

PART 326.8 BANK SECRECY ACT COMPLIANCE

(a) *Purpose.* This subpart is issued to assure that all insured nonmember banks as defined in 12 CFR 326.1^{3}

{³ In regard to foreign banks, the programs and procedures required by § 326.8 need be instituted only at an *insured branch* as defined in § 347.202 of this chapter which is a *State branch* as defined in § 347.202 of this chapter.}

establish and maintain procedures reasonably designed to assure and monitor their compliance with the requirements of subchapter II of chapter 53 of title 31, United States Code, and the implementing regulations promulgated thereunder by the Department of Treasury at 31 CFR Part 103.

(b) *Compliance procedures.* (1) *Program requirement.* Each bank shall develop and provide for the continued administration of a program reasonably designed to assure and monitor compliance with recordkeeping and reporting requirements set forth in subchapter II of chapter 53 of title 31, United States Code, and the implementing regulations issued by the Department of Treasury at 31 CFR Part 103. The compliance program shall be written, approved by the bank's board of directors, and noted in the minutes.

(2) *Customer identification program.* Each bank is subject to the requirements of 31 U.S.C. 5318(1) and the implementing regulation jointly promulgated by the FDIC and the Department of the Treasury at 31 CFR 103.121, which require a customer identification program to be implemented as part of the Bank Secrecy Act compliance program required under this section.

(c) *Contents of compliance program.* The compliance program shall, at a minimum:

- (1) Provide for a system of internal controls to assure ongoing compliance;
 - (2) Provide for independent testing for compliance to be conducted by bank personnel or by an outside party;
 - (3) Designate an individual or individuals responsible for coordinating and monitoring day-to-day compliance; and
 - (4) Provide training for appropriate personnel.
- (Approved by the Office of Management and Budget under control number 3064-0087)

[Codified to 12 C.F.R. § 326.8]

[Section 326.8 added at 52 Fed. Reg. 2860, January 27, 1987; 53 Fed. Reg. 17917, May 19, 1988; amended at 63 Fed. Reg. 17075, April 8, 1998, effective July 1, 1998; 68 Fed. Reg. 25112, May 9, 2003, effective June 9, 2003, compliance date October 1, 2003]