



May 29, 2002

Judith R. Starr  
Chief Counsel  
Office of the Chief Counsel  
Financial Crimes Enforcement Network (FinCEN)  
Department of Treasury  
P.O.Box 39  
Vienna, VA 22183

Attention: Section 352 AMLP Regulations

Dear Ms.Starr:

This letter is in response to your agency's invitation to comment in the Federal Register, Volume 67; Number 82 dated Monday, April 29, 2002. The Department of Treasury's Financial Crimes Enforcement Network is seeking comment on proposed regulations to implement provisions in the Bank Secrecy Act (BSA) added by Section 352 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001. The interim final rule, provides that banks, savings associations, credit unions, registered brokers and dealers in securities, futures commission merchants, and casinos, will be deemed to be in compliance with section 352 if they establish and maintain anti-money laundering programs as required by existing FinCEN regulations, or their respective Federal regulator or self-regulatory organization.

MBNA America Bank, N.A., (MBNA) a national bank with \$97.5 billion in managed loans, is the largest independent credit card lender in the world. It also provides consumer deposits, consumer loans, small business loans, insurance, debt cancellation and travel products. MBNA is the recognized industry leader in affinity marketing with endorsements from thousands of membership organizations and financial institutions around the world. Our products and services are sold and serviced almost entirely over the telephone, through the mail, and the Internet.

MBNA supports the U.S. Treasury Department's efforts to fight terrorist financing and money laundering. Since 1987, as a federally insured depository institution, MBNA has been required by our federal regulator, the Office of the Comptroller of the Currency (OCC), to have an anti-money laundering program. The OCC required anti-money

laundrying program under 12 CFR 21.21 contains the same elements that are required under section 5318(h)(1) of the Bank Secrecy Act (BSA). Section 352 of the USA PATRIOT Act and the interim final rules issued by FinCEN reinforce the requirements set out by the BSA and the OCC. Accordingly, section 103.120(b) provides that a financial institution that is subject to regulation by a Federal functional regulator will be deemed to be in compliance with the requirements of section 5318(h)(1) if it complies with the regulations of its regulator governing the establishment and maintenance of anti-money laundrying programs.

MBNA commends FinCEN for recognizing the sound anti-money laundrying requirements provided by section 5318(h)(1) of the BSA and the efforts of banks, savings associations and credit unions to implement and comply with the requirements. We believe that the decision to extend the requirements placed on banks, savings associations and credit unions to all other financial institutions as defined under the USA PATRIOT Act will provide immediate and lasting results in the Treasury Department's fight against terrorism and money laundrying. We applaud FinCEN for recognizing that banks, savings associations and credit unions should not shoulder the entire burden and that all financial institutions must support the efforts to combat terrorism and money laundrying.

### **Conclusion**

MBNA America supports the Treasury Department's fight against money laundrying and terrorism. We support the provisions of the USA PATRIOT Act under Section 352 and believe the inclusion of other industries under the definition of financial institutions will provide FinCEN with enhanced reporting. It is our belief that the changes outlined above create regulations that maintain the intentions of Congress to provide financial institutions and the federal enforcement agencies with the tools to fight money laundrying and terrorism. The interim final rule will enable financial institutions to implement the regulations more effectively and with no additional burdens to those already in compliance. We appreciate the opportunity to comment.

Sincerely,

Joseph R. Crouse  
Legislative Counsel  
MBNA America Bank, N.A.