



ALERT 2002-14

OCC ALERT

Comptroller of the Currency
Administrator of National Banks

Subject: Moratorium on FinCEN 314(a)
Information Requests

TO: Chief Executive Officers and Chief Information Technology Officers of All National Banks, Federal Branches, Department and Division Heads, and All Examining Personnel

Pursuant to Section 314(a) of the USA Patriot Act, Treasury's Financial Crimes Enforcement Network (FinCEN) has developed and implemented a new electronic system for law enforcement to request information about suspected terrorists and money launderers from financial institutions. FinCEN issued its first request using this system on November 4, 2002, followed by several additional requests.

As discussed in the attached release, various issues and questions have arisen with regard to these requests. As a result, FinCEN and the law enforcement agencies have imposed a brief moratorium on new requests and compliance with existing requests. During the moratorium, FinCEN will develop additional guidance concerning future requests in consultation with the bank supervisory agencies.

National banks and federal branches that have not received an electronic information request from FinCEN should contact the OCC via e-mail at nationalbankinfo@occ.treas.gov. The e-mail should note your institution's name, charter number, address, contact person(s), and their telephone numbers and e-mail addresses.

The 314(a) process supersedes the process of distributing "Control Lists" of suspected terrorists to institutions through their regulators and, consequently, the Control List process will be discontinued. However, as set forth in OCC Alert 2002-11 (October 3, 2002), the OCC will continue to use and maintain its list of emergency contacts at national banks and federal branches. This OCC emergency contacts list will be used to disseminate information concerning potential terrorist threats and other emergency information, but it will not be used as a means of obtaining information for law enforcement agencies. Law enforcement agencies will instead obtain information through the 314(a) process.

Inquiries concerning section 314(a) of the USA Patriot Act should be directed to Brian C. McCormally, Director, or Robert S. Pasley, Assistant Director, Enforcement and Compliance

Division, by phone at (202) 874-4800. In addition, copies of the previous OCC Alerts cited in this document can be obtained from the OCC's Web page at <http://www.occ.treas.gov>.

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Attachment: [Joint Agency Notice](#)