



Department of the Treasury Financial Crimes Enforcement Network

On November 26, 2002, a Joint Agency Notice was released by FinCEN and the primary federal regulators addressing two matters associated with section 314 of the USA PATRIOT Act as described below. Generally, section 314 authorizes law enforcement authorities to communicate with banking organizations and others about suspected money launderers and terrorists, and banking organizations to communicate amongst themselves about such matters.

Moratorium on Section 314(a) Information Requests

On September 18, 2002, the U.S. Department of Treasury's Financial Crimes Enforcement Network (FinCEN) issued a Final Rule implementing section 314 of the USA PATRIOT Act. The Final Rule became effective on September 26, 2002 and is now part of Treasury's Bank Secrecy Act regulations, which are found at 31 CFR Part 103. The Final Rule, among other things, established a mechanism for law enforcement authorities to communicate names of suspected terrorists and money launderers to financial institutions in order to promptly locate accounts and transactions involving the suspects.

On November 4, 2002, FinCEN, based on the authority in section 314(a) and the Final Rule, sent its first request for information to financial institutions throughout the United States. FinCEN has since sent several other requests. Significant and useful information has been provided to law enforcement in response to its requests. This has included information about various types of transactions and accounts involving persons suspected of involvement in terrorist financing and money laundering, including those who used multiple institutions in several different geographic locations.

Financial institutions and their trade associations have notified the federal supervisory agencies and FinCEN about a number of logistical issues and questions with regard to the information request process instituted by FinCEN. In order to address these concerns and to ensure the most effective government-financial industry coordination possible, FinCEN, in coordination with relevant law enforcement agencies, has put into place a brief moratorium on new information requests and compliance with existing requests. During the moratorium, FinCEN, in consultation with the federal financial institution supervisory agencies, will develop additional guidance concerning section 314(a) information requests. You will be advised once this brief moratorium is lifted. At that time, you will also receive further guidance about the 314(a) information request process.

Notwithstanding the moratorium, FinCEN has advised the federal financial institutions supervisory agencies that it reserves the right to take such steps as are necessary, including the reinstatement of the section 314(a) information request process, in the event of an immediate threat to national security or other emergency.

The “Control List” and Section 314(a) Information Requests

FinCEN has advised the federal financial supervisory agencies that the FBI will discontinue the use of the “Control List” and instead will use the section 314(a) process to communicate with banking organizations and others about individuals and entities who are suspected of engaging in terrorist financing activities.

It is imperative that your bank, savings association or credit union be included in the contact list that FinCEN uses to communicate about suspected money launderers and terrorists. In developing its contact list, FinCEN decided to use the information that was provided in order to distribute the “Control List” and this information may have to be updated or enhanced. Accordingly, if your financial institution has not received any requests from FinCEN via e-mail or facsimile since November 4, 2002 (when FinCEN distributed its first section 314(a) information request), you should contact your primary federal supervisory agency to be added to FinCEN’s contact list. The following information must be provided: financial institution name and charter number or other identifier; point of contact name and title, mailing (street number, P.O. box, city, state and zip code) and e-mail addresses; and telephone and facsimile numbers.

You may contact the following representatives from the federal financial institutions supervisory agencies and FinCEN to provide section 314(a) contact information or if you have any questions:

Board of Governors of the Federal Reserve System

Contact information:

e-mail: patriotact@frb.gov

fax: (202) 736-5641

Questions:

telephone: Laurie A. Bender, Senior Special Anti-Money Laundering Examiner at (202) 452-3794, or Pamela J. Johnson, Senior Anti-Money Laundering Coordinator at (202) 728-5829

Federal Deposit Insurance Corporation

Contact information:

e-mail: fdicadvisory@fdic.gov

fax: (202) 898-3627

Questions:

telephone: Special Activities Section at (202) 898-6750

Office of the Comptroller of the Currency

Contact information:

e-mail: nationalbankinfo@occ.treas.gov

fax: (202) 874-5301

Questions:

telephone: Brian C. McCormally, Director, or Robert S. Pasley, Assistant Director, Enforcement and Compliance Division at (202) 874-4800

Office of Thrift Supervision

Contact information:

e-mail: usap.contact@ots.treas.gov

fax: (202) 906-6326

Questions:

telephone: John J. Davidson, Senior Project Manager at (202) 906-6012

National Credit Union Administration

Contact information:

e-mail: www.ncua.gov/cuaddress

fax: (703) 518-6569

Questions:

telephone: John K. Ianno, Senior Trial Attorney at (703) 518-6540

Financial Crimes Enforcement Network (FinCEN)

Contact information:

e-mail: sys314a@fincen.treas.gov

fax: (703) 905-3660

Questions:

telephone: FinCEN Regulatory Helpline at 1-800-949-2732