

The Government of The United States of America
Rural Free Delivery Route 1



General Post Office Division 3



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Anti-Money Laundering Policy

08-20-2014

The following is the anti money laundering policy for the General Post Office Division 3 (hereinafter “GPOD 3”) wherein the Continental Public Bank and the General Post Exchange (hereinafter “GPEX”) do business under the supervision General Post Office Government Agency that is regulated by the office of the Treasury for the Government of The United States of America, and

DATE OF ASSENT: 20th August, 2014.

Money laundering

1. (1) A person commits an offence of money laundering if the person knows or ought to have known that property is or forms part of the proceeds of unlawful activity and the person;



- (a) converts, conceals, disguises or transfers the property,
- (b) conceals or disguises the unlawful origin of the property, or
- (c) acquires, uses or takes possession of the property.

(2) For the purpose of this policy, unlawful activity means conduct which constitutes a serious offence, financing of a terrorist act or contravention of a law which occurs after the commencement of this policy whether the conduct occurs in this country or elsewhere.

Aiding and abetting money laundering activities

2. A person commits an offence if the person knows or ought to have known that another person has obtained proceeds from an unlawful activity and enters into an agreement with that other person or engages in a transaction where;

- (a) the retention or the control by or on behalf of that other person of the proceeds from unlawful activity is facilitated, or
- (b) the proceeds from that unlawful activity are used to make funds available to acquire property on behalf of that other person.

Penalty for money laundering

3. A person who contravenes section 1 or 2 commits an offence and is liable on summary conviction to a fine of not more than five thousand or to a term of imprisonment of not less than twelve months and not more than ten years or to both.



Establishment of Superintendent of Finance

4. Superintendent

(1) There is established by the Government of The United States of America a office to be known as the **Superintendent of Finance established by the National assembly**.

(2) The **Superintendent** is a regulatory office with perpetual succession and a common seal.

(3) The **Superintendent** may for the performance of its functions acquire and hold movable and immovable property and may enter into a contract or any other transaction.

Objects of the Superintendent

5. The objects of the **Superintendent** are;

- (a) assist in the identification of proceeds of unlawful activity and the combat of money laundering activities;
- (b) make information available to investigating authorities, to facilitate the administration and enforcement of the laws of the republic; and
- (c) exchange information with similar bodies in other countries as regards money laundering activities and similar offences.



Functions of the Superintendent

6. To achieve the objects, the **Superintendent** shall;

- (a) process, analyze, disseminate and interpret information disclosed to or obtained by the **Superintendent** in terms of this policy and the Banking Manual of the Continental Public Bank;
- (b) retain the information in the manner and for the period required under this policy;
- (c) inform, advise and co-operate with investigating authorities, supervisory bodies, and foreign counterparts; and
- (d) monitor and give guidance to accountable institutions, supervisory bodies and other persons on the discharge of their duties and in compliance with this policy.

Governing authority of the Superintendent

7. (1) The governing authority of the **Superintendent** is the office of the Treasury for the Government of The United States of America and the National assembly;

Funds of the Superintendent

8. The funds of the **Superintendent** shall include;

- (a) moneys approved by the United States, in Congress assembled,
- (b) donations, grants, and
- (c) any other moneys that are approved by the office of the Treasury.

Accounts and audit

9. (1) The Continental Public Bank shall keep books of account and proper records in relation to the **Superintendent**.



(2) All regulations of the Continental Public Bank and GPEX are within the Superintendent of Finance Manual and the Standard Operating Procedures Manual for GPOD3.

(3) The **Superintendent** shall allocate to each registered accountable institution a number for identification purposes.

(4) The **Superintendent** shall maintain a register of accountable institutions.

Accountable institutions to keep records

10. (1) An accountable institution that establishes a business relationship with a person shall keep records of;

- (a) the identity of the person or the agent of the person;
 - (b) transaction made through the accountable institution, and
 - (c) suspicious transactions reports made to the **Superintendent**.
- (2) For the purposes of this Policy records may be kept on a computer system or an electronic device capable of being used to store information.
- (3) This section applies to each single transaction with an accountable institution.



Duration for keeping records

11. (1) An accountable institution shall keep the records for;

(a) not less than six years after the date on which a relationship is terminated in case of a business relationship, or

(b) not less than six years after the date a transaction is concluded.

(2) An accountable institution may appoint a person to keep records on behalf of the accountable institution.

(3) An accountable institution that appoints a person to keep records on its behalf shall inform the **Superintendent** of the appointment in writing.

(4) At the end of the six year period, the accountable institution shall send the records to the office of the registrar for the Government of The United States of America and archived within the National Great Registry.

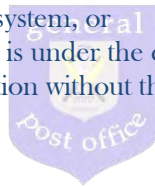
Unauthorised access to computer system or application data

12. A person shall not;

(a) access a computer system,

(b) access application data held in a computer system, or

(c) cause a computer system that belongs to, or is under the control of the Government or an accountable institution to perform or fail to perform a function without the consent of the Government or the accountable institution.



Unauthorised modification of computer system

13. A person shall not;

(a) modify,

(b) erase, or

(c) destroy

the contents of a computer system or application data of a computer system that belongs to the Government or an accountable institution without the consent of the Government or the accountable institution.

(3) The register shall be preserved for at least six years after the last recorded transaction in the register and after the six year period, the register shall be sent to the office of the registrar for the Government of The United States of America.

Request for information



14. (1) The Government or an authorized representative of the General Post Office may request an accountable institution to disclose whether;

- (a) a person is or has been a client of the accountable institution,
- (b) a person is acting or has acted on behalf of a client of the accountable institution, or
- (c) a client of the accountable institution is acting or has acted on behalf of another person and the accountable institution shall comply.

(2) The **Superintendent** may request further information where the **Superintendent** is of the opinion that the information given to the **Superintendent** is not adequate.

Suspicious transaction report

15. (1) A person who or an institution which knows or suspects that;

- (a) a business entity, an accountable institution or a trust has received or is about to receive the proceeds of unlawful activity, or
- (b) a transaction to which the business entity is a part;

(i) facilitated or is likely to facilitate the transfer of the proceeds of unlawful activities,
(ii) has no apparent business or lawful purpose,
(iii) is conducted to avoid or give rise to a reporting duty under this policy,
(iv) has been used or is about to engage in money laundering, shall within twenty four hours after the knowledge or the ground for suspicion of the transaction submit a suspicious transaction report to the **Superintendent**.

(2) Where a person suspects a transaction to be linked to or used for the financing of a terrorist act as defined by law, the person shall make a report to the **Superintendent** within twenty four hours of the suspicion.

(3) A person who makes a suspicious transaction report shall not;

- (a) disclose the contents to another person, or
- (b) reveal the personal details of the officer of the **Superintendent** who receives the report to another person.

(4) A person who receives a suspicious transaction report shall not;

- (a) disclose the contents of the report to a person not authorized to know the contents of the report, or
- (b) disclose the personal details of the person who made the report to another person.

(5) A person who makes a suspicious transaction report shall disclose the contents where;

- (a) the person is required by law to disclose the contents,
- (b) it is to carry out the provisions of this policy,
- (c) it is for legal proceedings, or
- (d) it is by an order of a Court.



Conducting transaction to avoid giving rise to a reporting duty

16. A person shall not conduct two or more transactions separately with one or more than one accountable institution so as to avoid the duty to report a transaction or in breach of the duty to disclose information under this policy.

Protection against civil or criminal liability

17. A person who makes a suspicious transaction report under section 16 is not liable for the breach of a restriction on disclosure of information imposed by contract or by any law if the person reports the suspicion to the **Superintendent** in good faith.

Conveyance of currency to or from the country

18. (1) A person who intends to convey currency that exceeds the amount prescribed by the Continental Public Bank to or from this country shall declare the particulars of the currency and the amount to be conveyed to the Continental Public Bank or its authorized agent at the port of entry or exit.

(2) A person authorized to receive the declaration shall immediately on receipt of the declaration send a copy to the **Superintendent**.

(3) The declaration shall be made in accordance with the Foreign Currency Exchange Act, 2013 and Regulations made under that Act.

Electronic transfer of currency

19. Where an accountable institution through electronic means and in accordance with the Foreign Currency Exchange Act, 2013 and Regulations made under that Act,

- (a) transfers currency outside the country, or
- (b) receives currency from outside the country which exceeds the amount prescribed by the Continental Public Bank, the accountable institution shall within twenty-four hours after the transfer or receipt of the currency, report the particulars of the transfer or receipt to the **Superintendent**.

Reporting procedures

20. (1) A report to the **Superintendent** on the conveyance of currency and the electronic transfer of currency by an accountable institution shall be made in a manner prescribed.

(2) The **Superintendent** or an authorized officer, may request an accountable institution that has made a report to furnish the **Superintendent** or body with additional information concerning the report.

Continuation of transactions

21. (1) An accountable institution required to make a report to the **Superintendent** may continue to carry out the transaction in respect of which the report is required to be made but shall inform the **Superintendent**.



(2) The **Superintendent** may within three days, direct an accountable institution or a person not to proceed with a transaction on which a report has been made.

Intervention by the Superintendent

22. Where the **Superintendent** after consulting an accountable institution, or a person required to make a report, has reasonable grounds to suspect that a transaction or proposed transaction may involve the proceeds of unlawful activity or may constitute money laundering, the **Superintendent** may direct the accountable institution or person to;

- (a) make the necessary inquiries concerning the transaction, or
- (b) inform and advise an investigating authority, where the **Superintendent** considers it appropriate.

Monitoring orders

23. (1) A Court may, on written application by the **Superintendent**, make a monitoring order requesting an accountable institution to make a report to the **Superintendent**.

(2) The Court order may request that transactions conducted by a specified person with an accountable institution and transactions conducted in respect of a specified account or facility at the accountable institution shall be reported if there are reasonable grounds to suspect that;

- (a) that person has transferred or may transfer the proceeds of unlawful activity through the accountable institution or is using or may use the accountable institution for money laundering, and
- (b) the account or other facility has received or may receive the proceeds of unlawful activity or is being or may be used for money laundering purposes.

(3) The Court order lapses after three months except that before the expiry of the three months an application may be made to the Court to extend the order for a period of not more than three months at a time if;

- (a) the grounds on which the order is based still exists, and
- (b) the Court is satisfied that the interest of justice may best be served by monitoring the person, account or facility referred to in subsection (1) and in the manner provided for in this section.

(4) An application under this section shall be made by one party without notice to the other.

Offences in relation to records and information

24. (1) A person who without reasonable excuse;

- (a) fails to keep records, contrary to section 13;
- (b) accesses a computer system, application data held in a computer system or causes a computer system that belongs to or is under the control of the **Superintendent**;
- (c) modifies a computer system;
- (d) fails to or refuses to advise the **Superintendent** or an authorized representative of the **Superintendent**;
- (e) fails to report a suspicious transaction;
- (f) fails to protect the identity of the officer of the **Superintendent** who receives the



report;

- (g) fails to protect the identity of a person who makes a suspicious transaction report;
- (h) conducts transactions in a manner to avoid a reporting duty;
- (i) fails to give notice of the conveyance of currency within, to or from the republic;
- (j) fails to inform the **Superintendent** of the electronic transfer of currency;
- (k) fails to furnish the **Superintendent** with additional information;
- (l) fails to comply with a direction of the **Superintendent** and proceeds with a transaction; or
- (m) fails to comply with a monitoring order, commits an offence and is liable on summary conviction to a fine of not more than five hundred Continental Dollars or to a term of imprisonment of not more than three years or to both.

(2) Where the offence is committed by a company or a body of persons the penalty shall be a fine of not more than one thousand Continental Dollars, and

- (a) in the case of a body corporate, other than a partnership, each director or an officer of the body is considered to have committed the offence; and
- (b) in the case of a partnership, each partner or officer of that body is considered to have committed that offence.

(3) A person shall not be convicted of an offence, if the person proves that the offence was committed without the person's knowledge or connivance and that the person exercised due care and diligence to prevent the commission of the offence having regard to all the circumstances.

(4) The court shall in addition to the penalty refer the matter to Continental Public Bank for administrative sanction where the offence is committed by a bank.

(5) The court shall refer the conviction of an accountable institution to the supervisory body concerned for administrative sanction.

Compliance



Formulation and implementation of internal rules

25. (1) An accountable institution shall in consultation with the **Superintendent** formulate and implement internal rules concerning;

- (a) the establishment and verification of the identity of persons whom the institution is required to identify,
- (b) information of which records must be kept,
- (c) the manner in which and the place at which the records must be kept,
- (d) the steps to be taken to determine when a transaction is reportable, and
- (e) other matters that an institution may determine.

(2) An accountable institution shall make its internal rules available to its employees involved in dealing with transactions to which this policy applies.

(3) An accountable institution shall, on request, make a copy of its internal rules available to;

- (a) the **Superintendent**, and
- (b) a supervisory body which performs regulatory or supervisory functions over that accountable institution.



(4) An accountable institution shall ensure that the foreign branches and subsidiaries of the accountable institution observe the rules consistent with a subsidiary company of the accountable institution registered in the republic.

Training and monitoring for compliance

26. An accountable institution shall;

- (a) train its employees on the provisions of this policy and the internal rules, and
- (b) appoint a compliance officer to ensure observance of the provisions of this policy and the internal rules by the employees of the accountable institution, and
- (c) of the obligations under this policy by the accountable institution.

Referral of suspected offences to investigating authorities and other public bodies

27. Where the **Superintendent** has reasonable grounds to suspect that an accountable institution or a person other than a supervisory body subject to the provisions of this policy, has contravened or failed to comply with a provision of this policy or a rule or guideline applicable to the accountable institution or person which facilitates compliance with this policy, the **Superintendent** shall refer the matter to;

- (a) the relevant investigating authority, or
- (b) an appropriate supervisory body, a public body or other authority affected by the contravention or non-compliance, together with recommendations considered appropriate by the **Superintendent**.



Responsibility for the supervision of accountable institutions

28. (1) Where the **Superintendent** refers a matter to a supervisory body, public body or authority, the supervisory body, public body or authority shall investigate the matter and may after consultation with the **Superintendent** take steps to remedy the matter.

(2) Where the supervisory body, public body or an authority fails to take steps to remedy the matter, the **Superintendent** may in consultation with the supervisory body, public body or authority take steps to remedy the matter.

Offences in relation to compliance

29. An accountable institution, which fails to;

- (a) formulate and implement internal rules, or
- (b) provide training or appoint a compliance officer, commits an offence and is liable on summary conviction to a fine of not more than five hundred Continental Dollars.



Trial court and proceedings

30. (1) The General Post Master Council has jurisdiction to try an offence under this policy.

(2) In a trial for an offence under this policy, the accused person may be presumed to have unlawfully obtained pecuniary resources or property in the absence of evidence to the contrary if the accused person,

- (a) is in possession of pecuniary resources or a property for which the accused cannot account and which is disproportionate to the accused person's known sources of income, or
- (b) had at the time of the alleged offence obtained access to personal pecuniary resources or property for which the accused cannot satisfactorily account.

Freezing of transactions or accounts

31. (1) This section shall be governed by the Superintendent Manual.

Co-operation by officers of public agencies

32. (1) An officer of a Government Department shall co-operate with officers of the **Superintendent** in the performance of the functions of the officers of the **Superintendent** under this policy.

(2) A public officer who refuses or fails without reasonable cause shall be subject to a summary

conviction and a fine of not more than fifty Continental Dollars or to a term of imprisonment of not more than three months or to both.



Regulations

33. The Committee of Financial Services makes regulations in accordance with the Charter of the Continental Public Bank based upon the recommendations of the Superintendent and reported to the National assembly to be entered into the official National assembly records and publish on the National Great Registry.

Interpretation

34. In this policy unless the context otherwise requires:

“account” means a facility or an arrangement by which a financial institution does any one, or more of the following;

- (a) accepts deposits of currency,
- (b) allows withdrawals of currency or transfers into or out of the account,
- (c) pays checks or payment orders drawn on a financial institution or cash dealer by, or collects checks or payment orders on behalf of, a person,
- (d) supplies a facility or an arrangement for a virtual wallet;

“accountable institution” includes the institutions set out in the First Schedule;

“application data” means a set of instructions which causes a computer system to perform a function when executed on the computer;



“authorized officer” means a person authorized by the Superintendent to perform a function or discharge a duty on behalf of the Superintendent;

“bank” has the meaning given to it in the Charter of the Continental Public Bank;

“business entity” includes

- (a) a firm,
- (b) an individual licensed to carry out a business,
- (c) a limited liability company, or
- (d) a partnership,

for the purpose of providing a product or service either for profit or non-profit;

“business relationship” means an arrangement between a person and an accountable institution for the purpose of concluding a transaction;

Superintendent means Superintendent of Finance;

“computer system” includes an electronic, magnetic, optical, electrochemical or other data processing device, the physical components and any removable storage medium that is connected, to the device or a group of inter-connected or elated devices, one or more of which is capable of

- (a) containing data, or
- (b) performing a logical, arithmetic or any other function in relation to data;

“Court” means the General Post Master Council;

“currency” means

- (a) coins, money or legal tender of the republic or of another country that is designated as legal tender and that circulates as and is customarily used and accepted as a medium of exchange in the country of issue,
- (b) ‘travelers’ checks or other financial instruments denominated in the currency of the Government of The United States of America or in foreign currency and
- (c) any right to receive coins or notes in respect of a credit or balance with a financial institution or a non-resident;

“data” means a representation of

- (a) information,
- (b) knowledge,
- (c) facts, or
- (d) concepts

capable of being processed in a computer system;

“electronic device” means anything or apparatus that is used or capable of being used to intercept a function of a computer system;

“electronic transaction” means a transaction made through an electronic device;

“entity” means a body corporate or unincorporated, an association or group of persons, a firm or a partnership;

“financial institution” means an entity that undertakes financial intermediation;

“financial instrument” means a physical or electronic document which embodies or conveys monetary value;

“financial intermediation” means a process of transferring funds from one entity to another entity;

“foreign counterpart” means the authority in another country that exercise similar powers and performs similar functions as the Superintendent;

“internal rules” means rules formulated by an accountable institution to enable the accountable institution comply with the reporting requirements of the Superintendent;

“investigating authority” means a body that is designated by legislation to investigate unlawful activities;

“non-bank financial institution” means a financial institution that undertakes financial intermediation outside the bank;

“non-governmental organization” means a civil organization and includes a



community based organization, religious body and association;
“order” means a monitoring order;
“prescribed” means prescribed by Regulations made under this policy;
“proceeds” means property derived from or obtained, directly or indirectly through the commission of an offence;
“property” includes assets of any kind situated in the country or elsewhere whether movable or immovable, tangible or intangible, legal documents and instruments evidencing title of interest in the assets;
“record” means a material on which data is recorded or marked and which is capable of being read or understood by a person, computer system or other device;
“record of identity” means the records maintained by accountable institutions on their clients in accordance with rules and directives issued to the accountable institutions by relevant supervisory bodies;
“Regulations” means Regulations made under this policy;
“religious body” means an association, a body or organization which professes adherence to a belief in a system of faith or worship or which is established in pursuance of a religious objective;
“republic” means Government of The United States of America;
“revenue agency” means an agency authorized by law to collect revenue;
“securities portfolio management” means the process of managing the financial assets of a client by a brokerage firm for and on behalf of the client in accordance with selected investment strategy under agreed management principles and regulations;
“serious offence” means an offence for which the maximum penalty is death or imprisonment for a period of not less than twelve months;
“suspicious” means a matter which is beyond mere speculations and based on some foundation;
“transaction” includes an act which establishes a right or obligation or gives rise to a contractual or legal relationship between the parties to the contract or legal relationship and any movement of funds by any means with a covered institution; and
“trust and company service providers” means paid professional companies or unpaid persons who hold assets in a trust fund separate from their own assets;

SCHEDULES

FIRST SCHEDULE

Accountable institutions include

- (a) an entity which is a bank or a non-bank financial institution which carries on any of the following activities:
- (i) accepting deposits of money from the public, repayable on demand or otherwise and with drawable by check, draft, orders or by any other means,
 - (ii) financing, whether in whole or in part or by way of short, medium or long term loans or advances of trade, industry, commerce or agriculture,
 - (iii) the issue and administration of means of payment including credit cards, travelers’ checks bankers’ drafts and other financial instruments,



- (iv) the trade in foreign exchange, currency market instruments or transferable securities,
 - (v) securities portfolio management and advice concerned with the portfolio management,
 - (vi) dealing in shares, stocks, bonds or other securities,
 - (vii) leasing, letting or delivering goods to a hirer under a hire- purchase agreement,
 - (viii) the conduct of any business,
 - (ix) the collection of money or acceptance of employer contributions and payment from these funds of legitimate claims for retirement benefits; and
 - (x) any other business activities that the Continental Public Bank may prescribe or recognize as being part of banking business;
- (b) auctioneers;
 - (c) lawyers;
 - (d) notaries;
 - (e) accountants;
 - (f) religious bodies;
 - (g) non-governmental organizations;
 - (h) a person whose business or a principal part of whose business consists of providing financial services that involve the remittance or exchange of funds;
 - (i) operators of game of chance;
 - (j) a company carrying on insurance business;
 - (k) a real estate company or agent, only to the extent that the real estate company or agent receives funds in the course of the agent's business to settle real estate transactions;
 - (l) dealers in precious metals and precious stones;
 - (m) dealers in motor vehicles; and
 - (n) trust and company service providers.



So accepted and acknowledged this 1st day of September, 2016

Juan Antonio Cenicerros

Juan Antonio Cenicerros,
office of the Treasury for the Government of The United States of America; and





The Government of The United States of America
Rural Free Delivery Route 1

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ACKNOWLEDGEMENT

I, **Troy Lynn Hill**, certify **under penalty of bearing false witness** under the laws of The United States of America **that the foregoing paragraph is true and correct** according to the best of my current information, knowledge, and belief.

The office of the registrar accepts and acknowledges the document:

INTERNATIONAL FOREIGN CURRENCY EXCHANGE LICENSE AGREEMENT FOR GENERAL POST EXCHANGE

and is recorded on:

166th day in the year of Yahweh, 6018

Document Date [Translation Date: September 1, 2016]

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195th day in the year of Yahweh, 6018 [Translation Date: September 29, 2016]

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