

Supporting Statement
Administrative rulings (31 CFR 1010.710-717)
OMB Control Number 1506-0050

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 (BSA) has been delegated to the Director of the Financial Crimes Enforcement Network (FinCEN).

These sections address administrative rulings under the Bank Secrecy Act. They explain how to submit a ruling request (1010.711), how nonconforming requests are handled (1010.712), how oral communications are treated (1010.713), how to withdraw a request (1010.714), how rulings are issued (1010.715), how rulings are modified or rescinded (1010.716), and how information may be disclosed (1010.717).

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

Formal requests are received and responded to through the U.S. Mail and electronically. Responses that would be useful to the general public are sanitized to protect the requester and posted on the FinCEN public website at www.fincen.gov.

4. Efforts to Identify Duplication

All requests are unique to the issue addressed. There is no duplication.

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 Act of 2001, P.L. 107-56.

A request for an administrative ruling is initiated by the financial institution, and the content is determined by the requestor. As such, it is not possible to further reduce burden for small businesses.

6. Consequences to the Federal Government of Not Collecting the Information

If the government did not collect these requests it would be unable to provide administrative rulings to financial institutions.

7. Special Circumstances Requiring Data Collection Inconsistent with Guidelines

Information will be collected in accordance with standard guidelines.

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 7, 2017, FinCEN issued a notice and request for comment to renew without change this potential requirement (See 82 FR 31686). We received no comments in response to the Federal Register notice.

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

There are no sensitive questions being asked.

12. Estimated Annual Hourly Burden

Frequency: As required

Burden: The estimated number of responses is 60 annually, with a burden of 2 hours per submission, for a total annual burden of 120 hours.

13. Estimated Annual Cost to Respondents for Hour Burdens

The financial institutions legal representative, generally, prepares request for administrative rulings. Hourly wage of \$67.25 X 2 hours = \$134.50²

14. Estimated Annual Cost to the Federal Government

² See https://www.bls.gov/oes/current/oes_nat.htm. Occupation code 23-1011

FinCEN receives 60 requests on an annual basis. Hourly wage, GS 14 Step 1 is \$42.23 X 60 X 2 hours = \$5,067.60³

15. Reason for Change in Burden

The increase in burden is due to updated estimates of the average time to submit and respond to administrative rulings, based on recent requests.

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.

³ 2017 OPM GS Pay chart.