

Supporting Statement

1. Circumstances Necessitating Collection of Information.

The collection of the information contained on Currency Transaction Report (FinCEN Form 104, is authorized by statute (see 31 U.S.C. 5313 (a) and required by regulation (see 31 CFR 103.22(a) (b). The regulation requires the reporting of transactions in currency in excess of \$10,000 a day.

Financial institutions as defined in 31 U.S.C. 5312(a)(2) and 31 CFR 103.11 are subject to the currency transaction reporting requirement. The Currency Transaction Report, FinCEN Form 104, is the form financial institutions use to comply with the currency transaction reporting requirements.

2. Method of Collection and use of data.

The information contained on Form 104 is used by criminal investigators, as well as taxation and regulatory enforcement authorities, during the course of investigations that involve money laundering, tax violations, fraud and other financial crimes.

3. Use of Improved Information Technology to Reduce Burden.

Currently, 85% of these forms are filed using automated technology through the FinCEN BSA E-File system. FinCEN is working with the filing institutions to increase this number.

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

This collection of information does not impact small entities.

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

This collection of information occurs after a customer conducts a currency transaction in excess of \$10,000. A financial institution must file Form 104 for each transaction in currency involving either currency received (Cash In) or currency disbursed (Cash Out) of more than \$10,000 a day. Were this collection to be reduced in frequency, the information collected would not be of use to law enforcement personnel.

7. Special Circumstances Requiring Data Collection Inconsistent with Guidelines.

There are no special circumstances.

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

The Paperwork Reduction Act 60-day notice was published on October 2, 2009 (see 74 FR 50999). FinCEN received one comment to this notice. The respondent commented that the burden hours stated for completing, filing and recordkeeping associated with the CTR was understated. After review, FinCEN agrees that an increase is appropriate. The revised burden will reflect 20 minutes for form completion and 20 minutes for filing and recordkeeping for a total of 40 minutes per CTR filing.

9. Payments and Gifts

No payments or gifts were made to respondents.

10. Assurance of Confidentiality of Responses.

Information collected on Form 104 is made available, in accordance with strict safeguards, to appropriate criminal law enforcement, regulatory, and taxation personnel solely in the official performance of their duties.

11. Justification of Sensitive Questions.

No sensitive questions are asked.

12. Estimated Annual Hourly Burden.

Frequency: As required.

Estimated Number of Respondents: 54,000

Estimated Number of Annual Responses: 13,710,000.

Estimate of Burden: Reporting average of 20 minutes per response; recordkeeping and reporting average of 20 minutes per response for a total of 40 minutes.

Estimate of Total Annual Burden on Respondents: 9,140,000 hours

Estimates were based on time taken to read the instructions and complete the form.

13. Estimated Annual Cost to Respondents for Hour Burdens.

Not applicable

14. Estimated Annual Cost to the Federal Government.

Not applicable

15. Reason for Change in Burden.

As a result of comments received, FinCEN has increased the time-per-response estimation for this collection. The adjustments contained in item 12 reflect a decrease in the annual response rate, but an overall increase in the burden hours resulting from the increase in the estimated response time.

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 CTR Form 104.

18. Exceptions.

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