

## Principal Developments in the United States

Below are the principal developments that have taken place in the United States between June 23, 2008 and December 17, 2010, with respect to the implementation of the recommendations and measures suggested by the Committee of Experts in the first two rounds of review, as well as other measures provided for in the Inter-American Convention against Corruption.

- **Transnational Bribery—Criminal Enforcement Statistics:** Since the beginning of 2009, the Criminal Division of the Department of Justice (DOJ) has charged more than 50 individuals with offenses related to the Foreign Corrupt Practices Act (FCPA), the statute that criminalizes bribery of foreign public officials. In 2010, the DOJ imposed the most criminal penalties in FCPA-related cases in any single 12-month period ever—well over USD \$1 billion.
- **Transnational Bribery—Civil and Administrative Enforcement Statistics:** In 2008 and 2009, the Securities and Exchange Commission (SEC) brought over 32 enforcement actions against persons and entities for violations of the FCPA, the statute that criminalizes briber of foreign public officials. In 2010, the SEC filed 20 cases against 21 companies and 7 individuals with over USD \$484.7 million in disgorgement, interest and civil penalties.
- **Kleptocracy Asset Recovery Initiative:** Launched in 2010, the DOJ is increasing staffing in its Asset Forfeiture and Money Laundering Section to target and recover the proceeds of foreign official corruption that have been laundered into or through the United States.
- **New SEC FCPA Unit:** In January 2010, the SEC's Division of Enforcement created a specialized FCPA unit with approximately 30 attorneys. In addition, the SEC has other trained investigative and trial attorneys outside the FCPA unit who pursue additional FCPA cases. The FCPA unit also has in-house experts, accountants, and other resources such as specialised training, state-of-the-art technology and travel budgets to meet with foreign regulators and witnesses.
- **Strengthened Whistleblower Protections and Incentives:** Section 922 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which was signed into law by President Obama on 21 July 2010, amends the Securities Exchange Act of 1934 to include incentives and protections for whistleblowers that provide the SEC with new information that leads to an SEC enforcement action. Qualified whistleblowers will be awarded between 10% and 30% of the monetary sanctions imposed and collected, including amounts collected in related actions brought by the Attorney General of the United States, regulatory authorities, self-regulatory organizations and/or criminal cases brought by a State Attorney General. In addition to the financial incentives provided by the Dodd-Frank Act, the Securities Exchange Act also provides protection for individual whistleblowers who provide information to the SEC. The Act expressly prohibits employers from retaliating against whistleblowers. Whistleblowers who are the victims of retaliation are entitled to be reinstated at their pre-whistle-blowing level of employment, double back pay with interest, and compensation for reasonable attorneys' fees, litigation costs, and expert witness fees.
- **Disclosure of Payments for Extractive Industries:** Section 1504 of the Dodd-Frank Act requires reporting issuers engaged in the commercial development of oil, natural gas, or minerals to disclose in an annual report certain payments made to the United States or a foreign government. This information must be provided in an interactive data format, and the Commission must make a compilation of the information available online.
- **Ethics Pledge for all Full-time Political Appointees:** The day after his inauguration (January 21, 2009), President Obama signed Executive Order 13490, "Ethics Commitments by Executive Branch Personnel." Among other things, this Executive Order requires every full-time, political appointee appointed on or after January 20, 2009 to sign an Ethics Pledge. The first annual report on the implementation of the Pledge, researched and compiled by the U.S. Office of Government Ethics (OGE), ([http://www.usoge.gov/directors\\_corner/reports/rpt\\_exorder13490.pdf](http://www.usoge.gov/directors_corner/reports/rpt_exorder13490.pdf)), provides information on the number of full-time appointees employed during the calendar year, those appointees required to sign the Ethics Pledge, the number and names of those who received waivers to any Ethics Pledge provision, and where appropriate, recusals or ethics agreements for those appointees who were registered lobbyists within the two years prior to their appointment. The report also collects, in one place, all of OGE's published guidance on the Pledge requirements.

Please note that the rest of the information for the preparation of the Progress Report is covered in our submission for the Third Round of Review, which will be considered at the same time as the national progress report.