

Response by the United States to Note Verbale: CU 2022/47(A)/DTA/CEB/ISS

The United States is pleased to provide the following response to the request for information provided by the Secretariat contained in CU 2022/47(A)/DTA/CEB/ISS related to promoting the use of information and communications technologies (ICT) for the implementation of the Convention and information requested from States parties in relation to challenges to and good practices in anticorruption awareness-raising, education, training and research. The United States is also pleased to provide information in relation to achieving the commitments regarding corruption prevention from the UNGASS political declaration. All of the examples provided are meant to be illustrative, and do not represent a comprehensive overview of U.S. measures related to these topics.

Information requested from States parties in relation to promoting the use of information and communications technologies (ICT) for the implementation of the Convention.

1. In relation to integrity in public procurement and management of public finances (article 9)

The United States has prioritized using ICT to promote integrity in public procurement and management of public finances. One example is the Integrated Award Environment (IAE), a government-wide initiative administered by General Services Administration. The IAE facilitates the federal awards processes in multiple online systems, including the System for Award Management (SAM). Those systems are used for registering to receive federal financial assistance or contracts from the federal government, listing contract opportunities, capturing contractor performance, viewing contract data, searching assistance listings, reporting subcontracts, and more. The public can access SAM on the website SAM.gov. In May 2021, GSA completed work to modernize and improve the SAM.gov platform. The system will, among other things, provide a modern portal for entities to register, update, renew, and check the status of their registration SAM.gov. Federal and non-federal users will also be able to search for registrations and exclusions as well as other public information about entities seeking federal awards. Additionally, users can use SAM.gov to access publicly available award data via data extracts and system accounts.

In addition to the IAE, the public can find procurement information on a variety of public websites. For example, the U.S. Treasury Department manages USAspending.gov. This website is the official source for overall spending data for the U.S. government and shows the public how much the federal government spends every year and how it spends the money. It also allows the public to follow the money from the Congressional appropriations to the federal agencies and down to local communities, businesses, and other organizations. The financial data on USAspending.gov are uploaded directly from more than a hundred federal agencies' financial systems. Contract data are provided from the GSA IAE, financial assistance award and financial data are submitted by agencies. On a quarterly basis, all the different information is pulled together to provide the federal spending picture. The quarterly data must be appropriately linked using a certain key, usually the award ID, and agency Senior Accountable Officials must certify that the quarterly submissions are correctly linked for display. All this data is available to copy, adapt, redistribute, or otherwise use for non-commercial or for commercial purposes, subject to

some limitations. This type of transparency gives civil society and ordinary citizens the ability to track and understand how tax dollars are being spent, and potentially identify irregularities or areas of concern.

The United States has also used ICT to increase transparency and public oversight on spending related to the COVID-19 pandemic recovery. On the website pandemicoversight.gov the public can find information on where and how pandemic program funding money was spent. The “Track the Money” feature displays federal funding provided through the CARES Act; the PPP and Health Care Enhancement Act; the Families First Coronavirus Response Act and the Coronavirus Preparedness and Response Supplemental Appropriation Act. Users can also use the website to review contract spending for pandemic relief broken down by state and find information on fraud cases involving pandemic recovery spending.

2. In relation to public reporting (article 10)

The United States has long championed open data. In 2013, President Obama issued Executive Order 13636, which made open and machine-readable data the new default for government information. Building upon this, President Trump signed into law the Foundations for Evidence-Based Policymaking Act, which among other things, requires that all non-sensitive government data be made available in machine-readable formats by default.

Government data is available across a variety of U.S. government websites and platforms. For example, [Data.gov](https://data.gov) serves as the central clearinghouse for open data from the U.S. federal government and also provides access to many local government and non-federal open data resources. [Data.gov](https://data.gov) is primarily a federal open government data site. However, state, local, and tribal governments can also publish metadata describing their open data resources on [Data.gov](https://data.gov) for greater discoverability. [Data.gov](https://data.gov) does not host data directly (with a few exceptions), but rather aggregates metadata about open data resources in one centralized location. Once an open data source meets the necessary format and metadata requirements, the [Data.gov](https://data.gov) team can harvest the metadata directly, synchronizing that source’s metadata on [Data.gov](https://data.gov) as often as every 24 hours.

Additionally, U.S. federal agencies make extensive use of websites to provide substantive information, inform the public about official activities, and explain how to obtain additional documents. The Electronic Government Act of 2002 (44 U.S.C. chapter 36) requires federal agencies to improve public access to agency information that is available through these websites. The agency websites are also linked to a federal Internet portal, [USA.gov](https://www.usa.gov) (formerly [FirstGov.gov](https://www.firstgov.gov)), which serves as a comprehensive reference point for citizen access to U.S. government information and services. [USA.gov](https://www.usa.gov) allows users to access federal government information by subject matter rather than by agency. It also provides links to state, local and tribal government web sites. The public can find a diverse array of information on the website, including, but not limited to, information on government agencies and elected officials, overviews of U.S. laws and legal issues, and answers to common questions about voting in the United States.

A number of U.S. laws and regulations ensure and encourage public sector transparency. Principal among these laws is the Freedom of Information Act (5 U.S.C. § 552) ("FOIA"). This law generally provides that any person has a right, enforceable in court, to obtain access to federal agency records and agencies must respond to the requests within ten days. FOIA is administered through a decentralized system so that each federal agency is responsible for implementing the Act's requirements. The Federal government processed over 830,000 FOIA requests in Fiscal Year 2020 alone. Agencies also make a wide variety of information available to the public proactively, including frequently requested records which are required to be posted online so that they are readily available to all. Other laws, such as the Federal Funding Accountability and Transparency Act of 2006 (FFATA), and the later Digital Accountability and Transparency Act (DATA Act), require that certain federal contract, grant, loan, and other financial assistance awards be displayed on a publicly accessible and searchable website to give the American public access to information on how their tax dollars are being spent.

The U.S. government-hosted website "Oversight.gov" promotes similar levels of transparency. This website was created by the U.S. Council of the Inspectors General on Integrity and Efficiency (CIGIE) to consolidate in one place all public reports from Federal Inspectors General (IGs) in order to improve the public's access to independent and authoritative information about the Federal Government. The site includes a publicly accessible, text searchable repository of reports published by IGs. The public can find the most recently posted IG reports as well as reports that are "trending," which are the reports most often viewed in the last seven days. The public can also find useful information on government oversight on the website of the Government Accountability Office (GAO). On this website, the public can find recent reports conducted by the GAO as well as testimony from GAO officials. The website allows visitors to search by topic and by reviewed agency. The website also provides information on decisions issued by GAO regarding federal bid protests, appropriations law, and other legal matters.

The U.S. Office of Special Counsel (OSC), among other functions, serves as a safe channel for federal employees, former employees, and applicants, to make disclosures of fraud, waste, and abuse, and has statutory authority to refer allegations to the subject federal agency for an investigation and report back to OSC. OSC then assesses each report for sufficiency and reasonableness and posts the report on its website at <https://osc.gov/PublicFiles> for public review. Additionally, OSC posts on its website at <https://osc.gov/Services/Pages/Outreach-2302Cert-Status.aspx> a public list of federal agencies that have complied with statutory requirements to provide whistleblower-related training and education to federal employees. Further, OSC provides annual reports to Congress concerning OSC activities and posts those reports on its website at <https://osc.gov/Resources/Pages/Reports.aspx> along with other relevant information about OSC for public review.

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 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.

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

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) 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.

Information requested from States parties in relation to challenges to and good practices in anticorruption awareness-raising, education, training and research. (article 13, 1 (c))

The federal government of the United States does not develop or implement education programs in primary, secondary, or tertiary schools. The development and administration of school curricula is primarily the responsibility of the states. The U.S. government does, however, often partner with academic institutions to conduct research and analysis on various criminal justice topics, including corruption. For example, The National Institute of Justice (NIJ) is the research, development and evaluation agency of the U.S. Department of Justice. It is dedicated to improving knowledge and understanding of crime and justice issues through science. It provides objective and independent knowledge and tools to inform the decision-making of the criminal and juvenile justice communities to reduce crime and advance justice, particularly at the state and local levels. NIJ uses two main mechanisms to implement research: funding external research and conducting intramural research.

External Research: Each year, NIJ solicits proposals that respond to our research agenda. It looks for ideas that are likely to generate significant advances in both science and practice. Proposals are reviewed by independent peer panels composed of both

researchers and practitioners from federal, state, and local agencies. After peer review panels complete their reviews, its scientists present the proposals to the NIJ Director who makes final award decisions.

Intramural Research: In cases where particular expertise and initiative reside within NIJ, its science staff may work independently or in collaboration with other scientists or experts from other organizations. Its intramural research program supplements our extramural research program and helps ensure the continuous and efficient fulfillment of our mission. It also complements, advances and informs extramural research efforts and helps improve criminal justice policy and practice.

NIJ has supported a number of studies into corruption-related topics. For example, in 2020, NIJ funded a study looking into the most prevalent behaviors that led to public corruption convictions. This comprehensive analysis of nearly 57,000 corruption cases in federal courts spanning 30 years revealed that fraud and bribery dominated the types of conduct underlying criminal cases, accounting for 76% of the lead charges in cases resulting in convictions. Those two unlawful behavior types, combined with extortion and conspiracy, broadly informed the lead charges in virtually all examined corruption convictions in federal courts from 1985 to 2015. This was a key finding of a case records study by a research team from the Virginia Commonwealth University. The purpose of the study, sponsored by the NIJ, was to fill a literature gap with empirically based knowledge of prosecution practices, corruption-fighting statutes, and types of behavior underlying prosecutions. This is just one illustrative example of this type of researched facilitated by the U.S. Government.

Legislation passed within the last five years now requires federal agencies to provide education and training to federal employees regarding whistleblower protection and the rights and responsibilities of employees with respect to reporting wrongdoing. *See* 5 U.S.C. § 2302(c)(2). OSC also provides a certification program for agencies to report compliance with training and education requirements. Further, the law now requires agencies to include whistleblower protection as a component of a federal manager's performance plan and performance evaluation. *See* 5 U.S.C. § 4302(b).

Information requested from States parties in relation to achieving the commitments regarding corruption prevention from the UNGASS political declaration.

Please describe (cite and summarize) measures/steps your country has taken, if any (or is planning to take, together with the related appropriate time frame) to implement the commitments contained in paragraphs 1 to 22 (preventive measures) of the UNGASS political declaration.

The United States has taken a number of important measures to achieving the commitments made in the UNGASS political declaration. One of the most significant was made at the time of the UNGASS itself when, on June 3, 2021, President Biden established the fight against corruption as a core U.S. national security interest. At that time, he directed his national security team to lead the creation of a comprehensive strategy that, when implemented, would improve the U.S. government's ability to prevent corruption; foster international cooperation; more

effectively combat illicit finance, better hold corrupt actors accountable, and strengthen the capacity of activists, investigative journalists, and others on the front lines of exposing corrupt acts.

On December 6, the Biden-Harris Administration culminated this process by releasing the first-ever United States Strategy on Countering Corruption. The Strategy outlines a whole-of-government approach to elevating the fight against corruption. It places particular emphasis on better understanding and responding to the threat's transnational dimensions, including by taking additional steps to reduce the ability of corrupt actors to use the U.S. and international financial systems to hide assets and launder the proceeds of corrupt acts. Among the Strategy's core pillars is "preserving and strengthening the multilateral anti-corruption architecture" further reaffirming the United States' commitment to the UNCAC.

The United States has also taken a series of measures to strengthen measures to combat illicit finance and money laundering, in line with the commitments outlined in the political declaration. In December 2021, the U.S. Financial Intelligence Unit – the Financial Crimes Enforcement Network (FinCEN) - announced an Advance Notice of Proposed Rulemaking (ANPRM) to solicit public comment on a potential rule to address the vulnerabilities of the U.S. commercial and residential real estate market to money laundering and other illicit activity. The systemic money laundering vulnerabilities presented by the U.S. real estate sector, and consequently, the ability of illicit actors to launder criminal proceeds through the purchase of real estate, threatens U.S. national security and the integrity of the U.S. financial system. The ANPRM will assist FinCEN in preparing a proposed rule that would enhance the transparency of the overall domestic real estate market on a nationwide basis and protect the U.S. real estate market from exploitation by criminals and corrupt officials.

In December 2021, FinCEN also issued a Notice of Proposed Rulemaking (NPRM) to implement the beneficial ownership information reporting provisions of the Corporate Transparency Act (CTA). The proposed rule is designed to protect the U.S. financial system from illicit use and impede bad actors from abusing legal entities, like shell companies, to conceal proceeds of corrupt and criminal acts. Such abuses undermine U.S. national security, economic fairness, and the integrity of the U.S. financial system. The proposed rule addresses, among other things, who must report beneficial ownership information, when they must report, and what information they must provide. Collecting this information and providing access to law enforcement, financial institutions, and other authorized users will diminish the ability of bad actors to hide, move, and enjoy the proceeds of illicit activities.