

Supporting Statement
OMB Control Number 1506-0049

Requirement for Information Sharing Between Government
Agencies and Financial Institutions (“314(a)”)

1. Circumstances necessitating collection of information.

Collecting information under this control number is necessary to implement provisions of the Bank Secrecy Act (BSA) and support law enforcement efforts through information sharing.

The legislative framework generally referred to as the 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 (the 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, and 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 the authority to administer the BSA.⁵

The USA PATRIOT Act charged the Department of the Treasury (Treasury) with developing regulations to facilitate information sharing among government entities and financial institutions for the purpose of combatting terrorism and money laundering. In 2002, FinCEN published a final rule implementing the authority contained in Section 314(a) of the USA PATRIOT Act (the “Section 314(a) Rule”).⁶ The rule required financial institutions, upon FinCEN’s request (a “Section 314(a) Request”), to search their records to determine whether they have maintained an account or conducted a transaction with a specified individual, entity, or organization that a Federal law enforcement agency

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, §§ 6001–6511, of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. 116–283, 134 Stat 3388 (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 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 FinCEN, *Final Rule — Special Information Sharing Procedures to Deter Money Laundering and Terrorist Activity*, 67 FR 60579 (Sept. 26, 2002).

has certified is suspected, based on credible evidence, of engaging in terrorist activity or money laundering. The rule was expanded in 2010 to enable certain agencies other than Federal law enforcement agencies to initiate Section 314(a) Requests. As amended, the rule enables certain foreign law enforcement agencies, state and local law enforcement agencies, and FinCEN itself, on its own behalf and on behalf of appropriate components of Treasury, to initiate Section 314(a) Requests.⁷ Before processing a request, FinCEN requires the requesting agency to certify that, in the case of money laundering, the matter is significant, and that the requesting agency has been unable to locate the information sought through traditional methods of investigation and analysis. The regulations implementing the rules are found at 31 CFR 1010.520.

2. Method of collection and use of data.

FinCEN posts Section 314(a) Requests on its secure portal and notifies designated contacts within financial institutions nationwide every two weeks. FinCEN posts Section 314(a) Requests in response to requests from law enforcement agencies investigating terrorist activity or money laundering. Any law enforcement agency with access to FinCEN's electronic BSA Portal system can submit a request to FinCEN through its BSA Portal account.

A Section 314(a) Request contains subject and business names, addresses, and as much identifying data as possible to assist financial institutions in searching their records. Financial institutions must query their records for data matches, including accounts maintained by the named subject during the preceding 12 months and transactions conducted within the last six months. Financial institutions have two weeks from the posting date of the request to respond with any positive matches. If the search does not result in any positive matches to accounts or transactions, the financial institution is instructed not to reply to the Section 314(a) Request.

Responses to Section 314(a) Requests provide lead information only and are not a substitute for a subpoena or other legal process. To obtain documents from a financial institution that has reported a positive subject match, a law enforcement agency must meet the legal standards that apply to the particular investigative tool that it chooses to use to obtain the documents.

3. Use of improved information technology to reduce burden.

FinCEN posts Section 314(a) Request files to its secure portal. The files are available for download in .csv, .txt, and .doc. Providing downloads in multiple formats reduces burden on financial institutions by allowing them to automate the search of their records in a format that is compatible with their software and systems. Financial institutions file responses to Section 314(a) Requests through FinCEN's secure portal by checking the box next to each subject for which there is a positive match and clicking the "submit" button to transmit the responses to FinCEN.

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 financial institutions in

⁷ FinCEN, *Final Rule—Expansion of Special Information Sharing Procedures To Deter Money Laundering and Terrorist Activity*, 75 FR 6560 (Feb. 10, 2010).

response to Section 314(a) Requests. There are also no Federal rules that directly or fully duplicate or overlap with the information that may be collected and provided by financial institutions in response to Section 314(a) Requests, 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 requirements in this regulation are not expected to impose material adverse impacts on small businesses. FinCEN instructs financial institutions to only respond to Section 314(a) Requests with positive findings. Further, all responses to Section 314(a) Requests can be submitted through FinCEN's secure portal by checking the box next to each subject for which there is a positive match. FinCEN has also taken additional steps to reduce burden as described above.

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

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. The timely reporting of this information provides law enforcement with important investigative leads in order to take appropriate action, including tracing criminal proceeds, gathering additional evidence, seizing funds, and stopping the movement of funds, before criminal elements can alter their schemes.

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

FinCEN generally requires financial institutions to report Section 314(a) responses two weeks from the posting date of the request, to enable law enforcement to take appropriate investigative action and for FinCEN and other government agencies to analyze the data in a timely manner to support appropriate follow-on actions. The need to enable law enforcement to take prompt and appropriate investigative action also accounts for the reason some financial institutions may be required to report information more often than quarterly.

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

On September 30, 2025, FinCEN published in the Federal Register a 60-day notice and request for comments on its intention to renew, without change, information collection requirements relating to information sharing between government agencies and financial institutions.⁸ The 60-day comment period closed on December 1, 2025. In response to the notice, FinCEN received 23 comments, eight of which did not refer to the Section 314(a) program.⁹

Almost all the relevant comments noted support for information sharing under the Section

⁸ FinCEN, *Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change on Information Sharing Between Government Agencies and Financial Institutions*, [90 FR 47125](#) (Sept. 30, 2025), (the 2025 Section 314(a) PRA Renewal).

⁹ See <https://www.regulations.gov/document/FINCEN-2025-0039-0001/comment>.

314(a) program. However, commenters had a variety of recommendations for ways FinCEN can improve the Section 314(a) program and reduce burden on financial institutions.

Seven individuals, including several from financial institutions, submitted comments with recommendations to improve the Section 314(a) program. One commenter stated that the Section 314(a) process is manageable for a small community bank and that the two-week review and response period is generally sufficient, though extensions would be helpful when needed. Another urged FinCEN to send Section 314(a) Requests to financial institutions no more than once per month. One commenter suggested reducing burden on financial institutions by sending Section 314(a) Requests to key vendors to avoid manual uploads. Another stated that the Section 314(a) process imposes minimal cost and effort on their financial institution, while a commenter from a small credit union noted that software needed to compare Section 314(a) Requests to the credit union's database is costly and does not totally eliminate the need for manual review. Another commenter said that, although responding to Section 314(a) Requests itself is not burdensome, insufficient identifying information in some Requests makes it difficult to assess potential matches. Further, the commenter stated that additional subject details and better law-enforcement contact information would help.

Two individuals expressed opposition to the Section 314(a) program. One stated that Section 314(a) information should require a warrant and a justified cause, while the other stated that complying with the Section 314(a) program is a significant burden that should not fall on banks.

Additionally, FinCEN received eight comments from entities, including financial institutions, advocacy groups, and a technology company. Six of these commenters requested that FinCEN reduce the probability of records searches yielding false positives by requiring the inclusion of as many identifiers as possible in Section 314(a) Requests. Identifying and excluding false positives from responses, commenters stated, diverts resources that could be focused on higher-risk activities. One commenter recommended that FinCEN consider requiring law enforcement agencies to provide the same identifying information for the subjects of Section 314(a) Requests that financial institutions are required to collect as part their customer identification programs. Another commenter noted that high rates of false positives add to burden and suggested that FinCEN's estimate does not appear to reflect the frequent occurrence of false positives but did not provide sufficient qualitative or quantitative information for FinCEN to assess whether such self-reported rates are higher than the original parameter values used in FinCEN's burden modeling.

Three entities commented on FinCEN's burden estimate for the Section 314(a) program. Two commenters argued that FinCEN's estimates do not accurately reflect the disproportionate impact of Section 314(a) Requests on smaller or mid-sized credit unions and community banks, and that FinCEN should adopt a tiered or scaled assessment model that accounts for differences in institution size, technology infrastructure, and operational capacity. One commenter stated that its member community banks report that the time to process a Section 314(a) Request can range from several minutes to multiple hours. Another commenter noted that at its credit union staff may take one to two days to review a Section 314(a) Request.

Two entity commenters recommended that FinCEN establish or clarify retention limits for institution-held data under the Section 314(a) program. One of the commenters stated that keeping only what is necessary for a defined purpose and timeframe would reduce storage costs, limit

exposure to data breaches, and align with sound privacy principles. The same commenter recommended stronger encryption standards, access controls, and audit mechanisms to ensure data shared through this program cannot be misused or accessed by unauthorized parties. The commenter also encouraged FinCEN to provide updated technical standards and training materials addressing secure data handling expectations for participating institutions.

One entity commenter recommended that FinCEN clarify expectations for financial institutions to document “no match” determinations or borderline cases, which would improve both the quality and consistency of reporting. Another noted that the current Section 314(a) process has not undergone material change since its adoption over 23 years ago and stated that updated technology plus more and faster communication between law enforcement and financial institutions would foster a more proactive approach to fighting financial crime.

FinCEN appreciates all comments submitted regarding the Section 314(a) program, including the implementing processes, and it will continue to consider them for future action. FinCEN also carefully analyzed the comments that specifically addressed cost and burden hours associated with the program and determined that the comments do not warrant revisions to the analysis at this time. In particular, with regard to comments that addressed FinCEN’s methodology for estimating burden, FinCEN notes that the methodology utilized in the 60-day notice assigned weighted average estimates on a per-subject basis, not on a per Section 314(a) Request basis, as some commenters suggested. Indeed, in the 60-day notice, FinCEN acknowledged that a 314(a) Request, on average, contains approximately five subjects. As such, commenters’ burden estimates per Section 314(a) Request were all considered broadly consistent with the results of FinCEN’s methodology. In addition, FinCEN’s burden estimate considers the average burden per respondent across multiple financial institution types of various sizes. FinCEN recognizes that for smaller institutions with more manual processes, like commenters who made recommendations on FinCEN’s burden methodology, the burden per subject may be more than the average burden estimate per respondent. Further, FinCEN’s burden estimate considers the weighted average burden to conduct a search for a subject when a match is more ambiguous due to a smaller number of subject identifiers.

9. Explanation of decision to provide any payments or gifts 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. 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 is strictly controlled as outlined in the relevant FinCEN Privacy Act Systems of Records Notice for BSA reports.¹⁰

12. Estimated annual hourly burden.

Frequency: As required. Generally, Section 314(a) Requests are sent to financial institutions bi-weekly.

Estimated Number of Potential Respondents: 575,873 financial institutions.¹¹

Estimated Number of Expected Respondents: 12,726 financial institutions.¹²

Estimated Total Annual Responses: 7,381,080 responses, per year, on average.¹³

Estimated Burden Hours Per Respondent: Approximately 44 hours annually, on average.¹⁴

Estimated Total Annual Burden Hours: 555,702 hours per year, on average.¹⁵

13. Estimated annual cost burden.

Estimated Total Annual Cost: \$67,461,247.¹⁶

14. Estimated annualized cost to the government.

Costs to the Federal government of administering the Section 314(a) program include annual labor costs of approximately \$1.1 million.

15. Reason for change in burden.

¹⁰ FinCEN, [*Privacy Act of 1974, as Amended: System of Records Notice \(FinCEN .003 - Bank Secrecy Act Reports System\)*](#), 79 FR 20969 (Apr. 14, 2014).

¹¹ See the 2025 Section 314(a) PRA Renewal, 90 FR 47126.

¹² See the 2025 Section 314(a) PRA Renewal, 90 FR 47127.

¹³ This estimate is based on the three-year average number of transmitted Section 314(a) Requests (116) multiplied by the three-year average number of subjects per Section 314(a) Request (5) multiplied by the three-year average number of total respondent financial institutions per year (12,726). For purposes of estimating the PRA burden of Section 314(a) Requests and their responses, FinCEN conceptually defines a response to correspond to each subject for which a respondent financial institution conducts a records search regardless of whether the search yields a positive or negative result. In practice, the incremental fixed burdens associated with a financial institution establishing (pursuant to FinCEN pre-notification) and maintaining a secure communication link with FinCEN via a Section 314(a) point of contact for the receipt of Section 314(a) Requests are expected to accrue per respondent, not per response. However, for simplicity and tractability, a distributed version of these costs is assigned on a per-response basis in the subsequent analysis. See the 2025 Section 314(a) PRA Renewal, 90 FR 47128.

¹⁴ The estimated burden per respondent includes the time associated with responding to Section 314(a) Requests (approximately 39 hours per respondent, on average) and recordkeeping associated with the operation and maintenance of the respondent financial institution's Section 314(a) program (5 hours per respondent, on average). See the 2025 Section 314(a) PRA Renewal, 90 FR 47130.

¹⁵ The revised total annual burden computation is as follows: approximately 44 hours per year per respondent multiplied by 12,726 respondents equals approximately 555,702 hours. See the 2025 Section 314(a) PRA Renewal, 90 FR 47130.

¹⁶ See 2025 Section 314(a) PRA Renewal, 90 FR 47131.

The total burden hours decreased by 2,361,498 hours from 2,917,200 hours in 2022 to 555,702 hours in 2025. The primary reason for the decrease in burden is the decrease in the burden estimate per subject from 32 minutes in 2022 to four minutes in 2025.¹⁷ The number of respondents also decreased slightly from 14,960 financial institutions in 2022 to 12,726 financial institutions in 2025.

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.

¹⁷ In the 2022 Section 314(a) PRA Renewal, FinCEN estimated that researching and reporting, as necessary, each subject of a Section 314(a) Request required an average of four minutes, resulting in approximately 24 annual burden hours per respondent (365 searches/responses multiplied by four minutes, divided by 60). See FinCEN, *Agency Information Collection Activities: Proposed Renewal; Comment Request; Renewal Without Change on Information Sharing Between Government Agencies and Financial Institutions*, [87 FR 41186](#), 41187 (Jul. 11, 2022). Based on comments received, FinCEN revised its estimate in the 2022 supporting statement to an average of 32 minutes per subject, increasing the estimated annual burden to 195 hours per respondent. See https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202209-1506-001. For the 2025 Section 314(a) PRA Renewal, FinCEN revisited this issue and determined that the original four-minute estimate more accurately reflects the average burden. This conclusion is based on FinCEN's understanding that most financial institutions use well-established, often automated, processes to conduct searches in response to Section 314(a) Requests, and that most searches result in either no matches or clear positive matches that can be quickly reported through FinCEN's secure portal. As a result, most subjects require far less than four minutes to address, keeping the average burden per subject relatively low despite occasional more time-intensive reviews.