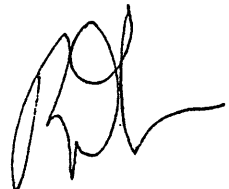


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The United States Permanent Mission transmits to the General Secretariat of the Organization of American States the U.S. response to the *Questionnaire on Ratification and Implementation of the Inter-American Convention Against Corruption*. Also enclosed is a diskette containing the text of statutes cited in the U.S. response to the Questionnaire.

A handwritten signature in black ink, appearing to be 'Rd' or similar, located to the right of the typed text.

United States Permanent Mission
to the Organization of American States
Washington, June 2, 2000

WORKING GROUP ON PROBITY
AND PUBLIC ETHICS
COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS
PERMANENT COUNCIL

ENHANCING PROBITY IN THE HEMISPHERE
AND FOLLOW-UP ON THE INTER-AMERICAN PROGRAM FOR COOPERATION
IN THE FIGHT AGAINST CORRUPTION

QUESTIONNAIRE ON RATIFICATION AND
IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION
AGAINST CORRUPTION

ORGANIZATION OF AMERICAN STATES
WASHINGTON, D.C., MARCH 2000

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INTRODUCTION

At the Miami Summit, hemispheric initiatives were launched that have placed the Americas at the vanguard in the fight against corruption.

Hemispheric action to combat corruption has gone beyond the adoption of the first international treaty on the matter. The Convention itself treats the fight against corruption as an ongoing process and effort.

Recognizing the importance of that process, the countries have, in various fora and through resolutions adopted at the highest level, reconfirmed the consensus that the OAS's commitment to fight corruption is not limited to the Convention—quite the contrary: throughout the process of analyzing and discussing this issue, a comprehensive strategy has been taking shape.

The Convention has nonetheless provided, and will continue to provide, the main guidance for activities and strategies being adopted within the OAS, as expressed in Summit mandates and General Assembly resolutions, in particular, the Inter-American Program for Cooperation in the Fight Against Corruption and the recommendations of the Symposium on Enhancing Probity in the Hemisphere.

One of the points emphasized throughout this process has been the need to develop a strategy for ensuring prompt ratification of the Convention as well as its promulgation in the domestic law of states. This is reflected in the documents issued by the Santiago Summit, the decisive support that the Heads of State and Government of the Americas have given to the Inter-American Program for Cooperation in the Fight Against Corruption, and resolutions of the General Assembly.

The mandates and resolutions adopted in this regard also recognize the importance of exchanging information and strengthening domestic mechanisms for enforcing laws on corruption.

The Inter-American Program for Cooperation in the Fight Against Corruption, which consists mainly of measures the countries have undertaken to implement in the juridical field, emphasizes the importance of adopting a strategy for ratification of the Convention and the need, *inter alia*, to: conduct comparative studies of legal provisions in the member countries; analyze specific issues, such as illicit enrichment and transnational bribery; and identify steps that could be taken to formulate model legislation.

In addition to these mandates, resolution AG/RES. 1649 (XXIV-O/99), approved by the General Assembly at its last session, directs the Permanent Council to resume the work of the Working Group on Probity and Public Ethics.

This group has been assigned to follow up on the Inter-American Program for Cooperation in the Fight Against Corruption and to consider specific measures to encourage the ratification and implementation of the Convention, strengthen cooperation, provide technical assistance to the

member states, at their request, and exchange information and experiences regarding implementation of the Convention.

The following questionnaire has been prepared to support the Group's work. The information gathered through this questionnaire should contribute significantly to the exchange of information in this field, which the member states have already begun within the framework of the OAS. It should also facilitate the formulation of new strategies to strengthen cooperation and identify persisting gaps in this field.

Thus, although the wording of the questionnaire is based verbatim on the language, provisions, and standards of the Convention, it is intended to collect information not only from countries that have signed and ratified the Convention but from all countries in the Hemisphere with a view to promoting and facilitating the fulfillment of its mandates.

Many of the obligations and measures referred to in the questionnaire were already established in domestic laws throughout the Hemisphere before the adoption of the Convention. Others were adopted later, through processes not directly related to incorporation of the Convention's provisions into domestic law.

The questionnaire presented below reflects the standards, provisions, and measures expressly set forth in the Convention, as well as the language used in the Convention. Each of the sections begins by citing the text of the rule or provision to which it refers.

CHAPTER 1. SIGNATURE AND RATIFICATION^{*/}

1. (a) Has your country adopted or signed the Inter-American Convention Against Corruption?

Yes X (Skip to question 2) No

Indicate whether measures have been taken or are to be taken to promote signature of this Convention, and, if so, describe these measures.

Yes No

- (c) Are there or have there been legal, constitutional, or other impediments in your country to signature of the Inter-American Convention Against Corruption? If so, describe these impediments.

Yes No

2. (a) Has your country ratified the Inter-American Convention Against Corruption? If so, are there or have there been any domestic mechanisms or procedures instituted to monitor implementation of or compliance with the Convention's provisions?

Yes (Skip to question 3) No X

- (b) Indicate whether measures have been taken or are to be taken to promote ratification of this Convention, and, if so, describe these measures

Yes X No

The U.S. Senate Foreign Relations Committee held a hearing on ratification of the Convention on May 2, 2000.

- (c) Are there or have there been legal, constitutional or other impediments in your country to ratification of the Inter-American Convention Against Corruption? If so, describe these impediments.

Yes No X

^{*/} Use additional pages for responses that so require.

CHAPTER 2. PREVENTIVE MEASURES

In Article III of the Convention, the States Parties agreed to consider the creation, maintenance, and strengthening within their institutional systems of 12 types of preventive measures. The following questions refer to these measures.

SECTION 1. ARTICLE III, 1, 2 and 3 - STANDARDS OF CONDUCT

I. General Aspects

Article III. Preventive Measures

For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen:

Standards of conduct for the correct, honorable, and proper fulfillment of public functions. These standards shall be intended to prevent conflicts of interest and mandate the proper conservation and use of resources entrusted to government officials in the performance of their functions. These standards shall also establish measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public functions. Such measures should help preserve the public's confidence in the integrity of public servants and government processes.

Mechanisms to enforce these standards of conduct.

3. Are there provisions in your national legislation designed to prevent conflicts of interest for government officials in performing their functions, and which are designed to ensure the proper conservation and use of resources entrusted to government officials in the performance of their functions?

Yes X

No _____ (Skip to question 4)

If yes, identify and briefly describe such provisions,* with particular reference to the following points:

- Mechanisms designed to enforce these provisions.
- Measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware.

* When answers to this questionnaire require legislation to be identified, please provide the complete name thereof, the source, article number, and include copies of the relevant legislation with your response.

- Sanctions provided for under domestic law for those who fail to meet this obligation.

See attached sections of U.S. law: Title 18, United States Code, Sections 203 - 209 and 216. Sections 203-209 provide detailed restrictions on various current and former government officials and employees. Section 216 provides criminal and civil penalties for various violations.

II. Responsibilities and Ethical Rules for Government Personnel

Article III. Preventive Measures

For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen: [...]

3. *Instruction to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities.*
4. Is there an obligation under your domestic law or administrative practice to instruct government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities?
Yes ☒ No ☐ (Skip to question 5)

If yes, identify the legislation supporting such measures and systems* and briefly describe them, including the following points:

Mechanisms for enforcing such measures and systems.

- Main characteristics of the ethical codes intended to address corruption among government officials or persons exercising public functions. Attach copies of such codes.

The Office of Government Ethics by regulation requires each executive branch agency to maintain a program of ethics training for its employees. In general all agencies are required to provide an initial ethics orientation to all new employees and to provide annual opportunities for review of ethics information or for personal briefings for certain specified employees. See Executive Order 12674 and 5 Code of Federal Regulations 2638.701(available on request). The legislative and judicial branches also provide ethics training.

The Executive Branch Standards of Conduct, the House and Senate Ethics rules and the standards of the legislative branch are enforced by administrative sanctions or in the case of the Congress by Congressional action. The civil ethics statutes and the

- When answers to this questionnaire require legislation to be identified, please provide the complete name thereof, the source, article number, and include copies of the relevant legislation with your response.

criminal conflict of interest statutes are enforced by the Department of Justice through civil or criminal proceedings. The codes cover the following range of subjects: gifts, conflicting financial interests, impartiality, misuse of position (improper use of information, government property, official time and public office), outside activities (including volunteer services and employment), and seeking private employment and post employment activities. 5 Code of Federal Regulations Part 2635 (available on request).

SECTION 2. ARTICLE III, 4 - SYSTEMS FOR DISCLOSING INCOME

Article III. Preventive Measures

For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen: [...]

4. *Systems for disclosing the income, assets and liabilities of persons who perform public functions in certain posts as specified by law and, where appropriate, for making such disclosures public.*

5. Are there provisions under your national law requiring persons who perform public functions in certain posts as specified by law to disclose their income, assets, and liabilities?

Yes X No (Skip to question 6)

If yes, indicate the laws establishing such provisions, and briefly describe the main characteristics of them, including the following points:

- The obligation to make these disclosures public.
- Whether there are exceptions to the provisions requiring disclosure of income, assets and liabilities?
- Whether the provisions require disclosure of income, assets and liabilities of related persons (e.g. spouse, child etc.)?
- Description of the sanctions for persons failing to meeting this obligation.

Title I of the Ethics in Government Act requires public financial disclosures from high level officials of all three branches. The disclosures are required of candidates and those newly entering government service in one of the specified positions, annually of all incumbents of such positions and at termination of service from of such positions. The reporting requirements cover certain assets/amounts; sources of income/amounts; transactions/dates and amounts;

- When answers to this questionnaire require legislation to be identified, please provide the complete name thereof, the source, article number, and include copies of the relevant legislation with your response.

liabilities/amounts; gifts and reimbursements/amounts; outside positions/dates held; relationships with other employers/dates and terms of agreements; and sources of income over \$5000 for services (includes clients). All requirements have a threshold triggering amounts so items falling below those amounts need not be disclosed. Also certain items such as personal residences and mortgages on those residences and gifts from family members need not be reported. The Act requires similar information but not quite as detailed information on the assets, sources of income, transactions, liabilities and gifts of a spouse and dependent children. There is also a provision for blind trusts which limits the information required to be provided on the annual and terminations disclosure reports.

Statutory penalties for willful failure to file, willful falsification, or willful failure to file information required to be reported is a civil penalty not to exceed \$10,000. (Title 5, United States Code app. Section 101 et. seq.) Willful false statements can also be charged as a felony under Title 18 United States Code § 1001 with possible imprisonment and/or fine. Late filing fee of \$200 is assessed by each agency for reports filed by their employees.

The executive branch also maintains a confidential financial disclosure system for individuals whose positions are classified below those required to file public financial disclosures and whose positions require the employee to exercise significant judgement in taking a Government action regarding contracting or procurement, administering federally conferred financial or operational benefits; regulating or auditing any non-federal entity or other activities in which the financial decision or action will have a direct and substantial economic effect on the interests of any non-Federal entity. These reports require certain assets/amounts; sources of income/amounts; liabilities/amounts; gifts and reimbursements/amounts; arrangements with outside employers; and outside positions/dates held.

SECTION 3. ARTICLE III, 5 - GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES

Article III. Preventive Measures

For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen: [...]

5. Systems of government hiring and procurement of goods and services that assure the openness, equity and efficiency of such systems.

6. (a) Are there provisions under your national law that assure openness, equity, and efficiency in government hiring?

Yes X No (Skip to question 7)

If yes, indicate such provisions under your national law,* and briefly describe them, including the following points:

- Competitive selection based on merit as the procedure for entering the civil service.
- Administrative career system.
- Promotion and career development policy.
- Sanctions applicable under national law for government officials who violate or disregard established procedures for government hiring.

Title 5 of the United States Code contains an extensive network of laws that provide for fairness in government hiring. The principles governing government hiring are set forth at Title 5 United States Code Section 2301, "Merit principles."

- (b) Are there provisions under your national law for government procurement of goods and services that assure the openness, equity, and efficiency of such procurements?

Yes X No

If yes, identify and briefly describe such provisions,* including the following points:

- Principles underlying the government contracting procedures provided for in national law (e.g. efficiency, equality, open competition, equity, and openness).
- How national law incorporates and applies the foregoing principles.
- Main characteristics of public bidding as a procurement procedure.

Title 41, United States Code, Section 423 sets forth provisions for ensuring procurement integrity. These provide generally that government officials with access to bid information are prohibited from disclosing such information before the award of the contract, and provide detailed provisions designed to ensure the fair award of procurement contracts.

SECTION 4. ARTICLE III, 6 - GOVERNMENT REVENUE COLLECTION AND CONTROL SYSTEMS

Article III. Preventive Measures

For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen: [...]

6. *Government revenue collection and control systems that deter corruption.*

7. Are there under your national law government revenue collection and control systems that deter corruption?

Yes X

No _____ (skip to question 8)

If yes, indicate the legislation establishing them* and describe those systems, including government revenue collection and control mechanisms that deter corruption which are established by these provisions.

Federal income tax laws permit the prosecution of Federal, state, or local government officials who by misusing public office for personal gain willfully omit such income from their federal tax returns (e.g., 26 U.S.C. § 7201 (tax evasion); 26 U.S.C. § 7206(1)(false return)).

SECTION 5. ARTICLE III, 7 - DENIAL OF FAVORABLE TAX TREATMENT

Article III. Preventive Measures

For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen: [...]

7. *Laws that deny favorable tax treatment for any individual or corporation for expenditures made in violation of the anticorruption laws of the States Parties*
8. Describe the manner in which national tax laws deny favorable tax treatment of expenditures made by any individual or corporation in violation of the anticorruption laws of the States Parties, and identify such provisions.* In particular, include the following points:
- The need to report the aforesaid transactions.
 - Procedures or mechanisms facilitating the investigation of such expenditures.
 - Sanctions against persons failing to comply with the investigation procedures.

Title 26, United States Code, Section 162 provides that no tax deduction is allowed for illegal payments to government officials or employees or for illegal bribes, kickbacks, or other illegal payments.

SECTION 6. ARTICLE III, 8 - PROTECTION FOR PERSONS REPORTING ACTS OF CORRUPTION

Article III. Preventive Measures

For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen: [...]

8. *Systems for protecting public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities, in accordance with their Constitutions and the basic principles of their domestic legal systems.*
9. Does your national law provide for systems for protecting public servants and private citizens who, in good faith, report acts of corruption?—
Yes X No (skip to question 10)

If yes, identify such provisions* and describe such systems, including the following points:

- Measures provided for under national law for the protection of those who report acts of corruption (for example, physical protection and job protection, such as measures against reprisals or, dismissal, etc.).
- Constitutional provisions and fundamental legal principles to which these measures must conform.

The Whistleblower Protection Act, Title 5 United States Code Section 1201 et. seq. provides such protections for government employees. Section 1213 in particular provides that the identity of a person who makes a report of corruption or other wrongdoing generally cannot be disclosed. Section 1221 provides generally for corrective action if an employee suffers reprisals for making such a report; the remedies may include reinstatement and back pay. An Office of "Special Counsel" is established as an autonomous institution within the Executive Branch, with responsibility and staff to initiate legal action as necessary to assure the rights provided to whistleblowers by this law.

SECTION 7. ARTICLE III, 9 - OVERSIGHT BODIES

Article III. Preventive Measures

For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen: [...]

9. *Oversight bodies with a view to implementing modern mechanisms for preventing, detecting, punishing and eradicating corrupt acts.*

- When answers to this questionnaire require legislation to be identified, please provide the complete name thereof, the source, article number, and include copies of the relevant legislation with your response.

10. Describe the oversight bodies in your country with a view to implementing mechanisms for preventing, detecting, punishing, and eradicating corrupt acts, including the following points:

- Name and main characteristics of such bodies in terms of their technical autonomy.
- As regards the highest authorities of oversight bodies, indicate:
 - Whether such authorities are appointed or elected;
 - Appointment procedure;
 - Name of authority electing or appointing the highest authorities;
 - Term of such appointment or election.

The United States has an extensive system of oversight bodies that have a role in preventing, detecting, punishing, and eradicating corruption, including the Office of Government Ethics; agency ethics officials, the House of Representatives and Senate Ethics Committees; an ethics committee for the Judicial branch; the Government Accounting Office; and ethics officials in U.S. Federal government agencies. The Department of Justice is able to prosecute criminally or bring civil actions in appropriate cases, and the Inspector General in each agency is authorized to look into misconduct within the agency. The U.S. Congress may also hold hearings on such matters.

SECTION 8. ARTICLE III, 10 - BRIBERY OF DOMESTIC AND FOREIGN GOVERNMENT OFFICIALS

Article III. Preventive Measures

For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen: [...]

10. *Deterrents to the bribery of domestic and foreign government officials, such as mechanisms to ensure that publicly held companies and other types of associations maintain books and records which, in reasonable detail, accurately reflect the acquisition and disposition of assets, and have sufficient internal accounting controls to enable their officers to detect corrupt acts.*

11. Describe mechanisms under your national law for preventing, deterring, and punishing the bribery of domestic and foreign government officials, and indicate such measures.* Please include the following points:

- Sanctions provided for under domestic law.

- When answers to this questionnaire require legislation to be identified, please provide the complete name thereof, the source, article number, and include copies of the relevant legislation with your response.

- Mechanisms designed to ensure that publicly held companies and other types of associations maintain books and records which, in reasonable detail, accurately reflect the acquisition and disposition of assets.
- Measures designed to ensure that publicly held companies and other types of associations maintain internal accounting controls to enable their officers to detect corrupt acts.
- Indicate whether publicly held companies and other types of associations may legally include the following in their internal accounting controls:
 - Accounts not entered in the books and records;
 - Expenditures or payments not entered in the books and records;
 - Records of transactions that did not take place;
 - Financial transactions recorded as made for purposes other than the those for which they were actually made;
 - False documentation.
- Names of publicly held companies and associations obliged to maintain such books and records.
- Other mechanisms that enable corrupt acts to be detected.

The following sections of U.S. law are designed to prevent and deter the bribery of domestic and foreign government officials: Title 18, United States Code Sections 201 and 666 (domestic officials) and Title 15, United States Code, Section 78dd-1 et. seq. (the Foreign Corrupt Practices Act).

SECTION 9. ARTICLE III, 11 - PARTICIPATION BY CIVIL SOCIETY

Article III. Preventive Measures

For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen: [...]

11. Mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption.

12. Describe any mechanisms under your national law designed to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption, and indicate the provisions establishing them.*

* When answers to this questionnaire require legislation to be identified, please provide the complete name thereof, the source, article number, and include copies of the relevant legislation with your response.

- Measures or policies that encourage civil society and nongovernmental organizations to report corrupt activities or suspected corrupt activities on the part of public officials.
- Measures or policies designed to discourage civil society and nongovernmental organizations from engaging in corrupt activities.

The United States has a variety of formal and informal mechanisms designed to encourage the reporting of corrupt activities on the part of public officials. The laws governing public financial disclosure, described in more detail under question 5, encourages accurate financial reporting by government officials. Various components of Federal agencies, including the Inspectors General of each agency and the Federal Bureau of Investigation maintain hotlines to which citizens may report corrupt activities. The Freedom of Information Act (Title 5, United States Code, Section 552) provides detailed guidelines for citizens' access to information held by the federal government. The U.S. in general discourages corrupt activity through criminal statutes penalizing bribery, fraud, embezzlement, and tax evasion.

SECTION 10. ARTICLE III, 12 - FURTHER PREVENTIVE MEASURES

Article III. Preventive Measures

For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen: [...]

12. *The study of further preventive measures that take into account the relationship between equitable compensation and probity in public service.*
13. Are there currently any mechanisms in place that will focus on the study of further preventive measures to prevent corruption under your national law,* including those that take into account the relationship between work performed and compensation, with a view to preventing acts of corruption in the public service?

As one example, the Office of Government Ethics (OGE) is presently surveying a sample of the executive branch about the effectiveness of the ethics program and the employees' perceptions of conflicts within the government. OGE also surveys the agencies each year in part to determine if there are any trends in the types of problems experienced by agencies in their programs. OGE also surveys the Department of Justice to determine what types of criminal cases have been brought; this survey is made public.

CHAPTER 3. CATEGORIZATION AND PUNISHMENT OF ACTS OF CORRUPTION

The States Parties to the Convention undertake to apply this treaty to the acts of corruption described in Article VI. This article provides a detailed description of conduct considered to constitute corrupt acts for the purposes of the Convention.

In Article VII of the Convention, the States that have not yet done so undertake to adopt the necessary legislative or other measures to establish the acts of corruption described in Article VI as criminal offenses under their domestic law.

The following questions refer to the categorization and punishment under national law of the five forms of conduct described in Article VI.

SECTION 1. ARTICLE VI, 1 (a)

Article VI. Acts of Corruption

1. This Convention is applicable to the following acts of corruption:

a. The solicitation or acceptance, directly or indirectly, by a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions;

14. Does your national law categorize and punish as an offense:

- (a) the solicitation; or
- (b) the acceptance

of articles of monetary value by a government official or any person exercising public — functions, in exchange for any act or omission in the performance of his public functions?

Yes ☒ No ☐ (Skip to question 15)

If yes to either of the above, please indicate such provisions under national law, and indicate the elements of such a categorization, with particular reference to the following points:

- The indirect solicitation or acceptance, through third parties or intermediaries, by a government official of any article of monetary value in exchange for any act or omission in the performance of his functions as a government official.

- The solicitation or acceptance by a government official of any other benefit, such as a gift, favor, promise, or advantage.
- The solicitation or acceptance by a government official of any other benefit for himself or for another person or entity.
- Whether there are any exceptions to prohibitions against the solicitation or acceptance of articles of monetary value by a government official?
- Criteria used under national law to distinguish between acceptable gifts, fees, or benefits, and those whose solicitation or acceptance may constitute an act of corruption.
- Whether there are any limits in terms of the value of the acceptable gifts, fees, or benefits that can be accepted by government officials or persons exercising public functions; and whether, if these limits are exceeded, the gifts, fees or benefits must be turned over to the government?
- Whether there is a generally accepted definition of "government official" under national law, and whether this definition includes officials or employees of the central bank and financial regulatory agencies?

Title 18, United States Code, Section 201 specifically covers the bribery of "public officials," and this term is defined to include any person "acting for or on behalf of the United States, or any department, agency, or branch of government thereof . . ."

With regard to the acceptance of gifts, Title 5, United States Code Section 7353 provides a general gifts solicitation and acceptance restriction with each branch given the authority to set forth exceptions. For example, the Executive branch administrative Standards of Conduct prohibit the acceptance and solicitation of a broader range of gifts than the criminal or civil statute. The Standards also provide for exceptions. While there are a number of exceptions relating to specific situations, there is a general exception for gifts with a value of no more than \$20 with an annual cap of \$50 per source. The regulatory gift restrictions are found in 5 C.F.R. 2635. 201 et. seq. (Available on request)

SECTION 2. ARTICLE VI, 1 (b)

Article VI. Acts of Corruption

1. This Convention is applicable to the following acts of corruption:

- b. The offering or granting, directly or indirectly, to a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions***

- 15. Does your national law categorize and prohibit as an offense the offering or granting**

to a government official, or any person exercising public functions, of any article of monetary value, or other benefit, in exchange for any act or omission in the performance of his public functions?

Yes X No (Skip to question 16)

If yes, please indicate the provisions under your national law,* and indicate the elements of such categorization, with particular reference to the following points:

- The indirect acceptance, through third parties or intermediaries, by a government official of any article of monetary value in exchange for any act or omission in the performance of his public functions.
- The acceptance by a government official of any other benefit, such as a gift, favor, promise, or advantage.
- The acceptance by a government official of any other benefit for himself or for another person or entity.

See Title 18, United States Code, Section 201. The section covers both the direct and indirect giving or acceptance of anything of value.

SECTION 3. ARTICLE VI, 1 (c)

Article VI. Acts of Corruption

1. *This Convention is applicable to the following acts of corruption:*

- c. *Any act or omission in the discharge of his duties by a government official or a person who performs public functions for the purpose of illicitly obtaining benefits for himself or for a third party;*

16. Does your national law categorize and prohibit as an offense acts or omissions in the discharge of his duties by a government official who performs public functions for the purpose of illicitly obtaining benefits for himself or for a third party?

Yes X No (Skip to question 17)

If yes, please indicate such provisions under national law,* and refer to the elements of such a definition, with particular reference to the following points:

- Omissions by a government official or a person who performs public functions for the purpose of illicitly obtaining benefits?
- Acts or omissions for the purpose of illicitly obtaining benefits for a third party?

See Title 18, United States Code, Section 201.

- When answers to this questionnaire require legislation to be identified, please provide the complete name thereof, the source, article number, and include copies of the relevant legislation with your response.

SECTION 4. ARTICLE VI, 1 (d)

Article VI. Acts of Corruption

1. *This Convention is applicable to the following acts of corruption:*

d. *The fraudulent use or concealment of property derived from any of the acts referred to in this article.*

17. Does your national law categorize and prohibit the fraudulent use and concealment of property derived from any of the acts referred to in Article VI of the Convention?

Yes X No (Skip to question 18)

If yes, please indicate such provisions under national law,* and indicate whether such categorization includes a definition of the term "property," as defined in Article I of the Convention: *assets of any kind, whether movable or immovable, tangible or intangible, and any document or legal instrument demonstrating, purporting to demonstrate, or relating to ownership or other rights pertaining to such assets.*

The offense of fraudulent use of property described in Article VI(1)(d)(fraudulently using or concealing property derived from bribery) would be covered under Title 18, United States Code, Sections 1341, 1343, and 1346, the same Federal fraud statutes that are used to cover corruption-related acts. The fraudulent concealment of bribe proceeds could be prosecuted under Title 18, United States Code, Sections 1956 and 1961(1), as a specified unlawful act for the purposes of money laundering.

CHAPTER 4. TRANSNATIONAL BRIBERY

Article VIII of the Convention concerns transnational bribery and establishes the obligation of each State to prohibit and punish such conduct subject to its Constitution and the fundamental principles of its legal system.

The following questions refer to such criminal acts.

Article VIII. Transnational Bribery

Subject to its Constitution and the fundamental principles of its legal system, each State Party shall prohibit and punish the offering or granting, directly or indirectly, by its nationals, persons having their habitual residence in its territory,

- When answers to this questionnaire require legislation to be identified, please provide the complete name thereof, the source, article number, and include copies of the relevant legislation with your response.

and businesses domiciled there, to a government official of another State, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage, in connection with any economic or commercial transaction in exchange for any act or omission in the performance of that official's public functions.[...]

18. Does your national law categorize and punish the offering or granting of promises or advantages by its nationals to a government official of another State in exchange for any act or omission in the performance of that official's public functions in connection with an economic or commercial transaction?

Yes X No (Skip to question 19)

If yes, indicate such legislation,* and briefly describe the main characteristics of such provisions, including the following points:

- Possibility of punishing the offering or granting of the object or benefit indirectly through intermediaries or third parties.
- Legal liability of legal entities.
- Possibility of punishing acts committed by subsidiaries, agencies, or other entities controlled by a parent company, irrespective of the parent company's domicile, and the description of such sanctions.
- Bribery of officials for purposes other than those related to economic or commercial transactions.
- Need for the act to be considered an offense under the laws of the government official's State as well as the State of the offering person or corporation.
- Whether there are any exceptions to prohibitions against the offering or granting of promises or advantages by your country's nationals to government officials of another State in exchange for any act or omission in the performance of that official's public functions in connection with an economic or commercial transaction?

- Criteria used under national law to distinguish between acceptable conduct relating to the granting of promises or advantages by your country's nationals to government officials of another State and that conduct which may constitute an act of corruption.

See Title 15, United States Code, Sections 78dd-1 et. seq., which prohibits offering or granting a benefit to a foreign government official in exchange for any act or omission in the performance of the official's public functions.

- When answers to this questionnaire require legislation to be identified, please provide the complete name thereof, the source, article number, and include copies of the relevant legislation with your response.

CHAPTER 5. ILLICIT ENRICHMENT

Article IX of the Convention includes and defines the concept of illicit enrichment. The States Parties that have not yet done so have undertaken to establish this offense in their national law, subject to their Constitutions and the fundamental principles of their legal systems.

Article IX. Illicit Enrichment

Subject to its Constitution and the fundamental principles of its legal system, each State Party that has not yet done so shall take the necessary measures to establish under its laws as an offense a significant increase in the assets of a government official that he cannot reasonably explain in relation to his lawful earnings during the performance of his functions.

Among those States Parties that have established illicit enrichment as an offense, such offense shall be considered an act of corruption for the purposes of this Convention.

Any State Party that has not established illicit enrichment as an offense shall, insofar as its laws permit, provide assistance and cooperation with respect to this offense as provided in this Convention.

19. Does your national law categorize and prohibit as an offense an increase in the assets of a government official that he cannot reasonably explain in relation to his lawful earnings during the performance of his functions?
Yes _____ No X (Skip to question 20)

If yes, identify such provisions under national law,* and briefly describe the main characteristics of such provisions, including the following points:

- Possibility of illicit enrichment occurring in the assets of intermediaries.
- Possibility of punishment of officials selected or appointed to a public office who have enriched themselves illicitly before taking office.

The United States has no specific offense of illicit enrichment, but is able to prosecute most of the types of conduct contemplated by this article. For example, some Federal government officials must file annual financial disclosure reports under the Ethics in Government Act, Title 5, United States Code App. Section 101 et. seq., and face criminal prosecution under 18 U.S.C. § 1001 if the reports are false. In addition, Federal income

- When answers to this questionnaire require legislation to be identified, please provide the complete name thereof, the source, article number, and include copies of the relevant legislation with your response.

tax laws permit the prosecution of Federal, state, or local government officials who by misusing public office for personal gain willfully omit such income from their federal tax returns (e.g., Title 26, United States Code, Section 7201 (tax evasion); Title 26, United States Code, Section 7206(1)(false return)).

CHAPTER 6. PROGRESSIVE DEVELOPMENT

Article XI establishes the obligation of States to consider establishing four forms of conduct as offenses under their laws. The following questions refer to these four forms of conduct.

SECTION 1.

ARTICLE XI, 1 (A)

Article XI. Progressive Development

1. *In order to foster the development and harmonization of their domestic legislation and the attainment of the purposes of this Convention, the States Parties view as desirable, and undertake to consider, establishing as offenses under their laws the following acts:*

a. *The improper use by a government official or a person who performs public functions, for his own benefit or that of a third party, of any kind of classified or confidential information which that official or person who performs public functions has obtained because of, or in the performance of, his functions; [...]*

20. Does your national law categorize and prohibit as an offense the improper use by a government official or a person who performs public functions, for his own benefit or that of a third party, of any kind of classified or confidential information which the official or person has obtained because of, or in the performance of, his functions?

Yes X No (Skip to question 21)

If yes, indicate such legislation*, and briefly describe the main characteristics thereof, in particular, the possibility that the categorization of improper use of such information does not apply when it is for the benefit of a third party.

Provisions under U.S. law include, but are not limited to, the following:

Title 18, United States Code, Section 1905 is a criminal prohibition against disclosure of proprietary information and certain other information of a confidential nature.

Title 41, United States Code, Sections 423(a) and (b) contain prohibitions on disclosing and obtaining certain procurement information.

Title 18, United States Code, Section 798 and Title 50, United States Code, Section 783(a) contain prohibitions against disclosure of classified information.

SECTION 2. ARTICLE XI, 1 (b)

Article XI Progressive Development

1. In order to foster the development and harmonization of their domestic legislation and the attainment of the purposes of this Convention, the States Parties view as desirable, and undertake to consider, establishing as offenses under their laws the following acts:[...]

b The improper use by a government official or a person who performs public functions, for his own benefit or that of a third party, of any kind of property belonging to the State or to any firm or institution in which the State has a proprietary interest, to which that official or person who performs public functions has access because of, or in the performance of, his functions ...

21. Does your national law categorize and punish as an offense the improper use by a government official or any person exercising public functions, for his own benefit, of any kind of property belonging to the State or to any firm or institution in which the State has a proprietary interest, to which he has access because of, or in the performance of, his functions?

Yes X No (Skip to question 22)

If yes, identify such legislation* and briefly describe the main characteristics thereof, including the following points:

- The possibility that the categorization of improper use under this provision shall not apply:
 - when done for the benefit of a third party;
 - when the use refers to:
 - State property;
 - property of enterprises or institutions in which the State has a proprietary interest;
 - property of enterprises and companies related to government activities that are subject to private law.
- Consistency of the definition of the term *property* used in your national law with that used in Article I of the Convention: *assets of any kind, whether movable or immovable, tangible or intangible, and any document or legal instrument demonstrating, purporting to demonstrate, or relating to ownership or other rights pertaining to such assets.*

Provisions under U.S. law include, but are not limited to, the following:

Title 18, United States Code, Section 641, covering the embezzlement or theft of public money, property or records.

Title 31, United States Code, Section 1344—misuse of government vehicle

Title 18, United States Code, Section 1719—misuse of franking privilege

Title 18, United States Code, Section 2071 — concealing, mutilating or destroying a public record

Title 18, United States Code, Section 654 — embezzlement of money or property of another person that is in the possession of an employee by reason of his employment.

Title 18, United States Code, Section 371 -- conspiracy to commit offense or to defraud the United States

Title 18, United States Code, Section 666 — theft or bribery concerning programs receiving Federal funds

Title 18, United States Code, Sections 1341-1346 — Mail, bank, and wire fraud provisions.

The executive branch standards of conduct prohibit the unauthorized use of or permitting the unauthorized use by another of Government property. 5 Code of Federal Regulations, Section 2635.704

SECTION 3. ARTICLE XI, 1 (C)

Article XI. Progressive Development

1. In order to foster the development and harmonization of their domestic legislation and the attainment of the purposes of this Convention, the States Parties view as desirable, and undertake to consider, establishing as offenses under their laws the following acts:[...]

c. Any act or omission by any person who, personally or through a third party, or acting as an intermediary, seeks to obtain a decision from a public authority whereby he illicitly obtains for himself or for another person any benefit or gain, whether or not such act or omission harms State property;

22. Does your national law categorize and punish as an offense any act or omission by any person who seeks to obtain a decision from a public authority whereby he illicitly obtains any benefit or gain?

Yes X No (Skip to question 23)

If yes, identify the legislation categorizing this act or omission* and briefly describe the main characteristics of such provisions, including whether they apply to acts or omissions obtaining a benefit or gain for a third party.

Such conduct would be generally prosecutable under U.S. laws relating to bribery (Title 18, United States Code, Section 201); fraud (Title 18, United States Code, Sections 1341-1346); and/or false statement (Title 18, United States Code, Section 1001).

SECTION 4. ARTICLE XI, 1 (D)

Article XI. Progressive Development

1. In order to foster the development and harmonization of their domestic legislation and the attainment of the purposes of this Convention, the States Parties view as desirable, and undertake to consider, establishing as offenses under their laws the following acts:[...]

d. The diversion by a government official, for purposes unrelated to those for which they were intended, for his own benefit or that of a third party, of any movable or immovable property, monies or securities belonging to the State, to an independent agency, or to an individual, that such official has received by virtue of his position for purposes of administration, custody or for other reasons.

23. Does your national law categorize and punish as an offense the diversion by a government official, for purposes unrelated to those for which they were intended, for his own benefit or that of a third party, of any movable or immovable property, monies or securities belonging to the State, to an independent agency, or to an individual, that such official has received by virtue of his position for purposes of administration, custody, or for other reasons?

Yes X No (Skip to question 24)

If yes, indicate the legislation categorizing the conduct described within this section* and include a brief description of such legislation.

See response to question 21 for a list of the applicable statutes.

CHAPTER 7. GENERAL POINTS CONCERNING ARTICLES VI, VIII AND IX

24. Indicate, in reference to each of the corrupt acts included in the Convention (subparagraphs (a), (b), (c), (d) and (e) of Article VI, as well as Article VIII, Article IX, and subparagraphs (a), (b), and (c) of Article XI), whether the categorization of each of these acts under your national law includes the following elements:

- Consistency of the definition of *government official* in the categorization of the conduct described in the Convention and referred to above under national law with that used in Article I of the Convention.
- Need for such acts of corruption as well as transnational bribery and illicit enrichment to harm State property.
- Possibility of denying favorable tax treatment for any individual or corporation for expenditures made in violation of the anticorruption laws of the States Parties
- Sanctions provided for under national law.

The term “public official” or “government official” as defined in Article I of the Convention is consistent with the definition of a Federal public official

under Title 18, United States Code, Section 201(a)(1). (As noted by the United States during the treaty negotiations, the United States understands the phrase "at any level of its hierarchy" in the definition under Article I to mean any level of the U.S. Federal Government.)

There is no general requirement under U.S. law that acts of corruption must harm State property.

With regard to denial of favorable tax treatment, please see response to question 7.

With regard to penalties, please refer to sections of law cited in response to questions under Chapter 3 of this questionnaire.

CHAPTER 8. JUDICIAL COOPERATION

As provided in Article II of the Convention, one of the fundamental purposes of this instrument is to promote, facilitate, and regulate cooperation between the States Parties to ensure the effectiveness of measures and actions to prevent, detect, punish, and eradicate corruption in the performance of public functions and the acts of corruption specifically related to that performance.

The questions in this section refer to various aspects of juridical and judicial cooperation to which the States have committed themselves in this Convention.

SECTION 1: ARTICLE V, 1, 2, 3 and 4 - JURISDICTION

Article IV of the Convention is applicable *provided that the alleged act of corruption has been committed or has effects in a State Party.*

Article V establishes four different criteria to be used by the States to establish jurisdiction over offenses they have established in accordance with the Convention. The questions below refer to these criteria. The following questions refer to these criteria.

Article V. Jurisdiction

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the offense in question is committed in its territory.

2. Each State Party may adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the offense is committed by one of its nationals or by a person who habitually resides in its territory.

3. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention

when the alleged criminal is present in its territory and it does not extradite such person to another country on the ground of the nationality of the alleged criminal.

4. This Convention does not preclude the application of any other rule of criminal jurisdiction established by a State Party under its domestic law.

25. Briefly describe the provisions*, principles and criteria established in your national legal system to establish jurisdiction over the offenses established in accordance with the Convention. Please refer to the following points:

- Procedures established in your national legislation to facilitate judicial assistance requested by another State Party to the Convention to investigate or prosecute the corrupt acts described therein.
- The possibility of establishing jurisdiction over such offenses in the following cases:
 - When the offense is committed within your territory;
 - When the offense is committed by a national of the country;
 - When the offense is committed by a person who habitually resides in the territory of the country;
 - When the alleged criminal is present in the country's territory and it does not extradite such person to another country on the ground of the nationality of the alleged criminal;
 - When the alleged act of corruption has been committed or has produced effects in a State Party.

The United States has bilateral Mutual Legal Assistance Treaties (MLATs) with a number of OAS states to facilitate legal assistance to states parties to the Convention. For states parties with which the United States does not have an MLAT, the United States has the ability to offer legal assistance pursuant to statute (Title 28, United States Code, Section 1782), which provides that a U.S. court may order a person to provide testimony or documents pursuant to a letter rogatory or letter of request from a foreign court.

The United States can establish jurisdiction over the offenses described in the Convention when they are committed in the territory of the United States. The United States generally cannot assert jurisdiction over its nationals or those habitually resident in the United States; however, the United States does not refuse to extradite to another country solely on the ground that the alleged offender is a U.S. national. As a result, the United States is always able to ensure that offenders who commit these crimes outside the United States can be prosecuted.

- When answers to this questionnaire require legislation to be identified, please provide the complete name thereof, the source, article number, and include copies of the relevant legislation with your response.

SECTION 2: ARTICLE XIII, 1 and 2 - EXTRADITION

Article XIII of the Convention applies to various situations that could lead to extradition in respect of acts established as offenses by the States Parties in accordance with the Convention.

The question in this section refers to the obligation to include such offenses as extraditable offenses in every extradition treaty to be concluded between or among them.

Article XIII. Extradition

1. This article shall apply to the offenses established by the States Parties in accordance with this Convention.

2. Each of the offenses to which this article applies shall be deemed to be included as an extraditable offense in any extradition treaty existing between or among the States Parties. The States Parties undertake to include such offenses as extraditable offenses in every extradition treaty to be concluded between or among them.

26. Has your country concluded extradition treaties with States Parties to the Convention after its entry into force?

Yes X No (Skip to question 27)

If yes, list these treaties, their dates, and the States Parties thereto. Also indicate whether such treaties have explicitly included the offenses established as extraditable offenses under the Convention.

The United States has, since the entry into force of OAS Corruption Convention on March 6, 1997, concluded three bilateral extradition treaties with OAS member states. The bilateral extradition treaty with Trinidad and Tobago entered into force on November 3, 1999. Bilateral extradition treaties with Argentina and Paraguay have been concluded but have not yet entered into force; the United States signed the treaty with Argentina on June 10, 1997, and the treaty with Paraguay on November 9, 1998.

All three of these treaties are dual-criminality extradition treaties, and provide for extradition when an offense reaches a specified level of severity under the laws of both parties. Accordingly, the offenses contained in the Corruption Convention are covered insofar as the conduct in question gives rise to a serious offense under the laws of both parties.

SECTION 3: ARTICLE XVI, 1 and 2 - BANK SECRECY

The following question refers to the provisions of Article XVI of the Convention concerning bank secrecy.

Article XVI. Bank Secrecy

1. The Requested State shall not invoke bank secrecy as a basis for refusal to provide the assistance sought by the Requesting State. The Requested State shall apply this

article in accordance with its domestic law, its procedural provisions, or bilateral or multilateral agreements with the Requesting State.

2. The Requesting State shall be obligated not to use any information received that is protected by bank secrecy for any purpose other than the proceeding for which that information was requested, unless authorized by the Requested State.

27. Are there provisions under your domestic law protecting bank secrecy?
Yes X No (Skip to question 28)

If yes, briefly describe the main characteristics of those provisions and list the legislation establishing them. Also indicate whether your national legal system allows an exception to bank secrecy in cases in which it becomes necessary to assist a State Party to the Convention, in accordance with this treaty.

The United States has a complex statutory scheme guaranteeing confidentiality of the financial records of a customer of a bank or other financial institution which is an individual or partnership of five or fewer individuals. However, bank records may be disclosed in one of the following circumstances:

1. The customer has given permission for the disclosure.
2. The records are disclosed pursuant to an administrative subpoena or summons where there is reason to believe that the records sought are relevant to a law enforcement inquiry provided that a copy of the subpoena or summons has been delivered to the customer.
3. The records are produced in response to a search warrant provided that within ninety days after the execution of the search warrant, the government mails to the customer's last known address, a copy of the search warrant along with a notice of the purpose the records were obtained.
4. The records are disclosed in response to a judicial subpoena which is authorized by law, there is reason to believe that the records sought are relevant to a legitimate law enforcement inquiry provided that a copy of the subpoena has been delivered to the customer.
5. The records are disclosed pursuant to a formal written request by a government authority where no administrative subpoena is available, the request is authorized by the formal regulations of the department or agency seeking the records provided that the customer is given notice of the request.

- When answers to this questionnaire require legislation to be identified, please provide the complete name thereof, the source, article number, and include copies of the relevant legislation with your response.

The required notices may be delayed if there is reason to believe that such notice will result in endangering the life or physical safety of any person, flight from prosecution, destruction of or tampering with evidence, intimidation of witnesses, or otherwise seriously jeopardizing an investigation or official proceeding.

SECTION 4: ARTICLE XV, 1 and 2 - MEASURES REGARDING PROPERTY

The questions in this section refer to one of the areas of assistance that the States have undertaken to provide under the Convention.

Article XV specifically addresses matters related to the assistance to be provided by the States in the identification, tracing, freezing, seizure, and forfeiture of property or proceeds obtained, derived from, or used in the commission of offenses established in accordance with this Convention.

Article XV. Measures Regarding Property

1. In accordance with their applicable domestic laws and relevant treaties or other agreements that may be in force between or among them, the States Parties shall provide each other the broadest possible measure of assistance in the identification, tracing, freezing, seizure and forfeiture of property or proceeds obtained, derived from or used in the commission of offenses established in accordance with this Convention.

2. A State Party that enforces its own or another State Party's forfeiture judgment against property or proceeds described in paragraph 1 of this article shall dispose of the property or proceeds in accordance with its laws. To the extent permitted by a State Party's laws and upon such terms as it deems appropriate, it may transfer all or part of such property or proceeds to another State Party that assisted in the underlying investigation or proceedings.

28. Has your government received requests for assistance in the identification, tracing, freezing, seizure, and forfeiture of property or proceeds obtained, derived from, or used in the commission of offenses established in accordance with this Convention.

Yes X No (Skip to question 29)

If yes, indicate and explain:

- Whether the jurisdictional or administrative bodies of your country have disposed of the property or proceeds identified, traced, frozen, seized, or forfeited in accordance with its own laws or its own forfeiture rulings or those of another State Party?
- Whether such property or proceeds have been transferred to another State Party that assisted in the underlying investigation or proceedings?

The Government of the United States has at various times received requests from other governments for assistance of this nature. These requests have been addressed in various ways, in accordance with U.S. domestic law and, where applicable, the provisions of pertinent international agreements. Since the United States has not yet ratified the Inter-American Convention, it has received no such requests that originated directly in accordance with the Convention.

SECTION 5: ARTICLE XVIII, 1 and 2 - CENTRAL AUTHORITIES

As in the case of other inter-American treaties, the Convention has provided for the designation of central authorities. The central authorities are responsible for making and receiving the requests for assistance and cooperation referred to in the Convention.

The purpose of the following question is to identify the authorities that have been designated by the governments for this purpose.

Article XVIII. Central Authorities

1. For the purposes of international assistance and cooperation provided under this Convention, each State Party may designate a central authority or may rely upon such central authorities as are provided for in any relevant treaties or other agreements.

2. The central authorities shall be responsible for making and receiving the requests for assistance and cooperation referred to in this Convention.[...]

29. Has your country designated the central authority for purposes of channeling the international assistance and cooperation provided for in the Convention?

Yes _____ No X (Skip to question 30)

If yes, indicate the name of this central authority and the official responsible who may be contacted for the purposes mentioned in question 29, his position, and his telephone and fax numbers and electronic mail address.

The United States has not yet designated a Central Authority; however, it is anticipated that the Department of Justice's Office of International Affairs will act as Central Authority with regard to requests for mutual legal assistance.

CHAPTER 9. ADDITIONAL INFORMATION

SECTION 1: LEGISLATION AND PROGRAMS TO FIGHT CORRUPTION

30. If your national law does not cover any of the provisions or measures mentioned throughout this questionnaire, indicate whether any legislation to correct this situation has been proposed or is in the process of being approved.

Yes _____ No X (Skip to question 31)

Indicate the name and date of this legislation and its status in the consideration and approval process.

31. Has your country adopted a comprehensive program to fight corruption, in addition to those mechanisms that have been discussed already?

Yes _____ No X

If yes, indicate the name of such program(s).

If no, indicate whether a program of this nature is in the process of approval, the name of such program, and its status in the consideration and approval process.

U.S. law provides a comprehensive framework at the Federal level for preventing, detecting, prosecuting, and eradicating corruption. The President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency, established by Executive Order 12805 of May 11, 1992, consist of the internal oversight officials (inspectors General) and other appropriate Federal officials. These institutions were established by the President to coordinate and enhance government efforts at the Federal level to promote integrity and efficiency and to detect and prevent fraud, waste and abuse in Federal programs on a continuing basis. Limitations on the powers of the Federal government inherent in the U.S. constitutional system preclude imposing a national corruption preventive strategy on the entire country.

SECTION 2: GENERAL INFORMATION

Please complete the following information:

33. Member state United States of America
34. We received the questionnaire on March 13, , 2000.
35. The official to be consulted regarding the responses to the questionnaire is:

(X) Mr. Paolo DiRosa _____
() Mrs. _____
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