

## § 100.18

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[47 FR 32044, July 23, 1982, as amended at 56 FR 10170, Mar. 11, 1991]

### **§ 100.18 Counterfeit notes to be marked; “redemption” of notes wrongfully so marked.**

The Act of June 30, 1876 (19 Stat. 4; 31 U.S.C. 424), provides that all U.S. Officers charged with the receipt or disbursement of public moneys, and all of-

## 31 CFR Ch. I (7-1-01 Edition)

ficers of national banks, shall stamp or write in plain letters the word “counterfeit,” “altered,” or “worthless” upon all fraudulent notes issued in the form of, and intended to circulate as money, which shall be presented at their places of business; and if such officers shall wrongfully stamp any genuine note of the United States, or of the national bank, they shall, upon presentation, “redeem” such notes at the face amount thereof.

### **§ 100.19 Disposition of counterfeit notes and coins.**

All counterfeit notes and coin found in remittances are cancelled and delivered to the U.S. Secret Service of the Department of the Treasury or to the nearest local office of that Service, a receipt for the same being forwarded to the sender. Communications with respect thereto should be addressed to the Director, U.S. Secret Service, Department of the Treasury, Washington, DC 20223.

## **PART 101—MITIGATION OF FORFEITURE OF COUNTERFEIT GOLD COINS**

Sec.

- 101.1 Purpose and scope.
- 101.2 Petitions for mitigation.
- 101.3 Petitions reviewed by Assistant Secretary, Enforcement, Operations, Tariff Affairs.
- 101.4 Extraction of gold bullion from the counterfeit coins.
- 101.5 Payment of smelting costs.
- 101.6 Return of the bullion.
- 101.7 Exceptions.
- 101.8 Discretion of the Secretary.

AUTHORITY: 18 U.S.C. 492.

SOURCE: 42 FR 1472, Jan. 7, 1977, unless otherwise noted.

### **§ 101.1 Purpose and scope.**

The purpose of this part is to establish a policy whereby certain purchasers or holders of gold coins who have forfeited them to the United States because they were counterfeit may, in the discretion of the Secretary of the Treasury, recover the gold bullion from the coins. This part sets forth the procedures to be followed in implementing this policy.

## Monetary Offices, Treasury

## § 101.8

### § 101.2 Petitions for mitigation.

(a) *Who may file.* Any person may petition the Secretary of the Treasury for return of the gold bullion of counterfeit gold coins forfeited to the United States, if:

(1) The petitioner innocently purchased or received the coins and held them without the knowledge that they were counterfeit; and,

(2) The petitioner voluntarily submitted the coins to the Treasury Department for a determination of whether they were legitimate or counterfeit; and,

(3) The coins were determined to be counterfeit and were seized by the Treasury Department and forfeited to the United States.

(b) *To whom addressed.* Petitions for mitigation of the forfeiture of counterfeit gold coins should be addressed to the Assistant Secretary, Enforcement, Operations, Tariff Affairs, Department of Treasury, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

(c) *Form.* The petition need not be in any particular form, but must be under oath, and set forth at least the following:

(1) The full name and address of the petitioner;

(2) A description of the coin or coins involved;

(3) The name and address of the person from whom the coins were received or purchased by the petitioner;

(4) The date and place where they were voluntarily submitted for examination;

(5) Any other circumstances relied upon by the petitioner to justify the mitigation;

(6) A statement that the petitioner purchased or received and held the coins without the knowledge that they were counterfeit.

### § 101.3 Petitions reviewed by Assistant Secretary, Enforcement, Operations, Tariff Affairs.

(a) The Assistant Secretary will receive and review all petitions for mitigation of the forfeiture of counterfeit gold coins. He shall conduct such further investigation, and may request such further information from the petitioner as he deems necessary. Petitions

will be approved if the Assistant Secretary determines that:

(1) The gold coins have not been previously disposed of by normal procedures;

(2) The petitioner was an innocent purchaser or holder of the gold coins and is not under investigation in connection with the coins at the time of submission or thereafter;

(3) The coins are not needed and will not be needed in the future in any investigation or as evidence in legal proceedings; and

(4) Mitigation of the forfeiture is in the best interest of the Government.

### § 101.4 Extraction of gold bullion from the counterfeit coins.

If the petition is approved, the Assistant Secretary shall then forward the gold coins to the Bureau of the Mint where, if economically feasible, the gold bullion will be extracted from the counterfeit coins. The Bureau of the Mint will then return the bullion to the Assistant Secretary.

### § 101.5 Payment of smelting costs.

The petitioner shall be required to pay all reasonable costs incurred in extracting the bullion from the counterfeit coins, as shall be determined by the Assistant Secretary. Payment must be made prior to the return of the gold bullion to the petitioner.

### § 101.6 Return of the bullion.

After receiving the gold bullion from the Bureau of the Mint, the Assistant Secretary shall notify the petitioner that his petition has been approved and that payment of the smelting costs in an amount set forth in such notice must be made prior to the return of the bullion.

### § 101.7 Exceptions.

The provisions of this part shall not apply where the cost of smelting the gold coins exceeds the value of the gold bullion to be returned.

### § 101.8 Discretion of the Secretary.

The Secretary of the Treasury retains complete discretion to deny any claim of any petitioner when the Secretary believes it is not in the best interest of the Government to return the

bullion to the petitioner or when the Secretary is not convinced that the petitioner was an innocent purchaser or holder without knowledge that the gold coins were counterfeit.

## PART 103—FINANCIAL RECORD-KEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

### Subpart A—Definitions

Sec.

103.11 Meaning of terms.

### Subpart B—Reports Required To Be Made

103.15 Determination by the Secretary.  
 103.18 Reports by banks of suspicious transactions.  
 103.20 Reports by money services businesses of suspicious transactions.  
 103.22 Reports of transactions in currency.  
 103.23 Reports of transportation of currency or monetary instruments.  
 103.24 Reports of foreign financial accounts.  
 103.25 Reports of transactions with foreign financial agencies.  
 103.26 Reports of certain domestic coin and currency transactions.  
 103.27 Filing of reports.  
 103.28 Identification required.  
 103.29 Purchases of bank checks and drafts, cashier's checks, money orders and traveler's checks.

### Subpart C—Records Required To Be Maintained

103.31 Determination by the Secretary.  
 103.32 Records to be made and retained by persons having financial interests in foreign financial accounts.  
 103.33 Records to be made and retained by financial institutions.  
 103.34 Additional records to be made and retained by banks.  
 103.35 Additional records to be made and retained by brokers or dealers in securities.  
 103.36 Additional records to be made and retained by casinos.  
 103.37 Additional records to be made and retained by currency dealers or exchangers.  
 103.38 Nature of records and retention period.  
 103.39 Person outside the United States.

### Subpart D—Special Rules for Money Services Businesses

103.41 Registration of money services businesses.

### Subpart E—General Provisions

103.51 Dollars as including foreign currency.  
 103.52 Photographic or other reproductions of Government obligations.  
 103.53 Availability of information.  
 103.54 Disclosure.  
 103.55 Exceptions, exemptions, and reports.  
 103.56 Enforcement.  
 103.57 Civil penalty.  
 103.58 Forfeiture of currency or monetary instruments.  
 103.59 Criminal penalty.  
 103.60 Enforcement authority with respect to transportation of currency or monetary instruments.  
 103.61 Access to records.  
 103.62 Rewards for informants.  
 103.63 Structured transactions.  
 103.64 Special rules for casinos.

### Subpart F—Summons

103.71 General.  
 103.72 Persons who may issue summons.  
 103.73 Contents of summons.  
 103.74 Service of summons.  
 103.75 Examination of witnesses and records.  
 103.76 Enforcement of summons.  
 103.77 Payment of expenses.

### Subpart G—Administrative Rulings

103.80 Scope.  
 103.81 Submitting requests.  
 103.82 Nonconforming requests.  
 103.83 Oral communications.  
 103.84 Withdrawing requests.  
 103.85 Issuing rulings.  
 103.86 Modifying or rescinding rulings.  
 103.87 Disclosing information.

#### APPENDIX TO PART 103—ADMINISTRATIVE RULINGS

AUTHORITY: 12 U.S.C. 1829b and 1951-1959; 31 U.S.C. 5311-5330.

SOURCE: 37 FR 6912, Apr. 5, 1972, unless otherwise noted.

### Subpart A—Definitions

#### § 103.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section.

(a) *Accept*. A receiving financial institution, other than the recipient's financial institution, accepts a transmittal order by executing the transmittal order. A recipient's financial institution accepts a transmittal order