

**THE BAHAMAS AND THE UNITED STATES OF
AMERICA TAX INFORMATION EXCHANGE
AGREEMENT (AMENDMENT) BILL, 2010**

Arrangement of Sections

Section

- 1.Short title and commencement.
- 2.Amendment to section 9 of the principal Act.
- 3.Insertion of a new section 13A into the principal Act.

OBJECTS AND REASONS

**THE BAHAMAS AND THE UNITED STATES OF AMERICA
TAX INFORMATION EXCHANGE AGREEMENT
(AMENDMENT) BILL, 2010**

**A BILL FOR AN ACT TO AMEND THE BAHAMAS AND THE
UNITED STATES OF AMERICA TAX INFORMATION
EXCHANGE AGREEMENT ACT**

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act which amends The Bahamas and the United States of America Tax Information Exchange Agreement Act (*Ch. 369B*) may be cited as the The Bahamas and the United States of America Tax Information Exchange Agreement (Amendment) Act, 2010.
- (2) This Act shall come into force on a date to be appointed by the Minister by notice published in the Gazette.

2. Amendment to section 9 of Ch. 369B.

Section 9 of the principal Act is amended, in subsection (4) as follows—

- (a) by the deletion of the figure “\$5,000” and the substitution of the figure “\$25,000”; and
- (b) by the deletion of the word “six” and the substitution of the word “twelve”.

3. Insertion of a new section 13A into Ch. 369B.

The principal Act is amended by the insertion immediately after section 13 of the following as a new section 13A—

“13A. Tax Interviews and examinations.

- (1) Subject to subsection (2), the Minister may allow representatives of the competent authority of the United States of America to interview individuals and examine records in The Bahamas upon being satisfied that—
 - (a) the laws of The Bahamas regarding entry into The Bahamas have been complied with; and
 - (b) the written consent of the persons to be interviewed or whose records are to be examined has been provided to the competent authority of The Bahamas.
- (2) The conduct of any interview or examination under this section shall be subject to any additional conditions that the Minister, in his discretion, may set from time to time.”

OBJECTS AND REASONS

This Bill seeks to amend The Bahamas and The United States of America Tax Information Exchange Agreement Act (*Ch. 369B*).

Clause 1 of the Bill deals with the preliminary provision.

Clause 2 of the Bill seeks to increase the penalties applicable for offences committed under the Act to ensure consistency with penalties provided in the new legislation that will give effect to other tax information exchange arrangements that The Bahamas has entered into.

Clause 3 of the Bill seeks to empower the Minister to permit, at his discretion, the United States Competent Authority to conduct interviews in the Bahamas with persons that voluntarily consent to participate in such interviews, and on such conditions as the Minister may set.