



May 9, 2016

Via Electronic Mail

Financial Crimes Enforcement Network
P.O. Box 39
Vienna, VA 22183

Re: Notice of Proposed Rulemaking RIN 1506-AB 26 (RIN 1506-AB 26)

Ladies and Gentlemen:

The Clearing House Association L.L.C.¹ appreciates the opportunity to comment on the proposed regulations issued by the Financial Crimes Enforcement Network described in Notice of Proposed Rulemaking RIN 1506-AB26 concerning Form FinCEN 114, Report of Foreign Bank and Financial Accounts (the “FBAR”).

We appreciate that the proposed regulations generally make the FBAR requirements more consistent with the statutory purpose of gathering or maintaining information that has a “high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.”² However, we believe that a broader exemption is more appropriate. We also believe that there are a number of other aspects of the FBAR that should be addressed before the proposed regulations are finalized. In that regard, we are supportive of the recommendations made by Davis Polk & Wardwell LLP on behalf of several named financial institutions in their letter on these proposed regulations dated May 9, 2016 as they pertain to large banking organizations and their affiliates, and respectfully suggest that the FinCEN review those recommendations as part of their further consideration of the proposed regulations.

¹ The Clearing House is a banking association and payments company that is owned by the largest commercial banks and dates back to 1853. The Clearing House Association L.L.C is a nonpartisan organization that engages in research, analysis, advocacy and litigation focused on financial regulation that supports a safe, sound and competitive banking system. Its affiliate, The Clearing House Payments Company L.L.C., owns and operates core payments system infrastructure in the United States and is currently working to modernize that infrastructure by building a new, ubiquitous, real-time payment system. The Payments Company is the only private-sector ACH and wire operator in the United States, clearing and settling nearly \$2 trillion in U.S. dollar payments each day, representing half of all commercial ACH and wire volume.

² 31 U.S.C. § 5311.

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The Clearing House appreciates the opportunity to comment on the proposal. If you have any questions, please contact the undersigned by phone at (212) 613-9883 or by email at *David.Wagner@theclearinghouse.org*.

Respectfully submitted,

A handwritten signature in black ink that reads "David Wagner". The signature is written in a cursive, flowing style.

David Wagner
Executive Managing Director, Head of Finance &
Risk Affairs & Senior Associate General Counsel
The Clearing House Association L.L.C.