

tests \* \* \* plus the number of refusals of random drug tests.”

Through calendar year 1996, the minimum annual percentage rate for random drug testing in the pipeline industry was 50 percent of covered employees. Based on MIS reports of random testing done in calendar years 1994 and 1995, PHMSA lowered the minimum rate from 50 percent to 25 percent for calendar year 1997 (61 FR 60206). The minimum rate remained at 25 percent in calendar years 1998 (62 FR 59297); 1999 (63 FR 58324); 2000 (64 FR 66788); 2001 (65 FR 81409); 2002 (67 FR 2611); 2003 (67 FR 78388); 2004 (68 FR 69046); and 2005 (70 FR 50).

Using the MIS reports received for drug testing done in calendar year 2005, PHMSA calculated the positive rate of random testing continues to be less than 1.0 percent. PHMSA is announcing that the minimum annual percentage rate for random drug testing is 25 percent of covered employees for January 1, 2006 through December 31, 2006.

**Authority:** 49 U.S.C. 5103, 60102, 60104, 60108, 60117, and 60118; 49 CFR 1.53.

Issued in Washington, DC on February 14, 2006.

**Stacey L. Gerard,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. E6-2373 Filed 2-16-06; 8:45 am]

**BILLING CODE 4910-60-P**

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## DEPARTMENT OF THE TREASURY

### 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 by Depository Institutions

**AGENCIES:** Financial Crimes Enforcement Network, Office of the Comptroller of the Currency, Office of Thrift Supervision, Department of the Treasury; Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, National Credit Union Administration.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Financial Crimes Enforcement Network and the Banking

Supervisory Agencies<sup>1</sup>, 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)). The Financial Crimes Enforcement Network and the Banking Supervisory Agencies are soliciting comments concerning the Suspicious Activity Report by Depository Institutions, which is being revised and reformatted to standardize this report with suspicious activity reports being filed by other financial institutions. The report also is being revised to support joint filing, providing the necessary data blocks and instructions for completing a jointly filed suspicious activity report. The instructions limit joint filing to those suspicious activities that do not involve insider abuse.

**DATES:** Written comments should be received on or before April 18, 2006.

**ADDRESSES:** Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the Office of Management and Budget control numbers, will be shared among the agencies. Direct all written comments as follows:

*Financial Crimes Enforcement Network:* Financial Crimes Enforcement Network, Post Office Box 39, Vienna, VA 22183, Attention: 1506-0001, Revised Suspicious Activity Report by Depository Institutions. Comments also may be submitted by electronic mail to the following Internet address: [regcomments@fincen.gov](mailto:regcomments@fincen.gov) with the caption in the body of the text, “Attention: 1506-0001, Revised Suspicious Activity Report by Depository Institutions”.

*Comptroller of the Currency:* Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1-5, Attention: 1557-0180, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874-4448, or by electronic mail to [regs.comments@occ.treas.gov](mailto:regs.comments@occ.treas.gov). You can inspect and photocopy the comments at the OCC’s Public Information Room, 250 E Street, SW., Washington, DC 20219. You can make

<sup>1</sup>The term “Banking Supervisory Agencies” is the collective term for the following organizations: The Office of the Comptroller of the Currency, The Office of Thrift Supervision, The Board of Governors of the Federal Reserve System, The Federal Deposit Insurance Corporation, and The National Credit Union Administration.

an appointment to inspect the comments by calling (202) 874-5043.

Additionally, you should send a copy of your comments to OCC Desk Officer, 1557-0180, by mail to U.S. Office of Management and Budget, 725, 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395-6974.

*Office of Thrift Supervision:* Information Collection Comments, Chief Counsel’s Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906-6518; or send an e-mail to [infocollection.comments@ots.treas.gov](mailto:infocollection.comments@ots.treas.gov). The Office of Thrift Supervision will post comments and the related index on its Internet site at <http://www.ots.treas.gov>. In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906-5922, send an e-mail to [public.info@ots.treas.gov](mailto:public.info@ots.treas.gov), or send a facsimile transmission to (202) 906-7755.

*Board of Governors of the Federal Reserve System:* You may submit comments, identified by FR 2230, by any of the following methods:

- Agency Web site: <http://www.federalreserve.gov>. Follow the instructions for submitting comments at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.

- Federal E-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- E-mail: [regs.comments@federalreserve.gov](mailto:regs.comments@federalreserve.gov). Include docket number in the subject line of the message.

- FAX: 202/452-3819 or 202/452-3102.

- Mail: Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board’s Web site at: <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm> as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP-500 of the Board’s Martin Building (20th and C Streets, NW) between 9 a.m. and 5 p.m. on weekdays.

Comments may be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street, and Constitution Avenue, NW., Washington, DC 20551.

However, because paper mail in the Washington area and at the Board of Governors is subject to delay, please consider submitting your comments by e-mail to

*regs.comments@federalreserve.gov*, or faxing them to the office of the Secretary at (202) 452-3819 or (202) 452-3102. Comments addressed to Ms. Johnson may also be delivered to the Board's mail facility in the West Courtyard between 8:45 a.m. and 5:15 p.m., located on 21st Street between Constitution Avenue and C Street, NW. Members of the public may inspect comments in Room MP-500 between 9 a.m. and 5 p.m. on weekdays pursuant to 261.12, except as provided in 261.14, of the Board's Rules Regarding Availability of Information, 12 CFR 261.12 and 261.14.

**Federal Deposit Insurance**

*Corporation:* Written comments should be addressed to Steve Hanft, Clearance Officer, Legal Division MB-3064, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. FAX number (202) 898-3838. E-mail: *shanft@fdic.gov*.

**National Credit Union**

*Administration:* Clearance Officer: Mr. Neil M. McNamara, (703) 518-6447, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, Fax No. (703) 518-6489, e-mail: *mcnamara@ncua.gov*.

**FOR FURTHER INFORMATION CONTACT:**

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

*Financial Crimes Enforcement Network:* Regulatory Policy and Programs Division at (800) 949-2732.

*Comptroller of the Currency:* You can request additional information or a copy of the collection from Mary Gottlieb, OCC Clearance Officer, or Camille Dickerson, (202) 874-5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

*Office of Thrift Supervision:* Richard C. Stearns, Enforcement Deputy Counsel, Office of Enforcement, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906-7966.

*Board of Governors of the Federal Reserve System:* Michelle Long, Federal Reserve Board Clearance Officer (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact (202) 263-4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

*Federal Deposit Insurance Corporation:* Steve Hanft, Legal Division MB-3064, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429, (202) 898-3907.

**National Credit Union**

*Administration:* Tracy Sumpter, Office of the Chief Information Officer, (703) 518-6444 or John K. Ianno, Office of General Counsel, (703) 518-6540.

**SUPPLEMENTARY INFORMATION:**

*Title:* Suspicious Activity Report by Depository Institutions. The Office of the Comptroller of the Currency 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—12 CFR 21."

*Office of Management and Budget Control Numbers*

Financial Crimes Enforcement Network: 1506-0001.

Office of the Comptroller of the Currency: 1557-0180.

Office of Thrift Supervision: 1550-0003.

Board of Governors of the Federal Reserve System: 7100-0212.

Federal Deposit Insurance Corporation: 3064-0077.

National Credit Union Administration: 3133-0094.

*Form Numbers*

Financial Crimes Enforcement Network: Form 111.

Office of the Comptroller of the Currency: 8010-1/8010-9.

Office of Thrift Supervision: 1601.

Board of Governors of the Federal Reserve System: FR 2230.

Federal Deposit Insurance Corporation: 6710/06.

National Credit Union Administration: 2362.

*Abstract:* In 1985, the Banking 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 Banking Supervisory Agencies. Beginning in 1994, the Banking Supervisory Agencies and the Financial Crimes Enforcement Network completely redesigned the reporting process resulting in a Suspicious Activity Report, which became effective in April 1996.<sup>2</sup>

<sup>2</sup>The report is authorized by the following regulations: 31 CFR 103.18 (Financial Crimes Enforcement Network); 12 CFR 21.11 (Office of the Comptroller of the Currency); 12 CFR 563.180

*Current Action:* The Banking Supervisory Agencies and the Financial Crimes Enforcement Network propose several revisions to the reporting form and instructions in order to enhance the clarity of the instructions, allow for joint filing of Suspicious Activity Reports, and to improve the usefulness of the Suspicious Activity Report to law enforcement.

Data item 1 would be expanded to add two check boxes to indicate whether the respondent institution is filing an updated report (data item 1a) and whether the report is being filed jointly with another financial institution (data item 1b).

*Part I—Subject Information* would be moved from Part II to Part I and would collect information on the subject of the Suspicious Activity Report. The section title would be changed to "Subject Information" from "Suspect Information." Other proposed revisions to Part I are:

- Proposed data item 2a would be added to indicate whether multiple subjects are involved.
- Proposed data item 6 "Also known as (AKA-individual) or doing business as (DBA-entity)," would be added in order to standardize the "Subject Information" section among all Suspicious Activity Report forms.

*Part II—Suspicious Activity Information* would be moved from Part III to Part II and would describe activity being reported. Proposed revisions to Part II are:

- Current data item 34, "Total dollar amount involved in known or suspicious activity," would be increased to twelve digits from ten and would be renumbered as data item 22.
- Current data item 38, which collects information about the financial soundness of the respondent institution, would be moved to Part V, "Suspicious Activity Information-Narrative," data item a.
- Current data item 39, regarding bonding company notification, would be deleted.
- Current data items 40-44, law enforcement contact information, would be moved to Part V, "Suspicious Activity Information-Narrative," data item g.

(Office of Thrift Supervision); 12 CFR 208.62, 211.5(k), 211.24(f), and 225.4(f) (Board of Governors of the Federal Reserve System); 12 CFR 353.3 (Federal Deposit Insurance Corporation); 12 CFR 748.1 (National Credit Union Administration). The regulations were issued under the authority contained in the following statutes: 31 U.S.C. 5318(g) (Financial Crimes Enforcement Network); 12 U.S.C. 93a, 1818, 1881-84, 3401-22, 31 U.S.C. 5318 (Office of the Comptroller of the Currency); 12 U.S.C. 1463 and 1464 (Office of Thrift Supervision); 12 U.S.C. 248(a)(1), 324, 334, 625, 1844(c), 3105(c)(2) and 3106(a) (Board of Governors of the Federal Reserve System); 12 U.S.C. 93a, 1818, 1881-84, 3401-22 (Federal Deposit Insurance Corporation); 12 U.S.C. 1766(a), 1789(a) (National Credit Union Administration).

*Part III—Reporting Financial Institution Information* would be moved from Part I to Part III and would collect information that identifies the respondent institution, the branch where the activity took place, the affected account number(s), if any, and whether such accounts have been closed as a result of the suspicious activity. Proposed revisions to Part III are:

- Proposed check box 26b would be added to indicate whether two or more financial institutions are jointly filing a single Suspicious Activity Report by completing data items 26 through 35.

- Proposed data item 29 would collect the respondent institution's internal control or file number. Respondent institutions would be encouraged, but not required, to report an internal control or file number.

- Three check boxes would be added to proposed data item 33, "Primary Federal Regulator," to identify the Internal Revenue Service, the Security and Exchange Commission, and Commodity Futures Trading Commission as regulators for purposes of a Suspicious Activity Report joint filing.

- Proposed data item 35, "Relationship of subject (Part I) to the above listed financial institution," would be moved from Part II, current data item 30, to Part III.

- Proposed data items 41–55 would provide space to collect information regarding other branch locations. If more than four branches are involved, the additional information would be provided in Part V "Suspicious Activity Information-Narrative."

- Current data item 13, "If institution closed, date closed," would be deleted.

*Part IV—Contact for Assistance* information is consolidated here. The proposed data item 56, "Designated contact office," would replace current data items 45–48, "contact name and title information." This revised information, coupled with an internal control or file number, would still provide law enforcement with adequate contact information while protecting the name of the contact person.

*Part V—Suspicious Activity Information-Narrative* requires the respondent institution to provide a chronological and complete narrative account of the activity, including what is unusual, irregular, or suspicious about the activity. Because the narrative is considered the most important part of the Suspicious Activity Report, the list of information that should be included in the narrative would be expanded to aid the respondent in the completion of the Suspicious Activity Report.

Finally, the instructions for completing the Suspicious Activity

Report would be expanded to include specific data item instructions for each item on the reporting form. Items considered critical for law enforcement purposes have been marked with an asterisk.

*Type of Review:* Revision of a currently approved collection. The OCC's revision does not affect the portions of OMB Control No. 1557–0180 relating to Minimum Security Devices and Bank Secrecy Act Compliance. OCC is seeking only a renewal of the approval for those provisions.

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

#### *Estimated Number of Respondents*

Financial Crimes Enforcement

Network: 27,262.<sup>3</sup>

Office of the Comptroller of the

Currency: 2100.

Office of Thrift Supervision: 862.

Board of Governors of the Federal

Reserve System: 7,000.

Federal Deposit Insurance

Corporation: 8000.

National Credit Union

Administration: 9300.

#### *Estimated Total Annual Responses*

Financial Crimes Enforcement

Network: 399,848.

Office of the Comptroller of the

Currency: 250,700.

Office of Thrift Supervision: 36,569.

Board of Governors of the Federal

Reserve System: 93,600.

Federal Deposit Insurance

Corporation: 16,018.

National Credit Union

Administration: 2,961.

#### *Estimated Total Annual Burden:*

Estimated 60 minutes per form:

Financial Crimes Enforcement

Network: 399,848 hours.<sup>4</sup>

Office of the Comptroller of the

Currency: 316,430 hours.

Office of Thrift Supervision: 36,569

hours.

Board of Governors of the Federal

Reserve System: 93,600 hours.

Federal Deposit Insurance

Corporation: 16,018 hours.

National Credit Union

Administration: 2,961 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 Office of Management and Budget control number. Records required to be retained under the Bank Secrecy Act and these regulations

issued by the Banking 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 Office of Management and Budget 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 7, 2006.

**William F. Baity,**

*Director, Financial Crimes Enforcement Network.*

Dated: January 30, 2006.

**Stuart Feldstein,**

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

Dated: February 7, 2006.

**Deborah Dakin,**

*Senior Deputy Chief Counsel, Regulations and Legislation Division, Office of Thrift Supervision.*

By the Board of Governors of the Federal Reserve System on February 9, 2006.

**Jennifer J. Johnson,**

*Secretary of the Board.*

By Order of the Board of Directors.

Dated at Washington, DC, this 31st day of January, 2006.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

By the National Credit Union Administration Board on February 8, 2006.

**Mary Rupp,**

*Secretary of the Board.*

**BILLING CODE 4810-02-P**

<sup>3</sup> Respondents comprise many of the same institutions responding to the Supervisory Agencies.

<sup>4</sup> Only one form is filed in satisfaction of the rules of both the Financial Crimes Enforcement Network and the banking supervisory agencies. The estimated burden per form is 60 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.



**Part III Reporting Financial Institution Information (See instructions) 2**

*26 Name of financial institution This is: a <input type="checkbox"/> Filing institution or b <input type="checkbox"/> Joint filer		*27 Employer identification number 	
*28 Address of financial institution		29 Internal control/file number(Optional)	
*30 City	*31 State	*32 ZIP Code           -	
*33 Primary Federal Regulator a <input type="checkbox"/> Federal Reserve b <input type="checkbox"/> FDIC c <input type="checkbox"/> NCUA d <input type="checkbox"/> OCC e <input type="checkbox"/> OTS f <input type="checkbox"/> IRS g <input type="checkbox"/> SEC h <input type="checkbox"/> CFTC			
*34 Account number(s) affected that are related to subject listed in Part I, if any. Check "Yes" if closed. a _____ <input type="checkbox"/> Yes b _____ <input type="checkbox"/> Yes c _____ <input type="checkbox"/> Yes d _____ <input type="checkbox"/> Yes			
*35 Relationship of the subject (Part I) to the above listed financial institution (check no more than four): a <input type="checkbox"/> Accountant b <input type="checkbox"/> Agent c <input type="checkbox"/> Appraiser d <input type="checkbox"/> Attorney e <input type="checkbox"/> Borrower f <input type="checkbox"/> Broker g <input type="checkbox"/> Customer h <input type="checkbox"/> Director i <input type="checkbox"/> Employee j <input type="checkbox"/> Officer k <input type="checkbox"/> Shareholder l <input type="checkbox"/> Other _____			
*36 Address of branch office(s) where activity occurred			
*37 City	*38 State	*39 ZIP Code           -	*40 Country (If not US, enter 2 digit code) 
41 Address of branch office where activity occurred (if required)			
42 City	43 State	44 ZIP Code           -	45 Country (If not US, enter 2 digit code) 
46 Address of branch office where activity occurred (if required)			
47 City	48 State	49 ZIP Code           -	50 Country (If not US, enter 2 digit code) 
51 Address of branch office where activity occurred (if required)		<input type="checkbox"/> Check if additional branch addresses are listed in Part V	
52 City	53 State	54 ZIP Code           -	55 Country (If not US, enter 2 digit code) 

**Part IV Contact for Assistance**

*56 Designated contact office	*57 Designated phone number (include area code) (     )           -	*58 Date filed (See instructions) ____ / ____ / ____ MM DD YYYY
59 Agency (if not filed by financial institution)		

**Special note:**  
If this report is being filed jointly, box 1b must be checked and Item 33 completed. A Part III and Part IV must be completed for each institution.

**Reminder:** A joint SAR cannot be filed if box 18 is checked "yes".

Send each completed SAR report to:

Detroit Computing Center  
Attn: SAR-DI  
P.O. Box 33980  
Detroit, MI 48232-0980

**Part V \*Suspicious Activity Information - Narrative****3**

**Explanation/description of suspicious activity(ies).** This section of the report is **critical**. The care with which it is completed may determine whether or not the described activity and its possible criminal nature are clearly understood by investigators. Provide a clear, complete, and chronological narrative description of the activity. The narrative should address as much of the information listed below as possible which covers the who/what/when/where of the activity.

- a. **Describe** the conduct that raised suspicion, why it was suspicious and the date discovered. Did the activity have a material impact on or affect the financial institution's soundness?
- b. **Explain** whether the transaction(s) was completed or only attempted.
- c. **Describe** supporting documentation (e.g., transaction records, new account information, tape recordings, e-mail messages, correspondence, etc.). **The filer (and joint filer if appropriate) must retain a copy of the SAR and its supporting documentation and retain such documentation on file for five years.**
- d. **Explain** who benefited, financially or otherwise, from the transaction(s), how much and how (if known).
- e. **Describe and retain** any admission, or explanation of the transaction(s) provided by the subject(s), or other persons. Indicate to whom and when it was given.
- f. **Describe and retain** any evidence of cover-up or evidence of an attempt to deceive federal or state examiners, or others.
- g. **Indicate** where the possible violation of law(s) took place (e.g., main office, branch, other). If the institution or branch has been closed, indicate date.
- h. **Recommend** any further investigation that might assist law enforcement authorities.
- i. **Indicate** whether any information has been excluded from this report; if so, state reasons.
- j. **Indicate** whether the suspicious activity is an isolated incident or relates to another transaction. Note if this is an updated report and if so, provide the date of the original SAR regarding this activity.
- k. **Indicate** whether there is any related litigation. If so, specify the names of the parties involved and the court where the action is pending.
- l. **Indicate** whether U.S. or foreign currency and/or U.S. or foreign negotiable instrument(s) were involved. If foreign, provide the amount, name of currency, and country of origin.
- m. **Describe** any funds transfers, including in or out identifier numbers, parties involved, dates, amounts, and financial institutions involved.
- n. **Indicate** for a foreign national any available information on subject's passport(s), visa(s), and/or identification card(s). Include date, country, city of issue, issuing authority, and nationality.
- o. **Describe** subject(s) position(s) if employed by the financial institution.
- p. **Indicate** the type of institution filing this report, if this is not clear.
- q. **Indicate** if a law enforcement agency has been contacted, list the name of the agency and the name of any person contacted, their title, their telephone number, and when they were contacted.
- r. **If correcting or amending a prior report, complete the form in its entirety and note the changes here in Part V.**

Information already provided in earlier parts of this form need not necessarily be repeated if the meaning is clear.

**Supporting documentation should not be filed with this report.** Maintain the information for your files.

Enter the explanation/description narrative in the space below. If necessary, continue the narrative on a duplicate of this page or a blank page. Tips on SAR form preparation and filing are available in the SAR Activity Reviews at [www.fincen.gov/pub\\_reports.html](http://www.fincen.gov/pub_reports.html) or the "SAR Narrative Guidance Package" at [www.fincen.gov/narrativeguidance\\_webintro.pdf](http://www.fincen.gov/narrativeguidance_webintro.pdf)

**The reporting financial institution should not include legal disclaimers in the narrative.**

## Suspicious Activity Report Instructions

1

**Safe Harbor** Federal law (31 U.S.C. 5318(g)(3)) provides complete protection from civil liability for all reports of suspicious transactions made 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, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure or any other person identified in the 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. List any such contact in Part V.**

### General Instructions

**Definition:** Depository Institution.

For the purposes of suspicious activity reporting in accordance with 31 CFR 103.18, and the use of this suspicious activity report form, the term Depository Institution includes those entities listed in 31 CFR 103.11(c) as well as bank holding companies and nonbank subsidiaries of bank holding companies.

#### A. When to file

**General.** Every Depository Institution shall file with the Treasury Department, to the extent and in the manner required by 31 CFR Part 103.18, a report of any suspicious transaction relevant to a possible violation of law or regulation. A Depository Institution may also file with the Treasury Department by using the Suspicious Activity Report specified in 31 CFR Part 103.18, a report of any suspicious transaction that it believes is relevant to the possible violation of any law or regulation but whose reporting is not required by this section.

1. All Depository 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 Depository Institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the Depository Institution or involving a transaction or transactions conducted through the Depository Institution, where the Depository Institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the Depository Institution was used to facilitate a criminal transaction, and the Depository 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 subject can be identified.** Whenever the Depository 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 Depository Institution and involving or aggregating \$5,000 or more in funds or other assets, where the Depository Institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the Depository Institution was used to facilitate a criminal transaction, and the Depository Institution has a substantial basis for identifying a possible subject or group of subjects. If it is determined prior to filing this report that the identified subject or group of subjects has used an "alias," then information regarding the true identity of the subject or group of subjects, 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 subject.** Whenever the Depository Institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the Depository 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 Depository Institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the Depository Institution was used to facilitate a criminal transaction, even though there is no substantial basis for identifying a possible subject or group of subjects.

**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 Depository Institution, by whatever means effected) conducted or attempted by, at or through the Depository Institution and involving or aggregating \$5,000 or more in funds or other assets, if the Depository Institution knows, subjects, 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 Depository Institution knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.

2. The Bank Secrecy Act requires all 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 Depository Institution to file a CTR whenever a currency transaction exceeds \$10,000.

3. 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.

4. A Depository 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 subject was identified on the date of detection of the incident requiring the filing, a Depository Institution may delay filing a suspicious activity report for an additional 30 calendar days to identify a subject. In no case shall reporting be

delayed more than 60 calendar days after the date of initial detection of a reportable transaction.

5. 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.

#### B. How to make a report:

**NOTE:** If this report is jointly filed, both of the filing institutions must retain a copy of the SAR and any supporting documentation for a period of five years from the date the report was filed.

1. This form should be e-filed through the Bank Secrecy Act E-filing System. Go to <http://bsaeiling.fincen.treas.gov/index.jsp> to register. This form is also available for download on the Financial Crimes Enforcement Network's Web site at [www.fincen.gov](http://www.fincen.gov), or may be ordered by calling the IRS Forms Distribution Center at (800) 829-3676. This form is also available through your primary federal regulator.

2. If not filed electronically or through magnetic media, send each completed suspicious activity report to:

Detroit Computing Center  
Attn: SAR-DI  
P.O. Box 33980  
Detroit, MI 48232-0980

3. While all items should be completed fully and accurately, items marked with an asterisk (\*) must be completed according to the provisions of paragraph 4 below.

4. If the information for a item marked with a asterisk (\*) is not known or not applicable, enter special responses "None," "Not Applicable," "Unknown," or "XX" (state/country/middle initial) as appropriate to complete the item. If the SSN/EIN/TIN is unknown, enter a series of 1's e.g., 111111111. Other fields should be left blank if the information is unknown or not applicable.

5. Complete each suspicious activity report by providing as much information as possible on initial and corrected or amended reports.

6. Do not include supporting documents with the filed suspicious activity report. Retain a copy of the report and all supporting documentation (e.g. transaction records, new account information, tape recordings, correspondence, e-mail messages, etc.) or business record equivalent in your files for five (5) years from the date of the suspicious activity report. All supporting documentation must be made available to appropriate authorities upon request.

7. Type or complete the report using block written letters.

8. If more than one subject is being reported, make a copy of page 1, complete only the subject information in Part I, and attach the additional page(s) behind page 1. If more space is needed to complete any other item(s), identify that item in Part V by "item number," and add the additional information.

9. Enter all dates in MM / DD / YYYY format where MM = month, DD = day, and YYYY = year. Precede single numbers with zero, i.e., 01,02, etc. If the month or day is unknown, enter "00" in place of the month or day.

10. Record telephone numbers using the format (XXX) XXX-XXXX. List fax numbers and international telephone numbers in Part V.

11. Always enter an individual's name by entering the last name, first name, and middle initial in the appropriate items. If the last or first name is not known, enter "Unknown" in the item. If an individual has two middle initials, enter both initials in that item. If the middle initial is unknown or the individual has no middle name, enter "XX" in that item.

12. Enter all identifying numbers (alien registration, driver's license/state ID, Employer Identification Number (EIN), Individual Taxpayer Identification Number (ITIN), Foreign National ID, passport, and Social Security Number (SSN), etc.) starting from left to right. Do not include spaces, dashes, or other punctuation.

13. Enter all Post Office ZIP Codes from left to right with at least the first five numbers or all nine numbers (ZIP + 4) if known.

14. Enter all monetary amounts in U.S. Dollars. Use whole dollar amounts rounded up. Enter the amount as a number string without punctuation. If foreign currency is involved, state the name of currency and country of origin in Part V.

15. Addresses. Enter the permanent street address, city, two-letter state/territory abbreviation used by the U.S. Postal Service and ZIP code (ZIP+4 if known) of the individual or entity. Do not use a post office box for an individual, unless no other address is available. For an individual, enter any apartment or suite number and road or route number. If a post office box is used for an entity, enter the street name, suite number, and road or route number. If the individual is from Mexico or Canada, enter the appropriate state or territory code in the state item and MX or CA as appropriate in the country item. If the address is from another foreign country, enter "XX" in the state item and the appropriate two-digit country code in the country item. Complete any part of the address that is known, even if the entire address is not known. If the address is in the U.S., leave the country field blank. Lists of country and state two-digit codes are available on the FinCEN web site at [www.fincen.gov/reg\\_bsaforms.html](http://www.fincen.gov/reg_bsaforms.html), or by calling 1-800-949-2732 and selecting option 5 to request a list by mail.

16. If you have questions or require further assistance, go to [www.fincen.gov](http://www.fincen.gov), contact your primary regulator, or call the FinCEN Helpline at 800-949-2732. For software issues, contact the IRS/DCC at 800-800-2877

#### C. Specific Suspicious Activity Report preparation instructions

**Item 1**--Check the box if the report amends or corrects a prior report. (See Part V, item "r").

**Item 1a**-- Check this box if this is an updated report.

**Item 1b** -- Check this box if this is a jointly filed report with another financial institution.

#### Part I Subject Information

**Note:** Enter information about the person(s) or entity involved that caused this report to be filed, not the victim of the activity.

**Item 2**--If there are multiple subjects involved, check box "2a" and complete a separate Part I for each subject. Check box "2b" only if NO subject information is available. If ANY subject information is available, record that information in Part 1, leave box "2b" blank, and insert the appropriate special response in any critical item for which data is missing.

**Items \*3, \*4, and \*5**--Individual/entity names. See General Instruction B10 for information on completing name fields. If the subject is an entity, enter the entity's full legal name in Item 3, "Not Applicable" in Item 4, and "XX" in Item 5.

**Item 6 Also known as**--If an individual has another name under which he or she is commonly known, enter that name in Item 6. If the subject is an entity, record the trade name of the entity in Item 6 if the trade name is different from the legal name in Item 3.

**Item 7--Occupation or type of business.** If known, identify the occupation, profession or business that best describes the individual or entity in Part I (e.g., attorney, car dealer, carpenter, doctor, farmer, plumber, truck driver, etc.). Do not use nondescript terms such as businessman, merchant, store owner (unless store's name is provided), or self employed. If unemployed, or retired are used enter the regular or former occupation if known. If the individual's business activities can be described more fully, provide the additional information in Part V.

**Items \*8, \*9, \*10, \*11, and \*12**-- Address. See General Instructions B13 and B15. If any part of the address is not known, enter "Unknown" or "XX" (state and country only) in that item.

**Item \*13**--SSN/ITIN (individual) or EIN (entity). See General Instruction B12. If the subject named in Items 3 through 5 is a U.S. Citizen or an



alien with a SSN, enter his or her SSN in Item 13. If that individual is an alien who has an ITIN, enter that number. If the subject is an entity, enter the EIN. If the identification number is not known, enter "111111111" in Item 13.

**Item \*14--Date of birth.** See General Instruction B9. If the subject is an individual, enter the date of birth. Enter "Unknown" if the date of birth is not known. Enter "N/A" if the subject is an entity.

**Item \*15--Forms of identification for subject.** See General Instruction B12. Check the box showing the type of document used to verify the subject's identity. If you check box "d Other," specify the type of document used. You must list the ID number of the identifying document and the issuing authority in 16e and 16f. If no identification was available, check box 16d and enter "Unknown" in "Other."

**Items 16 & 17--Telephone numbers.** See General Instruction B10. List any additional number(s) that may be available in Part V.

**Item \*18--Insider relationship?** You must check box "a" or "b" showing whether or not there is an insider relationship. If box "a" is checked, you must also check box "c," "d," "e," or "f" to identify the current relationship, and complete Item 19.

**Note: A joint SAR cannot be filed if item 18 is checked "yes."**

**Item 19--Date of Suspension, etc.** Enter the date of any suspension, termination or resignation reflected in Item 18.

**Item 20--Admission or Confession.** Check the appropriate box to indicate whether the subject has admitted or confessed to the suspicious activity. If "Yes," describe the admission or confession more fully in Part V.

## Part II Suspicious Activity Information

**Item \*21--Date or date range of suspicious activity.** See General Instruction B8. Enter the date of the reported activity in the "From" field. If more than one day is involved, indicate the duration of the activity by entering the first date in the "From" field and the last date in the "To" field. If the same individual or organization conducts multiple or related activities within the 30 calendar day period after the date of initial detection, the reporting institution may consider reporting the suspicious transactions on one form, but only if doing so will fully describe what has occurred. A new report must be filed for other related suspicious transactions committed after the initial detection period.

**Item \*22--Total dollar amount.** See General Instruction B13. Enter the total dollar value of the funds or assets involved in the suspicious activity that is conducted by the same individual or organization within the 30 calendar day period after the date of initial detection. For multiple or

related suspicious transactions, show the breakdown of this aggregated total in Part V. For abuse by a person associated with the institution, the value of this item can be zero (0). Do not use any words, such as "thousand," "million," etc. For foreign currency, convert all values to U.S. Dollars. If this is an updated report, leave this item blank unless the amount is different than originally reported.

**Item \*23--Type of suspicious activity.** Check up to 10 boxes to identify the suspicious activity. Provide a brief explanation in Part V of why each box is checked. If none of the items apply, mark box "s" "Other," enter a brief description on the following line, and provide in Part V an explanation of the type of suspicious activity.

**Items 24 and 25--Amount of loss and recovery (if applicable).** Indicate in Item 24 the amount of the initial loss. This amount cannot be larger than the amount in Item 22. In Item 25 indicate the amount of any recovery. This amount cannot be larger than the amount in Item 24. Both amounts must be in U.S. Dollars.

## Part III Reporting Financial Institution Information

**Note:** If filed jointly, a Part II and Part IV must be completed for each institution.

If this report is being filed jointly (box in item 1b checked), make a copy of page two and complete items 26 through 35 for the joint filer following the same instructions as the filer. Complete branch information, items 36 through 55 if appropriate. If there are additional joint filers, make as many copies of page two as required to record the additional joint filer information. Attach any additional pages behind page three, and indicate the total number of joint filers in Part V.

**NOTE: Reports involving insider abuse may not be filed jointly.**

**Item \*26--Name of financial institution.** Enter the full legal name of the institution, i.e. the name shown on the charter or other document creating the entity. Check box "a," "Filing institution" when the listed institution is the institution preparing and filing the report. Check box "b," "Joint filer" for all other reporting institutions.

**Item \*27--Employer identification number.** See General Instruction B12. Enter the reporting financial institution's EIN.

**Items \*28, \*30, \*31, and \*32--Address.** See General Instructions B13 & B15. This address should be the address of the principal office or headquarters in the United States.

**Item 29--Internal report control/file number (optional).** Enter any internal file or report number assigned by the reporting institution to track this report. This information will act as an identification aid if contact is required.

**Item 33--Primary Federal Regulator (This item must be completed for all reports).** Depository Institutions filing this report must check box "a" through "e" (only one). For all other institutions, check box "f," "g," or "h" as appropriate.

**Item \*34--Account number(s).** Enter up to four account numbers for financial institution accounts involved in the activity. Check the box "Yes" if an account is closed. Enter additional account numbers in Part V. Enter "None" in Item 35a if no accounts are involved.

**Item 35--Relationship to financial institution.** Check the appropriate box(es) to indicate whether or not the subject identified in Part I, items 3-5 is or was associated with the reporting institution. Up to four boxes can be checked.

**Items \*36- 55--Branch office addresses.** See General Instructions B13 & B15. Provide the addresses of up to four branch locations where the most significant portion of the suspicious activity occurred. If there are more than four branches, check the box labeled "Check if additional branch ..." in the last branch address (item 52) and list the additional locations in Part V. If there are no branch addresses involved, enter "Not Applicable" in Item 37.

## Part IV Contact for Assistance

**Item \*56-- Designated contact office.** Enter the name of the office that the financial institution has designated to receive request for assistance with this report. This office must have an individual knowledgeable of this report available during regular business hours.

**Item \*57--Phone number.** See General Instruction B10. Enter the work telephone number of the contact office.

**Item \*58--Date filed.** See General Instruction B9. Enter the date this report was filed. For electronic filing, it is the date that the report was e-filed using BSA Direct. For magnetic media filing, it is the date the magnetic media was forwarded to DCC. For all other filers, it is the date the financial institution completed the final review and mailed/submitted the report to DCC.

**Item 59--Agency.** If this report is filed by an agency other than a financial institution such as a regulator or OFAC, enter the name of the reporting agency in Item 60.

## Part V--\*Suspicious Activity Information -Narrative.

This is the most important section, and should be completed in as much detail as possible. See page 3 of the form for specific instructions for completing the narrative. **The reporting financial institution should not include legal disclaimers in the narrative.**