

Comerica Incorporated

30

June 25, 2002

FinCEN
P.O. Box 39
Vienna, VA 22183
Attn: Section 312 Regulations

RE: Notice of Proposed Rulemaking

Dear Sirs and Mesdames:

The following comments are provided by Comerica Incorporated, a \$50 billion bank holding company with banking affiliate locations in California, Florida, Michigan and Texas. Its subsidiary banks provide banking services to foreign financial institutions and also provide private banking services and, thus, would be directly affected by the proposed regulation.

Comerica is supportive of the Treasury's desire to require due diligence designed to detect and report money laundering. However, in reviewing the proposal further clarification is needed in order to determine the benefit achieved in anti money laundering in relation to the burden that would be placed on U.S. financial institutions.

DEFINITION OF "PRIVATE BANKING ACCOUNT"

Is the definition of "private banking account" limited to traditional deposit accounts? Or does it also cover lending accounts? Does it cover trust accounts? Does it cover investment management accounts?

The term "private banking account" is limited to certain accounts maintained for "non-U.S. persons". It would be helpful if the extent of a financial institution's responsibility for ascertaining whether a person opening an account is a "non-U.S. person" could be clarified. Is it sufficient for a bank to ask whether a person opening a private banking deposit account is a U.S. citizen or resident alien, without more? Or must the bank ask for proof and, if so, for what kind of proof? May we ask for a social security number, and, if one is provided, may we presume the individual is not merely a "non-U.S. person"? Is a written certification signed by the customer sufficient? Must we ask for a passport or a "green card"?

REQUIREMENT OF \$1,000,000

If a bank does not have any minimum opening balance requirement or ongoing minimum balance requirement for deposit accounts handled by its Private Banking department, is it not covered by the regulation?

Comerica Incorporated

EXISTING ACCOUNTS

The information that the proposed regulation suggests be acquired from “private banking account” holders implies that the information would only be required from persons opening new accounts and that a bank would not be required to go back to existing customers to ask them their source of wealth, etc. It would be helpful if that could be clarified in the final regulation.

DUE DILIGENCE PROGRAM

The due diligence program requires controls that are reasonably designed to detect and report money laundering. Will the degree of reasonableness be determined by regulation or is it determined by the financial institution? Is proof of certain information required or may the financial institution merely ask questions and rely on the information received? Perhaps listing some “best practices” in the final rule would address this need.

BENEFICIAL OWNERS

For example, we are unsure of the exact requirements as to how a bank may ascertain the identity of beneficial owners of an account. May we rely on the response from the customer or on some sort of certification from the customer or is some other form of proof required? Further guidance on this issue would be appreciated.

REFERRALS FROM OTHER FINANCIAL INSTITUTIONS

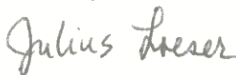
Some financial institutions have formed arrangements with other financial institutions under which customers are referred. Would it be permissible for the financial institutions receiving such a referral to rely on the due diligence process of the referring financial institution if the former has satisfied itself that such process is comprehensive or would the financial institution receiving the referral be expected to duplicate due diligence?

SENIOR FOREIGN POLITICAL FIGURES

Further clarification is needed on how a financial institution may detect that funds represent proceeds of foreign corruption.

Please understand that the answers to the above questions may necessitate further inquiry before a final rule should be issued. We appreciate the opportunity to comment on these important issues. Please feel free to contact us if you have any questions.

Sincerely,



Julius Loeser
Senior Vice President
Corporate Legal
313-222-7464



Carl E. Spradlin, Jr.
First Vice President
Public Affairs/Compliance
248-371-7244