



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

TO: Shagufta Ahmed, Office of Information and Regulatory Affairs

FROM: Ryan Law, Deputy Assistant Secretary for Privacy, Transparency, and Records

SUBJECT: Justification for Emergency Processing; Financial Recordkeeping and Reporting of Currency and Foreign Transactions, and FINCEN Form 114, Report of Foreign Bank and Financial Accounts -1506-0009.

The Financial Crimes Enforcement Network (FinCEN) is requesting immediate emergency processing to reinstate the Office of Management and Budget (OMB) control number 1506-0009 pertaining to the Report of Foreign Bank and Financial Accounts (FBAR) regulations, 31 CFR 1010.350, 1010.420, and the FBAR form (FinCEN Form 114), to correct the inadvertent lapse in the control number.

FinCEN's mission is to safeguard the financial system from illicit use, to combat money laundering, and to promote national security through the collection, analysis, and dissemination of financial intelligence and strategic use of financial authorities. The collection of foreign financial account information is essential to FinCEN's mission and to law enforcement. The potential misuse of foreign financial accounts to evade domestic criminal, tax, and regulatory laws has been a long-held congressional and law enforcement concern. More than four decades after the Bank Secrecy Act's (BSA) enactment, law enforcement and regulatory agencies continue to use critical information reported in FBARs to aid in criminal and regulatory investigations involving tax evasion, money laundering, terrorism, and other crimes.

FinCEN only learned that the control number had inadvertently lapsed in August of 2018. It is critical to FinCEN's mission that the FBAR OMB control number be reinstated as soon as possible but in any event not later than October 15, 2018, when the calendar year 2017 foreign financial accounts are due to be reported. If the control number is not renewed before October 15, 2018, it may impact the ability to enforce collection of important information for calendar year 2017 foreign financial accounts. The inability to collect such information could deprive law enforcement of critical information needed to support criminal investigations and enable criminals to evade prosecution, causing public harm. For these reasons, normal clearance procedures cannot be followed.

FinCEN has not been able to consult with the public about the burden estimates for this submission, however there are no changes to the well-established per respondent burden estimates that were previously approved by OMB. After OMB control number 1506-0009 is

reinstated, FinCEN plans to publish in the *Federal Register* a notice for the regular 3-year extension of the control number, which will provide the public with a 60-day comment period.