

Supplemental Statement
Additional records to be made and retained by banks
OMB Control Number 1506-0059

1. Circumstances Necessitating Collection of Information

The statute generally referred to as the “Bank Secrecy Act,” Titles I and II of Public Law 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 require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities, to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.¹ Regulations implementing Title II of the Bank Secrecy Act appear at 31 CFR Chapter X. The authority of the Secretary to administer the Bank Secrecy Act has been delegated to the Director of the Financial Crimes Enforcement Network.

A bank must retain an original or copy of certain documents, as specified in section 1020.410. The required records must be maintained for five years (31 CFR 1010.430).

2. Method of Collection and use of data

Should FinCEN issue regulations under this authority, it will provide a burden estimate specific to those regulations. Currently there is no requirement.

3. Use of Improved Information Technology to Reduce Burden

Not applicable

4. Efforts to Identify Duplication

Not applicable

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

Not applicable

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

Not applicable

¹ Language expanding the scope of the Bank Secrecy Act to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, P.L. 107-56.

7. Special Circumstances Requiring Data Collection Inconsistent with Guidelines

Should FinCEN issue regulations under this section then under 31 CFR 1010.430, 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 June 8, 2011, FinCEN issued a notice and request for comment to renew without change this potential requirement (See 76 FR 33413). FinCEN received two general comments stating that the listed burden was too low. Since neither respondent provided any factual information to support their comment, FinCEN will retain the current burden.

9. Payments and Gifts

No payments or gifts were made to respondents.

10. Assurance of Confidentiality of Responses

Information collected under 31 U.S.C. 5311 -5332 may be made available to appropriate law enforcement agencies and supervisory agencies.

11. Justification of Sensitive Questions

Not applicable

12. Estimated Annual Hourly Burden

Frequency: As required.

Burden: The estimated number of recordkeepers is 22,900. The estimated annual recordkeeping burden per recordkeeper is 100 hours for a total annual recordkeeping burden of 2,290,000 hours.

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

There is no change to the previously approved burden. FinCEN is requesting an extension at this time to acquire the same expiration date as the other information collections associated with FinCEN recordkeeping requirements. Aligning these ICRs to

reflect the same expiration date will allow FinCEN's to better manage and review related ICRs simultaneously.

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

FinCEN requests that it not be required to display the expiration date so that the regulations will not have to be amended for the new expiration date every three years.

18. Exceptions

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