



Office of Thrift Supervision
Department of the Treasury

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RESCINDED

March 31, 2009

MEMORANDUM FOR: CHIEF EXECUTIVE OFFICERS

FROM:

Montrice Godard Yakimov *Montrice Godard Yakimov*
Managing Director, Compliance and Consumer Protection

SUBJECT:

Emergency and USA PATRIOT Act Section 314(a)
Contact Information

OTS has added language to the Thrift Financial Report instructions to clarify that the Financial Crimes Enforcement Network (FinCEN) may send communications to your 314(a) contacts for purposes *other than Section 314(a) notifications*.¹ For example, FinCEN has used the 314(a) contacts to disseminate customer satisfaction surveys or voluntary data collection inquiries. These communications will state the intended purpose and should be directed to appropriate personnel for review. No other changes have been made to the process for collecting emergency and 314(a) points of contact.

All federal banking agencies collect emergency contact information from institutions they regulate to distribute 314(a) requests and critical, time sensitive information. FinCEN notifies you of information related to USA Patriot Act Section 314(a) information requests through the contacts your institution designates. To minimize burden, all changes to your emergency contact information, including FinCEN 314(a) points of contact, are made through the OTS Electronic Filing System (EFS). The EFS is the software application used by Thrift Financial Report preparers of all OTS-regulated institutions to prepare and transmit the Thrift Financial Report (TFR) and HOLA (Home Owners' Loan Act) 10(l) reports. Through the TFR filing process, we ask you to provide a primary contact and backup contact (senior level official with decision-making authority). We ask for the same information for each name: title, telephone number, email address, and fax number.

¹ Section 314(a) of the USA PATRIOT Act and its implementing regulations provide for and establish procedures for information sharing between law enforcement and financial institutions to deter money laundering and terrorist activity.

The revised TFR *Report Preparer and Institution Contact Info* instructions will include the following new paragraph:

- **Section 314(a) Points of Contact**

This information is being requested to identify points of contact who are in charge of your institution's USA PATRIOT Act Section 314(a) information requests. Personnel listed could be contacted by law enforcement officers or the Financial Crimes Enforcement Network (FinCEN) for additional information related to specific 314(a) search requests or other anti-terrorist financing and anti-money laundering matters. Communications sent by FinCEN to the institution for purposes other than Section 314(a) notifications will state the intended purpose and should be directed to appropriate personnel for review. Any disclosure of customer records to law enforcement officers or FinCEN must be done in compliance with applicable law, including the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.).

Please provide information for a primary and secondary contact. Information for a third and fourth contact may be provided at your option. Leave e-mail address blank if not available. This contact information is for the confidential use of the Agencies, FinCEN and law enforcement officers and will not be released to the public.

Additional instructions to use the Electronic Filing Software EFS to update FinCEN and emergency contacts can be found on OTS's website at www.ots.treas.gov/docs/4/480177.pdf. If you have any questions about the information provided in this letter or any other BSA/USA PATRIOT Act related issue, please contact your OTS regional office. You may also call our USA PATRIOT Act phone line at (202) 906-6012.