

1 (d) shall send to the appropriate law enforcement authorities, any information derived
2 from an inspection carried out pursuant to Subsection (1) (c) of this Section, if it
3 gives the Commissioner reasonable grounds to suspect that a transaction involves
4 money laundering, proceeds of a crime, and or the financing of terrorism;

5 (e) may instruct any financial institution or cash dealer to take such steps as may be
6 appropriate to facilitate any investigation anticipated by the Commissioner;

7 (f) may compile statistics and records, disseminate information within the Republic
8 of the Marshall Islands or elsewhere, make recommendations arising out of any
9 information received; issue guidelines to financial institutions and advise the
10 appropriate officials;

11 (g) shall create training requirements and provide such training for any financial
12 institution with respect to transaction record-keeping and reporting obligations
13 provided for in this Act;

14 (h) may consult with any relevant person, institution or organization for the purpose
15 of exercising its powers or duties under Subsections (1) (e), (f), (g) or (1) of this
16 Section;

17 (i) shall have the authority to request additional information from financial
18 institutions and cash dealers where the Commissioner has reasonable grounds to
19 believe that such information is essential in discovering money laundering activity,
20 proceeds of crime, and or the financing of terrorism;

1 (j) shall have the authority and ability to exchange information between international
2 administrative authorities;

3 (k) shall have the authority and ability to facilitate and assist international
4 administrative authorities in conducting proceeds of crime, money laundering, and or
5 the financing of terrorism investigations;

6 (l) shall have the authority and ability to apply for a warrant to enter any premises
7 belonging to or in the possession or control of a financial institution, cash dealer or
8 any officer or employee thereof, and to search the premises and remove any
9 documents, materials, or other things therein for the purposes of preventing money
10 laundering activity, the financing of terrorism, or tracing the proceeds of crime, as so
11 ordered by the High Court and specified in the warrant other than as authorized in
12 Subsection (c) and (i) above;

13 (m) shall have the authority and ability to obtain information under this Section
14 notwithstanding any secrecy or other restrictions on disclosure of information
15 imposed by this Act; and

16 (n) shall conduct, in association with law enforcement authorities, investigations
17 into the proceeds of crime, money laundering, and or the financing of terrorism,
18 only where the Commissioner has reasonable grounds to suspect the proceeds of
19 crime, money laundering activity, and or the financing of terrorism, is occurring.

20 (2) Section 170 of the Banking Act is hereby amended by inserting the following after Section 170(4)

§170A Reporting of suspicious transactions and activities related to terrorist financing

- (1) Financial institutions and cash dealers must report any transaction, attempted transaction or other activity where they suspect or have reasonable grounds to suspect that the transaction, attempted transaction or other activity may be related to terrorism, terrorist acts, a terrorist organization, an individual terrorist, terrorist property or financing of terrorism.
- (2) All suspicious transactions, attempted transactions and other activities that may be related to terrorism, terrorist acts, a terrorist organization, an individual terrorist, terrorist property or financing of terrorism must be reported regardless of the amount involved in the transaction, attempted transaction or activity.
- (3) Such suspicion must be reported in writing to the Commissioner as soon as reasonably practicable and, in any event, within three days of the forming of such suspicion.
- (4) A financial institution or cash dealer, its employees, officers or directors who willfully violates the requirements of this section commits an offence punishable by a fine of not more than \$2,000,000 or imprisonment for not more than twenty (20) years, or both.
- (5) Where a person is employed by a financial institution or cash dealer and his or her employer has an established procedure for the reporting of suspicious, transactions, attempted transactions, or other activities, it is a defense for him to prove that he reported his suspicion in accordance with that procedure.
- (6) For the purposes of this section the “financing of terrorism” shall have the same meaning as “financing of terrorism” in §120 Title 15 –Anti-Terrorism Laws 2002.

1 Section 3. **Effective Date.**

2 This Act shall take effect on the date of certification in accordance with the Constitution
3 of the Republic of the Marshall Islands and Rules of Procedures of the Nitijela.

4
5 **CERTIFICATE**

6 **I hereby certify:**

7

8 (1) That Nitijela Bill No: 38 was passed by the Nitijela of the Republic of the Marshall
9 Islands on the 13th day of May, 2009; and

10 (2) That I am satisfied that Nitijela Bill No.: 38 was passed in accordance with the relevant
11 provisions of the Constitution of the Republic of the Marshall Islands and the Rules
12 of Procedures of the Nitijela.

13

14 I hereby place my signature before the Clerk this 5th day of June, 2009.

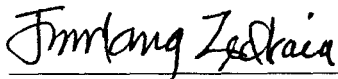
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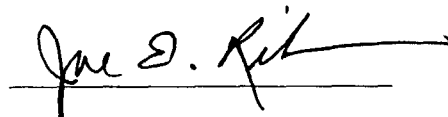
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Attest:

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Hon. Jurelang Zedkaia
Speaker
Nitijela of the Marshall Islands

Joe E. Riklon
Clerk
Nitijela of the Marshall Islands

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