

www.fincen.gov/forms/files/fin105_cmir.pdf.

SUPPLEMENTARY INFORMATION:

Title: Report of International Transportation of Currency or Monetary Instruments (CMIR).

Office of Management and Budget Number (OMB): 1506-0014.

Form Number: FinCEN Form 105.

Abstract: FinCEN exercises regulatory functions primarily under the Currency and Financial Transactions Reporting Act of 1970, as amended by the USA PATRIOT Act of 2001 and other legislation. This legislative framework is commonly referred to as the "Bank Secrecy Act" ("BSA").¹ The Secretary of the Treasury has delegated to the Director of FinCEN the authority to implement, administer and enforce compliance with the BSA and associated regulations.² Pursuant to this authority, FinCEN may issue regulations requiring financial institutions to keep records and file reports that "have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism."³ Additionally, FinCEN is authorized to impose regulations to maintain procedures to ensure compliance with the BSA and FinCEN's implementing regulations, or to guard against money laundering, which includes imposing anti-money laundering ("AML") program requirements on financial institutions.⁴

Pursuant to the BSA, the requirement of 31 U.S.C. 5316(a) has been implemented through regulations promulgated at 31 CFR 1010.340 and through the instructions for the CMIR as follows:

(1) Each person who physically transports, mails, or ships, or causes to be physically transported, mailed, or shipped currency or other monetary instruments in an aggregate amount exceeding \$10,000 at one time from the United States to any place outside the United States or into the United States from any place outside the United States, and

(2) Each person who receives in the United States currency or other monetary instruments in an aggregate amount exceeding \$10,000 at one time

which have been transported, mailed, or shipped to the person from any place outside the United States. A transfer of funds through normal banking procedures, which does not involve the physical transportation of currency or monetary instruments, is not required to be reported on the CMIR.

Information collected on the CMIR is made available, in accordance with strict safeguards, to appropriate criminal law enforcement and regulatory personnel in the official performance of their duties. The information collected is of use in investigations involving international and domestic money laundering, tax evasion, fraud, and other financial crimes.

Current Actions: Renewal without change.⁵

Type of Review: Renewal of a currently approved collection.

Affected Public: Individuals, business or other for-profit institutions, and not-for-profit institutions.

Estimated Number of Respondents: 280,000.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 140,000 hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the BSA must be retained for five years. Generally, information collected pursuant to the BSA is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of

information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 13, 2012.

James H. Freis, Jr.,

Director, Financial Crimes Enforcement Network.

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DEPARTMENT OF VETERANS AFFAIRS

Tribal Consultations

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Tribal Consultation.

SUMMARY: The Department of Veterans Affairs (VA) Office of Tribal Government Relations (OTGR) will host a Tribal Consultation on the following VA programs: Native American Direct Loan Program, Tribal Cemetery Grants, and local implementation of the 2010 VA/Indian Health Service (IHS) Memorandum of Understanding (MOU).

DATES: Comments must be submitted to VA no later than Friday, March 30, 2012. The Consultation Session will be held on April 5, 2012.

ADDRESSES: The Consultation Session will be held at L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC 20024, at 9 a.m., Eastern Standard Time.

FOR FURTHER INFORMATION CONTACT: Erika Moott, Executive Officer, VA Office of Tribal Government Relations at (202) 461-7400, by email at Tribalgovernmentconsultation@va.gov, or by mail at Suite 915L, 810 Vermont Avenue NW., Washington, DC 20420.

SUPPLEMENTARY INFORMATION: On November 6, 2000, President Clinton signed Executive Order 13175 entitled "Consultation and Coordination With Indian Tribal Governments," in order to "establish regular and meaningful consultation and collaboration with [T]ribal officials in the development of Federal policies that have Tribal implications, to strengthen the United States government-to-government relationships with Indian Tribes, and to reduce the imposition of unfunded mandates upon Indian Tribes * * *"

On November 5, 2009, President Obama signed the Memorandum on Tribal Consultation, pronouncing Tribal consultations a critical ingredient of a sound and productive Federal-Tribal relationship. The Presidential Memorandum directs all Federal

¹ The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, 31 U.S.C. 5311-5314 and 5316-5332 and notes thereto, with implementing regulations at 31 CFR chapter X. See 31 CFR 1010.100(e).

² Treasury Order 180-01 (Sept. 26, 2002).

³ 31 U.S.C. 5311.

⁴ 31 U.S.C. 5318(a) and (h).

⁵ On October 17, 2011, FinCEN published an NPRM (See 76 FR 64049) requesting comments on the proposed change to the definition of "monetary instrument" in the BSA. The comment period closed December 16, 2011. FinCEN received 14 comments in response (See <http://www.regulations.gov> and search on RIN 1506-AB13). Any changes resulting from this NPRM will be the subject of a subsequent notice.

agencies to develop a detailed plan of action to implement Executive Order 13175 and to engage in regular and meaningful consultation and collaboration with Tribal officials in the development of Federal policies that have Tribal implications. The President stated that his Administration is committed to complete and consistent implementation of Executive Order 13175.

As provided in President Obama's Memorandum on Tribal Consultation, "[t]he United States has a unique legal and political relationship with [American Indian/Alaska Native Tribal governments], established through and confirmed by the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions. In recognition of that special relationship, pursuant to Executive Order 13175 of November 6, 2000, executive departments and agencies * * * are charged with engaging in regular and meaningful consultation and collaboration with [T]ribal officials in the development of Federal policies that have [T]ribal implications, and are responsible for strengthening the government-to-government relationship between the United States and [American Indian/Alaska Native Tribes]."

The following topics will be discussed during consultation:

National Cemetery Administration: In January 2012, VA issued a final rule, 77 FR 4471, amending VA's regulations governing Federal grants for the establishment, expansion, and improvement of veterans cemeteries. This final rule implemented through regulation section 403 of the "Veterans Benefits, Health Care, and Information Technology Act of 2006," which

establishes eligibility for Tribal Organizations to apply for grants for Veterans cemeteries on Trust Lands. Public Law 109-461, 120 Stat. 3403 (Dec. 22, 2006); *see also* 38 U.S.C. 2408(f). This authority allows VA to award grants under the Veterans Cemetery Grant Program to Tribal Organizations in the same manner, and under the same conditions, as grants to States. VA will consult with Tribes on recommendations for increasing outreach and awareness of the funding opportunity in addition to seeking input on challenges Tribes experience in applying for these grants.

Veterans Health Administration: The VA-IHS MOU was signed by Dr. Petzel and Dr. Roubideaux on October 1, 2010. The purpose of the MOU is to enhance the health care status of American Indian and Alaska Native (AI/AN) Veterans through the delivery of accessible and quality health care services. This will be accomplished by establishing greater collaboration and resource-sharing between both agencies. VA will consult with Tribes on recommendations for increasing Tribal Government involvement in MOU workgroups and workgroup activities at the national and local levels.

Veterans Benefits Administration: The Native American Veteran Direct Loan Program (NADL), created by Congress in 1992, enables eligible veterans the opportunity to obtain VA direct loan benefits on Federal trust land. Until the creation of this program, the only way a Native American Veteran could use a VA-housing benefit was to try to find a mortgage lender willing to make a VA-guaranteed loan on Federal trust land. Lenders have been historically reluctant to lend money to finance the purchase

of homes on land held in trust by the Federal Government. VA will consult with Tribes on recommendations for increasing awareness and utilization of the Native American Direct Loan.

Comments must be submitted to VA no later than Friday, March 30, 2012, to: Erika Moott, Executive Officer, VA Office of Tribal Government Relations at (202) 461-7400, by email at Tribalgovernmentconsultation@va.gov, or by mail at Suite 915L, 810 Vermont Avenue NW., Washington, DC 20420. However, this deadline does not preclude anyone from providing testimony at the session and we will, to the extent that time allows, hear your testimony. If you plan on attending to present your testimony, please provide the name, title, and Tribe of the individual who will be presenting to Erika Moott. In order to facilitate the discussion, we ask that presenters provide a brief overview of the testimony and include the specific issues to be addressed at the session. For any Tribe unable to attend to present testimony, please be aware that OTGR will keep the testimony record open for 30 days after the date of the consultation. After 30 days, OTGR will provide written responses to all comments received, including those that were presented in person.

To register for the consultation, please submit your name, Tribe or organization, phone, and email address to Tribalgovernmentconsultation@va.gov.

Approved: March 12, 2012.

John R. Gingrich,

Chief of Staff, Department of Veterans Affairs.

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