

SUPPORTING STATEMENT
1506-0005

1. Circumstances Necessitating Collection of Information.

Under 31 U.S.C. 5313(a), the Department of the Treasury is authorized to issue regulations that require a report when a domestic financial institution is involved in a transaction for the payment, receipt, or transfer of U.S. coins and currency (or other monetary instruments). Regulations implementing section 5313(a) are found at 31 CFR 103.22. In general the regulations require the reporting of transactions in currency in excess of \$10,000 a day. Casinos, as defined in 31 U.S.C. 5312(a)(2)(X) and 31 CFR 103.11(n)(7)(i) (including card clubs as defined in 31 CFR 103.11(n)(8)(i)), are financial institutions subject to the currency transaction reporting requirement. FinCEN Form 103 is the form casinos and card clubs use to comply with the currency transaction reporting requirements.

This action also renews 31 CFR 103.27(a)(3), 31 CFR 103.27 (d), and 31 CFR 103.28. Each of these sections adds a one-hour PRA burden to this control number.

2. Method of Collection and Use of Data.

The information contained on FinCEN Form 103 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, FinCEN Form 103 may be completed using automated fill-in technology on a computer. The form also may be electronically filed through the Bank Secrecy Act Direct E-filing System. About five percent of these reports are filed electronically.

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 (or multiple currency transactions totaling more than \$10,000 during any one business day by or on behalf of the same person). A U.S. casino must use FinCEN Form 103 for each transaction in currency involving either currency received (cash in) or currency disbursed (cash out) of more than \$10,000 in a gaming day. A gaming day is the normal business day of the casino by which it keeps its books and records for business, accounting, and tax purposes. 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.

On March 18, 2009, FinCEN published in the Federal Register a 60-day notice requesting comments on FinCEN Form 103. (See 74 FR 11632). The notice proposed no changes to the current FinCEN Form 103 or its instructions. We received no comments during the 60-day comment period.

This action also renewed 31 CFR 103.27(a)(3), 31 CFR 103.27 (d), and 31 CFR 103.28. Each of these sections adds a one-hour PRA burden to this control number. This action appeared on January 30, 2008 (See 73 FR 5628). No comments were received in response to this notice.

9. Payments and Gifts.

No payments or gifts were made to respondents.

10. Assurance of Confidentiality of Responses.

Information collected on FinCEN Form 103 is made available, in accordance with strict safeguards, to appropriate criminal law enforcement, regulatory enforcement, 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.

All U.S. casinos and card clubs having gross annual gaming revenues in excess of \$1 million, file FinCEN Form 103 pursuant to 31 CFR 103.22(a)(2).

Frequency: As required.

Estimated Number of Respondents: 925.

Estimated Number of Annual Responses: 360,000.

Estimate of Burden: Reporting average of 20 minutes per response; recordkeeping average of 10 minutes per response; for a total of 30 minutes.

Estimate of Total Annual Burden on Respondents: 180,000 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.

This action does not change the currently approved burden.

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

This collection of information will not be published.

17. Request Not To Display Expiration Date of the Office of Management and Budget Control Number.

To avoid having to reprint FinCEN Form 103 to show a new date, we are requesting permission not to display the expiration date on the form.

18. Exceptions.

There are no exceptions to the certification statement on Office of Management and Budget Form 83-I.