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April 12, 2006

Financial Crimes Enforcement Network  
Post Office Box 39  
Attn: 1506-0001, Revised Suspicious  
Activity Report by Depository  
Institutions  
Vienna, Virginia 22183

Office of the Comptroller of the Currency  
Communications Division  
Public Information Room, Mail Stop 1-5  
Attn: 1557-0180  
250 E Street, SW  
Washington DC 20219

Office of Thrift Supervision  
Information Collection Comments  
Chief Counsel's Office  
1700 G Street, NW  
Washington DC 20552

Federal Deposit Insurance Corporation  
Steven Hanft  
Clearance Officer, Legal Division  
MB -3064  
550 17<sup>th</sup> Street, NW  
Washington DC 20429

The Honorable Jennifer J. Johnson  
Board of Governors of the  
Federal Reserve  
20<sup>th</sup> Street & Constitution Ave, NW  
Washington DC 20551

Clearance Officer: Mr. Neil McNamara  
National Credit Union Administration  
1775 Duke Street  
Alexandria, Virginia 22314-3428

OCC Desk Officer, 1557-0180  
U.S. Office of Management and Budget  
725 17<sup>th</sup> Street NW #10235  
Washington DC 20503

Re: SAR Form Notice and Request for Comments

Dear Sir or Madam:

Countrywide Financial Corporation, including its bank and non-bank subsidiaries ("Countrywide"), appreciates this opportunity to comment on changes to the Suspicious Activity Report ("SAR") proposed by the Financial Crimes Enforcement Network ("FinCEN"), Office of the Comptroller of the Currency, Office of Thrift Supervision, Board of Governors of the Federal Reserve System, Federal Deposit Insurance

Corporation and the National Credit Union Administration (the “Agencies”) in response to the Notice and Request for Comments published at Vol. 71 Fed. Reg. No. 33, 8640 (February 17, 2006). Countrywide wholeheartedly concurs that expanding the information in the databox to enable more than one institution to join in the filing of a Suspicious Activity Report (“SAR”) will reduce inefficiencies in the system, reduce paperwork for institutions as well as the Agencies, and urges that this change be adopted. Countrywide also submits these comments for your consideration.

1. *Joint Filing.* The current SAR form and its predecessors require all “financial institutions” operating in the United States to make a report following the discovery of a specified event or transaction. The term financial institution includes both entities statutorily defined as such, as well as other entities.

The proposed revisions to the SAR filing form and its general instructions state that they are applicable to “depository institutions,” not “financial institutions.” The proposed revisions to the specific instructions and the proposed form permit financial institutions to file SARs jointly. However, the instructions in their present form do not explicitly permit financial institutions to file SARs jointly with *depository* institutions. This leads to the unusual result that a bank would be permitted to file a SAR with an nonaffiliated entity that is defined as financial institution in section 5312(a)(2) of Title 31, but the same bank could not file a SAR jointly with its own holding company or one of its own, or its holding company’s, non-bank subsidiaries.

To avoid this illogical result, the Agencies are urged to use the term “financial institution” uniformly throughout the SAR and its instructions, thereby permitting a bank to file a SAR with an affiliated entity that is not among the financial institutions listed in 31 U.S.C. Section 5312(a)(2). If it is the Agencies’ intention to limit the entities that may jointly file SARs, it is suggested that the Agencies list the entities that are permitted to file SARs jointly in the instructions. Without further clarification, the Agencies would be left with the cumbersome result that the entities most likely to file joint SARs (banks and their affiliates) would be unable to do so, leaving the entities that are most burdened by the current duplicative filing requirements without any relief.

2. *Updating, Amending and Correcting a Filing.* The proposed new SAR form gives a filer the opportunity to update a prior SAR filing. Although this new filing category is proposed, the proposal does not provide any information to assist a filer in differentiating between whether it should update, correct, or amend a previous filing. For example, if the subject of a SAR moves, and the filer wishes to inform FinCEN of the change in address, is the filer updating the information it previously provided, correcting the information previously provided or amending the information contained in the previous filing? In order to assist both filers in filing SARs and the Agencies in using the provided information, the Agencies should provide appropriate guidance differentiating each of these categories from one another.

3. *Phone Number Information.* The proposed form has modified the block currently used for SAR subject’s residence phone number to reflect the subject’s personal

phone number. The information may be more useful to FinCEN and the investigating agency if the filer were more specific in designating the phone number as being a cell, blackberry, home, or other phone number. In addition, FinCEN and the investigating agencies might find it useful if the filer could include the subject's e-mail or on-line account addresses in the SAR.

Again, Countrywide appreciates the opportunity to comment on the changes the Agencies have proposed to the SAR form and its instructions.

Sincerely,



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cc: OCC Desk Officer, 1557-0180  
U.S. Office of Management and Budget  
725 17<sup>th</sup> Street, N.W. #10235  
Washington, D.C. 20503

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