

Supporting Statement

1. Circumstances Necessitating Collection of Information.

The Bank Secrecy Act (BSA), Titles I and II of Pub. L. 91-508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, and 31 U.S.C. 5311-5332, authorizes the Secretary of the Treasury *inter alia* to issue regulations requiring records and reports that are determined to have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, or in the conduct of intelligence or counter-intelligence activities, including analysis, to protect against international terrorism or to implement counter-money laundering programs and compliance procedures. Regulations implementing Title II of the BSA appear at 31 CFR part 103. The authority of the Secretary to administer the BSA has been delegated to the Director of Financial Crimes Enforcement Network.

Pursuant to the BSA, "a person or an agent or bailee of the person shall file a report . . . when the person, agent, or bailee knowingly – (1) transports, is about to transport, or has transported, monetary instruments of more than \$10,000 at one time –(A) from a place in the United States to or through a place outside the United States; or (B) to a place in the United States from or through a place outside the United States; or (2) receives monetary instruments of more than \$10,000 at one time transported into the United States from or through a place outside the United States." 31 U.S.C. 5316(a). The requirement of 31 U.S.C. 5316(a) has been implemented through regulations promulgated at 31 CFR 103.23 and through the instructions to the CMIR.

2. Method of Collection and use of data.

Information collected on the CMIR is made available, in accordance with strict safeguards, to appropriate criminal law enforcement and regulatory personnel in the official performance of their duties. The information collected is of use in investigations involving international and domestic money laundering, tax evasion, fraud, and other financial crimes.

3. Use of Improved Information Technology to Reduce Burden.

Currently, these forms are not filed using automated technology.

4. Efforts to Identify Duplication

There is no similar information available; thus there is no duplication.

5. Methods to Minimize Burden on Small Businesses or other Small Entities

The form does not affect small business or other small entities.

6. Consequences to the Federal Government of not collecting the Information.

The form notifies Treasury that currency exceeding \$10,000 has been physically transported into or out of the United States. Without this information, the Federal Government would be hampered in its effort to combat money laundering and other illicit financial activities.

7. Special Circumstances Requiring Data Collection Inconsistent with Guidelines.

Under 31 CFR 103.38, records must be kept for 5 years. This retention period is necessary to substantiate violations that have occurred within the Statute of Limitations (5 or 6 years).

8. Consultation with Individuals Outside of the Agency on Availability of Data. Frequency of Collection, Clarity of Instructions and Forms, and Data Elements.

On March 11, 2009, FinCEN issued a notice and request for comment concerning the CMIR form renewal without change. (See 74 FR 10652). A copy of the notice and request for comments is attached. In response to the notice, FinCEN received no comments.

9. Payments and Gifts

No payments or gifts were made to respondents.

10. Assurance of Confidentiality of Responses.

Information provided under section 5313 is exempt from disclosure under 5 U.S.C. 552. However, the information may be made available to appropriate law enforcement agencies and supervisory agencies.

11. Justification of Sensitive Questions.

No sensitive questions are asked.

12. Estimated Annual Hourly Burden.

Frequency: As required.

Estimated number of respondents: 280,000.

Estimated annual responses: 280,000

Estimated annual burden: 140,000 hours (Reporting average of 10 minutes per response; recordkeeping average of 20 minutes per response).

13. Estimated Annual Cost to Respondents for Hour Burdens.

Not required

14. Estimated Annual Cost to the Federal Government.

Not required

15. Reason for Change in Burden.

N/A

16. Plans for Tabulation, Statistical Analysis, and Publication.

This collection of information will not be published.

17. Request not to Display Expiration Date of OMB Control Number.

To avoid having to reprint the form to show a new date, FinCEN is requesting permission not to display the OMB expiration date on the Designation of Exempt Person Form 110.

18. Exceptions.

There are no exceptions to the certification statement on OMB Form 83-1.