



INTERNATIONAL ACH TRANSACTIONS EXECUTIVE SUMMARY

July 31, 2008

The primary purposes of the International ACH Transactions rules are to: (1) respond to the request from the Office of Foreign Assets Control (OFAC) to align the *NACHA Operating Rules (Rules)* with OFAC compliance obligations; and (2) make it easier for RDFIs to comply with those obligations. This rule:

- requires Gateway Operators to classify payments that are transmitted to or received from a financial agency outside the territorial jurisdiction of the U.S. as International ACH Transactions (IATs); and
- includes the Bank Secrecy Act's (BSA) "Travel Rule" information within the international payment format.

Classification of International ACH Transactions

Currently, cross-border applications are used only for ACH transactions that are transmitted internationally through a declared Gateway Operator. Many payments initiated internationally are currently introduced into the U.S. ACH Network through domestic correspondent banking relationships. As a result, international payments are being transmitted as domestic transactions, making it difficult for Depository Financial Institutions (DFIs) to identify these transactions for purposes of complying with U.S. law.

The new rule will classify International ACH Transactions by focusing on where the financial agency that handles the payment transaction (movement of the funds) is located and not where any other party to the transaction (e.g., the Originator or Receiver) is located. Therefore, certain transactions that are currently sent as PPDs or CCDs, but are actually international transactions, will be sent as IATs.

Structuring the Formats to Comply with U.S. Law

The information currently included within the cross-border payment formats, CBR and PBR, is not sufficient to allow an RDFI to readily identify all parties to an International ACH Transaction in order to comply with OFAC-administered U.S. sanctions policies.

The new IAT format will help RDFIs comply with their obligations under U.S. law by:

- carrying the additional data requirements included in the BSA's "Travel Rule"¹ as requested by OFAC; and
- containing OFAC Screening Indicators to aid financial institutions in effective interdiction of unlawful transactions.

The rule will allow for identification of International ACH Transactions (inbound and outbound) and provide financial institutions with sufficient information to conduct an efficient review of the transactions as required by U.S. law.

Rules Framework and Implementation

1. Definition of International ACH Transaction

The change will define an International ACH Transaction as an ACH entry that is part of a payment transaction² involving a financial agency's office that is not located in the territorial jurisdiction of the United States.

Specifically, an office of a financial agency³ is involved in the payment transaction if it:

- holds an account that is credited or debited as part of a payment transaction; or
- receives funds directly from a Person or makes payment directly to a Person as part of a payment transaction; or
- serves as an intermediary in the settlement of any part of a payment transaction.

The definition of International ACH Transaction focuses on where the financial institution that handles the payment transaction (movement of the funds) is located and not where any other party to the transaction (e.g., the Originator or Receiver) is located.

2. Gateway Operator Definition and Obligations

A Gateway Operator is an ACH Operator or ODFI that acts as an entry or exit point to or from the United States. ACH Operators and ODFIs in the role of Gateway Operators have specific warranties and obligations related to IAT entries. ACH Operators as Gateway Operators will limit inbound IAT entries to credits and reversals, while ODFIs as Gateway Operators may transmit both credit and debit entries inbound. All Gateway Operators may send credits and debits outbound.

3. Information Transmitted in IAT Formats

¹ 31 C.F.R. 103.33(g)

² See *NACHA Operating Guidelines* chapter on International ACH Transaction for further guidance on payment transaction.

³ Financial agency means an entity that is authorized by applicable law to accept deposits or is in the business of issuing money orders or transferring funds.

- IATs will include the BSA's "Travel Rule" data within the ACH record for compliance with U.S. law.
- IATs will include:
 - a unique Company/Batch Header and Entry Detail Record;
 - seven required addenda;
 - two optional addenda for remittance data;
 - a maximum of five addenda for required correspondent bank identification; and
 - the seven required addenda for all returns (plus the one additional addenda record within which specific information related to the return would be included).
- The field requirements in an IAT will be consistent with SWIFT standards for mapping efficiency.
- IAT transactions will include two optional OFAC screening indicators to convey screening results of a potential blocked party by a Gateway Operator and a Correspondent Bank.
 - The Federal Reserve has announced its intention to screen incoming IAT transactions for OFAC compliance.
 - The Electronic Payments Network (EPN), the private-sector ACH Operator, has also announced that it will make available an OFAC screening function to its customer financial institutions as a value-added service.

Financial Institutions Need to Prepare

Every financial institution needs to understand how it is impacted by the new NACHA rule. Given the significance of this rule change, it is essential that financial institutions start now to understand and implement the rule. All areas of your institution should be ready on September 18, 2009 including, but not limited to, operations, compliance, audit, customer service, and vendor management. Education, training, and technical assistance are available from a number of sources, which are listed below. A checklist of recommended operational and compliance action items is also available.

Penalties for non-compliance with OFAC's regulations can be severe. Financial institutions can contract with other parties for ACH processing services, but cannot contract away their liabilities related to OFAC compliance. NACHA and the ACH Operators encourage financial institutions to begin preparations today.

Other Considerations

Implementation of the new IAT Standard Entry Class code provides additional benefits. The majority of ACH systems around the world do not distinguish between payments

transmitted to consumer and business accounts. The IAT SEC Code will enhance Network processing efficiencies and enable accurate mapping of data between domestic and international payment systems.

The amendment will also make the U.S. ACH Network formats more consistent with other network formats. For example, wire transfer formats currently carry the Travel Rule information to comply with BSA. The change is also consistent with the field lengths in SWIFT messages to ensure efficient mapping of data.

Additional Information

Education, training and technical assistance are available from a number of sources including your Regional Payments Association, NACHA, the Federal Reserve and EPN. Check the NACHA website at http://www.nacha.org/IAT_Industry_Information/ for resources and information about upcoming activities including: a teleseminar on December 3, 2008; the Institute for International Payments in November; and a new IAT Survival Guide.