

**CONSOLIDATED SUPPORTING STATEMENT FOR AMENDMENT TO  
INFORMATION COLLECTIONS BY FINAL RULES:**

**Alternative to Fingerprinting Requirement For Foreign Natural Persons**

**Commodity Pool Operators and Commodity Trading Advisors:**

**Amendments to Compliance Obligations**

**OMB CONTROL NUMBER 3038-0023<sup>1</sup>**

**(Registration Under the Commodity Exchange Act)**

This supporting statement combines two separate information collections related to “Commodity Pool Operators and Commodity Trading Advisors: Amendments to Compliance Obligations” (“CPO-CTA”) and “Alternative to Fingerprinting Requirements for Foreign Natural Persons” (“Alternative to Fingerprinting Requirements”) final rules. The Commission had previously submitted a consolidated supporting statement, combining the burden estimates of two recent proposals: “Regulation Automated Trading” and “Alternative to Fingerprinting Requirements.” Because the Alternative to Fingerprinting Requirements has been finalized, but the Regulation AT proposal is not yet final, the Commission is submitting this consolidated supporting statement with the combined burden estimates, resulting from the CPO-CTA<sup>2</sup> and Alternative to Fingerprinting Requirements final rules, as noted below.

**Justification**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the**

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<sup>1</sup> The current title of the collection is “Commodity Pool Operators and Commodity Trading Advisors: Amendments to Compliance Obligations, OMB control number 3038-0023.” The collection is being retitled “Registration Under the Commodity Exchange Act” to accurately reflect the scope of the collection. Because OMB Control Number 3038-0023 was being concurrently amended by the Alternative to Fingerprinting Requirements for Foreign Natural Persons proposal (“Alternative to Fingerprinting Proposal”) and the Regulation Automated Trading proposal (“Reg AT Proposal”), on January 12, 2016, the Commission submitted to the Office of Management and Budget a consolidated supporting statement for the Alternative to Fingerprinting Proposal and the Reg AT Proposal, which combined in one document the burden hours and costs from these two proposals affecting OMB Control Number 3038-0023. The Reg AT Proposal has not been finalized as of the date of publication of the Final Rule. Thus, the Commission is separately submitting this supporting statement that only covers the Final Rule burden hours and costs.

<sup>2</sup> The CPO-CTA was finalized on February 24, 2012, 77 FR 11252, which amended OMB Control No. 3038-0023. The collection was renewed on November 21, 2015, with a three year expiration date of November 30, 2018. The Alternative to Fingerprinting Requirement final rule further amends OMB Control Number 3038-0023. This supporting statement restates the burden estimates for the previously approved CPO-CTA.

**collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

**A. Alternative to Fingerprinting**

Persons engaging in specified activities involving some or all commodity interests are required pursuant to the Commodity Exchange Act (“CEA” or “Act”) and/or regulations of the Commodity Futures Trading Commission (“Commission”) to register with the Commission in certain registration categories. These include registration as a futures commission merchant, retail foreign exchange dealer, introducing broker, commodity pool operator, commodity trading advisor, swap dealer, major swap participant, leverage transaction merchant, floor broker, and floor trader. For definitions of terms used herein, please see Section 1a of the CEA and Parts 1 and 5 of the Commission’s regulations. Pursuant to the registration process for determining a Commission registrant’s fitness in part 3 of the Commission’s regulations, natural persons that wish to be principals or associated persons of Commission registrants, or who are responsible for entry of orders from an FB’s or FT’s own account, are required to submit their fingerprints to the Commission (or its designee) (such requirements, collectively, the “Fingerprinting Requirement”).

The Commission is amending (the “Final Rule”) the Fingerprinting Requirement by adding a new sub-section (e) to the existing list of exemptions from the Fingerprinting Requirement in § 3.21 to codify and clarify CFTC Staff Letter No. 12-49 and CFTC Staff Letter No. 13-29, each issued by the Commission’s Division of Swap Dealer and Intermediary Oversight (together, the “DSIO No-Action Letters” and the relief provided by such letters, the “DSIO No-Action Relief”). These letters provide an alternative to certain portions of the Fingerprinting Requirement for certain persons who have not resided in the United States since reaching the age of 18 years. The Final Rule extends the alternative provided in the DSIO No-Action Relief to certain natural persons connected to FBs and FTs and includes all requirements to provide a fingerprint card under Part 3 of the Commission’s regulations, whereas the DSIO No-Action Relief is more limited.

The collection of information in the Final Rule is necessary to provide an optional alternative to complying with the Fingerprinting Requirement. Specifically, sub-section (e)(2) of § 3.21 provides that the obligation to provide a fingerprint card for a Foreign Natural Person under part 3 of the Commission’s regulations shall be deemed satisfied for a Certifying Firm (each, as defined in the Final Rule) if: (a) such Certifying Firm causes a criminal history background check of such Foreign Natural Person to be performed; (b) such criminal history background check does not reveal any matters that constitute a disqualification under Sections 8a(2) or 8a(3) of the CEA, other than those disclosed to the National Futures Association (“NFA”); and (c) a person authorized by such Certifying Firm submits, in reliance on such criminal history background check, a certification by such Certifying Firm to NFA.

The certification must: (i) state that the conditions described above have been satisfied; and (ii) be signed by a person authorized by such Certifying Firm to make such certification. In addition, each criminal history background check must: (a) be of a type that would reveal all matters listed under Sections 8a(2)(D) or 8a(3)(D), (E), or (H) of the CEA relating to the Foreign

Natural Person and (b) be completed not more than one calendar year prior to the date that such Certifying Firm submits the certification to NFA described in the proposed rule.

## B. CPO-CTA

The Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”) was signed into law on July 21, 2010. The legislation was enacted to reduce risk, increase transparency, and promote market integrity within the financial system by, inter alia, enhancing the Commission’s rulemaking and enforcement authorities with respect to all registered entities and intermediaries subject to the Commission’s oversight. The Dodd-Frank Act expanded the scope of federal financial regulation to include instruments such as swaps, enhanced the rulemaking authorities of existing federal financial regulatory agencies including the Commission and the Securities and Exchange Commission (“SEC”), and created new financial regulatory entities.

The Commodity Exchange Act (“CEA”) empowers the Commission with the authority to deny, revoke, or condition registration of commodity pool operators (CPOs) and commodity trading advisors (CTAs) and to exclude any entity from the definition of CPO. The Commission also has the power to promulgate such regulations as it deems necessary to implement the purposes of the CEA. It is pursuant to this authority that the Commission promulgated various exemptions from registration as a CPO as well as exclusions from the definition of CPO. The registration application, which must be updated as necessary, requires information about an applicant’s or registrant’s disciplinary history so that the person’s fitness for registration may be evaluated. In addition, basic identifying information is required so that a database will be available to current and prospective customers, the public and news media.

Following the passage of Dodd-Frank, and consistent with its tenor, the Commission reconsidered the level of regulation that it believed appropriate with respect to entities participating in the commodity futures and derivatives markets. The Commission believed it necessary to rescind or modify several of its exemptions and exclusions from registration to more effectively oversee its market participants and manage the risks that such participants pose to the markets. Accordingly, the Commission amended this collection to reflect the registration of entities that were previously exempt from registration or excluded from the definition of CPO under the Commission’s regulations. The expected burdens for registering have not changed under this collection, or its current renewal, but the Commission projected an increase in the number of registrants consistent with its modifications in the final rule, which remain constant in this renewal, and therefore, in the overall burden.

## **2. Indicate how, by whom, and for what purpose the data would be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

### A. Alternative to Fingerprinting

NFA staff will use the information required in lieu of a fingerprint card, as set forth in Item 1 above, to process each Form 8-R for Foreign Natural Persons that wish to avail

themselves of the alternative provided in the Final Rule. Additionally, Commission staff will use the records required to be preserved under the Final Rule when conducting the Commission's examination and oversight program and when conducting investigations into potential violations of the CEA. The requirement to keep records current and readily available enables the Commission to pursue potential violations in a timely manner and assists the Commission in its efforts to seek to freeze and recover any profits received from illegal activity.

#### B. CPO-CTA

The information on registration applications is used to determine fitness for registration under the Act. This determination is normally made, in the first instance, by the National Futures Association (NFA), an industry-funded self-regulatory organization registered as a futures association under the Act that the Commission has authorized to perform registration functions. The information on registration applications is used to develop the NFA database known as BASIC (Background Affiliation Status Information Center), which is Internet-accessible and consulted frequently by customers, prospective customers, the general public and the news media to review data provided by applicants and registrants and to compare it to information provided by entities making solicitations.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

#### A. Alternative to Fingerprinting

The Commission is committed to utilizing technology in order to reduce reporting burdens for respondents in respect of the Final Rule. Information may be submitted electronically to NFA. The Commission anticipates that nearly 100% of the collection of information will be submitted electronically.

#### B. CPO-CTA

The information is collected electronically to the extent possible. Certain data, such as fingerprint cards, are generally provided by paper, although submission of fingerprints digitally has begun.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

#### A. Alternative to Fingerprinting

The information required under the Final Rule is not already collected by the Commission for any other purpose, collected by any other agency, or available for public disclosure through any other source.

## B. CPO-CTA

Information of the type required to be collected as part of the registration process is not otherwise collected by the Commission. If an applicant concurrently or recently (within the preceding 90 days) submits a fingerprint card to another federal agency (the SEC), another set of fingerprints is not required.

### **5. If the collection of information involves small business or other small entities (Item 5 of OMB Form 83-I), describe the methods used to minimize burden.**

#### A. Alternative to Fingerprinting

The Final Rule solely provides an optional alternative to complying with the Fingerprinting Requirement, which already applies to any affected small entities, and will, therefore, not impose any new regulatory obligations on such entities. The Final Rule is not expected to impose any new burdens on market participants. Rather, to the extent that this Final Rule provides an alternative means to comply with the Fingerprinting Requirement and is elected by a market participant, the Commission believes it is reasonable to infer that the alternative is less burdensome to such participant. The Commission does not, therefore, expect small entities to incur any additional costs as a result of the Final Rule.

## B. CPO-CTA

Information required by the registration process is essentially limited to statutorily mandated information or basic identifying data.

### **6. Describe the consequence to the Federal Program or policy activities if the collection were conducted less frequently as well as any technical or legal obstacles to reducing burden.**

#### A. Alternative to Fingerprinting

Failure to provide the certification in lieu of the fingerprint card and to maintain the records required by Commission Regulation 1.31 under the Final Rule would adversely affect the Commission's ability to ensure that those availing themselves of the alternative to fingerprinting provided in the Final Rule have satisfied each of the Final Rule's requirements. Failure to maintain such records also would adversely affect the Commission's examination and investigation efforts.

## B. CPO-CTA

The collection is only required once. Moreover, it is mandated by law.

### **7. Explain any special circumstances that require the collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly;**

A. Alternative to Fingerprinting

As noted above, the Final Rule solely provides an optional alternative to the Fingerprinting Requirement. Because this election is solely at the discretion of the respondent, the final regulations do not require respondents to report information to the Commission more often than quarterly (or at any time).

B. CPO-CTA

The regulations covered by this collection do not require the respondent to report any information to the Commission more often than quarterly, or even as often as quarterly. However, updating of information is required whenever necessary to maintain accurate and current registration information.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it:**

A. Alternative to Fingerprinting

As noted above, this collection is optional, and, thus, does not require respondents to submit a written response at any time.

B. CPO-CTA

This question does not apply.

- **requiring respondents to submit more than an original and two copies of any document;**

A. Alternative to Fingerprinting

As noted above, this collection is optional, and, thus, does not require respondents to submit a written response. If a respondent elects to avail itself of the alternative provided in the Final Rule, it is not required to submit more than one original or two copies of any document.

B. CPO-CTA

Respondents are not required to submit more than an original and two copies of any document.

- **requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**

A. Alternative to Fingerprinting

The Final Rule requires that the Certifying Firm maintain, in accordance with § 1.31, records documenting that the criminal history background check discussed above was completed and the results thereof. Commission rule 1.31 requires that:

"All books and records required to be kept by the (Commodity Exchange) Act or by these regulations shall be kept for a period of five years from the date thereof and shall be readily accessible during the first 2 years of the 5-year period ... . All such books and records shall be open to inspection by any representative of the Commission or the U.S. Department of Justice."

B. CPO-CTA

For enforcement purposes, Commission Regulation 1.31 requires that:

All books and records required to be kept by the Act or by these regulations shall be kept for a period of five years from the date thereof and shall be readily accessible during the first 2 years of the 5-year period. All such books and records shall be open to inspection by any representative of the Commission or the U.S. Department of Justice.

- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**

A. Alternative to Fingerprinting

No statistical surveys are involved.

B. CPO-CTA

The regulations covered by this collection do not involve statistical surveys.

- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

A. Alternative to Fingerprinting

The requirements do not involve use of any statistical data classification.

B. CPO-CTA

The regulations covered by this collection do not involve the use of statistical data.

- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**

A. Alternative to Fingerprinting

The requirements do not involve a pledge of confidentiality regarding the collection of data.

B. CPO-CTA

The regulations covered by this collection do not involve a pledge of confidentiality.

- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

A. Alternative to Fingerprinting and B. CPO-CTA

The Commission has procedures to protect the confidentiality of a respondent's information. These are set forth in the Commission's regulations at parts 145 and 147 of Title 17 of the Code of Federal Regulations.

**8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

A. Alternative to Fingerprinting

A copy of the Federal Register notice soliciting comments on this information collection (81 FR 1359, January 12, 2016) is attached. No comments were received.

B. CPO-CTA

The 60-day Federal Register notice was published at 79 Fed. Reg. 74712 (Dec. 16, 2014). No relevant comments were received for the renewal.

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping disclosure, or reporting format (if any, and on the data elements to be recorded, disclosed, or reported.**

A. Alternative to Fingerprinting

As set forth above, the Commission affirmatively sought comments on the information collection requirements described herein.

B. CPO-CTA

When the rule was adopted, the Commission staff sought input from outside sources through the public comment process, in an effort to obtain further information from interested parties. Further to this process, Commission staff held a roundtable discussion, and invited staff from the SEC, the IRS, and members of various trade

organizations. The Commission has sought no further views on this effort since such time as the final rule was published.

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

A. Alternative to Fingerprinting

Not applicable. No such circumstances are anticipated.

B. CPO-CTA

There are no such circumstances that would preclude the consultation with representatives of those who must compile records pursuant to these rules at this time.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

A. Alternative to Fingerprinting and B. CPO-CTA

This question does not apply.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.**

A. Alternative to Fingerprinting and B. CPO-CTA

The Commission does not provide respondents with an assurance of confidentiality beyond that provided by applicable law. The Commission fully complies with section 8(a)(1) of the Commodity Exchange Act, which strictly prohibits the Commission, unless specifically authorized by the Commodity Exchange Act, from making public “data and information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers.” The Commission has procedures to protect the confidentiality of a respondent’s data. These are set forth in the Commission’s regulations at parts 145 and 147 of the Code of Federal Regulations.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

A. Alternative to Fingerprinting and B. CPO-CTA

This question does not apply. None of the required information is sensitive, as that term is used in Question 11.

**12. Provide estimates of the hour burden of the collection of information. The Statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than ten) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If the request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hours burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

A. Alternative to Fingerprinting and B. CPO-CTA

See Attachment A.

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

- **The cost estimate should be split into two components; (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major costs factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software, monitoring, sampling, drilling and testing equipment, and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or**

**contracting out information collection services should be a part of this cost burden estimate, agencies may consult with a sample of respondents (fewer than ten), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

A. Alternative to Fingerprinting

The Commission estimates that each respondent will spend 2.5 hours per year in start-up/maintenance costs researching reputable commercial services that conduct criminal history background checks and retaining such services at a cost of \$250.00 (2.5 hours x \$100/hour<sup>3</sup>). The Commission estimates that there will be 198 respondents resulting in an aggregate cost per year of \$49,500.00 (\$250.00 x 198 respondents).

B. CPO-CTA

See Attachment A

**14. Provide estimates of the annualized costs to the Federal Government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.**

A. Alternative to Fingerprinting

There are no new annualized costs to the Commission in connection with the Final Rule. NFA will receive, review, and process the certifications discussed above. Commission staff periodically conducts reviews of NFA's registration processing program, and its review of how NFA is processing the certifications will be folded into the existing review scheme.

B. CPO-CTA

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<sup>3</sup> To determine the cost per hour used in this estimate," the Commission first reviewed the May 2014 Bureau of Labor Statistics data to determine the hourly wage of a compliance officer. According to the Bureau of Labor Statistics, the mean hourly wage for an employee under occupation code 13-1041, "Compliance Officer," that is employed by the "Securities and Commodity Contracts Intermediation and Brokerage" industry is \$38.23. Because potential respondents include large financial institutions whose employee salaries may exceed the mean wage, the Commission has taken the more conservative approach of estimating the cost burden based upon a compliance officer salary of \$100 per hour.

As noted above in the response to Question 2, the information on registration applications is used to determine fitness for registration under the Act. This determination is normally made, in the first instance, by the National Futures Association (NFA), an industry-funded self-regulatory organization registered as a futures association under the Act that the Commission has authorized to perform registration functions. The CFTC has oversight responsibilities with regard to NFA's registration program, and the costs associated with this are the salaries and benefits for Commission staff. The proposed renewal should not add to these existing costs, because the information collected is of the same type and amount as the existing collection.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.**

**A. Alternative to Fingerprinting**

The Final Rule generally codifies the DSIO No-Action Letters to provide in § 3.21 of the Commission's regulations an alternative to the Fingerprinting Requirement for Foreign Natural Persons. The Commission believes the Final Rule, in providing certainty to market participants by way of Commission regulation, makes the commodity interest markets it oversees more liquid, competitive, and accessible by enabling Foreign Natural Persons to demonstrate that they meet the minimum standards for fitness and competency without undue burden. The alternative to fingerprinting removes an impediment to participation in United States' markets by Foreign Natural Persons, recognizing the limitations on usefulness of fingerprints of foreign nationals while also ensuring the continued protection of market participants and the public. While the Final Rule adds a new information collection that reflects a burden increase to OMB Control Number 3038-0023, the Final Rule solely provides an optional alternative to complying with the Fingerprinting Requirement, which already applies to any affected entities, and, therefore, does not impose any new regulatory obligations on such entities. The Final Rule is not expected to impose any new burdens on market participants. Rather, to the extent that this Final Rule provides an alternative means to comply with the Fingerprinting Requirement and is elected by a market participant, the Commission believes it is reasonable to infer that the alternative is less burdensome to such participant.

**B. CPO-CTA**

Overall, estimated burden hours are increased due to an increase in the number of persons expected to apply for and maintain registration. The total number of registrants has decreased from year to year due to several factors, including, among other things, the adoption by the Commission of regulations that provide additional exemptions from the requirement to register as a commodity pool operator or as a commodity trading advisor, and the industry trend away from open outcry trading to electronic trading. In many cases, existing registrants have withdrawn from registration, claiming exemption under the new regulations. However, the increase in burden hours reflects the Commission's estimate of the number of new registrants.

On Attachment A, the estimated number of respondents or recordkeepers per year does not correspond to the total annual responses because in many cases, a respondent registers with the Commission in more than one capacity. For example, a commodity pool operator may also register as a commodity trading advisor, or a commodity trading advisor may also register as an associated person. See Attachment A.

**16. For collection of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis, and publication. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

A. Alternative to Fingerprinting and B. CPO-CTA

This question does not apply.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

A. Alternative to Fingerprinting and B. CPO-CTA

This question does not apply.

**18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.**

A. Alternative to Fingerprinting and B. CPO-CTA

This question does not apply.

## Attachment A

### Alternative to Fingerprinting Requirement For Foreign Natural Persons

The Commission estimates the aggregate additional hours burden associated with the information collection in the Final Rule is 495.0 hours. This burden results from: (i) respondents providing necessary information to commercial service provider(s) to conduct a criminal history background check for a Foreign Natural Person; (ii) respondents preparing and submitting the certification described herein; and (iii) respondents maintaining, in accordance with Commission regulation 1.31, records documenting that the criminal history background check was completed and the results thereof.

The estimated aggregate burden was calculated as follows:

Respondents/Affected Entities: 198

Estimated number of responses per respondent: 1

Estimated total annual burden on each respondent: 2.5 hours

Frequency of collection: As needed.

Burden statement: 198 respondents x 2.5 hours = 495.0 hours

Commission staff estimates an aggregate cost burden per respondent annually of \$250.00 (2.5 hours x \$100/hour<sup>4</sup>) and a total annual burden for all respondents of \$49,500.00 (\$250.00 x 198 respondents).

1. Regulation	2. Estimated No. of Respondents	3. Estimated No. of Reports by Each Respondent	4. Estimated Average No. of Burden Hours per Response	5. Annual No. of Burden Hours per Respondent (3 x 4)	6. Estimated Average Burden Hour Cost	7. Total Average Hour Burden Cost Per Respondent (5 x 6)	8. Total Annual Responses (2 x 3)	9. Total Annual Burden Hours (2 x 5)	10. Total Annual Burden Hour Cost of All Responses (2 x 7)
3.21(e) Third Party Disclosure	198.0	1.0	2.0	2.0	\$100	\$200	198.0	396.0	\$39,600
3.21(e) Recordkeeping	198.0	1.0	.5	.5	\$100	\$50	198.0	99.0	\$9,900
<b>Total Burden Hours/Cost:</b>			2.5	2.5		\$250		495	<b>\$49,500</b>

### Commodity Pool Operators and Commodity Trading Advisors: Amendments to Compliance Obligations

COLLECTION	ESTIMATED # OF RESPONDENTS OR RECORD KEEPERS PER YEAR 77,857	REPORTS ANNUALLY BY EACH RESPONDENT Periodically	TOTAL ANNUAL RESPONSES 78,109	ESTIMATED AVERAGE NUMBER OF HOURS PER RESPONSE 0.09	ESTIMATED TOTAL NUMBER OF HOURS OF ANNUAL BURDEN IN FISCAL YEAR 7,029.8
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<sup>4</sup> See n.1, *supra*.

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The estimated number of respondents or recordkeepers per year does not correspond to the total annual responses because in many cases, a respondent registers with the Commission in more than one capacity. For example, a commodity pool operator may also register as a commodity trading advisor, or a commodity trading advisor may also register as an associated person.