

Supporting Statement
OMB Control Number 1506-0054
Additional Records to be Made and Retained by Casinos

1. Circumstances necessitating collection of information.

The legislative framework generally referred to as the Bank Secrecy Act (BSA) consists of the Currency and Foreign Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act),¹ and other legislation, including the Anti-Money Laundering Act of 2020 (AML Act).² The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1960, 31 U.S.C. 5311–5314 and 5316–5336, including notes thereto, with implementing regulations at 31 CFR chapter X.

The BSA authorizes the Secretary of the Treasury (Secretary) to, *inter alia*, require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, or regulatory investigations, risk assessments or proceedings, or in intelligence or counter-intelligence activities, including analysis, to protect against terrorism, and to implement anti-money laundering/countering the financing of terrorism (AML/CFT) programs and compliance procedures.³ The Secretary has delegated to the Director of FinCEN (Director) the authority to administer the BSA.⁴

Pursuant to 31 CFR 1021.410(a), with respect to each deposit of funds, account opened, or line of credit extended, a casino is required to secure and maintain a record of the name, permanent address (address), and Social Security number (SSN) of the person involved at the time the funds are deposited, the account is opened, or credit is extended.⁵ Where the deposit, account, or line of credit is in the name of two or more persons, the casino must secure the name, address, and SSN of each person having a financial interest in the deposit, account, or line of credit. The casino is required to verify the name and address of such person(s) at the time the deposit is made, the account is opened, or credit is extended, by the examination of a document

¹ USA PATRIOT Act, Pub. L. 107–56, 115 Stat. 272 (Oct. 26, 2001).

² The AML Act was enacted as Division F, sections 6001–6511, of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. 116–283, 134 Stat. 3388 (Jan. 1, 2021).

³ See 31 U.S.C. 5311(1)–(2). Reporting requirements are authorized under other provisions in the BSA. See 31 U.S.C. 5313 (Currency Transaction Reports, or CTRs); 31 U.S.C. 5314 (Report of Foreign Bank and Financial Accounts, or FBARs); 31 U.S.C. 5318(a)(2) (authorizing the Secretary to impose reporting requirements for the purpose of ensuring compliance with the BSA or guarding against money laundering, the financing of terrorism, or other forms of illicit finance); 31 U.S.C. 5318(g) (Suspicious Activity Reports, or SARs); 31 U.S.C. 5330 (Registration of Money Services Businesses, or RMSBs); 31 U.S.C. 5331 (Report of Cash Payments Over \$10,000 Received in a Trade or Business, or Form 8300s).

⁴ See Treasury Order 180-01 (*Reaffirmed* Jan. 14, 2020); see also 31 U.S.C. 310(b)(2)(I) (providing that the Director of FinCEN shall “[a]dminister the requirements of subchapter II of chapter 53 of this title, chapter 2 of title I of Public Law 91–508, and section 21 of the Federal Deposit Insurance Act, to the extent delegated such authority by the Secretary.”).

⁵ Any reference to a “casino” in 31 CFR chapter X, other than in 31 CFR 1010.100(t)(5)–(6), shall also include reference to a card club, unless the provision in question contains specific language varying its application to card clubs or excluding card clubs. 31 CFR 1010.100(t)(5)(iii). In this notice, a reference to an obligation of casinos should be understood to apply to card clubs as well, unless they are expressly excluded.

as described in 31 CFR 1010.312.⁶ The specific identifying information relied upon must be recorded by the casino in the manner described in 31 CFR 1010.312.⁷ If a casino is unable to secure the required SSNs, the casino will not be deemed to be in violation of 31 CFR 1021.410 if the casino has made reasonable efforts to secure the SSNs, and it maintains a list of the names and addresses of those persons from whom the casino was unable to obtain the SSNs. The casino must make the list available to the Secretary upon request. If a person is a nonresident alien, the casino is also required to record the person's passport number or a description of another government document used to verify his or her identity.

Pursuant to 31 CFR 1021.410(b), casinos must retain either the original or a copy of each of the following: (1) a record of each time the casino receives funds for credit to, or deposit into, any person's account, including the name, address, and SSN⁸ of the person from whom the casino receives the funds, the date of receipt of the funds and the amount received; (2) a record of each bookkeeping entry made to a customer's deposit or credit account with the casino; (3) each statement, ledger card, or other record of each deposit or credit account with the casino, showing each transaction in or with respect to a customer's account with the casino; (4) a record of each extension of credit in excess of \$2,500, the terms and conditions of each such extension of credit, and repayments, and the customer's name, address, SSN,⁹ and the date and amount of the transaction (including repayments); (5) a record of each advice, request or instruction received or given by the casino with respect to a transaction involving a person, account, or place outside the United States;¹⁰ (6) records prepared or received by the casino in the ordinary course of business that would be needed to reconstruct a person's deposit or credit account with the casino or that would be needed to trace a check deposited with the casino through the casino's records to the bank of deposit; (7) all records, documents, or manuals required to be maintained by a casino under state and local laws or regulations, and regulations of any governing Indian tribe or tribal government; (8) all records which are prepared or used by a casino to monitor a customer's gaming activity; (9) a separate record containing a list of each transaction between the casino and its customers involving the following types of instruments having a face value of \$3,000 or more: (i) personal checks; (ii) business checks; (iii) official bank checks; (iv) cashier's checks; (v) third-party checks; (vi) promissory notes; (vii) traveler's checks; and (viii) money

⁶ In October 2021, FinCEN granted limited exceptive relief to allow casinos to use suitable non-documentary methods to verify the identity of online customers. See FIN-2021-R001, "Exceptive Relief for Casinos from Certain Customer Identity Verification Requirements," (Oct. 19, 2021), available at https://www.fincen.gov/sites/default/files/2021-10/Casino%20Exceptive%20Relief%20101921_0.pdf.

⁷ 31 CFR 1010.312 requires verification of identity by examination of a document generally accepted within the banking community as a means of identification when cashing checks for non-depositors. The document relied upon for verification must be recorded.

⁸ If the person from whom the funds were received is a non-resident alien, the person's passport number or a description of some other government document used to verify the person's identity shall be obtained and recorded. 31 CFR 1021.410(b)(1).

⁹ If credit is extended to a non-resident alien, the casino must obtain and record the non-resident alien's passport number or a description of another government document used to verify that person's identity. 31 CFR 1021.410(b)(4).

¹⁰ If the transaction is a transfer outside the United States on behalf of a third party, the record must include the third party's name, address, SSN, signature, and the date and amount of the transaction. If the person for whom the transaction is being made is a non-resident alien the record must also include the person's name, the person's passport number, or a description of some other government document used to verify the person's identity. 31 CFR 1021.410(b)(5).

orders;¹¹ (10) a copy of the compliance program described in 31 CFR 1021.210(b); (11) for card clubs only, records of all currency transactions by customers, including, without limitation, records in the form of currency transaction logs and multiple currency transaction logs, and records of all activity at cages or similar facilities, including cage control logs.

Pursuant to 31 CFR 1021.410(c), casinos that input, store, or retain, in whole or in part, for any period of time, any record required to be maintained by 31 CFR 1010.410 or 31 CFR 1021.410 on computer disk, tape, or other machine-readable media must retain those records in the same format.¹² All indexes, books, programs, record layouts, manuals, formats, instructions, file descriptions, and similar materials that would enable a person to readily access and review the records described in 31 CFR 1010.410 and 31 CFR 1021.410, and that are recorded, stored, or retained on computer disk, tape or other machine-readable media, must be retained for the period of time such records are required to be retained.¹³

2. Method of collection and use of data.

The collection of information described above is not reported to the Federal government. Instead, casinos are required to secure and maintain the records described above for a period of five years.

The recordkeeping requirements help to ensure that casinos are not used to facilitate money laundering, terrorist financing, or other financial crimes. These records will be reviewed by regulatory agencies during BSA examinations and made available only upon request to other appropriate agencies in accordance with applicable legal requirements.

3. Use of improved information technology to reduce burden.

Casinos are permitted to automate their systems to meet their requirements. There is no specific government mandate to do so.

4. Efforts to identify duplication.

There is no similar information available; thus there is no duplication.

¹¹ The list must contain the time, date, and amount of the transaction; the name and address of the customer; the type of instrument; the name of the drawee or issuer of the instrument; all reference numbers (e.g., casino account number, personal check number, etc.); and the name or casino license number of the casino employee who conducted the transaction. A casino must place applicable transactions on the list in the chronological order in which they occur. 31 CFR 1021.410(b)(9)(ii).

¹² As FinCEN has noted before, without contradiction from the industry, whatever additional burden this specific obligation may have imposed in an earlier era when electronic record retention was rare, now that such technology is a ubiquitous and unremarkable aspect of ordinary business practice, the additional burden should be considered *de minimis*. See FinCEN, *Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Anti-Money Laundering Program Requirements for Casinos*, 89 FR 65977, 65979 n. 22 (Aug. 13, 2024), available at: <https://www.federalregister.gov/documents/2024/08/13/2024-18034/agency-information-collection-activities-proposed-renewal-comment-request-renewal-without-change-of>.

¹³ Pursuant to 31 CFR 1010.430(d), covered financial institutions, including casinos, are required to maintain records of certain financial transactions for a period of five years.

5. Methods to minimize burden on small businesses or other small entities.

All casinos are required to secure and maintain the records described in this statement and are permitted to use the method most suitable based upon their assessment of risk, size, and type of business.

6. Consequences to the Federal government of not collecting the information.

These recordkeeping requirements are intended to help law enforcement and regulatory authorities detect, investigate, and prosecute money laundering and other financial crimes by preserving an information trail about certain transactions involving casinos.

7. Special circumstances requiring data collection inconsistent with guidelines.

Pursuant to 31 CFR 1010.430(d), all records that are required to be retained by 31 CFR Chapter X must be retained for a period of five years. This retention period is necessary because such records may relate to substantive violations of law that are subject to statutes of limitation longer than three 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 April 23, 2025, FinCEN published in the Federal Register a notice and request for comments of its intention to renew, without change, information collection requirements for additional records to be made and retained by casinos.¹⁴ The comment period closed on June 23, 2025. In response to the notice, FinCEN received five comments. Three of the comments did not raise points relevant to the notice. One commenter expressed support for renewing the regulations without changes. A fifth commenter recommended a number of ways to amend BSA regulations or provide guidance specific to casinos, however, the commenter did not recommend specific amendments to the requirements in 31 CFR 1021.410.¹⁵ The commenter also did not suggest that FinCEN revise its burden estimates as they relate to 31 CFR 1021.410.

¹⁴ See FinCEN, *Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Additional Records To Be Made and Retained by Casinos*, 90 FR 17174 (Apr. 23 2025), available at: <https://www.federalregister.gov/documents/2025/04/23/2025-06938/agency-information-collection-activities-proposed-renewal-comment-request-renewal-without-change-of>.

¹⁵ The commenter is an association that advocates for the U.S. gaming industry. In general, the commenter recommended the following: (i) FinCEN issue targeted guidance with respect to sports betting and online gaming issues; (ii) FinCEN establish information sharing programs and feedback loops for casinos, including casino participation in FinCEN Exchanges and 314(a) information sharing; (iii) FinCEN amend the BSA regulations to allow the sharing of suspicious activity reports (SARs) with a financial institution's foreign branches, subsidiaries, and affiliates and between partners; (iv) FinCEN raise the reporting thresholds for CTRs and SARs to align with inflation; (v) FinCEN establish streamlined SAR, or "SAR-Lite," options for non-complex suspicious activity, including but not limited to cash structuring and chip-walking, which arises when a customer leaves a casino with a significant number of chips in the customer's possession, without offsetting chip redemptions or chip buy-ins at another table and where the casino does not know the disposition of the chips; (vi) FinCEN provide updated guidance regarding SAR-filing expectations for individuals associated with marijuana-related businesses; and (vii) FinCEN expand the ability for casinos to provide optional, but highly useful, information on the SAR form, such as geolocation data fields for cyber indicators.

9. Explanation of decision to provide any payment or gift to respondents.

No payments or gifts were made to respondents.

10. Assurance of confidentiality of responses.

The information collected will be made available to Treasury, its designee, and other authorized agencies, as are other reports required to be reported under the BSA. All such information collections under the BSA must be used by such agencies consistent with the purposes set forth in 31 U.S.C. 5311, including but not limited to furthering a criminal, tax, or regulatory investigation, risk assessment, or proceeding, or use in intelligence or counterintelligence activities, including analysis, to protect against terrorism.

11. Justification of sensitive questions.

There are no questions of a sensitive nature in the collection of information, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. Any personally identifiable information collected under the BSA is strictly controlled as outlined in FinCEN's Privacy Act Systems of Records Notice for BSA reports.¹⁶

12. Estimated annual hourly burden.

Frequency: As required

Estimated Number of Respondents: 1,292

Table 1 – Breakdown of casinos covered by regulation, by type of casino	
Type of Casino	Number of Casinos
Casino	486 ^a
Tribal casino	525 ^b
Card Club	281 ^c
Total Number of Casinos	1,292

^a Estimate based on the American Gaming Association (AGA) "State of Play," reporting 486 commercial casinos (available at <https://www.americangaming.org/state-of-play/>, accessed February 28, 2025).

^b Estimate based on the AGA "State of Play," reporting 525 Tribal casinos as of December 31, 2023 (available at <https://www.americangaming.org/state-of-play/>, accessed February 28, 2025).

^c As of December 31, 2023, there were also 281 card clubs unaffiliated with other casino operations as published in the AGA's "State of the States" annual report, p. 16 (available at <https://www.americangaming.org/wp-content/uploads/2024/05/AGA-State-of-the-States-2024.pdf>, accessed February 28, 2025).

¹⁶ FinCEN, *Privacy Act of 1974, as Amended; System of Records Notice (FinCEN .002 - Suspicious Activity Report System)*, 79 FR 20969 (Apr. 14, 2014); FinCEN, *Privacy Act of 1974, as Amended; System of Records Notice (FinCEN .003 - Bank Secrecy Act Reports System)*, 79 FR 20969 (Apr. 14, 2014) both available at [Federal Register :: Privacy Act of 1974, as Amended; System of Records Notice](#).

Table 2 – Estimated hourly burden associated with the recordkeeping activities of 31 CFR 1021.410					
Recordkeeping requirement in 31 CFR 1021.410	Description	Number of respondents	Average Hours per response	Average Annual Frequency	Annual burden hours
410(a)	Maintain a record of the name, address, and SSN of each person who deposits funds, opens an account, or obtains a line of credit with the casino.	1,292	8	1	10,336
410(a)	Verify the name and address of such person(s) at the time the deposit is made, the account is opened, or credit is extended.	1,292	1/30 (2 minutes) per reportable transaction	1,000 (~4 per business day on average) ^a	43,067
410(b)(1)	Maintain records of transactions described in 31 CFR 1021.410(a) when the person from whom the funds are received is not the same person already associated with the account.	1,292	1/60 (1 minute) per reportable transaction	250 (~1 per business day on average) ^b	5,383
410(b)(4)	Maintain a record of each extension of credit in excess of \$2,500, the terms and conditions of each such extension of credit, and repayments, and the customer's name, address, SSN.	1,292	8	1	10,336
410(b)(5)	Maintain a record of each advice, request or instruction received or given by the casino with respect to a transaction involving a person, account, or place outside the United States.	1,292	8	1	10,336
410(b)(9)	Maintain a record containing a list of each transaction between the casino and its customers involving certain instruments having a face value of \$3,000 or more.	1,292	16	1	20,672
410(b)(11)	Document records of all cash transactions by customers.	281	1/30 (2 minutes) per transaction	2,000 (~ 8 per business day) ^c	18,733
410(c)	Casinos must record any of the records required to be maintained under 31 CFR 1010.410 on computer disk, tape, or other machine-readable media to retain those records in same format for five years.	1,292	0	NA	0
Total					118,863
^a In 2024, casinos and card clubs filed approximately 16,000 suspicious activity reports (SARs) mentioning deposits, lines of credit, or credit accounts. Assuming that these 16,000 reports represented 1% of the total transactions of this kind results in 1,600,000 total transactions, or approximately 5 per casino per business day, FinCEN assumes that most of these transactions (4 out of 5) will involve the account holder.					

Table 2 – Estimated hourly burden associated with the recordkeeping activities of 31 CFR 1021.410					
Recordkeeping requirement in 31 CFR 1021.410	Description	Number of respondents	Average Hours per response	Average Annual Frequency	Annual burden hours
^b <i>Id.</i> ^c In 2024, card clubs filed approximately 120,000 currency transaction reports (CTRs), or approximately 427 per card club on average. Because CTRs are only required for transactions over \$10,000, and most customers conducting cash transactions will spend or win significantly less than this amount, FinCEN conservatively estimates that the true number is closer to 562,000, or 2,000 annual transactions per card club.					

Estimated Total Annual Burden Hours: 118,863

13. Estimated annual cost burden.

Table 3 – Total cost associated with the recordkeeping activities of 31 CFR 1021.410

Regulatory requirement in 31 CFR 1021.410	Annual burden hours	Wage rate	Total cost
410(a)	10,336	\$120 ^a	\$1,240,320
	43,067		\$5,168,040
410(b)(1)	5,383		\$645,960
410(b)(4)	10,336		\$1,240,320
410(b)(5)	10,336		\$1,240,320
410(b)(9)	20,672		\$2,480,640
410(b)(11)	18,733		\$2,247,960
410(c)(1) and (2)	0		\$0
Total cost			\$14,263,560

^a The wage rate applied here is a general composite hourly wage (\$85.55), scaled by a private-sector benefits factor of 1.42 ($\$120.07 = \85.55×1.42), that incorporates the mean wage data (available for download at <https://www.bls.gov/oes/tables.htm>, “May 2023 - National industry-specific and by ownership”) associated with the six occupational codes (11-1010: Chief Executives; 11-3021: Computer and Information Systems Managers; 11-3031: Financial Managers; 13-1041: Compliance Officers; 23-1010: Lawyers and Judicial Law Clerks; 43-3099: Financial Clerks, All Other) for each of the nine groupings of NAICS industry codes that FinCEN determined are most directly comparable to its eleven categories of covered financial institutions as delineated in 31 CFR parts 1020 to 1030. The benefit factor is 1 plus the benefit/wages ratio, where, as of June 2023, Total Benefits = 29.4, and Wages and Salaries = 70.6 ($29.4/70.6 = 0.42$) based on the private industry workers series data downloaded from https://www.bls.gov/news.release/archives/eccec_09122023.pdf, accessed December 22, 2024. Given that many occupations provide benefits beyond cash wages (e.g., insurance, paid leave, etc.), the private sector benefit is applied to reflect the total cost to the employer.

Estimated Total Annual Cost: \$14,263,560

While there were no non-labor costs associated with this collection of information in the 60-day notice, FinCEN requested comment on the appropriateness of revising its burden estimates to account for expected technology costs. FinCEN did not receive responsive comments to this request, and is therefore continuing to omit non-labor costs from its PRA burden estimates.

14. Estimated annual cost to the Federal government.

There is no cost to the Federal government; this is a recordkeeping requirement only.

15. Reason for change in burden.

Since the 2022 renewal,¹⁷ FinCEN has revised its assessment of the time necessary to conduct the tasks associated with this renewal. FinCEN has reduced its estimate of total annual burden by 9,774 hours, specifically, from the 128,637 hours previously estimated in 2022¹⁸ to 118,863 hours upon this renewal in 2025.¹⁹ This decrease reflects FinCEN's incorporation of additional data and information that was unavailable at the prior renewal.

At the time of the 2022 renewal, FinCEN lacked data on the number of certain types of covered casinos (specifically, card clubs), casinos' annual volumes of covered transactions, and their rate of technological adoption. As a result, in the 2022 renewal, FinCEN considered it the most prudent approach to apply a higher uniform estimate of the requisite recordkeeping burden hours. FinCEN has since updated its estimation methodology (including the hourly burden for select recordkeeping tasks, as discussed in the 60-day notice) to better align estimates of incremental burden with current market practices.

The decrease in the estimated incremental burden reflects a decrease in the estimated burden stemming from maintaining customer information (31 CFR 1021.410(a)) and maintaining records of other covered transactions (31 CFR 1021.410(b)(1)-(9) and (c)(1)-(2)). FinCEN has applied data from SARs to more accurately estimate the annual volume of these transactions. FinCEN has also decreased its estimate of the documentation burden for cash transactions at card rooms (31 CFR 1021.410(b)(11)). FinCEN notes that most card rooms do a significant portion of their business in cash, as evidenced by analysis of their CTR filings, and consequently FinCEN revised its estimates of the number of transactions that engender recordkeeping activity upwards. However, because recordkeeping is now predominantly conducted using digital technology in the ordinary course of business, FinCEN is reducing its incremental burden estimate per record to two minutes per transaction on average. Finally, FinCEN is aligning the burden estimates for 31 CFR 1021.410(c)(1) and (2) with its analogous updates in OMB control number 1506-0051, which removed an incremental burden estimate for maintaining electronic or digitally generated records, and the materials necessary to navigate those records, in the same format in which they were originally created.²⁰

16. Plans for tabulation, statistical analysis, and publication.

This collection of information will not be tabulated or compiled for publication.

¹⁷ FinCEN, *Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Additional Records To Be Made and Retained by Casinos*, 87 FR 8935 (Feb. 16, 2022), available at <https://www.federalregister.gov/documents/2022/02/16/2022-03260/agency-information-collection-activities-proposed-renewal-comment-request-renewal-without-change-of>.

¹⁸ See *Id.* at 8938.

¹⁹ See FinCEN, *Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Additional Records To Be Made and Retained by Casinos*, 90 FR at 17178.

²⁰ See FinCEN, *Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Anti-Money Laundering Program Requirements for Casinos*, 89 FR at 65979.

17. Request not to display the expiration date of the 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. This request will not affect the normal three-year PRA renewal process.

18. Exceptions to the certification statement.

There are no exceptions to the certification statement.