampered criminal investigations. In addition, in certain criminal investigations, financial institutions were unable, on a timely basis, to provide law enforcement authorities with useful financial records of transmittals of funds. This rule was created to ensure that in criminal investigations, as well as tax or regulatory proceedings, sufficient information would be available to quickly enable authorities to determine the source of the transmittal of funds and its recipient. Finally, it is anticipated that this rule will more easily permit law enforcement authorities to determine the parties to a transaction. (January 1997)

7. What is a financial institution for the purposes of this rule?

The term "financial institution" includes: banks; securities brokers or dealers; casinos subject to the Bank Secrecy Act; money transmitters, check cashers, currency exchangers, and money order issuers and sellers subject to the Bank Secrecy Act; futures commission merchants and introducing brokers in commodities; and mutual funds. Please see 31 CFR 103.11 for more information. (November 2010)

8. Does this rule treat banks and non-bank financial institutions differently?

No. Banks and non-bank financial institutions are treated identically under the Travel rule. (January 1997)

9. What are some of the implications of the Travel rule for financial institutions subject to this rule?

The most important implication is that financial institutions must be aware that if a transmittal of funds involves both bank and non-bank financial institutions, each financial institution must carefully analyze and understand all of the definitions that apply to its role in the transmittal of funds. This is important because the rule's requirements on financial institutions differ, depending on what role a financial institution plays in a transmittal of funds.

For example, in a situation in which the customer of a securities broker initiates a transmittal of funds that is sent through a bank, that bank is an intermediary financial institution for the purposes of the Travel rule.

The next important implication is that financial institutions must carefully understand the role of the succeeding financial institution in the chain of each transmittal of funds, particularly where a transmittal of funds moves from a bank to a non-bank, or vice versa. This is important because the Travel rule's requirement to pass information to the next financial institution in the chain implicitly requires financial institutions that carry out transmittals of funds to coordinate the transfer of information required by this new rule.

Finally, as the range of services offered by financial institutions expands, financial institutions must recognize that a single transmittal may involve two or more funds transfer systems. In such cases, it is important that financial institutions understand their roles in such a complex transmittal of funds, because their duties under this rule arise from their role(s) in the transmittal of funds. (January 1997)

10. What is the relationship between the terms used in this rule and those used within Article 4A of the Uniform Commercial Code (UCC)?

This rule uses terms that are intended to parallel those used in UCC Article 4A, but that are applicable to all financial institutions, as defined within the Bank Secrecy Act's implementing regulations.

Terms for all financial institutions

UCC 4A terms

Transmittal of funds

Funds transfer

Transmittal order

Payment order

Transmittor

Originator

Transmittor's financial institution

Originator's Bank

Intermediary financial institution

Intermediary bank

Recipient's financial institution

Beneficiary's bank

Recipient

Beneficiary

Receiving financial institution

Receiving bank

Sender

Sender

(January 1997)

11. Do the terms created in this regulation apply to transmittals of funds to or from anywhere in the world?

Yes. However, the requirements of the Bank Secrecy Act apply only to activities of financial institutions within the United States. Thus, for example, part, but not all, of an international transmittal of funds can be subject to the Travel rule. (January 1997)

12. Is this rule limited to wire transfers?

No. The term transmittal of funds includes other transactions and transfers in addition to wire transfers or electronic transfers. (January 1997)

13. What are examples of transmittals of funds that are not wire transfers?

Financial institutions sometimes carry out transmittals of funds using correspondent accounts or journal entry transfers such as "due from" and "due to" accounts. In such cases, covered transmittals of funds have occurred even though no wire transfer has occurred.

In addition, a check can be the transmittal order within a transmittal of funds. This limited case occurs when Customer 1 goes into Financial Institution A and orders a transmittal of funds be sent to Customer 2 at Financial Institution B. Financial Institution A, perhaps because it is a small financial institution or because the transaction involves a function (such as a trust) that is segregated from the rest of the financial institution, sends a check, payable to Financial Institution B, directly to Financial Institution B, and does not send the check directly to Customer 1 or to Customer 2. This check must be Financial Institution A's own check (however, it need not be drawn on Financial Institution A), and not the check of the customer. This check contains accompanying instructions to have Financial Institution B subsequently credit Customer 2's account. In such a case, the check and its instructions are the transmittal order effecting a transmittal of funds. (January 1997)

14. How should aggregated transmittals of funds be treated?

This is a situation where a financial institution aggregates many separate requests for transmittals of funds into one combined transmittal of funds.

Whenever a financial institution aggregates separate transmitters from separate transmittals of funds, the transmitter's financial institution itself becomes the transmitter, for the purpose of the Travel rule. Conversely, any time a financial institution combines separate recipients from separate transmittals of funds, the recipient's financial institution itself becomes the recipient, for the purpose of the Travel rule.

For example, if a money transmitter has five (5) customers who wish to have funds disbursed to five separate recipients at a separate money transmitter, and the money transmitter uses a bank to carry out the movement of funds, the bank might aggregate the five (5) separate customers. In such an instance and for the purposes of the Travel rule, the bank may list as transmitter the transmitters' money transmitter, and as recipient the recipients' money transmitter. However, the transmitters' money transmitter itself is independently obligated to make travel the required information to the recipients' money transmitter. Thus, the information is still required to travel

in an aggregated transmittal of funds, although not necessarily in the same manner or by the same parties as in a non-aggregated transmittal of funds. (January 1997)

15. How should joint party transmittals of funds be treated?

For example, Ms. A and Ms. B, sisters with different names and addresses, jointly act as the transmitter or as the recipient. In such cases, it may be impossible to transfer all the information required under the Travel rule. In this instance, the Treasury suggests the following:

When a transmittal of funds is initiated by more than one transmitter, or sent to more than one recipient, the transmitter's financial institution may select one transmitter, or one recipient, as the person whose information must be passed under the "Travel" rule. In all cases involving a transmittal of funds from a joint account, the account holder that ordered the transmittal of funds should be identified as the transmitter on the transmittal order. Please note that for the Joint Rule [31 CFR 103.33(e) and (f)], records must still be kept on all parties. (January 1997)

16. How should a financial institution treat a customer who uses a code name or a pseudonym, or a customer who has requested that the financial institution hold his/her mail?

For purposes of compliance with the Travel rule, the use of a code name or pseudonym is prohibited. In all such cases, the financial institution must use the customer's true name, and the customer's address. Customers may use abbreviated names, names reflecting different accounts of a corporation, as well as trade and assumed names, or names of unincorporated divisions or departments of businesses.

There may be legitimate reasons for having the financial institution's address serve as the transmitter's mailing address, such as where a customer has requested that the financial institution hold his/her mail. Consequently, so long as the financial institution maintains on file the transmitter's true address and such true address is retrievable upon request by law enforcement, the financial institution may comply with Section 103.33(g) by forwarding with the transmittal order the customer's mailing address that is maintained in its automated Customer Information File (CIF) (even if that address happens to be the bank's own mailing address). (Updated November 2010)

17. To whom can a financial institution go should it have further questions?

Any financial institution may contact its primary Bank Secrecy Act examination authority, or the Treasury Department's Financial Crimes Enforcement Network can be contacted regarding questions on the Bank Secrecy Act rules at (800) 949-2732. (Updated November 2010)