

ruling on the merits of the adverse abandonment application.

There is no indication that the line contains any federally granted right-of-way. Any documentation in the UTA's possession will be made available promptly to those requesting it. UTA's entire case for adverse abandonment was filed with the application.

The interest of affected railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any interested person may file written comments concerning the proposed adverse abandonment or protests (including the protestant's entire opposition case), by October 25, 1999. Because this adverse abandonment is the functional equivalent of a discontinuance of trackage rights where rail service would be continued by another operator, trail use/rail banking, and public use requests are not appropriate, and the public interest does not require the consideration of offers of financial assistance. Likewise, no environmental or historical documents are required here.

Persons opposing the proposed adverse abandonment who wish to participate actively and fully in the process should file a protest by October 25, 1999. Persons who may oppose the abandonment but who do not wish to participate fully in the process by submitting verified statements of witnesses containing detailed evidence should file comments by October 25, 1999. Parties seeking information concerning the filing of protests should refer to section 1152.25. The due date for UTA's reply is November 8, 1999.

All filings in response to this notice must refer to STB Docket No. AB-520 and must be sent to (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001 and (2) Kevin M. Sheys, Oppenheimer, Wolff, Donnelly & Bayh, LLP, 1350 I Street, NW, Suite 200, Washington, DC 20005-3324. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment regulations at 49 CFR part 1152.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Decided: September 16, 1999.

Vernon A. Williams,
Secretary.

[FR Doc. 99-24851 Filed 9-27-99; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Office of the Comptroller of the Currency

Office of Thrift Supervision

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities; Proposed Collection; Comment Request; Suspicious Activity Report

AGENCY: Financial Crimes Enforcement Network (FinCEN), Office of the Comptroller of the Currency (OCC), Office of Thrift Supervision (OTS), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), National Credit Union Administration (NCUA).

ACTION: Notice and request for comments.

SUMMARY: FinCEN and the Supervisory Agencies (OCC, OTS, Board, FDIC, and NCUA), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). FinCEN, OCC, OTS, Board, FDIC, and NCUA are soliciting comments concerning the Suspicious Activity Report, which is being streamlined and formatted for four-digit dates (a Year 2000 change) as explained in this notice. The OCC is also soliciting comments on all information collections contained in 12 CFR Part 21. No new reporting requirements are being added.

DATES: Written comments should be received on or before November 29, 1999, to be assured of consideration.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control

number(s), will be shared among the agencies. Direct all written comments as follows:

FinCEN: Financial Crimes Enforcement Network, Department of the Treasury, Suite 200, 2070 Chain Bridge Road, Vienna, VA 22182-2536, **Attention:** Revised SAR. Comments also may be submitted by electronic mail to the following Internet address: "regcomments@fincen.treas.gov" with the caption in the body of the text, "**Attention:** Revised SAR".

OCC: Communications Division, Office of the Comptroller of the Currency, 250 E Street, SW., Third Floor, Attention: 1557-0180, Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202) 874-5274, or by electronic mail to REGS.COMMENTS@OCC.TREAS.GOV.

OTS: Manager, Dissemination Branch, Information Management and Services, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550-0003. These submissions may be hand delivered to 1700 G Street, NW., lower level, from 9 a.m. to 5 p.m. on business days; they may be sent by facsimile transmission to FAX Number (202) 906-7755; or they may be sent by e-mail: public.info@ots.treas.gov. Those commenting by e-mail should include their name and telephone number. Comments over 25 pages in length should be sent to FAX Number (202) 906-6956. Comments will be available for inspection at 1700 G Street, NW., until 4 p.m. on business days. Copies of the form are available for inspection at 1700 G Street, NW., from 9 a.m. until 4 p.m. on business days.

Board: Comments may be mailed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. Comments also may be delivered to Room B-2222 of the Eccles Building between 8:45 a.m. and 5:15 p.m. weekdays, or to the guard station in the Eccles Building courtyard on 20th Street, NW. (between Constitution Avenue and C Street) at any time. Comments received will be available for inspection in Room MP-500 of the Martin Building between 9 a.m. and 5 p.m. weekdays, except as provided in 12 CFR 261.8 of the Board's rules regarding availability of information.

FDIC: Written comments should be addressed to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Comments may be hand-delivered to the guard

station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. [FAX number (202) 898-3838; Internet address: comments@fdic.gov]. Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC, between 9 a.m. and 4:30 p.m., on business days.

NCUA: Clearance Officer: Mr. James L. Baylen, (703) 518-6411, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, Fax No. 703-518-6433, E-mail: jbaylen@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the collection may be obtained by contacting:

FinCEN: Deborah Groome, at 703 905-3744 or Scott Lodge, at (703) 905-3606, both of the Office of Data Systems Support;

OCC: Jessie Gates or Camille Dixon, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington DC 20219, (202) 874-5090.

OTS: Richard Stearns, Director, Office of Enforcement, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906-7966.

Board: Richard A. Small, Assistant Director, Division of Banking Supervision and Regulation, (202) 452-5235. For users of Telecommunications Devices for the Deaf (TDD) *only*, contact Diane Jenkins, (202) 452-3544, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

FDIC: Tamara R. Manly, Office of the Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429, (202) 898-7453.

NCUA: NCUA Clearance Officer, James L. Baylen, (703) 518-6411, or John K. Ianno, Office of General Counsel, (703) 518-6540.

SUPPLEMENTARY INFORMATION:

Title: Suspicious Activity Report (The OCC is renewing all information collections covered under the information collection titled: "(MA)—Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program (12 CFR 21).")

OMB Numbers

FinCEN: 1506-0001
OCC: 1557-0180
OTS: 1550-0003
Board: 7100-0212
FDIC: 3064-0077
NCUA: 3133-0094

Form Numbers

FinCEN: TD F 90-22.47
OCC: None
OTS: 1601
Board: FR 2230
FDIC: 6710/06
NCUA: 2362

Abstract: In 1985, the Supervisory Agencies issued procedures to be used by banks and certain other financial institutions operating in the United States to report known or suspected criminal activities to the appropriate law enforcement and Supervisory Agencies. Beginning in 1994, the Supervisory Agencies and FinCEN completely redesigned the reporting process resulting in the existing Suspicious Activity Report, which became effective in April 1996.¹

Current Actions: This Notice proposes to revise the form without making substantial additions to the content of the information collected. This Notice provides an opportunity to address a number of data collection, entry and analysis problems encountered by filers and the end users of the information. In general, the revisions conform all date items to a four-digit year (a Year 2000 change), make a number of other ministerial changes such as renumbering items, clarify the form, and improve its usefulness to law enforcement and the Supervisory Agencies.

The blocks for a number of items are expanded to provide additional room for the requested information. Thus, the Zip Code items are expanded to provide room for a nine-digit Zip Code. Dollar items are expanded to provide more room for amounts (and lines are added to these items to separate digits).

A number of items now on the form are deleted. The questions regarding the asset size of the financial institution (item 10 on the form now in use) and the birth date of the witness (item 55 of the form now in use) are deleted. The question asking for the address of the law enforcement agency contacted is deleted and is replaced by a question asking for the name and telephone number of the person contacted in the law enforcement agency. The section "Preparer Information" (Part V of the form now in use) is deleted. This

¹ The report is authorized by the following rules: 31 CFR 103.21 (FinCEN); 12 CFR 21.11 (OCC); 12 CFR 563.180 (OTS); 12 CFR 208.20 (Board); 12 CFR 353.3 (FDIC); 12 CFR 748.1 (NCUA). The rules were issued under the authority of 31 U.S.C. 5318(g) (FinCEN); 12 U.S.C. 93a, 1818, 1881-84, 3401-22, 31 U.S.C. 5318 (OCC); 12 U.S.C. 1463 and 1464 (OTS); 12 U.S.C. 324, 334, 611a, 1844(b) and (c), 3015(c)(2) and 3106(a) (Board); 12 U.S.C. 93a, 1818, 1881-84, 3401-22 (FDIC); 12 U.S.C. 1766(a), 1789(a) (NCUA).

information will be provided in the section "Contact Information" (Part VI of the form now in use).

Several items on the form have been clarified. The question concerning the type of report is clarified by eliminating "Supplemental Report." Thus, the question asks only whether the report being filed is an "Initial Report" or an "Amended Report." The question regarding insider relationships is clarified by adding a box that asks, initially, whether the relationship is an insider relationship. A check box is added to the heading of Part II—Suspect Information—for use if suspect information is unavailable. Instead of the space now on the form for writing in the name of the law enforcement agency contacted, check boxes are added for indicating the specific law enforcement agency contacted. The instruction regarding the type of instrument involved (Part VII of the form now in use, instruction k) is clarified by adding examples of the types of instruments.

The question regarding the summary characterization of the activity is revised to add another box "Computer Intrusion" to the current list of boxes. In the past, filers reporting computer intrusions on the form either checked the "Other" box (item 37r of the form now in use) and wrote information in the space beside the box, or wrote the information on the summary page. The instructions to the form are also revised to provide guidance as to the circumstances that would be considered computer intrusion for purposes of the form.

Type of Review: Revision of a currently approved collection.

Affected Public: Business, for-profit institutions, and non-profit institutions.

Estimated Number of Respondents:

FinCEN: 18,600.²
OCC: 3,000.
OTS: 925.
Board: 10,000.
FDIC: 6,500.
NCUA: 4,200.

Estimated Total Annual Responses:

FinCEN: 47,500.
OCC: 45,527.
OTS: 2,081.
Board: 14,000.
FDIC: 6,500.
NCUA: 4,200.

Estimated Total Annual Burden:

Estimated 30 minutes per form.

FinCEN: 23,750 hours.³

² Respondents represent many of the same institutions responding to the Supervisory Agencies.

³ Only one form is filed in satisfaction of the rules of both FinCEN and the Supervisory Agencies. The

OCC: 30,160 hours.
OTS: 1,041 hours.
Board: 7,000 hours.
FDIC: 3,250 hours.
NCUA: 2,100 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 Bank Secrecy Act and these regulations issued by the Supervisory Agencies must be retained for five years. Generally, information collected pursuant to the Bank Secrecy Act 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

estimated burden per form is 30 minutes; the hourly burden does not attempt to allocate that time between agencies when the form is filed in satisfaction of the rules of more than one agency.

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: September 13, 1999.

James F. Sloan,

Director, Financial Crimes Enforcement Network.

Dated: September 8, 1999.

Karen Solomon,

Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

John E. Werner,

Director, Information Management and Services Office of Thrift Supervision.

Dated: September 14, 1999.

Jennifer J. Johnson,

Secretary, Board of Governors of the Federal Reserve System, 20th and Constitution Ave., N.W., Washington, DC 20551.

Dated: August 19, 1999.

Robert E. Feldman,

Executive Secretary, Federal Deposit Insurance Corporation.

By the National Credit Union Administration Board on September 2, 1999.

Becky Baker,

Secretary of the Board.

BILLING CODE 4820-03-P

<h1 style="margin: 0;">Suspicious Activity Report</h1>		<div style="border: 1px solid black; padding: 2px;">1</div> FRB: FR 2230 OMB No. 7100-0212 FDIC: 6710/06 OMB No. 3064-0077 OCC: 8010-9,8010-1 OMB No. 1557-0180 OTS: 1601 OMB No. 1550-0003 NCUA: 2362 OMB No. 3133-0094 TREASURY: TD F 90-22.47 OMB No. 1506-0001	
ALWAYS COMPLETE ENTIRE REPORT (see instructions)			
1 Check appropriate box: a <input type="checkbox"/> Initial Report b <input type="checkbox"/> Amended Report			
Part I Reporting Financial Institution Information			
2 Name of Financial Institution			3 EIN
4 Address of Financial Institution			5 Primary Federal Regulator
6 City			a <input type="checkbox"/> Federal Reserve d <input type="checkbox"/> OCC
7 State	8 Zip Code		b <input type="checkbox"/> FDIC e <input type="checkbox"/> OTS
			c <input type="checkbox"/> NCUA
9 Address of Branch Office(s) where activity occurred <input type="checkbox"/> Multiple Branches (see instructions)			
10 City		11 State	12 Zip Code
			13 If institution closed, date closed
			MM / DD / YYYY
14 Account number(s) affected, if any			
a _____		Closed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
b _____		c _____	
		Closed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
		d _____	
		Closed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Part II Suspect Information			
15 Last Name or Name of Entity		16 First Name	
		17 Middle	
18 Address			19 SSN, EIN or TIN
20 City		21 State	22 Zip Code
			23 Country
24 Phone Number - Residence (include area code)		25 Phone Number - Work (include area code)	
()		()	
26 Occupation/Type of Business			27 Date of Birth
			MM / DD / YYYY
28 Forms of Identification for Suspect:			
a <input type="checkbox"/> Driver's License/ State ID b <input type="checkbox"/> Passport c <input type="checkbox"/> Alien Registration d <input type="checkbox"/> Other _____			
e <input type="checkbox"/> Number _____ f <input type="checkbox"/> Issuing Authority _____			
29 Relationship to Financial Institution:			
a <input type="checkbox"/> Accountant d <input type="checkbox"/> Attorney g <input type="checkbox"/> Customer j <input type="checkbox"/> Officer			
b <input type="checkbox"/> Agent e <input type="checkbox"/> Borrower h <input type="checkbox"/> Director k <input type="checkbox"/> Shareholder			
c <input type="checkbox"/> Appraiser f <input type="checkbox"/> Broker i <input type="checkbox"/> Employee l <input type="checkbox"/> Other _____			
30 Is the relationship an insider relationship?		31 Date of Suspension, Termination, Resignation	
a <input type="checkbox"/> Yes b <input type="checkbox"/> No		MM / DD / YYYY	
If YES specify:		32 Admission/Confession	
c <input type="checkbox"/> Still employed at financial institution e <input type="checkbox"/> Terminated		a <input type="checkbox"/> Yes b <input type="checkbox"/> No	
d <input type="checkbox"/> Suspended f <input type="checkbox"/> Resigned			

Part III Suspicious Activity Information 2

33 Date or date range of suspicious activity From ____/____/____ To ____/____/____ <small>MM DD YYYY MM DD YYYY</small>	34 Total dollar amount involved in known or suspicious activity \$00
---	---

35 Summary characterization of suspicious activity:

a <input type="checkbox"/> Bank Secrecy Act/Structuring/ Money Laundering b <input type="checkbox"/> Bribery/Gratuity c <input type="checkbox"/> Check Fraud d <input type="checkbox"/> Check Kiting e <input type="checkbox"/> Commercial Loan Fraud s <input type="checkbox"/> Other _____ (type of activity)	f <input type="checkbox"/> Computer Intrusion g <input type="checkbox"/> Consumer Loan Fraud h <input type="checkbox"/> Counterfeit Check i <input type="checkbox"/> Counterfeit Credit/Debit Card j <input type="checkbox"/> Counterfeit Instrument (other) k <input type="checkbox"/> Credit Card Fraud	l <input type="checkbox"/> Debit Card Fraud m <input type="checkbox"/> Defalcation/Embezzlement n <input type="checkbox"/> False Statement o <input type="checkbox"/> Misuse of Position or Self Dealing p <input type="checkbox"/> Mortgage Loan Fraud q <input type="checkbox"/> Mysterious Disappearance r <input type="checkbox"/> Wire Transfer Fraud
--	--	--

36 Amount of loss prior to recovery (if applicable) \$00	37 Dollar amount of recovery (if applicable) \$00	38 Has the suspicious activity had a material impact on, or otherwise affected, the financial soundness of the institution? a <input type="checkbox"/> Yes b <input type="checkbox"/> No
---	--	--

39 Has the institution's bonding company been notified?
 a Yes b No

40 Has any law enforcement agency already been advised by telephone, written communication, or otherwise?

a <input type="checkbox"/> DEA	d <input type="checkbox"/> Postal Inspection	g <input type="checkbox"/> Other Federal
b <input type="checkbox"/> FBI	e <input type="checkbox"/> Secret Service	h <input type="checkbox"/> State
c <input type="checkbox"/> IRS	f <input type="checkbox"/> U.S. Customs	i <input type="checkbox"/> Local
j <input type="checkbox"/> Agency Name (for g, h or i) _____		

41 Name of person(s) contacted	42 Phone Number (include area code) ()
--------------------------------	---

43 Name of person(s) contacted	44 Phone Number (include area code) ()
--------------------------------	---

Part IV Witness Information

45 Last Name	46 First Name	47 Middle
--------------	---------------	-----------

48 Address	49 SSN
------------	--------

50 City	51 State	52 Zip Code
---------	----------	-------------

53 Title/Occupation	54 Phone Number (include area code) ()	55 Interviewed? a <input type="checkbox"/> Yes b <input type="checkbox"/> No
---------------------	---	--

Part V Contact Information

56 Last Name	57 First Name	58 Middle
--------------	---------------	-----------

59 Title/Occupation	60 Phone Number (include area code) ()	61 Date Prepared ____/____/____ <small>MM DD YYYY</small>
---------------------	---	---

62 Agency (if not filed by financial institution)

Part VI	Suspicious Activity Information Explanation/Description	3
<p>Explanation/description of known or suspected violation of law or suspicious activity. This section of the report is critical. The care with which it is written may make the difference in whether or not the described conduct and its possible criminal nature are clearly understood. Provide below a chronological and complete account of the possible violation of law, including what is unusual, irregular or suspicious about the transaction, using the following checklist as you prepare your account. If necessary, continue the narrative on a duplicate of this page.</p> <p>a Describe supporting documentation and retain for 5 years.</p> <p>b Explain who benefited, financially or otherwise, from the transaction, how much, and how.</p> <p>c Retain any confession, admission, or explanation of the transaction provided by the suspect and indicate to whom and when it was given.</p> <p>d Retain any confession, admission, or explanation of the transaction provided by any other person and indicate to whom and when it was given.</p> <p>e Retain any evidence of cover-up or evidence of an attempt to deceive federal or state examiners or others.</p>	<p>f Indicate where the possible violation took place (e.g., main office, branch, other).</p> <p>g Indicate whether the possible violation is an isolated incident or relates to other transactions.</p> <p>h Indicate whether there is any related litigation; if so, specify.</p> <p>i Recommend any further investigation that might assist law enforcement authorities.</p> <p>j Indicate whether any information has been excluded from this report; if so, why?</p> <p>For Bank Secrecy Act/Structuring/Money Laundering reports, include the following additional information:</p> <p>k Indicate whether currency and/or monetary instruments were involved. If so, provide the amount and/or description of the instrument (for example, bank draft, letter of credit, domestic or international money order, stocks, bonds, traveler's checks, wire transfers sent or received, cash, etc.).</p> <p>l Indicate any account number that may be involved or affected.</p>	

Paperwork Reduction Act Notice: The purpose of this form is to provide an effective and consistent means for financial institutions to notify appropriate law enforcement agencies of known or suspected criminal conduct or suspicious activities that take place at or were perpetrated against financial institutions. This report is required by law, pursuant to authority contained in the following statutes. Board of Governors of the Federal Reserve System: 12 U.S.C. 324, 334, 611a, 1844(b) and (c), 3105(c) (2) and 3106(a). Federal Deposit Insurance Corporation: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of the Comptroller of the Currency: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of Thrift Supervision: 12 U.S.C. 1463 and 1464. National Credit Union Administration: 12 U.S.C. 1766(a), 1786(q). Financial Crimes Enforcement Network: 31 U.S.C. 5318(g). Information collected on this report is confidential (5 U.S.C. 552(b)(7) and 552a(k)(2), and 31 U.S.C. 5318(g)). The Federal financial institutions' regulatory agencies and the U.S. Departments of Justice and Treasury may use and share the information. Public reporting and recordkeeping burden for this information collection is estimated to average 30 minutes per response, and includes time to gather and maintain data in the required report, review the instructions, and complete the information collection. Send comments regarding this burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503 and, depending on your primary Federal regulatory agency, to Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551; or Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429; or Legislative and Regulatory Analysis Division, Office of the Comptroller of the Currency, Washington, DC 20219; or Office of Thrift Supervision, Enforcement Office, Washington, DC 20552; or National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314; or Office of the Director, Financial Crimes Enforcement Network, Department of the Treasury, 2070 Chain Bridge Road, Vienna, VA 22182. The agencies may not conduct or sponsor, and an organization (or a person) is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Suspicious Activity Report
Instructions**

Safe Harbor Federal law (31 U.S.C. 5318(g)(3)) provides complete protection from civil liability for all reports of suspected or known criminal violations and suspicious activities to appropriate authorities, including supporting documentation, regardless of whether such reports are filed pursuant to this report's instructions or are filed on a voluntary basis. Specifically, the law provides that a financial institution, and its directors, officers, employees and agents, that make a disclosure of any possible violation of law or regulation, including in connection with the preparation of suspicious activity reports, "shall not be liable to any person under any law or regulation of the United States or any constitution, law, or regulation of any State or political subdivision thereof, for such disclosure or for any failure to notify the person involved in the transaction or any other person of such disclosure."

Notification Prohibited Federal law (31 U.S.C. 5318(g)(2)) requires that a financial institution, and its directors, officers, employees and agents who, voluntarily or by means of a suspicious activity report, report suspected or known criminal violations or suspicious activities may not notify any person involved in the transaction that the transaction has been reported.

In situations involving violations requiring immediate attention, such as when a reportable violation is ongoing, the financial institution shall immediately notify, by telephone, appropriate law enforcement and financial institution supervisory authorities in addition to filing a timely suspicious activity report.

WHEN TO MAKE A REPORT:

1. All financial institutions operating in the United States, including insured banks, savings associations, savings association service corporations, credit unions, bank holding companies, nonbank subsidiaries of bank holding companies, Edge and Agreement corporations, and U.S. branches and agencies of foreign banks, are required to make this report following the discovery of:
 - a. **Insider abuse involving any amount.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, and the financial institution has a substantial basis for identifying one of its directors, officers, employees, agents or other institution-affiliated parties as having committed or aided in the commission of a criminal act regardless of the amount involved in the violation.
 - b. **Violations aggregating \$5,000 or more where a suspect can be identified.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution and involving or aggregating \$5,000 or more in funds or other assets, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, and the financial institution has a substantial basis for identifying a possible suspect or group of suspects. If it is determined prior to filing this report that the identified suspect or group of suspects has used an "alias," then information regarding the true identity of the suspect or group of suspects, as well as alias identifiers, such as drivers' licenses or social security numbers, addresses and telephone numbers, must be reported.
 - c. **Violations aggregating \$25,000 or more regardless of a potential suspect.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution and involving or aggregating \$25,000 or more in funds or other assets, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, even though there is no substantial basis for identifying a possible suspect or group of suspects.
 - d. **Transactions aggregating \$5,000 or more that involve potential money laundering or violations of the Bank Secrecy Act.** Any transaction (which for purposes of this subsection means a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument or investment security, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected) conducted or

attempted by, at or through the financial institution and involving or aggregating \$5,000 or more in funds or other assets, if the financial institution knows, suspects, or has reason to suspect that:

- i. The transaction involves funds derived from illegal activities or is intended or conducted in order to hide or disguise funds or assets derived from illegal activities (including, without limitation, the ownership, nature, source, location, or control of such funds or assets) as part of a plan to violate or evade any law or regulation or to avoid any transaction reporting requirement under Federal law;
- ii. The transaction is designed to evade any regulations promulgated under the Bank Secrecy Act; or
- iii. The transaction has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the financial institution knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.

The Bank Secrecy Act requires all financial institutions to file currency transaction reports (CTRs) in accordance with the Department of the Treasury's implementing regulations (31 CFR Part 103). These regulations require a financial institution to file a CTR whenever a currency transaction exceeds \$10,000. If a currency transaction exceeds \$10,000 and is suspicious, the institution must file both a CTR (reporting the currency transaction) and a suspicious activity report (reporting the suspicious or criminal aspects of the transaction). If a currency transaction equals or is below \$10,000 and is suspicious, the institution should only file a suspicious activity report.

2. **Computer Intrusion.** For purposes of this report, "computer intrusion" is defined as gaining access to a computer system of a financial institution to:
 - a. Remove, steal, procure or otherwise affect funds of the institution or the institution's customers;
 - b. Remove, steal, procure or otherwise affect critical information of the institution including customer account information; or
 - c. Damage, disable or otherwise affect critical systems of the institution.

For purposes of this reporting requirement, computer intrusion does not mean attempted intrusions of websites or other non-critical information systems of the institution that provide no access to institution or customer financial or other critical information.

3. A financial institution is required to file a suspicious activity report no later than 30 calendar days after the date of initial detection of facts that may constitute a basis for filing a suspicious activity report. If no suspect was identified on the date of detection of the incident requiring the filing, a financial institution may delay filing a suspicious activity report for an additional 30 calendar days to identify a suspect. In no case shall reporting be delayed more than 60 calendar days after the date of initial detection of a reportable transaction.
4. This suspicious activity report does not need to be filed for those robberies and burglaries that are reported to local authorities, or (except for savings associations and service corporations) for lost, missing, counterfeit or stolen securities that are reported pursuant to the requirements of 17 CFR 240.17f-1.

HOW TO MAKE A REPORT:

1. Send each completed suspicious activity report to:

FinCEN, Detroit Computing Center, P.O. Box 33980, Detroit, MI 48232-0980

2. For items that do not apply or for which information is not available, leave blank.
3. Complete each suspicious activity report in its entirety, even when the suspicious activity report is an amended report.
4. Do not include supporting documentation with the suspicious activity report. Identify and retain a copy of the suspicious activity report and all original supporting documentation or business record equivalent for 5 years from the date of the suspicious activity report. All supporting documentation must be made available to appropriate authorities upon request.
5. If more space is needed to complete an item (for example, to report an additional suspect or witness), a copy of the page containing the item should be used to provide the information.
6. Financial institutions are encouraged to provide copies of suspicious activity reports to state and local authorities, where appropriate.