

Supplemental Statement
Administrative Rulings
OMB Control Number 1506-0050

1. Circumstances Necessitating Collection of Information:

The statute generally referred to as the “Bank Secrecy Act,” (BSA) 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 BSA appear at 31 CFR Chapter X. The authority of the Secretary to administer the BSA has been delegated to the Director of the Financial Crimes Enforcement Network (FinCEN).

FinCEN administers the administrative ruling process under the BSA. The Paperwork Reduction Act (PRA) burden is currently included in OMB Control Number 1506-0050. The sections under this control number address: (a) how to submit a ruling request (1010.711), (b) how non-conforming requests are handled (1010.712), (c) how oral communications are treated (1010.713), (d) how rulings are issued (1010.715), (e) how rulings are modified or rescinded (1010.716), and (f) how information in connection with a ruling may be disclosed (1010.717). Effective September 2009, all administrative rulings with precedential value are published on the FinCEN website and may be reviewed at http://www.fincen.gov/statutes_regs/rulings/.

2. Method of Collection and use of data:

Administrative rulings are sent to FinCEN either by the U.S. Mail or electronically for consideration and determination. The data presented in the request is used in the formulation of a response to the requestor.

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:

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.

Not applicable.

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

Not applicable.

7. Special Circumstances Requiring Data Collection Inconsistent with Guidelines:

A FinCEN response to a request for an administrative ruling will be maintained as a permanent record.

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

On July 18, 2013, FinCEN issued a notice and request for comment to renew without change this requirement (See 78 FR 42999). FinCEN received no responses or comments to this request.

9. Payments and Gifts:

No payments or gifts were made to respondents.

10. Assurance of Confidentiality of Responses:

Not applicable.

11. Justification of Sensitive Questions:

Not applicable.

12. Estimated Annual Hourly Burden:

Frequency: As required.

Burden: The estimated number of responses (request for a ruling) is 60 annually, with a burden of one hour per submission, for a total annual burden of 60 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:

Not applicable.

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.