

MEMO# 24074

January 13, 2010

Confirmation of OFAC Program Letter for Clearing Agencies - Due March 31, 2010

[24074]

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TO: BANK, TRUST AND RECORDKEEPER ADVISORY COMMITTEE No. 1-10 RE:
CONFIRMATION OF OFAC PROGRAM LETTER FOR CLEARING AGENCIES - DUE MARCH 31,
2010

On September 11, 2009, the Securities and Exchange Commission ("Commission") issued a notice of proposed rule changes (with immediate effectiveness) for The Depository Trust Company ("DTC"), the National Securities Clearing Corporation ("NSCC") and the Fixed Income Clearing Corporation ("FICC") (together "clearing agencies") relating to the obligations of their members or participants concerning the economic and embargo programs administered and enforced by the Office of Foreign Assets Control ("OFAC") of the U.S. Department of Treasury. [\[1\]](#) The rule changes establish a new requirement that members or participants subject to the jurisdiction of the U.S. submit to the relevant clearing agency a "confirmation of OFAC program" letter ("OFAC Letter") every two years. The OFAC Letter is intended to document that a U.S. member or participant has implemented a program to conduct appropriate OFAC screening. DTC, FICC and NSCC have issued notices to their respective participants concerning the rule filings and the implementation of this new requirement. [\[2\]](#)

We are reminding members, who may be impacted, that clearing agencies are requiring that a validly executed OFAC Letter be submitted no later than March 31, 2010. [\[3\]](#)

If you have questions, you can reach Eva Mykolenko at 202-326-5837 or me at 202-326-5813.

Susan Olson
Senior Counsel - International Affairs

endnotes

[1] Securities and Exchange Act Release No. 60660 (September 11, 2009), available at <http://www.sec.gov/rules/sro/dtc/2009/34-60660.pdf>. See also, Securities Exchange Act Release No. 59917 (May 17, 2009) (filing of proposed rule changes).

[2] See e.g., for DTCC, available at http://www.dtcc.com/downloads/legal/imp_notices/2009/dtc/com/5122-09.pdf (May 22, 2009) and http://www.dtcc.com/downloads/legal/imp_notices/2009/dtc/com/5707-09.pdf (Oct. 1, 2009); for FICC, available at http://www.dtcc.com/downloads/legal/imp_notices/2009/ficc/gov/GOV119.09.pdf (Aug. 27, 2009) and http://www.dtcc.com/downloads/legal/imp_notices/2009/ficc/gov/GOV130.09.pdf (Oct., 1, 2009); for NSCC, available at http://www.dtcc.com/downloads/legal/imp_notices/2009/nscc/a6867.pdf (Aug. 27, 2009).

[3] A form of OFAC Letter is available at http://www.dtcc.com/downloads/legal/imp_notices/2009/dtc/com/5707-09.pdf.

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