

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED  
BY THE UNITED STATES OF AMERICA**

**ARTICLE 13 UNCAC**

**PARTICIPATION OF SOCIETY**

**UNITED STATES OF AMERICA (THIRTEENTH MEETING)**

*3. In relation to participation of society (article 13)*

Finally, the United States is also interested in understanding how the public interacts and use various U.S. government-hosted websites. To help address this issue, the website [analytics.usa.gov](https://analytics.usa.gov) provides a window into how people are interacting with the government online. The data on this site come from a unified Google Analytics account for U.S. federal government agencies known as the Digital Analytics Program. This program helps government agencies understand how people find, access, and use government services online. On the website, the public can see how many people are using participating U.S. government websites at any time, find historical data on usage, and see what websites and services are most accessed and used. The program does not track individuals and anonymizes the IP addresses of visitors. Not every government website is represented in these data. Currently, the Digital Analytics Program collects web traffic from around 400 executive branch government domains, across about 5,700 total websites, including every cabinet department

The U.S. Government has routinely utilized ICT to increase the participation of citizens in government decision making and oversight, thereby contributing to anticorruption efforts. For example, in 2003, the eRulemaking program launched the Regulations.gov website ([www.regulations.gov](http://www.regulations.gov)) to enable citizens to search, view and comment on regulations issued by the U.S. government. On average, federal agencies and departments issue nearly 8,000 regulations per year. In the past, if members of the public were interested in commenting on a regulation, they would have to know the sponsoring agency, when it would be published, review it in a reading room, then struggle through a comment process specific to each agency. Today using Regulations.gov, the public can shape rules and regulations that impact their lives conveniently, from anywhere. The website allows the public to find and comment on proposed regulations and related documents published by participating U.S. federal government agencies. Documents include final regulations, notices, scientific and technical findings, guidance, adjudications, and comments submitted by others. In addition to providing comments on a proposed regulation, the public can also use the website to submit an application, petition, or adjudication document.

Promoting transparency in public decision-making is also a priority of the U.S. Congress. The Standing Rules of the Senate and the Rules of the House of Representatives outline the procedure for the legislative process in the Senate and House, respectively. Once draft laws are introduced on the Senate or House floor they are made available to the public via <https://www.Congress.gov> and the Government Publishing Office's Federal Digital System. After draft legislation is introduced, it is generally assigned to a committee or committees having jurisdiction over the subject matter for further review. Depending on the subject of the legislation at hand, the committee may hold public hearings. Except where the rules allow for closed meetings, all committees' meetings are open to the public. Committees must also make

a video recording, audio recording, or transcript of their meetings. These recordings must be made available through publication on the internet. Except when closed sessions are ordered for reasons of secrecy, floor proceedings are open to the public, are televised, and are available to watch via webcast. Further, on all days where Congress is in session, a substantially verbatim report of proceedings is published in the Congressional Record. The results of votes are announced in real time via television and webcast. After the fact, records of votes for each piece of legislation, and by each Senator or House Member, are publicly available on the Senate or House websites.

As previously mentioned, the principal access to information law in the United States is the Freedom of Information Act (FOIA). The Department of Justice manages the National FOIA Portal, which resides on FOIA.gov as part of the Department of Justice's government-wide FOIA website. The public can learn about the FOIA from this website, access material that is already publicly available, review FOIA data, and obtain details about each agency. The public can readily access each agency's FOIA Reference Guide, which describes how to make requests to that agency, as well as access each agency's FOIA regulations. The National FOIA Portal allows a member of the public to make a request to any agency from a single website, greatly simplifying the request-making process.

The United States also maintains a number of systems available for whistleblowers to report, among other things, fraud and corruption. For example, the government website *Oversight.gov* provides a centralized site to help whistleblowers report fraud, waste, and abuse in federal programs. The website not only provides information about how to report such acts, it also helps whistleblowers navigate to the appropriate reporting channel. *Oversight.gov* is complemented by other reporting channels. For example, the U.S. Office of Special Counsel (OSC), which serves as a confidential channel for disclosures by federal employees, former employees, and applicants, of fraud, waste, and abuse, and investigates claims of whistleblower retaliation against federal employees, former employees, and applicants, had previously launched an updated and more streamlined complaint form to make it even easier for reporting persons to confidentially disclose alleged wrongdoing. The user-friendly complaint form is accessible on *OSC.gov*.

The Federal Bureau of Investigation also provides several secure reporting channels for individuals who want to report a crime. For example, individuals can use the FBI's Tip website - tips.fbi.gov – to report federal crimes, including those involving corruption. The website provides links to the reporting channels of other federal agencies, such as the Federal Trade Commission, the Department of Homeland Security, and the Department of the Treasury's Inspector General for Tax Administration. Individuals can also use the FBI's website - ic3.gov - to report internet-based fraud.

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED  
BY THE UNITED STATES OF AMERICA**

**ARTICLE 13 UNCAC**

**PARTICIPATION OF SOCIETY**

**UNITED STATES OF AMERICA (SEVENTH MEETING)**

**In relation to participation of society (article 13)**, States parties and signatories may wish to provide information on measures that:

- Establish e-government mechanisms, online platforms, smartphone applications, mobile telephone-based reporting and social media to enhance the effective and efficient participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;
- Enhance the transparency of, and promote the contribution of the public to, decision-making processes, in particular through the use of online platforms to facilitate consultation with the public on issues relating to the prevention of and fight against corruption;
- Promote public information activities, including through the use of information and communications technologies, that contribute to non-tolerance of corruption, as well public education programmes;
- Respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption, in particular through online mechanisms;
- Provide public access, including through online mechanisms, to relevant anti-corruption bodies for the reporting, including anonymously, of any incidents that may constitute an offence established in accordance with the Convention.

In 2013, President Obama issued Executive Order -- Making Open and Machine Readable the New Default for Government Information.<sup>1</sup> Upon this Executive Order, the White House Office of Management and Budget (OMB) issued guidance on Open Data Policy (M-13-13: Managing Data as an Asset).<sup>2</sup> This Policy made all U.S. government data open and machine readable by default. These data are now easily accessible at

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<sup>1</sup> <https://www.whitehouse.gov/the-press-office/2013/05/09/executive-order-making-open-and-machine-readable-new-default-government>

<sup>2</sup> <https://www.whitehouse.gov/sites/default/files/omb/memoranda/2013/m-13-13.pdf>

Data.gov, which hosts almost 200,000 data sets and continues to grow rapidly, and Federal agencies and the public are able to easily access and use newly opened data sets. The President also took steps to build further value in the open data ecosystem, engaging in activities such as datapaloozas (gatherings of data experts and advocates) and creating the role of the Chief Data Scientist at the White House with many Federal agencies following suit. In 2015, “Open Data” also became one of 15 goals as part of the U.S. Cross Agency Priority Goals, which will last four years with specific milestones and metrics to measure progress.

The U.S. Open Data policy is supported by the Project Open Data<sup>3</sup> website, a repository for tools and guidance on Open Data. The Project Open Data Dashboard is a website enabling Federal agencies, industry, and the general public and other stakeholders to view details on how Federal agencies are progressing on implementing the policy. The Dashboard is an open source project, and citizens are encouraged to contribute, including by reporting bugs, suggesting new features, translating content to a new language, writing or editing documentation, writing specifications, writing code and documentation, reviewing pull requests, and closing issues.

The United States has also used information and communications technologies to promote civic participation through several high-profile platforms and initiatives. While none of these initiatives are directly focused on corruption, they have helped increase transparency and civic engagement. Some of these initiatives include:

“We the People” is an online platform that gives Americans a direct line to voice their concerns to the Administration via online petitions. It is an easy way for individuals to make their voices heard through creating and signing petitions that call for action by the federal government on a range of issues. If a petition gathers enough signatures, it will be reviewed by White House staff and receive an official response. This platform helps the White House and the Administration understand the views of the American people and have a focused and civil conversation with them. <https://petitions.whitehouse.gov/>.

In 2015, the sixth annual Health Datapalooza, sponsored by the U.S. Department of Health and Human Services, brought together over 2,000 data experts, technology developers, entrepreneurs, policy makers, health care system leaders and community advocates to discuss the world of health data. Experts focused on data-powered ways to improve services and quality of care, offer more choices, and improve access to information for health care providers and consumers, including one’s own medical information. A similar Transportation Datapalooza, sponsored by the Department of Transportation in 2015, convened experts inside and outside of government to share on a

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<sup>3</sup> <https://project-open-data.cio.gov/>

broad spectrum of data collection, applications, and analytical techniques spanning all transportation modes.

The Obama administration has also made it a priority to use digital media as a platform to serve the American people. Under this initiative, several Federal agencies have made apps for smartphones:

**NASA app:** NASA was one of the first agencies to get a high-performance app online for everyone to download for free. The app allows people to customize exactly the type of news they want to get from ongoing missions to NASA press releases.

**FBI app:** The FBI's Most Wanted app on the iPhone lets users see the 10 most wanted fugitives in the country, get information about missing children, see wanted alerts by state and even submit tips to the FBI.

**eFOIA Mobile app:** In 2015, the Department of Homeland Security launched an app allowing users to submit and check the status of Freedom of Information Act requests. The app also allows users to access all the content of the FOIA website, including the FOIA Library.

**In relation to ensuring that the public has effective access to information (article 13 (1) (b)):**

- Legislation, regulations, policies and procedures regarding public access to information through ICT, such as online platforms, including details regarding:
- Means by which requests may be submitted (in writing, via Internet, by telephone);
- The types of bodies required to publish information;
- The scope of the information published;
- Any information that must be submitted by the requester as part of the request for information;
- Costs charged to submit a request
- Applicable time limits within which the Government must respond to the request;
- Grounds on which a request by a member of the public for information may be denied;
- Description of staff or entity responsible for administering access to information requests;
- Description of steps taken to ensure that existing laws, regulations, policies and procedures regarding access to information are widely known and accessible to the public;
- Description of the means by which the public is informed of how to access information.

The Freedom of Information Act (FOIA) provides the public – regardless of citizenship - the right to request access to records from any federal agency. Federal agencies are required to disclose any information requested under the FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement. The FOIA also requires agencies to proactively post online certain categories of information, including frequently requested records.

FOIA requests must be in writing and reasonably describe the records an individual seeks. Most federal agencies now accept FOIA requests electronically, including by web form, e-mail or fax. There is no initial fee required to submit a FOIA request, but the FOIA does provide for the charging of certain types of fees in some instances (although the Requester can ask for this fee to be waived). The time it takes to respond to a request will vary depending on the complexity of the request and the backlog of requests already pending at the agency. Instructions on how to submit a FOIA request can be found at <http://www.foia.gov/faq>.

FOIA.gov serves as the government’s comprehensive FOIA website for all information on the FOIA. Among many other features, FOIA.gov provides a central resource for the public to understand the FOIA, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. FOIA.gov also promotes agency accountability for the administration of the FOIA by publishing agencies’ quarterly reports and graphically displaying the detailed statistics contained in Annual FOIA Reports so that they can be compared by agency and over time.

The U.S. Department of Justice, through its Office of Information Policy (OIP) is responsible for encouraging agency compliance with the FOIA and for ensuring that the President’s FOIA Memorandum and the Attorney General’s FOIA Guidelines are fully implemented across the government. In addition to its policy functions, OIP oversees agency compliance with the FOIA. All agencies are required by law to report to the Department of Justice on their FOIA compliance through submission of Annual and Quarterly FOIA Reports and Chief FOIA Officer Reports. These reports, which are posted online, inform the public about agency compliance with the FOIA, President Obama’s FOIA Memorandum, and former Attorney General Holder’s FOIA Guidelines, and they serve as yearly benchmarks for agencies as they continually refine their administration of the FOIA. OIP develops guidelines for those reports, issues guidance and provides training to agencies to help them complete the reports, and reviews and compiles summaries of both agency Annual FOIA Reports and Chief FOIA Officer Reports.

The Department of Justice has also started rolling out a “FOIA tag,” which uses metadata to tag information that could help the public more easily find FOIA documents in Internet searches. This “FOIA tag” enables the public to readily locate all agency documents that

contain the FOIA tag, allowing the public to quickly and efficiently identify records on specific topics of interest to them that are located in FOIA Libraries.

To increase transparency in campaign financing, the Federal Election Commission hosts a Campaign Finance Disclosure portal that provides a single point of entry to campaign finance data. It includes easy-to-navigate maps and charts that display campaign finance in a way that meets the reviewer's interest. It includes many search tools that help individuals use the FEC data sources. Many of the data sets can be downloaded so that individuals can perform their own analyses.<sup>4</sup>

The U.S. Office of Government Ethics (OGE), which is responsible for providing overall leadership and oversight of the executive branch ethics program, uses information and communication technology to ensure the public has access to information.

A primary source of information comes from OGE's website. In the past few years, OGE has implemented a new strategy for communicating with the public through Director's Notes posted on the homepage of OGE's website, [www.oge.gov](http://www.oge.gov). The Director's Notes provide a public-friendly explanation of OGE's role in the executive branch ethics program. In addition, OGE created a space on its homepage, called OGE Highlights, to provide current news and information about OGE and the executive branch ethics program in an easy to understand manner.

In addition, the following high-value information is currently available for download (generally in TXT, HTML, and PDF formats) on OGE's website:

- OGE Advisories: OGE posts all written guidance to executive branch ethics officials and employees, including legal, education, and program advisories.<sup>5</sup>
- Ethics Program Review Reports: OGE conducts reviews of agency ethics programs and issues recommendations to improve the ethics program if deficiencies are found. OGE posts all program review and follow-up reports to its website.<sup>6</sup>
- Ethics Pledge Report and Related Waivers: On January 21, 2009, President Obama signed Executive Order 13490, which created new commitments for political appointees entering government service. This Executive Order requires every full-time, political appointee appointed on or after January 20, 2009, to sign an Ethics Pledge. The Executive Order also requires OGE to publish an annual report on the administration of the pledge.<sup>7</sup> In addition to posting this annual

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<sup>4</sup> <http://www.fec.gov/pindex.shtml>

<sup>5</sup> <https://www.oge.gov/web/oge.nsf/OGE+Advisories/>

<sup>6</sup> <https://www.oge.gov/web/oge.nsf/Program%20Review%20Reports>

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[https://www.oge.gov/web/oge.nsf/Annual+Report+on+Executive%20Order%2013490%20\(Ethics%20Pledge\)](https://www.oge.gov/web/oge.nsf/Annual+Report+on+Executive%20Order%2013490%20(Ethics%20Pledge))

report, all waivers are made publicly available on either OGE's website<sup>8</sup> or the White House website<sup>9</sup> when issued.

- **Annual Agency Questionnaire Responses:** This Questionnaire asks agency ethics offices for information about ethics officials and the administration of agency ethics programs, as well as core elements of the ethics program that assist in the identification and resolution of potential conflicts of interest. The compiled data provides valuable insights about the executive branch ethics program. In 2015, OGE began posting to its website each agency's response in full,<sup>10</sup> in addition to providing an online summary of the combined data from the agency questionnaire responses in a visual format.<sup>11</sup>
- **Travel Reports:** Agencies are required to submit to OGE semiannual reports of payments for travel, subsistence, and related expenses received from non-federal sources in connection with the attendance of employees at certain meetings or similar functions.<sup>12</sup>

OGE also uses social media to broaden its reach to key external stakeholders and make the information posted more useful to these stakeholders. Specifically, OGE uses its Twitter account<sup>13</sup> to direct the public to detailed information on its website and to provide an additional way to access OGE's latest publications. OGE also uses its Twitter account to provide information regarding changes in executive branch ethics laws, regulations, and programs. In addition, OGE has expanded its use of social media by creating Google+ and YouTube pages.<sup>14</sup> OGE uses these accounts to live stream ethics education offerings to ethics officials and to live-stream events such as OGE's National Government Ethics Summit.

Further, all public financial disclosure reports for presidentially appointed, senate-confirmed positions have been publically available, upon request, since 1979. A subset of the reports for certain presidentially appointed, senate-confirmed positions are available by email, once an individual completes

an easy-to-use online form on OGE's website.<sup>15</sup>

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<sup>8</sup> <https://www.oge.gov/Web/OGEnsf/Executive+Branch+Agency+Ethics+Pledge+Waivers>

<sup>9</sup> <https://www.whitehouse.gov/briefing-room/disclosures/ethics-pledge-waivers>

<sup>10</sup> <https://extapps2.oge.gov/annualquestionnaire/aq2014.nsf>

<sup>11</sup> [https://www2.oge.gov/web/oge.nsf/8c1c7c4b3ca9da3485257ea6006d9aff/\\$FILE/Executive%20Branch%20Ethics%20Program%20Roles%20and%20Responsibilities.pdf](https://www2.oge.gov/web/oge.nsf/8c1c7c4b3ca9da3485257ea6006d9aff/$FILE/Executive%20Branch%20Ethics%20Program%20Roles%20and%20Responsibilities.pdf)

<sup>12</sup> <https://www2.oge.gov/web/oge.nsf/Travel%20Reports?openview>

<sup>13</sup> <https://twitter.com/OfficeGovEthics>

<sup>14</sup> <https://www.youtube.com/user/OGEinstitute>

<sup>15</sup> <https://extapps2.oge.gov/201/Presiden.nsf>

**In relation to undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula (article 13 (1) (c)):**

- Description of public information (education and awareness-raising) activities that contribute to non-tolerance of corruption, particularly those using ICT, including specific initiatives targeting groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations;
- Description of various means and/or technologies that have been used for the purposes of undertaking public information activities;
- Description of the use of ICT in educational courses or modules that have been introduced in primary and secondary schools that include components on corruption or related issues such as ethics, civil rights or governance;
- Description of the use of ICT in university courses or modules that include components on corruption or related issues such as public administration, public procurement, ethics, criminal law or corporate governance.

Many U.S. federal agencies actively use social media to raise awareness about U.S. efforts to combat corruption both internationally and domestically. The Department of State, for example, is active in the social media arena, with a sizable following among Facebook, Twitter, and blog users, and utilizes social media to raise awareness about efforts to prevent and combat corruption, among other issues. The Department of State also plans to expand on a range of opportunities for the public to interact with Department of State officials and offer opinions, questions, and feedback, both in the United States and abroad. For example, the Department of State is launching a series of “Google+ Hangouts” in which the public can interact with senior State officials as they discuss a wide range of foreign policy issues that relate to good governance. The Commerce Department, as well as many other agencies, posts officials’ remarks about international anticorruption efforts and what the Department is doing to combat international corruption as a trade barrier on the internet, including Commerce blogs and LinkedIn. International Anticorruption Day provides a good example of how many agencies use social media to amplify what the U.S. Government is doing to fight corruption.

The U.S. government also utilizes the Internet as a platform for making educational materials available to the public. Examples of U.S. government anti-corruption publications available online include:

U.S. Efforts to Internationalize Action against Corruption: This online document outlines the different lines of effort in which the U.S. Government is engaged to combat corruption internationally.<sup>16</sup>

A Resource Guide to the Foreign Corrupt Practices Act (FCPA Guide): The FCPA Guide contains information about the FCPA's history, related international conventions, and key provisions of the statute; discusses enforcement efforts by the DOJ and SEC; and provides information about related issues, including the importance of an effective compliance program to detect and prevent FCPA violations. The FCPA Guide is an unprecedented resource, providing lawyers, the business community, and ordinary citizens a substantive discussion of the FCPA and its application. It is available in PDF format on several websites.<sup>17</sup> In addition to the FCPA Guide, the SEC<sup>18</sup> and DOJ<sup>19</sup> websites also provide comprehensive information on the enforcement of the FCPA. Information includes details of case summaries and translations of the FCPA in several languages, information on the Opinion Procedure, press releases, international conventions and other guidance.

**In relation to respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption (article 13 (1) (d)):**

- Outlines of the procedures or regulations that ensure the freedom of the public to seek and receive information concerning corruption, in particular using ICT. States parties and signatories may wish to include the following information, if applicable:
- The extent to which such information is proactively and systematically published by the Government online;
- The extent to which such information is available upon online request for access to information by a member of the public;
- Any restrictions applicable to exercise of the freedom to seek, receive, publish and disseminate such information, in particular using ICT, including:
- Restrictions necessary for respect of the rights or reputations of others (libel and defamation laws, etc.);
- Restrictions necessary for the protection of national security or *ordre public* or of public health or morals;
- Description of how such restrictions are applied in practice;

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<sup>16</sup> <http://www.state.gov/documents/organization/200526.pdf>

<sup>17</sup> <http://www.sec.gov/spotlight/fcpa/fcpa-resource-guide.pdf>

<sup>18</sup> <http://www.sec.gov/spotlight/fcpa/fcpa-cases.shtml>

<sup>19</sup> <https://www.justice.gov/criminal-fraud/related-enforcement-actions>

- Description of procedures that allow a member of the public to apply for review of, or appeal against, the application of such a restriction by the Government.

Information about corruption is proactively and systematically published by several U.S. government agencies. For example, through its website, the Federal Bureau of Investigation (FBI) provides public corruption stories, revealing various incidents of corruption within state agencies, elected officials, and individuals within civil society. Individuals are able to connect and subscribe to the agency's various social media outlets (Facebook, Twitter, YouTube, iTunes, and Email) to get updates. The U.S. Office of Government Ethics (OGE) also annually issues a survey of prosecutions involving the conflict of interest criminal statutes (18 U.S.C. §§ 202-209). These surveys are publicly available on the OGE website.<sup>20</sup>

The General Services Administration also proactively publishes Entities suspended and/or debarred from receiving U.S. procurements. Suspensions and/or debarment actions are taken against Entities found to be involved in corrupt contracting practices. Any company or individual that is suspended or debarred is placed on [www.SAM.gov](http://www.SAM.gov) as an excluded entity. Before any contract is awarded, contracting officers are required to check [SAM.gov](http://SAM.gov) twice.

As outlined above, the Freedom of Information Act (FOIA) also provides the public the right to request access to records from any federal agency. Typically, a FOIA request can be made for any agency record, and a requestor can specify the format in which he or she wishes to receive the records (for example, printed or electronic form). However, not all records can be released under the FOIA. The U.S. Congress established certain categories of information that are not required to be released in response to a FOIA request because release would be harmful to a government or private interest. These categories are called "exemptions" from disclosures. Still, even if an exemption applies, agencies may use their discretion to release information when there is no foreseeable harm in doing so and disclosure is not otherwise prohibited by law. Additional information about what is exempted from disclosure is available on [FOIA.gov](http://FOIA.gov).

Requestors may file an administrative appeal if they are not satisfied with an agency's initial response to a request. This is done by sending a letter or e-mail to the designated appeal authority of the agency stating that the individual is appealing the initial decision made on the request. There is no fee or cost involved. After an independent review, the appellate authority will send a response advising of its decision. Once the administrative appeal process is complete, a requestor also has the option to seek mediation services

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from the Office of Government Information Services at the National Archives and Records Administration.

**In relation to taking appropriate measures to ensure that the relevant anti-corruption bodies are known to the public and providing access to such bodies for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with the Convention (article 13 (2)):**

- Description of online public information campaigns that promote awareness of the existence of anti-corruption bodies;
- Description of the means by which members of the public are provided with access to such bodies, particularly through ICT, for the reporting of acts of corruption;
- Description of the operational mechanisms and applicable procedures for such reporting channels, including reporting obligations, information to be provided and whether reports may be made anonymously.

The United States has several anti-corruption bodies responsible for identifying and investigating acts of corruption. Many federal agencies have their own Offices of Inspector Generals (OIG), where the public can report information about waste, fraud, abuse or mismanagement involving federal programs or employees. All OIGs are required to provide mechanisms to file complaints through online submission portals, via email, or through a dedicated hotline.

In addition to the OIG, there are also several online platforms that allow individuals to report instances of fraud and corruption in federal agencies. The Office of Special Counsel, whose primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, has an online platform that allows individuals to file disclosures of wrongdoing, including acts of corruption and fraud.<sup>21</sup> Filing a complaint requires the user to set up a unique user identity; if an individual would like to file anonymously, he or she must complete a printed form and send it in by mail or fax. Individuals can also submit instances of corruption online through to various legislative committees, including the House of Representatives' Oversight and Government Reform Committee and the Veterans Affairs Committee. While these platforms do not allow users to file reports anonymously, they do stipulate information will be kept confidential to the fullest extent possible.

There are several different avenues available to whistleblowers to report acts of bribery, including violations of the Foreign Corrupt Practices Act (FCPA). Individuals and companies with information about possible FCPA violations by issuers may report them

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<sup>21</sup> <https://osc.gov/pages/file-complaint.aspx>

to the Enforcement Division of the Securities and Exchange Commission (SEC) via its online Tips, Complaints and Referral system.<sup>22</sup> They may also submit information to SEC's Office of the Whistleblower through the same online system or by contacting the Office of the Whistleblower. Information can be submitted anonymously, but this requires the whistleblower to be represented by a lawyer in connection to the submission. The SEC will, however, keep the identity of Whistleblowers confidential to the fullest extent of the law. Companies wishing to report unfair foreign governments trade barriers, which includes concerns about corruption and bribery, can do so to the Department of Commerce's Office of Trade Agreements Negotiation and Compliance through an online form.<sup>23</sup> Whistleblowers can also simply email the Department of Justice Fraud Section at [FCPA.Fraud@usdoj.gov](mailto:FCPA.Fraud@usdoj.gov) to report suspected acts of bribery.

The Department of Justice's Public Integrity Section (PIN) oversees the federal efforts to combat corruption through the prosecution of elected and appointed public officials at all levels of government. The Section has exclusive jurisdiction over allegations of criminal misconduct on the part of federal judges and also supervises the nationwide investigation and prosecution of election crimes. Every year, the PIN publicly publishes a report on its website outlining provides examples of noteworthy public corruption cases.

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<sup>22</sup> <http://www.sec.gov/complaint/tipscomplaint.shtml>.

<sup>23</sup> [http://tcc.export.gov/report\\_a\\_barrier/trade\\_barrier\\_examples/bribery.asp](http://tcc.export.gov/report_a_barrier/trade_barrier_examples/bribery.asp)

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED  
BY UNITED STATES OF AMERICA**

**ARTICLE 13 UNCAC**

**PARTICIPATION OF SOCIETY**

**UNITED STATES OF AMERICA (THIRD MEETING)**

**Strategic Dialogue with Civil Society**

o RELEVANT UNCAC PROVISIONS

- Article 13, Para 1. – promote active participation of individuals and groups outside the public sector in the prevention of and the fight against corruption, raise public awareness regarding existence, causes and gravity of corruption
- Article 13, Para 1. (a) – promoting the contribution of the public to the decision-making process
- Article 13, Para 1. (b) – ensuring the public has effective access to information
- Article 13, Para 1. (c) – public information activities that contribute to the non-tolerance of corruption

o ABOUT

On February 16, 2011, Secretary of State Clinton launched the Strategic Dialogue with Civil Society (the “Dialogue”) (<http://www.state.gov/s/sacsed/c47725.htm>). The Dialogue is designed to elevate the importance of the Department of State’s work with civil society and underscore its commitment to protect and defend civil society around the world. The Dialogue serves both as a forum for discussion and cooperation with civil society and as a vehicle for telling the story of its ongoing work to support and protect the freedoms of association and expression. One of the Dialogue’s several working groups focuses on Governance and Accountability.

o AWARENESS RAISING

The Dialogue launch event brought together a broad cross-section of civil society that included representatives from more than 20 countries, senior officials from the U.S. Government, and Executive Directors from prominent U.S.-based International NGOs. It also included virtual participation from thousands of civil society representatives worldwide including attendees at viewing parties hosted by 55 U.S. Embassies (<http://www.state.gov/statecraft/rm/156709.htm>).

## **Regulations.gov**

### o RELEVANT UNCAC PROVISIONS

Article 13, Para 1. – promote active participation of individuals and groups outside the public sector in the prevention of and the fight against corruption

Article 13, Para 1. (a) – promoting the contribution of the public to the decision-making process

Article 13, Para 1. (b) – ensuring the public has effective access to information

### o ABOUT

One of the principal mechanisms for seeking consultation in the executive branch is the Administrative Procedure Act (5 U.S.C. § 551). The Act requires (with limited exceptions) that all rules and regulations proposed by federal agencies must be announced in the Federal Register with opportunity for public comment. The agency must also issue its responses to the comments.

In 2003, the eRulemaking program launched the Regulations.gov website ([www.regulations.gov](http://www.regulations.gov)) to enable citizens to search, view and comment on regulations issued by the U.S. Government.

On average, Federal agencies and departments issue nearly 8,000 regulations per year. In the past, if members of the public were interested in commenting on a regulation, they would have to know the sponsoring agency, when it would be published, review it in a reading room, then struggle through a comment process specific to each agency. Today using Regulations.gov, the public can shape rules and regulations that impact their lives conveniently, from anywhere. On the regulations.gov site, users can:

- Search for a regulation such as a proposed rule, final rule or Federal Register (FR) notice
- Submit a comment on a regulation or on another comment
- Submit an application, petition or adjudication document
- Sign up for e-mail alerts about a specific regulation
- Quickly access regulations that are popular, newly posted or closing soon-directly from the home page
- Subscribe to RSS feeds by agencies with newly posted FR notices

## **“We the People” Petitions**

### o RELEVANT UNCAC PROVISIONS

- Article 13, Para 1. – promote active participation of individuals and groups outside the public sector
- Article 13, Para 1. (a) – promoting the contribution of the public to the decision-making process

### o ABOUT

- “We the People” is an online method to petition the Obama Administration to take action on a range of important issues. If a petition gets enough support, White House staff will review it, ensure it is sent to the appropriate policy experts, and issue an official response.

### o AWARENESS RAISING

- <https://www.whitehouse.gov/petitions#!/>.

## **Federal Advisory Committees**

### o RELEVANT UNCAC PROVISIONS

- Article 13, Para 1. – promote active participation of individuals and groups outside the public sector
- Article 13, Para 1. (a) – promoting the contribution of the public to the decision-making process

### o ABOUT

- The Federal Advisory Committee Act (FACA) was enacted in 1972 to ensure that advice by the various advisory committees is objective and accessible to the public. The Act formalized a process for establishing, operating, overseeing, and terminating these advisory bodies; it also created the Committee Management Secretariat to monitor compliance with the Act. All public advisory committees, some of which are created by law and others by agency decision, must: hold their meetings in public; provide an opportunity for the public to attend; and, under certain circumstances, provide an opportunity for the public to be heard. These public meetings provide civil society and non-governmental organizations an important mechanism to consult with both the agency personnel and the members of the public advisory committees on matters within their sphere of competence, including, of course, matters dealing with corruption prevention.

## o AWARENESS RAISING

- The Federal Advisory Committee Act Training course is intended for federal Committee Management Officers and their staff, Designated Federal Officers, FACA and ethics legal staff, FACA support staff, and managers and decision makers involved in advisory committee management and/or operations. Agency contractor staff directly involved in FACA management or operations may also be nominated by their host agency. The course is taught by an interagency team of FACA subject matter experts. The course is administered by the General Services Administration Committee Management Secretariat with five classes each fiscal year.
  
- The FACA database (<http://www.facadatabase.gov/>) is used by Federal agencies to continuously manage an average of 1,000 advisory committees government-wide. This database is also used by the Congress to perform oversight of related executive branch programs and by the public, the media, and others, to stay abreast of important developments resulting from advisory committee activities.