

Supporting Statement
OMB Control Number 1506-0055
Reports of Transactions with Foreign Financial Agencies

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 1970,¹ as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act),² and other legislation, including the Anti-Money Laundering Act of 2020 (AML Act).³ The BSA is codified at 12 U.S.C. 1829b, and 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 matters, 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.⁴ The Secretary has delegated to the Director of FinCEN (Director) the authority to administer the BSA.⁵

The Secretary is authorized to require any “resident or citizen of the United States or a person in, and doing business in, the United States, to keep records, file reports, or keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency.”⁶ The term “foreign financial agency”⁷ (FFA) applies to an action outside the United States of a “financial agency,” which the statute defines as “a person acting for a person . . . as a financial institution, bailee, depository trustee, or agent, or acting in a similar way related to money, credit, securities, gold, a transaction in money, credit, securities or gold, or a service provided with respect to money, securities, futures, precious

¹ Title II of Pub. L. 91–508, 84 Stat. 1118 (Oct. 26, 1970).

² USA PATRIOT Act, Pub. L. 107–56, 115 Stat. 272 (Oct. 26, 2001).

³ 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).

⁴ 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).

⁵ 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.”).

⁶ 31 U.S.C. 5314(a).

⁷ 31 U.S.C. 5312(b)(2).

metals, stones and jewels, or value that substitutes for currency.”⁸ The Secretary is also authorized to prescribe exemptions to the reporting requirement and to prescribe other matters the Secretary considers necessary to carry out 31 U.S.C. 5314.⁹ The regulations implementing these authorities are found at 31 CFR 1010.360.

Briefly, 31 CFR 1010.360(a) generally authorizes the Secretary, when the Secretary deems appropriate, to promulgate specific regulations (FFA Regulations) under which specified financial institutions, also referred to as “covered financial institutions,” must file reports of certain transactions with designated FFAs, also referred to as “reportable transactions.”¹⁰ An FFA Regulation must designate one or more of the following categories of information to be reported by the covered financial institution(s):

- checks or drafts, including traveler’s checks, received by a respondent financial institution for collection or credit to the account of a designated FFA, sent by a respondent financial institution to a foreign country for collection or payment, drawn by a respondent financial institution on a designated FFA, drawn by a designated FFA on a respondent financial institution, including the following information: name of maker or drawer; name of drawee or drawee financial institution; name of payee; date and amount of instrument; and names of all endorsers;¹¹
- transmittal orders received by a respondent financial institution from a designated FFA or sent by a respondent financial institution to a designated FFA, including all information maintained by that respondent institution pursuant to 31 CFR 1010.410 and 1020.410;¹²
- loans made by a respondent financial institution to or through a designated FFA, including the following information: name of borrower; name of person acting for borrower; date and amount of loan; terms of repayment; name of guarantor; rate of interest; method of disbursing proceeds; and collateral for loan;¹³
- commercial paper received or shipped by a respondent financial institution, including the following information: name of maker; date and amount of paper; due date; certificate number; and amount of transaction;¹⁴
- stocks received or shipped by a respondent financial institution, including the following information: name of corporation; type of stock; certificate number; number of shares; date of certificate; name of registered holder; and amount of transaction;¹⁵

⁸ See 31 U.S.C. 5312(a)(1). The definition of “financial agency” exempts a person acting for a country, a monetary or financial authority acting as a monetary or financial authority, or an international financial institution of which the United States Government is a member.

⁹ See 31 U.S.C. 5314(b)(1) and (5).

¹⁰ If such a regulation is issued as a final rule without notice and opportunity for public comment, as required by the Administrative Procedure Act, Pub. L. 79-404, 60 Stat. 237 (June 11, 1946), codified at 5 U.S.C. 551 *et seq.*, then a finding of good cause for dispensing with notice and comment in accordance with 5 U.S.C. 553(b) must be included in the regulation. If the regulation is not published in the Federal Register, then any financial institution subject to the regulation must be named and personally served or otherwise given actual notice in accordance with 5 U.S.C. 553(b). If a covered financial institution is given notice of a reporting requirement by means other than publication in the Federal Register, the Secretary may prohibit disclosure of the existence or provisions of that reporting requirement to the designated FFA(s) and to any other party. See 31 CFR 1010.360(a).

¹¹ See 31 CFR 1010.360(b)(1)(i) – (v).

¹² See 31 CFR 1010.360(b)(2).

¹³ See 31 CFR 1010.360(b)(3)(i) – (viii).

¹⁴ See 31 CFR 1010.360(b)(4)(i) – (v).

¹⁵ See 31 CFR 1010.360(b)(5)(i) – (vii).

- bonds received or shipped by a respondent financial institution, including the following information: name of issuer; bond number; type of bond series; date issued; due date; rate of interest; amount of transaction; and name of registered holder;¹⁶
- certificates of deposit received or shipped by a respondent financial institution, including the following information: name and address of issuer; date issued; dollar amount; name of registered holder; due date; rate of interest; certificate number; and name and address of issuing agent.¹⁷

In issuing FFA Regulations, the Secretary must prescribe: a reasonable classification of covered financial institutions subject to or exempt from a reporting requirement; a foreign country to which a reporting requirement applies if the Secretary decides that applying the requirement to all foreign countries is unnecessary or undesirable; the magnitude of transactions subject to a reporting requirement; and the kind of transaction subject to or exempt from a reporting requirement.¹⁸

FFA Regulations may prescribe the manner in which the information is to be reported. However, the Secretary may authorize a covered financial institution to report in a different manner if the covered financial institution demonstrates to the Secretary that the form of the required report is unnecessarily burdensome on the covered financial institution as prescribed; that a report in a different form will provide all the information the Secretary deems necessary; and that submission of the information in a different manner will not unduly hinder the effective administration of 31 CFR chapter X.¹⁹

Pursuant to 31 CFR 1010.360(e), the Secretary: (i) in issuing FFA Regulations must consider the need to avoid impeding or controlling the export or import of monetary instruments and the need to avoid burdening unreasonably a person making a transaction with a designated FFA; (ii) must not issue an FFA Regulation for the purpose of obtaining individually identifiable account information concerning a customer, as defined by the Right to Financial Privacy Act,²⁰ where that customer is already the subject of an ongoing investigation for possible violation of the BSA, or is known by the Secretary to be the subject of an investigation for possible violation of any other Federal law; and (iii) may issue an FFA Regulation requiring a financial institution to report transactions completed prior to the date it received notice of the reporting requirement. However, with respect to completed transactions, a covered financial institution may be required to provide information only from records required to be maintained pursuant to the requirements of 31 CFR chapter X, or any other provision of state or Federal law, or otherwise maintained in the regular course of business.²¹ All records that are required to be retained by 31 CFR chapter X shall be retained for a period of five years, including those records required to be created under 31 CFR 1010.360.²²

2. Method of collection and use of data.

¹⁶ See 31 CFR 1010.360(b)(6)(i) – (viii).

¹⁷ See 31 CFR 1010.360(b)(7)(i) – (viii).

¹⁸ See 31 CFR 1010.360(c)(1) – (4).

¹⁹ See 31 CFR 1010.360(d).

²⁰ Pub. L. 95-630, 92 Stat. 3641 (Nov. 10, 1978), codified at 12 U.S.C. 3401 *et seq.*

²¹ See 31 CFR 1010.360(e)(1) – (3).

²² 31 CFR 1010.430(d).

As noted in Section 1, under the relevant statutory and regulatory authorities, FinCEN may specify the form and method for reporting and typically provides a reporting schedule to each covered financial institution. With respect to reportable transactions, FinCEN collects the required information electronically. If a covered financial institution does not have any reportable transactions, a covered financial institution is still required to report the lack of any reportable transactions to FinCEN.

The information collected may be used for purposes consistent with the BSA²³ including such purposes as assisting law enforcement in anti-money laundering, tax, and other financial investigations; advancing counterterrorism, counter-proliferation, and broader national security and intelligence interests; improving financial institutions' ability to assess and mitigate risk; helping prevent evasion of financial sanctions; facilitating tax compliance; enhancing financial transparency; and advancing U.S. compliance with international standards and information sharing commitments.

3. Use of improved information technology to reduce burden.

As noted in Section 2, FinCEN collects the required FFA information electronically. Specifically, to reduce burden, a covered financial institution can typically report FFA information by uploading a comma-separated value spreadsheet through FinCEN's electronic submission portal, known as the Financial Institution (FI) Portal, which also allows a covered financial institution to retain an electronic version of any reportable transactions that can be used to satisfy the covered financial institution's recordkeeping obligations.

4. Efforts to identify duplication.

FinCEN has reviewed government and commercial databases to identify duplication. FinCEN has determined there are no government or commercially available sources of information that could be used or modified by FinCEN in duplicating the information provided by specified financial institutions on reports of transactions with FFAs. There are also no Federal rules that directly or fully duplicate or overlap with the information that may be collected and provided by covered financial institutions of reports of transactions with FFAs pursuant to FFA regulations, or that require the reporting of the same information. Therefore, there is no information already available to the Federal government that could be used or modified by FinCEN to fully satisfy the statutory and regulatory requirements identified in Section 1 above or that fully serve the uses identified in Section 2 above.

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

The reporting and recordkeeping requirements of FFA regulations are not expected to impose material adverse impacts on small businesses. The information required to be reported is information that covered financial institutions, including respondent financial institutions, would generally be expected to collect and retain in the ordinary course of business.

²³ See, e.g., 31 U.S.C. 5311.

The information required to be reported pursuant to an FFA Regulation is information that any financial institution must already maintain to comply with general BSA recordkeeping requirements that exist independently of, and in many cases predate, the regulations covered by this OMB control number.²⁴ For example, a financial institution sending or receiving transmittal orders (funds transfers) with a designated FFA would have access to the information required to be reported. Although FFA Regulations may concern any covered transactions,²⁵ in general, over the past three years, FinCEN has only promulgated regulations associated with funds transfers. No special accounting or legal skills are necessary to report the basic information required.

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

The reporting and recordkeeping requirements of FFA Regulations are generally intended to help law enforcement and regulatory authorities detect, investigate, and prosecute money laundering and other financial crimes by preserving an information trail about reportable transactions involving designated FFAs. A failure to collect this information could hamper FinCEN and law enforcement efforts to detect and deter illegal activity while it is still ongoing and discernible. As noted in Section 2, the timely reporting of this information may provide law enforcement with important investigative leads to take appropriate action, including tracing criminal proceeds, gathering additional evidence, seizing funds, and stopping the movement of funds before criminal elements can change their schemes for disposing of the profits of illegal activity.

7. Special circumstances requiring data collection inconsistent with guidelines.

As noted in Section 1, 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. The 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. The five-year retention period ensures that law enforcement and other appropriate government agencies will have access to records for a reasonable period of time, enables law enforcement and other appropriate government agencies to “follow the money” and permit reconstruction of individual transactions that may be indicative of illicit finance, and allows for verification of compliance by covered financial institutions with specific regulatory requirements. FinCEN may require financial institutions to report FFA data more frequently than quarterly depending on the circumstances, to enable law enforcement to take appropriate investigative action and for FinCEN and other authorized government agencies to analyze the data in a timely manner to support appropriate follow-on actions.

8. Consultation with individuals outside of the agency on availability of data, frequency of collection, clarity of instructions and forms, and data elements.

²⁴ See 31 CFR 1010.410. The information required to be reported pursuant to an FFA Regulation falls into one or more of the following categories: (i) checks or drafts; (ii) transmittal orders; (iii) loans; (iv) commercial paper; (v) stocks; (vi) bonds; and (vii) certificates of deposit.

²⁵ *Id.*

On May 23, 2025, FinCEN published in the Federal Register a notice and request for comments of its intention to renew, without change, information collection requirements relating to regulations requiring specified financial institutions to file reports of certain transactions with designated FFAs.²⁶ The comment period closed on July 22, 2025. In response to the notice, FinCEN received 12 comments. Five commenters appeared to suggest support for the information collection being renewed. Two of those commenters appeared to suggest further expansion of the information collection related to the FFA Regulations. One of those commenters appeared to suggest that the FFA Regulations be revised to require respondent financial institutions to report all foreign financial transactions on behalf of an individual to prevent financial crimes. Two commenters seemed to suggest they are not in favor of the information collection being renewed. Two commenters did not appear to address the information collection being renewed, but made policy recommendations concerning regulatory guidelines and regular audits of insurance companies, and a recommendation to delay the implementation of the Beneficial Ownership Information Reporting Requirement Revisions and Deadline Interim Final Rule,²⁷ respectively. Three additional commenters did not appear to raise any relevant points.

Overall, FinCEN determined there were no recommendations or objections with respect to the information collection being renewed or comments associated with the estimated burden or cost of the information collection being renewed.

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 the Department of the Treasury, its designee, and other authorized agencies. Such information will be used for purposes 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, including the provision that authorizes FFAs, is strictly controlled as outlined in the relevant FinCEN Privacy

²⁶ See FinCEN, [Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Reports of Transactions With Foreign Financial Agencies](#), 90 FR 22157 (May 23, 2025). The comments can be found on www.regulations.gov under [docket number FINCEN-2025-0006](#) and [OMB control number 1506-0055](#).

²⁷ See FinCEN, [Beneficial Ownership Information Reporting Requirements Revisions and Deadline Interim Final Rule](#), 90 FR 13688 (Mar. 26, 2025).

Act Systems of Records Notice for BSA reports.²⁸

12. Estimated annual hourly burden.

Frequency: As required.

Estimated Number of Potential Respondents: 46,158 financial institutions.²⁹

Table 1. Distribution of financial institutions covered by this statement, by type of financial institution

Financial Institution Type^a	Number of Entities
Bank ^b	9,384 ^c
Bank with a Federal Functional Regulator (FFR)	8,989
Bank without an FFR	395
Broker or dealer in securities (broker-dealer) ^d	3,306 ^e
Money Services Business (MSB) ^f	28,456 ^g
Dealer in Foreign Exchange ^h	4,974 ⁱ
Check Cashier ^j	22,773 ^k
Issuer/Seller of Traveler's Checks ^l	2,801 ^m
Issuer/Seller of Money Orders ⁿ	14,295 ^o
Provider or Seller of Prepaid Access ^p	3,985 ^q
Money Transmitter ^r	17,944 ^s
U.S. Postal Service ^t	0 ^u
Telegraph Company ^v	0 ^w
Casino or Card Club ^x	1,292 ^y
Person subject to supervision by any State or Federal Bank Supervisory Authority ^z	0 ^{aa}
Futures Commission Merchants and Introducing Brokers in Commodities ^{bb}	956 ^{cc}
Mutual Fund ^{dd}	2,764 ^{ee}
Total	46,158

^a See 31 CFR 1010.100(t) (definition of financial institution).

^b See 31 CFR 1010.100(t)(1); *see also* 31 CFR 1010.100(d) (definition of bank).

^c This includes 4,490 Federal Deposit Insurance Corporation (FDIC)-insured depository institutions (i.e. federally regulated banks) according to the FDIC's quarterly data summary for Q4 2024, and 4,499 National Credit Union Administration (NCUA)-chartered credit unions (i.e. federally regulated credit unions) according to NCUA's quarterly credit union data summary for Q4 2024. The Board of Governors of the Federal Reserve System Master Account and Services

²⁸ FinCEN, [Privacy Act of 1974, as Amended: System of Records Notice \(FinCEN .003 - Bank Secrecy Act Reports System\)](#), 79 FR 20969 (Apr. 14, 2014).

²⁹ 31 CFR 1010.360(a) authorizes the Secretary, when appropriate, to promulgate regulations requiring specified financial institutions to file reports of certain transactions with designated FFAs. Table 1 presents FinCEN's estimate of the total population of entities so defined and its distribution by definitional categories.

Database contains data on financial institutions that utilize Federal Reserve Bank financial services, including those with no Federal functional regulator (FFR). FinCEN used this data to identify 395 banks and credit unions with no federal regulator that are utilizing Federal Reserve Bank financial services.

^d See 31 CFR 1010.100(t)(2).

^e This estimate is based on Securities and Exchange Commission (SEC) data on active broker-dealers (Company Information About Active Broker-Dealers (available at <https://www.sec.gov/foia-services/frequently-requested-documents/company-information-about-active-broker-dealers>), which listed 3,306 active broker-dealers registered with the SEC as of April 29, 2025.

^f See 31 CFR 1010.100(t)(3); *see also* 31 CFR 1010.100(ff) (definition of money services business).

^g The definition of MSB (31 CFR 1010.100(ff)) covers both principal money services businesses (MSBs) and agents. The topline value for all MSBs represents the average number of uniquely identifiable registered MSBs with indicia of ongoing operations as of the three year-ends 2022-2024, and primarily includes only principal MSBs required to register with FinCEN. FinCEN believes that the reporting and recordkeeping obligations this regulation imposes on MSBs will fall overwhelmingly on principals rather than their agents, but FinCEN is interested in any comments the public may have on this position. In the absence of public comments in prior renewals of the OMB control number applicable to this regulatory requirement, FinCEN considers it reasonable to continue to rely upon its previous estimate that the number of agent MSBs remains approximately 229,161. This value was previously published in the 2024 notice to renew OMB control numbers 1506-0058, and 1506-0059 (*see* FinCEN, [Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Regulations Requiring Records To Be Made and Retained by Financial Institutions, Banks, and Providers and Sellers of Prepaid Access](#), 89 FR 65971 (Aug. 13, 2024)). Thus, FinCEN estimates the number of agent MSBs remains approximately 229,161 and invites public comment on this figure as well.

^h See 31 CFR 1010.100(ff)(1).

ⁱ This value represents the number of uniquely identifiable registered MSBs with indicia of ongoing operations as of year-end 2024 that self-identified as either “Currency Dealer or Exchanger” (FinCEN Form 107, Registration of Money Services Business, MSB Services Key List code 407) or “Dealer in Foreign Exchange” (FinCEN Form 107, Registration of Money Services Business, MSB Services Key List code 415). Registrants may be members of multiple category types. The estimate is derived from FinCEN's publicly available MSB data, accessed April 28, 2025, available at <https://www.fincen.gov/msb-state-selector>.

^j See 31 CFR 1010.100(ff)(2).

^k This value represents the number of uniquely identifiable registered MSBs with indicia of ongoing operations as of year-end 2024 that self-identified as “Check Cashier” (FinCEN Form 107, Registration of Money Services Business, MSB Services Key List code 408). Registrants may be members of multiple category types. The estimate is derived from FinCEN's publicly available MSB data, accessed April 28, 2025, available at <https://www.fincen.gov/msb-state-selector>.

^l See 31 CFR 10101.100(ff)(3).

^m This value represents the number of uniquely identifiable registered MSBs with indicia of ongoing operations as of year-end 2024 that self-identified as either “Issuer of Travelers Checks” (FinCEN Form 107, Registration of Money Services Business, MSB Services Key List code 401) or “Seller of Travelers Checks” (Form 107, Registration of Money Services Business, MSB Services Key List code 402). Registrants may be members of multiple category types. The estimate is derived from FinCEN’s publicly available MSB data, accessed April 28, 2025, available at <https://www.fincen.gov/msb-state-selector>.

ⁿ See 31 CFR 10101.100(ff)(3).

^o This value represents the number of uniquely identifiable registered MSBs with indicia of ongoing operations as of year-end 2024 that self-identified as either “Issuer of Money Orders” (FinCEN Form 107, Registration of Money Services Business, MSB Services Key List code 404) or “Seller of Money Orders” (FinCEN Form 107, Registration of Money Services Business, MSB Services Key List 405). Registrants may be members of multiple category types. The estimate is derived from FinCEN’s publicly available MSB data, accessed April 28, 2025, available at <https://www.fincen.gov/msb-state-selector>.

^p See 31 CFR 1010.100(ff)(4)(i)-(iii), (7)(i)-(ii).

^q This value represents the number of uniquely identifiable registered MSBs with indicia of ongoing operations as of year-end 2024 that self-identified as either “Seller of Prepaid Access” (FinCEN Form 107, Registration of Money Services Business, MSB Services Key List 413) or “Provider of Prepaid Access” (FinCEN Form 107, Registration of Money Services Business, MSB Services Key List 414). Registrants may be members of multiple category types. The estimate is derived from FinCEN’s publicly available MSB data, accessed April 28, 2025, available at <https://www.fincen.gov/msb-state-selector>.

^r See 31 CFR 1010.100(ff)(5).

^s This value represents the number of uniquely identifiable registered MSBs with indicia of ongoing operations as of year-end 2024 that self-identified as “Money Transmitter” (FinCEN Form 107, Registration of Money Services Business, MSB Services Key List 409). Registrants may be members of multiple category types. The estimate is derived from FinCEN’s publicly available MSB data, accessed April 28, 2025, available at <https://www.fincen.gov/msb-state-selector>.

^t See 31 CFR 1010.100(ff)(6).

^u FinCEN does not expect the U.S. Postal Service, as defined in 31 CFR 1010.100(ff)(6), to incur any recordkeeping or reporting obligations in connection with the FFA Regulations.

^v See 31 CFR 1010.100(t)(4).

^w As an estimate of uniquely registered, potentially affected entities, FinCEN expects this category to contain no additional persons or organizations not already included in other counts, particularly as money transmitters.

^x See 31 CFR 1010.100(t)(5)-(6).

^y Estimate based on the American Gaming Association (AGA) “State of the States” available at <https://www.americangaming.org/wp-content/uploads/2024/05/AGA-State-of-the-States->

[2024.pdf](#).

^z See 31 CFR 1010.100(t)(7).

^{aa} It is unclear to FinCEN at this time whether any entities exist in this category that, for purposes of being counted towards unique potentially affected parties that could incur burdens associated with regulations issued pursuant to 31 CFR 1010.360, are not already captured by concurrent status in another category of financial institution under the 31 CFR 1010.100(t) definition. To the extent that additional data can better inform this estimate, public comment including provision of such data is invited.

^{bb} See 31 CFR 1010.100(t)(8)-(9).

^{cc} The number of futures commissions merchants (FCMs) as of May 2025 was obtained from data available at NFA Membership and Registration, available at <https://www.nfa.futures.org/registration-membership/membership-and-directories.html>. This estimate may include some entities registered in both categories, but FinCEN believes this figure to be small. According to the Commodities Futures Trading Commission (CFTC), there are 63 total registered FCMs as of April 30, 2025. See <https://www.cftc.gov/MarketReports/financialfcmdata/index.htm>.

^{dd} See 31 CFR 1010.100(t)(10).

^{ee} According to the SEC, as of the fourth quarter of 2024, in 2024 there were 2,764 open-end registered investment companies that report on Form N-CEN. See <https://www.sec.gov/dera/data/form-ncen-data-sets>.

While all of the entities in Table 1 may be subject to FFA Regulations, FinCEN typically issues FFA Regulations to a significantly smaller subset of the eligible population. In the calendar years between January 2022 and 2025, FinCEN primarily issued FFA Regulations to only a select subset of the banks and broker-dealers, or covered financial institutions, identified in Table 1. Because of the multi-period reporting engendered by the typical FFA regulation, the average number of covered financial institutions providing FFA information to FinCEN in a given year was 15, but the number of covered financial institutions under any single FFA Regulation did not exceed ten, on average. FinCEN utilized this historical data on FFA Regulations to estimate the expected number of respondents per year.

Estimated Number of Expected Respondents: 40 covered financial institutions annually, on average.

The estimated number of expected respondents per year is based on the average number of respondents per FFA Regulation issued over the three-year period from 2022 to 2025 multiplied by the average number of FFA Regulations issued per year over the same period. During the three-year period between 2022 and 2025, FinCEN issued 11 FFA Regulations (about four per year) to an average of ten covered financial institutions per regulation. Because the same respondent may be subject to reporting requirements under more than one issued regulation in the same calendar year, the estimated number of expected respondents may exceed the number of unique entities to whom reporting and recordkeeping burdens would accrue.

Estimated Total Annual Responses: 40 responses.³⁰

In formulating its estimates of reporting and recordkeeping burdens for this OMB control renewal, FinCEN anticipates that each FFA Regulation will require information collections from ten respondents, on average. While the information reported to FinCEN may not originally be collected for the sole purpose of satisfying this rule, covered financial institutions would nevertheless be expected to incur incremental reporting and recordkeeping obligations unique to the regulation. Each respondent would be required to provide FinCEN with a response in the form of a report, or reports, with respect to each of the FFAs identified in the regulation.

Estimated Reporting and Recordkeeping Burden: 40,500 hours.³¹

FinCEN is employing a standardized model that treats the sum total of reports a respondent provides to FinCEN as one response, composed of three notional reports, one that captures a more extensive, costly “initial report,” and represents all follow-on reporting as two “subsequent reports” of shorter length and lower associated costs (i.e. “subsequent reports” after the initial report).³² Each of these notional reports is expected to pertain to the transactions of approximately 50 FFAs, on average. In the calendar years between 2022 and 2025, FinCEN issued a total of 11 FFA Regulations — approximately four per year. The FFA Regulations required that covered financial institutions respond with information on one to 308 FFAs per regulation, with an average of 50 FFAs per regulation. Four annual FFA Regulations multiplied by 50 FFAs per regulations equals 200 FFAs per year per respondent. FinCEN estimates that the initial report, requiring a look-back over an average two-year period, will take approximately 16 hours (two business days) for initial research, approval by management and counsel, and reporting (*e.g.*, electronic data transmission), which includes setting up a template for subsequent reporting. FinCEN estimates that each of the two notional subsequent reports will take two hours for data gathering, review, and transmission.

FinCEN also requires that filers maintain records of data reported pursuant to FFA Regulations. The FFA information is typically reported by uploading a comma-separated value file spreadsheet through FinCEN’s FI Portal, which allows the filer to save an electronic version of the report and satisfy the recordkeeping requirement. FinCEN estimates that the recordkeeping requirement will take five minutes on average.

Table 2 provides a summary of the total expected annual burden hours for all FFA Regulations.

Table 2. Burden associated with each portion of the annual PRA estimate

³⁰ The estimated number of annual responses is based on the expectation that each newly issued regulation would engender one response per respondent, consisting of three reports (one initial and two subsequent), and is based on the average number of regulations issued per calendar year over the most recent three years multiplied by the average number of respondents per regulation issued during the same period.

³¹ See Table 2.

³² As standard practice implemented in 2025, and for future FFA Regulations, FinCEN expects to impose reporting obligations over a smaller number of subsequent periods, with as few as two per regulation. This approach will result in an average number of three reports per regulation under this framework: the initial report (including look-back), and two subsequent reports. FinCEN has assigned a burden to each subsequent report (an expected average of two in total) of approximately two hours (one hour for data gathering and one hour for approval and reporting).

Activity	Expected number of FFA regulations issued	Expected number of respondents	Expected frequency per respondent	Average burden hours per provision	Total annual burden hours
Filing initial report(s) ^a of certain transactions with designated FFAs ^b	4	10	1	800	32,000
Filing subsequent reports of certain transactions with designated FFAs			2	100	8,000
Complying with recordkeeping requirements that apply to reports ^c			3	4 ^d	500
Total					40,500

^a The burden calculations in this table contemplate that the average number of FFAs per regulation issued is 50, each of which would require its own report, and would thereby incur the following burden hours per report: 16 (initial report), 2 (subsequent reports), and 1/12 (recordkeeping).

^b The filing of an initial report includes the applicable look back period and includes the burden associated with operationalizing the reporting format specified by FinCEN.

^c Records associated with the reports produced in response to regulations issued pursuant to 31 CFR 1010.360 are subject to the requirements in 31 CFR 1010.430. Rounded to the nearest whole number (four) from approximately 4.2 ($50 \times 1/12 = \sim 4.167$).

13. Estimated Total Annual Reporting and Recordkeeping Cost.

To estimate the costs associated with the annual PRA burden hours, FinCEN assigned a fully loaded composite hourly wage rate of \$120.07,³³ or rounded to the nearest dollar, \$120.00, to the total annual burden hours (40,500) described above. The estimated total annual PRA cost of \$4,860,000 is further described below in Table 3.

Table 3. Estimated total cost of annual PRA burden

Activity ^a	Burden hours	Wage rate	Total cost
Filing initial reports of certain transactions with designated FFAs	32,000	\$120	\$3,840,000

³³ The wage rate applied here is the general composite hourly wage used across FinCEN notices that pertain to the categories of financial institutions as grouped in 31 CFR chapter X, see, e.g., FinCEN, [Agency Information Collection Activities; Proposed Renewal; Comment Request: Renewal Without Change of Reporting Obligations on Foreign Bank Relationships With Iranian Linked Financial Institutions Designated Under IEEP and IRGC-Linked Persons Designated Under IEEPA](#), 90 FR 14183, 14188 n. 49 (Mar. 28, 2025).

Activity ^a	Burden hours	Wage rate	Total cost
Filing subsequent reports of certain transactions with designated FFAs	8,000		\$960,000
Complying with the recordkeeping requirements in 31 CFR 1010.430	500		\$60,000
Total annual cost			\$4,860,000

^a See respective activities in Table 2.

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.

FinCEN has historically estimated the cost to the Federal government of reports submitted to FinCEN at \$0.10 per form submitted. Provisionally, FinCEN continues to regard this cost as a reasonable estimate to account for the recordkeeping costs associated with processing and saving electronic records submitted on standard forms through established high-volume channels pursuant to BSA regulations of broad applicability, such as suspicious activity report (SAR) filings.³⁴ In connection with FFAs, however, FinCEN has considered additional factors, reflective of the special, sensitive, targeted demands of FFA regulations. The submission of responses to FFA regulations, therefore, are estimated here to be more costly to FinCEN than FinCEN's historical standard estimate.

Based on the forecast values described above, FinCEN expects to receive 40 responses that include both: (i) 40 initial reports containing approximately 2,000 sets of transaction records;³⁵ and (ii) 80 subsequent reports per year, on average, that would contain approximately 4,000 sets of transaction records.³⁶ As estimated over completed responses pursuant to FFA regulations issued in the calendar years between January 2022 and 2025, data from initial reports constituted approximately 60 percent of the total data received and subsequent reporting made up the remainder of approximately 40 percent of the total data received.

Accordingly, FinCEN assumes an electronic processing cost to the Federal government of \$0.30 per instance of initial report data, or set of transaction records,³⁷ and \$0.10 per instance

³⁴ See, e.g., FinCEN, [Supporting Statement Reports by Financial Institutions of Suspicious Transactions and FinCEN Form 111 - Suspicious Activity Report \(SAR\)](#), section 14 (May 30, 2024).

³⁵ 40 responses x 50 FFAs per response x 1 initial report.

³⁶ 40 responses x 50 FFAs per response x 2 subsequent reports.

³⁷ Subsequent reports make up about 40% of total data received. If all subsequent report data is received in two rounds, this means each round of subsequent data contains 20% the amount of data as an average initial report. 60% is 3 times 20%. \$0.10 x 3 = \$0.30. FinCEN uses \$0.10 as a cost basis, based on the estimated marginal cost for BSA reports.

of subsequent report data.³⁸ Using these estimates, the records maintenance cost to FinCEN is expected to be \$1,000.³⁹

In addition, FinCEN expects to incur costs related to the time that staff expend to ensure data quality. Data scientists employed by the federal government provide support services to respondents to facilitate data submission and correct file errors. This activity primarily occurs during the phase of initial reporting. Assuming that ten percent of 40 total annual initial transmissions require support services, the annual average burden to the federal government would include four hours of assistance time and the total cost of these services would be approximately \$400 annually (4 hours x \$100⁴⁰ per hour = \$400 per year).

This results in a total annual cost to the Federal government of \$1,400 (\$1,000 + \$400).

15. Reason for change in burden.

FinCEN estimates reflect a number of changes since the most recent prior OMB control number renewal which affected both the anticipated time burden associated with regulatory compliance activities and the expected costs.

The estimated total annual burden hours increased from an estimate of 11,914 hours in 2022 to 40,500 hours in 2025. This is due to several factors, but most notably reflects updating on the basis of the most recent period of historical data used to estimate the anticipated annual response burden of FFA requests. In the most recent three-year look-back period, FFA regulations have been issued with greater frequency and with respect to a larger number of FFAs per regulation, on average. Due to the increased frequency in the issuance of FFA regulations, FinCEN's estimate of the number of regulations per year increased to 4 from the estimate of approximately 1.33 in 2022.⁴¹ The average number of FFAs covered per regulation also increased from an average of 7 per request in 2019-2021 to an average of 50 per request in 2022-2024. Consequently, the average time estimated to respond to an FFA regulation increased by approximately 872 hours per regulation per respondent.

Separately, FinCEN has updated the wage rate utilized to estimate costs from \$95 in the 2022 OMB control renewal to \$120, which primarily reflects increases in average wages as reported by the Bureau of Labor Statistics, but also reflects a methodological shift to apply

³⁸The estimated cost to FinCEN per BSA report submitted to FinCEN is \$0.10. FinCEN uses \$0.10 as a cost basis, based on the estimated marginal cost for BSA reports.

³⁹Based on an assigned pro forma cost of \$0.30 per 2,000 anticipated sets of transaction records per year and \$0.10 per 4,000 subsequent set of transaction records ($0.30 \times 2,000 + 0.10 \times 4,000 = 1,000$).

⁴⁰According to the Bureau of Labor Statistics, the hourly wage rate for Data Scientists (15-2051) in the Federal Executive Branch (NAICS 999100 - Federal Executive Branch) is \$61.76. The benefit factor is 1 plus the benefit/wages ratio. As of December 2024, Total Benefits = 38.2 and Wages and salaries = 61.8 ($38.2/61.8 = 0.62$) based on the public sector workers series data downloaded from <https://www.bls.gov/news.release/pdf/eccec.pdf>, accessed March 15, 2025. 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. Data is based on state and local government workers. The BLS benefits data does not contain information on federal government workers. $\$61.76 \times 1.62 = \100.05 .

⁴¹ In 2022, FinCEN estimated 4 requests every three years, or 1.33 per year.

FinCEN's standard annual index wage rate⁴² to this analysis.

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

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

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, or earlier, as applicable. This request will not affect the normal three-year PRA renewal process, or earlier, as applicable.

18. Exceptions to the certification statement.

There are no exceptions to the certification statement.

⁴² See *supra* note 33.