

This document and any attachments are superseded by OCC Bulletin OCC 2010-17.

UIGEA: DESIGNATED PAYMENT SYSTEMS AND REQUIREMENTS OF PARTICIPANTS

Payment System	Nonexempt Participants	Safe Harbor Policies and Procedures: General Requirements
Card Systems (credit, debit, stored value)	<ol style="list-style-type: none"> Card issuers Merchant acquirers Operators Third-party processors 	Due diligence or Use of codes to identify restricted transactions and ongoing monitoring for codes; and Restricted transactions procedures.
Automated Clearing House	<ol style="list-style-type: none"> RDFI, credit transactions ODFI, debit transactions Gateway operator for cross-border debits Third-party processors for any of 1, 2, or 3 	Due diligence; Restricted transaction procedures; and For inbound cross-border ACH debit transactions, notice to correspondent bank in case of actual knowledge of restricted transactions.
Wire Transfer	Beneficiary's bank	Due diligence and Restricted transactions procedures.
Check Collection	<ol style="list-style-type: none"> Depository bank First U.S. bank for cross-border check receipts 	Due diligence; Restricted transactions procedures; and For cross-border transactions, notice to correspondent bank in case of actual knowledge of restricted transactions.
Money Transmitting Businesses	Operators of money transmitting businesses that permit initiation of funds transmissions remotely, such as via Internet or telephone.	Due diligence; Ongoing monitoring by the operator to detect potential restricted transactions; and Restricted transactions procedures.

“Due diligence” includes the following:

- Written notice to all commercial accountholders that the account must not be used for restricted transactions;
- Risk assessment for each commercial account opened on or after the rule’s compliance date to determine whether the accountholder poses more than a minimal risk of engaging in restricted transactions; **and**
- Obtaining required documentation if the commercial customer presents more than a minimal risk of engaging in an Internet gambling business and cannot certify that it is not so engaged **or** if the institution has actual knowledge that a commercial accountholder is engaged in an Internet gambling business.

“Restricted transactions procedures” are to be followed when an institution has actual knowledge that a commercial customer has received funds in a restricted transaction. Procedures should address continued transaction processing, account review, SAR filing, and account closure.