

Supporting Statement
OMB Control Number 1506-XXXX

Proposal of Special Measure Regarding Transactions Involving Ten Mexican Gambling Establishments as a Class of Transactions of Primary Money Laundering Concern

1. Circumstances that make the collection necessary:

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 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.⁴ The Secretary has delegated to the Director of the Financial Crimes Enforcement Network (FinCEN) the authority to administer the BSA.⁵

Section 311 of the USA PATRIOT Act, codified at 31 U.S.C. 5318A, grants the Secretary of the Treasury the authority, upon finding that “reasonable grounds exist for concluding” that a jurisdiction outside of the United States, one or more financial institutions operating outside of the United States, one or more classes of transactions within, or involving, a jurisdiction outside of the United States, or one or more types of accounts is of “primary money laundering concern,” to require domestic financial institutions and domestic financial agencies to take one or more “special measures.” Special measures are safeguards that protect the U.S. financial system from money laundering and terrorist financing.

Special measures one through four, codified at 31 U.S.C. 5318A(b)(1)–(4), allow Treasury to impose additional recordkeeping, information collection, and reporting

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

2 Pub. L. No. 107–56, 115 Stat. 272 (Oct. 26, 2001).

3 The AML Act was enacted as Division F, 6001–6511, of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116–283, 134 Stat. 3388 (2021).

4 See 31 U.S.C. 5311(1) – (2).

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.”).

requirements on covered U.S. financial institutions. Special measure five, codified at 31 U.S.C. 5318A(b)(5), allows Treasury to impose prohibitions or conditions on the opening or maintaining in the United States of certain correspondent accounts.

On November 13, 2025, FinCEN issued a Notice of Proposed Rulemaking (NPRM)⁶ that finds transactions involving 10 identified Mexico-based gambling establishments (“Gambling Establishments”),⁷ to be a class of transactions of primary money laundering concern, and proposes imposing special measure five to (1) prohibit covered U.S. financial institutions from opening or maintaining a correspondent account for any foreign banking institution if such account is used to process transactions that involve any of the Gambling Establishments; and (2) to require covered U.S. financial institutions to apply certain special due diligence.

Should FinCEN issue a final rule imposing the proposed special measure, covered U.S. financial institutions would be required to notify their foreign correspondent account holders that they may not provide any of the Gambling Establishments with access to correspondent accounts maintained at the covered U.S. financial institution. The proposed requirement is intended to ensure cooperation from correspondent account holders in preventing the Gambling Establishments’ access to the U.S. financial system. Covered U.S. financial institutions would be required to document compliance with the notification requirement. The information would be used by Federal agencies and certain self-regulatory organizations to verify compliance with the rule.

2. Use of the information:

The collection of information in the proposed rule relates to both disclosure and recordkeeping. The information required to be disclosed by covered U.S. financial institutions to a third-party—*i.e.*, a notice to correspondent account holders—is intended to ensure cooperation from correspondent account holders in preventing the Gambling Establishments’ access to the U.S. financial system, as well as to increase awareness within the international financial community of the risks and deficiencies of the Gambling Establishments. The information required to be maintained by covered U.S. financial institutions will be used by Federal agencies and certain self-regulatory organizations to verify compliance with the requirement that a U.S. financial institution notify its correspondent account holders that they may not provide the Gambling Establishments with access to the correspondent account maintained at the covered institution.

6 FinCEN, “FinCEN Combats Financial Support to the Sinaloa Cartel by Finding Transactions Involving 10 Mexico-based Gambling Establishments to be of Primary Money Laundering Concern,” (Nov. 13, 2025), <https://www.fincen.gov/news/news-releases/fincen-combats-financial-support-sinaloa-cartel-finding-transactions-involving>; FinCEN, *Proposal of Special Measure Regarding Transactions Involving Ten Mexican Gambling Establishments as a Class of Transactions of Primary Money Laundering Concern*, [90 FR 51234](#) (Nov. 17, 2025), proposed to be codified at 31 CFR 1010.665.

7 The Gambling Establishments are: (1) Casino Emine (San Luis Rio Colorado, Sonora); Casino Mirage (Culiacan, Sinaloa); Midas Casino (Agua Prieta, Sonora); Midas Casino (Guamúchil, Sinaloa); Midas Casino (Los Mochis, Baja California); Midas Casino (Mazatlan, Sinaloa); Midas Casino (Rosarito, Baja California); Palermo Casino (Nogales, Sonora); Skampa Casino (Ensenada, Baja California); and Skampa Casino (Villahermosa, Tabasco).

3. Use of improved information technology to reduce burden:

Under the proposed rule, methods for complying with the notice requirement for covered U.S. financial institutions may include transmitting a notice by mail, fax, or e-mail. Covered U.S. financial institutions may use any method of information technology to document their compliance with the notice requirement in the proposed rule, including keeping an electronic copy of the actual notice that is sent to correspondent account holders.

4. Efforts to identify duplication:

This NPRM is unique in that it is the only proposed Federal rule identifying transactions involving the Gambling Establishments as a class of transactions of “primary money laundering concern” and proposing to prohibit covered U.S. financial institutions from opening or maintaining a correspondent account for any foreign banking institution if such account is used to process transactions that involve any of the Gambling Establishments and to require covered U.S. financial institutions to apply certain special due diligence.

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

Typically, U.S. financial institutions engaged in correspondent banking are large financial institutions. The notice to correspondent account holders and the requirement to document compliance with that notice requirement are not expected to impose a significant economic burden on covered U.S. financial institutions. For these reasons, FinCEN does not anticipate that the proposals contained in this rulemaking will have a significant impact on a substantial number of small financial institutions or other potentially affected businesses. Accordingly, FinCEN certifies that this rule will not have a significant economic impact on a substantial number of small entities.

6. Consequences to Federal program or policy activities if collection is not conducted or is conducted less frequently:

Under the proposed rule, a covered U.S. financial institution must notify its correspondent account holders that they may not open or maintain a correspondent account for any foreign banking institution if such account is used to process transactions that involve any of the Gambling Establishments. The failure to transmit such notice would make it more difficult for the special measure to achieve its goal of preventing the Gambling Establishments’ access to the U.S. financial system. Further, a covered U.S. financial institution must document its compliance with the requirement. Failure to maintain such documentation would make it impossible to verify compliance with the proposed notice requirement, and by extension, to guard against the use of the U.S. financial system by a class of transaction found to be of primary money laundering concern.

7. Special circumstances requiring data collection inconsistent with the guidelines in 5 CFR 1320.5(d)(2):

Under 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 requirement that financial institutions maintain records of notification to their foreign correspondent account holders must be kept for five years to verify compliance with the requirement as such records may relate to civil penalty actions that are subject to statutes of limitation longer than three years.

8. Efforts to consult with persons outside the agency:

On November 17, 2025, FinCEN published in the *Federal Register* a notice and request for comments of its intention to impose information collection requirements in connection with the imposition of a special measure concerning transactions involving any of the Gambling Establishments as a class of transactions of primary money laundering concern.⁸

9. Payment or gift to respondents:

No payments or gifts will be provided to respondents.

10. Assurance of confidentiality provided to respondents and basis for the assurance in statute, regulation, or agency policy:

The information collected would be available to Treasury or its designee to verify compliance with the notice requirement; all such information collections under the BSA must be used consistent with a purpose set forth in 31 U.S.C. 5311, including 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 for questions of a sensitive nature:

There are no questions of a sensitive nature in the collection of information under the proposed rule, 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 System of Records Notice for BSA reports.⁹

12. Estimated burden:

Estimated Number of Respondents:

⁸ See *supra* note 6.

⁹ See 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](#).

Estimated Number of Potential Respondents: Approximately 15,710.¹⁰
Estimated Number of Expected Respondents: Approximately 127.¹¹

Estimated Time per Respondent:

Year 1: 8 hours.¹²
Years 2+: 0.25 hours.¹³
Three-year Average: Approximately 2.83 hours.¹⁴

Estimated Total Annual Burden:

Year 1: 1,016 hours.¹⁵
Years 2+: 31.75 hours.
Three-year Average: Approximately 360 hours.

13. Estimated total annual cost burden:

Year 1: Approximately \$121,920.
Years 2+: Approximately \$3,810.
Three-year Average: Approximately \$43,180.

FinCEN has not separately estimated, or assigned a dollar value to, the non-labor costs associated with this information collection requirement.

14. Estimated annual cost to the Federal government:

FinCEN does not expect the final rule to incrementally increase annual costs to the Federal government.

15. Change in burden:

10 This estimate is informed by public and non-public data sources regarding both an expected maximum number of entities that may be affected and the number of active, or currently reporting, registered financial institutions, and is detailed in Table 1 of Section VIII.D of the NPRM.

11 While this proposed regulation applies to all covered institutions described in Table 1 of Section VIII.D of the NPRM, in practice the burden will only be imposed on select institutions that maintain correspondent accounts for foreign banks. Table 2 of Section VIII.D of the NPRM presents an estimate of this subpopulation of banks, brokers or dealers in securities, mutual funds, futures commission merchants, and introducing brokers in commodities based on data from the most recent calendar year end.

12 The estimated average annual burden associated with the collection of information in this proposed rule is, in total, one business day, or eight hours per affected financial institution in year one. See Section VIII.D of the NPRM.

13 The assigned average annual burden per affected covered financial institution in subsequent years is fifteen minutes (0.25 hours) per year. See Section VIII.D of the NPRM.

14 The three-year average annual expected burden per affected covered financial institution includes one business day (8 hours) in year one, and 15 minutes (0.25 hours) in years two and three, respectively. See Section VIII.D of the NRPM.

15 The number of expected respondents, 127, multiplied by eight hours per respondent equals 1,016 total annual burden hours. See Section VIII.D of the NPRM.

None. This is a new collection; however, financial institutions are accustomed to documenting their compliance with federal requirements.

16. Plans for tabulation or publication:

There are no plans for tabulation or publication.

17. Reason why display of expiration date for OMB approval is not appropriate:

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. Exception to the certification statement in OMB Form 83-I:

There are no exceptions to the certification statement.