



Comptroller of the Currency
Administrator of National Banks

Compliance Management System

Comptroller's Handbook

August 1996

CCE

Compliance Management System

Table of Contents

Introduction	1
Background	1
Board and Management Supervision and Administration	1
Compliance Program	2
Compliance Audit Function	4
Examination Objectives	5
Examination Procedures	6
Exhibit	12
Request Letter	12
References	20

Background

This booklet describes what the Office of the Comptroller of Currency (OCC) expects in an effective compliance management system, and provides examination objectives and procedures for review of a bank's compliance management system.

A compliance management system is the method by which the bank manages the entire consumer compliance process. It includes the compliance program and the compliance audit function, sometimes referred to as compliance review or self-assessment (fair lending). The compliance program consists of the policies and procedures which guide employees' adherence to laws and regulations. The compliance audit function is independent testing of an institution's transactions to determine its level of compliance with consumer protection laws, as well as the effectiveness of, and adherence with, policies and procedures.

Board and Management Supervision and Administration

Compliance with law and regulation must be managed as an integral part of any bank's business strategy. The board of directors and management must recognize the scope and implications of laws and regulations that apply to their bank. They must establish a compliance management system that not only protects the bank, but also uses resources effectively and minimizes disruptions in daily activities.

To ensure an effective approach to compliance, the board and management should make compliance a high priority. The participation of senior management in the development and maintenance of a compliance program is essential.

The board and senior management periodically should review the effectiveness of its compliance management system. This review should include reports which identify any weaknesses or required modifications due

to changes in laws, regulations, or policy statements. Prompt, capable management response to those weaknesses and required changes is the final measure of the compliance system's effectiveness.

Senior management must assign well qualified staff and resources to properly implement and administer the compliance program. Participation at all levels in the compliance management system is important to its success.

Compliance Program

All banks, regardless of size, should have a compliance program. A carefully devised, implemented, and monitored program will provide a solid foundation for compliance. Management should evaluate its institution's organization and structure and create a program to meet its specific needs. Consideration should be given to the institution's size and resources, and the diversity and complexity of operations. A compliance officer or committee should be appointed with specific responsibilities and authorities. The nature, scope, and complexity of bank operations will determine the:

- Duties, responsibilities, authorities, and accountability of the compliance officer/committee.
- Amount of time the bank needs to dedicate to compliance efforts.
- Need for additional staff.
- Formality (written vs. unwritten) of the compliance program.

Clearly, the formality of the compliance program will increase in direct proportion to asset size, complexity, or diversity (including geographic) of operations.

Internal Controls

Internal controls are those systems through which the bank provides and ensures continuing compliance. These generally consist of sound organizational structure, comprehensive policies and procedures, and adequate training.

Organizational Structure

The ability of the compliance officer/committee to implement the compliance program, administer it, and institute effective corrective action depends on their authority, independence, and role as perceived by other employees as well as support provided by the board and senior management. They should be able to:

- Cross departmental lines.
- Access all operational areas.
- Ensure that line management implements corrective action/changes in policies and procedures.

Policies and Procedures

An effective compliance program includes compliance policies and procedures. The formality of the policies depends on the needs of the bank. Policies provide the framework for the bank's procedures and a source of reference and training for the bank's personnel. Comprehensive and fully implemented policies communicate the board and senior management's commitment to compliance clearly to all personnel.

Procedures should be developed to implement the bank's policies. Generally, the degree of detail, specificity, and formality will vary according to the complexity of the issues or transactions they address. Policies and procedures should provide personnel with enough information to complete a normal transaction. This may include appropriate regulation cites and definitions, sample forms and instructions, and, where appropriate, directions for routing, review, retention, and destruction of the transaction documents.

Sources that management may wish to consult for guidance and direction in developing compliance policies and procedures include the programs of correspondent banks and the publications of various bank trade and service organizations. When used, these programs often must be modified to meet individual bank needs to ensure the effectiveness of the program.

The degree to which the compliance program is formalized is not as important as its effectiveness. This is true especially in smaller community banks where policies and procedures may not be in writing but are communicated to the staff on a regular basis.

Training

Education of the bank's personnel is essential to maintaining a sound compliance program. All personnel should be generally familiar with the consumer protection laws and should receive comprehensive education in laws directly affecting their jobs. They must also be trained in policies and procedures adopted by the bank to ensure compliance with those laws.

Standards for the frequency and method (e.g., formal, on-the-job, external) of training should be addressed. For example, some statutes, such as the Bank Secrecy Act and the Expedited Funds Availability Act, impose mandatory training requirements. Periodic training will help ensure adherence to policies and procedures adopted by the bank and to regulatory changes. The method of training may vary greatly depending on the size of the bank or department, time requirements, and the importance and complexity of the subject matter.

Compliance Audit Function

The other component of a comprehensive compliance management system is a compliance audit function. It enables the board and senior management to monitor the effectiveness of the compliance program. The audit function tests the bank's compliance with consumer protection laws and adherence with policies and procedures. An effective compliance audit function will address all products and services offered by the bank, all aspects of applicable operations, and all departments and branch locations. A comprehensive discussion of the audit function and examination procedures is provided in the "Internal and External Audit" section of the Comptroller's Handbook.

1. To evaluate the quality of the bank's compliance management system, by determining:
 - a. The quality and effectiveness of board and senior management supervision and administration of the bank's compliance management system.
 - b. The adequacy of the bank's compliance program, including policies, procedures, and internal controls.
 - c. The adequacy of the bank's compliance review or audit function, including its scope, reporting system, and the competence and independence of the responsible party (this may be performed in part or in full by the examiner performing the Internal and External Audit).
2. To determine the degree of reliance that can be placed on the bank's compliance management system.
3. To determine the levels of compliance, reputation, and transaction risk.
4. To provide consumer and CRA ratings according to interagency rating guidelines.

1. Evaluate the level of supervision of consumer compliance (except CRA) provided by the board of directors by reviewing board minutes and board reports, and through discussions with management. Consider the extent and frequency to which the board:
 - a. Approves the compliance management system.
 - b. Approves bank-wide policies and procedures that address consumer protection laws.
 - c. Considers the staffing, compensation, and budgetary needs of the compliance program.
 - d. Reviews the effectiveness of the compliance management system.
 - e. Assesses and monitors the risks associated with the bank's consumer compliance activities.
2. Review reports provided to the board concerning compliance issues to identify significant or unresolved deficiencies and determine whether the reports allow the board to determine if policies are followed and corrective action is taken when complaints, compliance reports, internal/external audit reports, or the compliance officer indicates that action is necessary. (Note: The bank is not required to provide examiners with the results of fair lending self-assessments.)
3. Based on the above, form a conclusion regarding the adequacy of the board's involvement.
4. Evaluate the level of supervision of consumer compliance (except CRA) provided by senior management, and form a conclusion about the adequacy of senior management involvement. Review reports (see previous note) and other appropriate documents to determine whether:

- a. Consumer protection laws are taken into account when developing or revising products, policies and procedures.
 - b. Consumer complaints are monitored and analyzed, and appropriate action is taken to address noted deficiencies.
 - c. Regulatory changes are monitored and disclosure and procedural changes are implemented promptly in response to those changes.
 - d. Operating personnel receive appropriate training.
 - e. Deficiencies noted in prior reports of examination were corrected.
 - f. There are significant deficiencies or recurring areas of noncompliance.
 - g. Management recognizes, controls, and monitors compliance risks.
5. Through discussions with management and review of the following documents, determine whether the bank's internal controls are adequate to ensure compliance with consumer protection laws. Identify procedures that are used daily to detect errors/violations promptly. Also, review the procedures used to ensure compliance when changes occur (e.g., changes in interest rates, service charges, computation methods, and software programs).
- Organizational charts.
 - Process flowcharts.
 - Policies and procedures.
 - Loan/deposit documentation and disclosures.
 - Checklists/worksheets and review documents.
 - Computer programs (e.g., APR program).
6. Evaluate the bank's training program to determine how employees are trained to ensure compliance with consumer protection laws.
7. Form a preliminary conclusion as to whether policies, procedures, internal controls, and training are adequate to ensure ongoing compliance.

8. Summarize the results of the Internal and External Audit examination as it applies to consumer compliance in the following areas:
 - a. Competence and independence of the auditor(s)/reviewer(s).
 - b. Board or board committee supervision.
 - c. The scope and frequency of the compliance review/audit function as it relates to all relevant laws and regulations and transaction testing of all of the bank's activities, products, and decision centers (including private banking, international, credit card and trust departments, etc.).
 - d. Management's responsiveness in correcting noted deficiencies.
9. Form a preliminary conclusion regarding the reliability of the compliance audit/review function. (Further review and testing of the audit/review function will be performed during the onsite testing phase of the examination.)
10. Review the current examination strategy to determine whether any changes should be recommended to the supervisory office. To identify areas of high risk, consider whether:
 - a. The compliance review/audit function was reviewed at the last examination, and whether it was considered acceptable or whether any deficiencies were identified.
 - b. The scope of the compliance review/audit function covers all relevant laws and regulations and includes transaction testing of all of the bank's activities, products and decision centers.
 - c. Significant deficiencies were noted at prior examinations or internally.
 - d. There were any areas with a significant incidence of consumer complaints.
 - e. Any law or implementing regulation changed significantly since the last examination.

- f. Any personnel, policies, procedures, or reporting lines of the compliance review function changed significantly since the last examination.
 - g. The time since a regulatory area (e.g., Truth in Lending) was last examined is significant.
11. Based on the results of the above steps, determine the areas that will be examined in further detail. Place in those work programs information about internally identified deficiencies, complaint activity, and deficiencies noted in prior examinations. (Note: At a minimum, the examination must include the appropriate CRA evaluation, a review of the compliance management system for BSA, fair lending, and Flood (see examination steps 1-3 for fair lending and Flood and steps 1-12 for BSA), and any other regulatory area(s) considered high risk.) The procedures in the Transaction Testing section of the programs selected for review should be performed after considering the adequacy of the bank's systems. Examiners should select appropriate Transaction Testing procedures to fill in the gap where the bank's system is deficient. In any case, it is required that at least one of the programs selected must include transaction testing (by performing the Transaction Testing section of the program) independent of the bank's compliance audit in order to validate the reliability of the bank's compliance management system.
12. Upon completion of the examination procedures for the areas examined, review work papers and determine whether they have been completed in accordance with existing standards and that the scope and conclusions are adequately documented.
13. Based on the examination findings, summarize your conclusions concerning the bank's compliance management system, focusing on:
- a. The structure of the system and any identified weaknesses in the system.
 - b. Violations of law, rulings, regulations, or significant internal control deficiencies, emphasizing particularly their causes.

- c. The overall conclusion as to the adequacy and reliability of the bank's compliance management system.
14. Based on findings of the consumer compliance examination, rate the following (see "Large Bank Supervision" and "Community Bank Risk Assessment System" booklets for guidance on how to measure risk):
 - a. For large banks, the quantity of compliance and transaction risks as low, moderate, or high.
 - b. For large banks, the quality of risk management for compliance and transaction risks as weak, acceptable, or strong.
 - c. For all banks, the composite reputation risk, and the aggregate level of supervisory concern regarding compliance and transaction risks as low, moderate, or high.
 - d. For all banks, the direction of compliance, transaction, and reputation risks over the next 12 months as decreasing, stable, or increasing.
 15. Assign preliminary composite Consumer and CRA ratings and component CRA ratings.
 16. Discuss overall conclusions with management and obtain corrective action when necessary.
 17. Draft the report of examination, ensuring that all findings are substantiated in the work papers. Determine if violations or deficiencies in the compliance management system are significant enough to merit bringing them to the board's attention in the report of examination. If so, summarize information for inclusion under the heading, Matters Requiring Board Attention and for inclusion in a Type 75 follow-up analysis.
 18. Update SMS with conclusions, ratings, violations, and Type 70 and Type 75 write-ups, as appropriate. Record all violations of law or regulation in SMS.

19. Prepare a memorandum for the work papers and SMS outlining planning and strategy considerations for the next examination and, if appropriate, interim follow-up. (Refer to step 10 and the planning guidance in the fair lending booklet.)

Exhibit) Request Letter



Comptroller of the Currency
Administrator of National Banks

Duty Station
Street Address
City, State, ZIP Code

(Date)

Name of CEO
President & Chief Executive Officer
Name of Bank
Street & P.O. Box Number
City, State, ZIP Code

Dear Mr./Ms. (Name of Chief Executive Officer):

A compliance examination of your bank is scheduled to commence (month, day, year). To prepare, please have the items on the attached list available for us upon our arrival. Provide information as of (month, day, year).

It may be useful to assign an officer to coordinate the examination and the distribution and compilation of this request. The persons preparing the information should initial each document, indicating that they have reviewed it for accuracy.

OPTIONAL: To enable us to limit our using the examination procedures time, please mail the following items by (month, day, year) to my attention at the (name of DSO) Duty Station:

- 1.
- 2.

IF FAIR LENDING IS PART OF SCOPE, INCLUDE THE FOLLOWING TWO PARAGRAPHS:

A review for possible lending discrimination in violation of the Fair Housing Act and the Equal Credit Opportunity Act will be included in the examination. The review will focus on possible unequal treatment of applicants from different **[RACIAL GROUPS, GENDERS, AGE GROUPS, OR OTHER]**. The examiners will review underwriting and setting of loan terms and conditions for the bank's **[CREDIT PRODUCT]** during the period from **[DATE]** to **[DATE]** at **[BRANCH OR UNDERWRITING CENTER]**. To ensure early, prompt, and clear communication with regard to any fair lending matters that need explanation, please designate a bank representative to serve as the fair lending review contact.

This examination is being conducted under the authority of 12 USC 481. However, it also constitutes an investigation within the meaning of Section 3413(h)(1)(A) of the Right to

Financial Privacy Act. Therefore, in accordance with Section 3403(b) of the act, the undersigned hereby certifies that the OCC has complied with the Right to Financial Privacy Act, 12 USC 3401, et seq. Section 3417(c) of the act provides that good faith reliance upon this certification relieves your institution and its employees and agents of any possible liability to the customer in connection with the disclosure of the requested information.

Please call me if you have any questions at (telephone number with area code).

Sincerely,

) Signature)

(Name of Examiner)
National Bank Examiner

Enclosure

Compliance Management [The items in this section should be requested to evaluate the bank's overall compliance management system and the compliance management system for BSA, fair lending, and flood.]

Please provide examiners the following information upon their arrival. Any documents which are to be returned to the bank at the conclusion of the examination should be so marked.

1. Copies of the compliance policy and any additional regulation-specific policies (i.e., Fair lending, Truth in Lending, etc.). If the policy was adopted by the board of directors please indicate the date that occurred.
2. Identify all board/management committees with compliance responsibility, list membership, outline area of responsibility, and make available meeting minutes.
3. A list of employees responsible for day-to-day compliance with consumer protection regulations, including the Bank Secrecy Act (BSA). Include their area of responsibility.
4. Briefly describe the key internal controls in place to ensure compliance with consumer laws and regulations. If written procedures have been developed addressing internal controls, they should also be made available to examiners.
5. Copies of any compliance reports, audit reports, and board/management responses for the last two years or since the last compliance examination, whichever is shorter. Provide a schedule of compliance audit activities planned, but not completed.

Note: You do not have to provide the results of any fair lending self-evaluations. However, should you voluntarily disclose evaluations which include comparative file analyses, of which one type is statistical modeling, the scope of the fair lending examination may be reduced.

6. Procedures used to conduct the compliance review function. Also, make available the work papers from these reviews.
7. List internal/external training completed for the bank's staff in the last two years. If possible, make training material available. If material is not available, briefly describe the content of training.
8. List of sources used by management to keep abreast of consumer protection law requirements.
9. List of all new products and services initiated since the last compliance exam, including those offered electronically (e.g, home banking and the Internet).
10. A copy of your organizational chart.
11. A copy of the resume of the bank's compliance officer.

Transaction Testing [After evaluating the bank's overall compliance management system and the compliance management system for BSA, fair lending, and flood, determine whether independent transaction testing is needed and select appropriate items from the following list to include in the request letter.]

**EQUAL CREDIT OPPORTUNITY ACT (ECOA)
FAIR HOUSING ACT (FHA)
HOME MORTGAGE DISCLOSURE ACT (HMDA)**

12. A single copy of the HMDA loan application register (LAR) for the previous 12 months, sorted (if the bank has the capability of automated sorting of LAR entries):
- By loan purpose into home purchase (LAR purpose 1), home improvement (LAR purpose 2), and refinancing (LAR purpose 3), excluding multifamily loans. Next,
 - Subsorted by loan type into conventional (LAR type 1) and government insured (LAR types 2, 3, and 4). Next,
 - Within loan types, subsorted by occupancy classifications. Next,
 - Within occupancy classifications, subsorted by race/ethnicity (e.g., white, black, Hispanic, etc.) Next,
 - Subsorted within race by action taken. Next,
 - Subsorted by reason for loan denial for denied applicants.

OR

The HMDA-LAR you provided in response to our **[TELEPHONE CALL OR LETTER]** is enclosed. The files that you should have available for our review are annotated.

OR

Please provide us an estimate of the numbers of approvals and denials for **[POSSIBLE PRODUCTS CONSIDERED FOR REVIEW]** for the period from **[DATE]** to **[DATE]** at **[BRANCH OR UNDERWRITING CENTER]**.

OR

Based on the estimates you have already stated to us of ___ approvals and ___ denials for **[PRODUCT]**, **all** approved applications for the period from **[DATE]** to **[DATE]** and **all** denied applications for the period **[DATE]** to **[DATE]**. From these, we will select files to review.

13. Make available adverse action notices for business and retail loans.

BANK SECRECY ACT

14. Describe your system to monitor compliance with the BSA, and provide a copy of your BSA program.
15. Provide the following information for the main office and (X) branches, if applicable:
- A copy of your list of customers who regularly have currency transactions over \$10,000 (exempt customers).
 - A description of how currency transactions over \$10,000 for customers are recorded and reported by individual tellers at the offices.
 - The name of the person in the main office or branch who is responsible for filing currency transaction reports (Form 4789).
 - The location where copies of all currency transaction reports prepared by the bank are maintained.
 - A list of transactions for which currency transaction reports are due to be filed but have not yet been submitted by the bank.
 - If periodic reviews are conducted by bank management of exempt customers to ensure

that their status has not changed under record keeping and reporting regulations, supporting documentation, including:

- Dates of last two reviews.
 - Description of work reviewed.
 - Names of persons who conducted the review and their findings.
- Copies of all correspondence with the Department of the Treasury or the Internal Revenue Service, regarding exemption lists, request for special exemptions, and incorrectly filed currency transaction reports.
 - A copy of any Treasury order informing management that the bank was geographically targeted for additional record keeping or reporting.
16. Provide a list of all currency shipments between the main office and the Federal Reserve Bank or correspondent banks for the last three months.
 17. Provide a copy of the list of customers from whom taxpayer identification numbers have not been obtained.
 18. Provide a list of other areas in the bank, such as the trust, bank dealer, discount brokerage, loan, and international departments that conduct currency transactions.
 19. Provide a list of any payable through accounts the bank may have with foreign banks.

FLOOD DISASTER PROTECTION ACT

20. Make available flood maps of your community.
21. Describe the method used to determine the flood zone.
22. Provide copies of flood notices.

TRUTH IN LENDING ACT

23. Identify all types of consumer credit offered and the credit terms applicable to each. Be sure to include all fees. Consider:
 - Closed – End Loan Products
 - Purchase money real estate
 - Real estate refinance
 - Conventional second mortgage
 - Bi-weekly mortgage
 - Adjustable rate mortgage
 - Consumer instalment loan
 - Other (Please identify)
 - Open – End Loan Products
 - Home equity line of credit
 - Personal line of credit
 - Overdraft checking line of credit
 - Credit card
 - Other (Please identify)
24. Provide a listing of new loans booked in the last six months. Please sort by product type.
25. Identify tools used to calculate annual percentage rate disclosures (e.g. rate tables,

preprogrammed calculators, personal computers, etc.).

26. Identify the source of all disclosure forms used for consumer loans.
27. Identify no more than five of the most recent loans where the consumer waived the right to rescind.
28. Provide a copy of initial disclosure statements for open-end loan products, including home equity lines of credit.
29. Provide copies of two consecutive billing statements for each type of open-end loan product.
30. Provide copies of all direct-mail credit card applications, preapproved solicitations, and any other credit and charge card applications made available to the public for the past two years.
31. Make available copies of all advertising of credit products over the last 12 months. (Include: Newspaper ads, direct mail promotions, television and radio scripts, lobby brochures, statement stuffers, electronic media (Internet), and any other).
32. Make available the credit card files of consumers who have asserted billing errors or have initiated a dispute regarding property or services.
33. Provide a copy of credit card renewal notices for accounts which charge an annual fee.
34. Provide a copy of the adjustable rate mortgage rate change letter.

RIGHT TO FINANCIAL PRIVACY ACT

35. Make available any written requests for customers' financial records by federal government agencies.

FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)

Please provide the following information if the bank is a debt collector subject to FDCPA (collects debt owed or due another):

36. Copies of written forms/disclosures used in the bank's collection efforts.
37. List of accounts subject to the FDCPA.

ELECTRONIC FUND TRANSFERS – EFT (REG E)

38. Provide copies of the following items used in this area:
 - Initial disclosures.
 - Account agreements.
 - Merchant agreements.
 - An ATM receipt.
 - Periodic statement for each type of account subject to EFT.
 - Form letters used in case of errors or questions concerning accounts.
 - Third party agreements which delegate compliance responsibilities.

39. Make available the error resolution log.
40. Make available consumer EFT complaint files during the last 12 months.

TRUTH IN SAVINGS (REG DD)

41. Provide a listing of all types of deposits offered, and the requirements of each. Indicate which products are new since the last examination.
42. Make available copies of all advertising of deposit accounts over the last 12 months. (Include: newspaper ads, direct mail promotions, television and radio scripts, lobby brochures, statement stuffers, electronic media [Internet], and any other).
43. Provide two periodic statements for each type of deposit account which earns interest (e.g., MMDA, savings, NOW).
44. Provide copies of the following:
 - Initial deposit account disclosures.
 - Service fee disclosures.
 - Within each category of interest-bearing deposit accounts, the final account statement on a recently closed account.
 - Change in terms notices provided since the preceding consumer examination.
 - Prematurity disclosures for time deposits.
45. Describe by deposit account type the method used for payment of interest.

CONSUMER LEASING (REG M)

46. Make available a list of consumer leases outstanding.
47. Provide a copy of a consumer lease disclosures provided to customers. Provide one for each type of lease.
48. Make available copies of all advertising of consumer leasing products over the last 12 months. (Include: Newspaper ads, direct mail promotions, television and radio scripts, lobby brochures, statement stuffers, electronic media (Internet), and any other).

REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)

49. Provide a copy of the following:
 - Special information booklet.
 - Good faith estimate and HUD-1 forms.
 - Statement that servicing of the loan may be transferred.
50. Provide annual and initial escrow statements from five accounts.
51. List any controlled business arrangements (e.g., legal, title, appraiser).
52. List of investors that loans are referred/sold to, or purchased from.

EXPEDITED FUNDS AVAILABILITY ACT (REG CC)

53. Provide a listing of the types of transaction accounts offered (e.g., demand deposits, NOW accounts, ATS accounts).
54. Provide names of persons who perform the activities necessary to comply with the different provisions of this regulation. This would include, for example, personnel engaged in:
 - Distributing disclosure statements.
 - Deposit operations.
 - Overdraft administration.
 - ATM deposit processing.
 - Determining case-by-case holds or exceptions.
55. Provide a copy of written procedures for placing holds and any other procedures given to employees detailing their responsibilities under the regulation. Please include a definition of:
 - A new account relationship.
 - Repeatedly overdrawn accounts.
56. Provide any records and/or reports generated from holds placed. The records should include information from the main office as well as branch offices, depending on the type of branch system operated.
57. Provide a sample of five hold notices for each type of deposit account subject to Regulation CC. Please include at least one of each of the following:
 - Case-by-case hold.
 - Exception hold.
 - New account hold.
 - Large deposit hold.
 - Hold on a repeatedly overdrawn account.
 - Reasonable cause hold.
 - Emergency condition hold.
58. Make available a new account report or listing of new account holders.
59. Describe when interest begins accruing: as of the date of the deposit or as of the date provisional credit is granted.
60. Describe the interest rate calculation using a NOW account statement.
61. Describe the formula used for calculating funds availability for non-consumer transaction accounts.
62. Provide verification that the notices required when a reasonable cause exception is invoked have been retained for two years.

OCC Issuances

The Comptroller's Handbook, "Large Bank Supervision"

The Comptroller's Handbook, "Community Bank Risk Assessment System"