TB 6-3 was rescinded 10/21/91. Incorporated into Compliance Activities 400

Handbook: Compliance Activities Subject: **Bank Secrecy Act** 

Section: 400 TB 6-3

December 29, 1989

# w I om 478!

Summary: Effective with transactions entered into on or after January 1, 1990, savings associations are required to use a new, revised Form 4789 - Currency Transaction Report.

For Further Information Contact: The OTS District Office in which you are located or the OTS Division of Compliance Programs, Washington, D.C.

Thrift Bulletin 6-3

Supplementary Information: Attached is a copy of revised Internal Revenue Service Form 4789 - Currency Transaction Report. This version of the form is required for currency transactions in excess of \$10,000 occurring on or after January 1, 1990. Savings associations can purchase reproduction proofs of the form and instructions at \$4 a set by contacting the Repro Coordinator, IRS Eastern Area Distribution Center, 4300 Carolina Avenue, Richmond, Va. 23222, telephone: (804) 329-1056. A supply of free copies of the revised form can be obtained by calling the Internal Revenue Service at (800) 424-3676. Be sure to specify that you are requesting the "new" Form 4789.

Savings associations should note that this revised form must be sent to a new address: IRS Computing Center, P.O. Box 33604, Detroit, Michigan, 48232-5604, or the local IRS office. The new reporting form contains many technical changes and filers are urged to study carefully the instructions that accompany the form. There are also some significant changes in reporting reflected in the new form as highlighted below:

- the date of birth of the individual conducting the transaction as well as the date of birth of the individual on whose behalf a transaction was conducted must be ascertained reported (lines 14 and 30)
- alien identification data relating to the individual on whose behalf a transaction was conducted must now be ascertained and reported (line 23)

- dollar amounts for "cash in" and "cash out" relating to the total amount of the currency transaction (line 35)
- dollar amounts for "cash in" and "cash out" relating to the total amount of the currency transaction in U.S. \$100 bills or higher (line 36)

The instructions to Part II - Person on whose behalf this transaction was conducted - reference Bank Secrecy Act Administrative Ruling 89-5. This ruling, which will be sent to savings associations under separate cover, is designed to provide guidance about fulfilling the requirement to furnish information about the person on whose behalf a reportable currency transaction is being conducted.

Attachment

John F. Robinson

Senior Deputy Director, Supervision Policy (Acting)

#### Form 4789 **Currency Transaction Report** File a separate report for each transaction. (Rev. January 1990) ▶ Please type or print. OMB No. 1545-0183 For Paperwork Reduction Act Notice, see page 3. Department of the Tre Expires: 12-31-91 (Complete all applicable parts—See instructions) 1 Check appropriate boxes if: a a mends 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 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) 1 15 Method used to verify identity: b Issued by 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 If 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 c Number ▶ Employer identification number b issued by 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 s ☐ Savings ▶ Securities ► H ☐ CD/Money market ► Loan ► Other (specify) ► ↑ 🔲 c ☐ Checking ▶ Part IV Type of transaction. Check applicable boxes to describe transaction 32 E Currency exchange (currency for currency) 33 CASHIN: F CD/Money market purchased 34 CASH OUT: Deposit H For wire transfer Check cashed U From wire transfer Security purchased Check purchased A Receipt from abroad Security redeemed W Withdrawai K ☐ Other (specify) ▶ Shipment abroad Other (specify) ▶ 35 Total amount of currency transaction (in U.S. 36 Amount in Item 35 in U.S. \$100 bills or higher 37 Date of transaction dollar equivalent) (always round up) (see instructions) Cash in \$ ..... 00 .00 Cash out \$ Unknown .00 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) \$ c Amount of currency (in U.S. dollar equivalent) \$ 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 b Number of wire transfers involved c Total amount of all negotiable instruments and all wire transfers (in U.S. dollar equivalent)

1

46 ZIP code

53 Approving official (signature)

42 Address where the transaction occurred (see instructions)

50 Title

47 MICR number

54 Date

b ☐ Savings and loan association c ☐ Credit union d ☐ Securities broker/dealer e ☐ Other (specify) ▶

b Number of branches ▶

45 State

48 If this is a multiple transaction, please indicate: 

■ Number of transactions 

C ZIP codes 

■

.00

43 Employer identification number

Social security number

51 Date

55 Telephone number

Part V Financial institution where transaction took place

40 a Bank (enter code number from instructions here)

41 Name of financial institution

49 Signature (preparer)

52 Type or print preparer's name

44 City

Sign

24 Address (number and street)

**26** City

Form 4789 (Rev. 1-90)								Page 2
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27 State 28 ZIP code

25 Occupation, profession, or business

30 Date of birth (see instructions)

29 Country (if not U.S.)

Paperwork Reduction Act Notice.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 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 institution other than a casino must rile a : orm 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 by or on behalf as a single transaction if the financial institution has knowledge that: (1) they are by or on behalf of any person, and (2) result in either cash into or cash out of the financial institution totalling 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 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 permane

address must be verified and recorded. See 31

For individuals who are established customers, identifying information previously obtained from the customer and kept in the financial 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. 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 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 erson engaged in the business of transmitting funds:
  - (6) a t legraph company;
- (7) the U.S. Postal Service with respect to selling money orders.

Person.—An individual, corporation 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 currence 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 form, all checks (including personal, business -For purposes of this 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 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 conducts 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,ord) in item 3 if you are reporting any of the following transactions: a withdrawal or 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 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 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 5, and middle initial in Item 6.

tem 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 13the permanent street address, including ZIP the permanent street address, including Zircode, 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 of the street, road, or route number where the person lives must be provided in Item 8 along with the P.O. box number.

-Occupation, profession, or business.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 nimself 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—iypes 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.

are for IRS processing purposes.

Box 32—Currency exchange.—Check this box if currency was exchanged for 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

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 \$5,000 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.

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