

105TH CONGRESS
2^D SESSION

H. R. 4353

To amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 to improve the competitiveness of American business and promote foreign commerce, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 1998

Mr. BLILEY (for himself and Mr. OXLEY) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 to improve the competitiveness of American business and promote foreign commerce, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Anti-
5 Bribery and Fair Competition Act of 1998”.

1 **SEC. 2. AMENDMENTS TO THE FOREIGN CORRUPT PRAC-**
2 **TICES ACT GOVERNING ISSUERS.**

3 (a) PROHIBITED CONDUCT.—Section 30A(a) of the
4 Securities Exchange Act of 1934 (15 U.S.C. 78dd–1) is
5 amended—

6 (1) by amending subparagraph (A) of para-
7 graph (1) to read as follows:

8 “(A)(i) influencing any act or decision of
9 such foreign official in his official capacity, (ii)
10 inducing such foreign official to do or omit to
11 do any act in violation of the lawful duty of
12 such official, or (iii) securing any improper ad-
13 vantage; or”;

14 (2) by amending subparagraph (A) of para-
15 graph (2) to read as follows:

16 “(A)(i) influencing any act or decision of
17 such party, official, or candidate in its or his of-
18 ficial capacity, (ii) inducing such party, official,
19 or candidate to do or omit to do an act in viola-
20 tion of the lawful duty of such party, official,
21 or candidate, or (iii) securing any improper ad-
22 vantage; or”; and

23 (3) by amending subparagraph (A) of para-
24 graph (3) to read as follows:

25 “(A)(i) influencing any act or decision of
26 such foreign official, political party, party offi-

1 cial, or candidate in his or its official capacity,
2 (ii) inducing such foreign official, political
3 party, party official, or candidate to do or omit
4 to do any act in violation of the lawful duty of
5 such foreign official, political party, party offi-
6 cial, or candidate, or (iii) securing any improper
7 advantage; or”.

8 (b) OFFICIALS OF INTERNATIONAL ORGANIZA-
9 TIONS.—Paragraph (1) of section 30A(f) of such Act is
10 amended to read as follows:

11 “(1)(A) The term ‘foreign official’ means any
12 officer or employee of a foreign government or any
13 department, agency, or instrumentality thereof, or of
14 a public international organization, or any person
15 acting in an official capacity for or on behalf of any
16 such government or department, agency, or instru-
17 mentality, or for or on behalf of any such public
18 international organization.

19 “(B) For purposes of subparagraph (A), the
20 term ‘public international organization’ means—

21 “(i) an organization that is designated by
22 Executive order pursuant to section 1 of the
23 International Organizations Immunities Act (22
24 U.S.C. 288); or

1 “(ii) an international organization provid-
2 ing commercial communications services, as de-
3 fined in section 5(a) of the International Anti-
4 Bribery Act of 1998, except that the term ‘pub-
5 lic international organization’ does not include
6 any such international organization providing
7 commercial communications services that has
8 achieved a pro-competitive privatization.”.

9 (c) ALTERNATIVE JURISDICTION OVER ACTS OUT-
10 SIDE THE UNITED STATES.—Section 30A of such Act (15
11 U.S.C. 78dd–1) is amended—

12 (1) by adding at the end the following:

13 “(g) ALTERNATIVE JURISDICTION.—

14 “(1) It shall also be unlawful for any issuer or-
15 ganized under the laws of the United States, or a
16 State, territory, possession, or commonwealth of the
17 United States or a political subdivision thereof and
18 which has a class of securities registered pursuant to
19 section 12 of this title or which is required to file
20 reports under section 15(d) of this title, or for any
21 officer, director, employee, or agent of such issuer or
22 any stockholder thereof that is a United States per-
23 son, acting on behalf of such issuer, to corruptly do
24 any act outside the United States in furtherance of
25 an offer, payment, promise to pay, or authorization

1 of the payment of any money, or offer, gift, promise
2 to give, or authorization of the giving of anything
3 of value to any of the persons or entities set forth
4 in paragraphs (1), (2), and (3) of subsection (a) of
5 this section for the purposes set forth therein, irre-
6 spective of whether such issuer or such officer, direc-
7 tor, employee, agent, or stockholder makes use of
8 the mails or any means or instrumentality of inter-
9 state commerce in furtherance of such offer, gift,
10 payment, promise, or authorization.

11 “(2) As used in this subsection, the term
12 ‘United States person’ means a national of the
13 United States (as defined in section 101 of the Im-
14 migration and Nationality Act (8 U.S.C. 1101)) or
15 any corporation, partnership, association, joint-stock
16 company, business trust, unincorporated organiza-
17 tion, or sole proprietorship organized under the laws
18 of the United States or any State, territory, posses-
19 sion, or commonwealth of the United States, or any
20 political subdivision thereof.”;

21 (2) in subsection (b), by striking “Subsection
22 (a)” and inserting “Subsections (a) and (g)”; and

23 (3) in subsection (c), by striking “subsection
24 (a)” and inserting “subsections (a) and (g)”.

1 (d) PENALTIES.—Section 32(e) of the Securities Ex-
2 change Act of 1934 (15 U.S.C. 78ff(c)) is amended—

3 (1) in paragraph (1)(A), by striking “section
4 30A(a)” and inserting “subsection (a) or (g) of sec-
5 tion 30A”;

6 (2) in paragraph (1)(B), by striking “section
7 30A(a)” and inserting “subsection (a) or (g) of sec-
8 tion 30A”; and

9 (3) by amending paragraph (2) to read as fol-
10 lows:

11 “(2)(A) Any officer, director, employee, or
12 agent of an issuer, or stockholder acting on behalf
13 of such issuer, who willfully violates subsection (a)
14 or (g) of section 30A of this title shall be fined not
15 more than \$100,000, or imprisoned not more than
16 5 years, or both.

17 “(B) Any officer, director, employee, or agent
18 of an issuer, or stockholder acting on behalf of such
19 issuer, who violates subsection (a) or (g) of section
20 30A of this title shall be subject to a civil penalty
21 of not more than \$10,000 imposed in an action
22 brought by the Commission.”.

1 **SEC. 3. AMENDMENTS TO THE FOREIGN CORRUPT PRAC-**
2 **TICES ACT GOVERNING DOMESTIC CON-**
3 **CERNS.**

4 (a) PROHIBITED CONDUCT.—Section 104(a) of the
5 Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–
6 2(a)) is amended—

7 (1) by amending subparagraph (A) of para-
8 graph (1) to read as follows:

9 “(A)(i) influencing any act or decision of
10 such foreign official in his official capacity, (ii)
11 inducing such foreign official to do or omit to
12 do any act in violation of the lawful duty of
13 such official, or (iii) securing any improper ad-
14 vantage; or”;

15 (2) by amending subparagraph (A) of para-
16 graph (2) to read as follows:

17 “(A)(i) influencing any act or decision of
18 such party, official, or candidate in its or his of-
19 ficial capacity, (ii) inducing such party, official,
20 or candidate to do or omit to do an act in viola-
21 tion of the lawful duty of such party, official,
22 or candidate, or (iii) securing any improper ad-
23 vantage; or”;

24 (3) by amending subparagraph (A) of para-
25 graph (3) to read as follows:

1 “(A)(i) influencing any act or decision of
2 such foreign official, political party, party offi-
3 cial, or candidate in his or its official capacity,
4 (ii) inducing such foreign official, political
5 party, party official, or candidate to do or omit
6 to do any act in violation of the lawful duty of
7 such foreign official, political party, party offi-
8 cial, or candidate, or (iii) securing any improper
9 advantage; or”.

10 (b) PENALTIES.—Section 104(g) of the Foreign Cor-
11 rupt Practices Act of 1977 (15 U.S.C. 78dd–2(g)) is
12 amended—

13 (1) by amending paragraph (1) to read as fol-
14 lows:

15 “(1)(A) Any domestic concern that violates sub-
16 section (a) or (i) of this section shall be fined not
17 more than \$2,000,000.

18 “(B) Any domestic concern that violates sub-
19 section (a) or (i) of this section shall be subject to
20 a civil penalty of not more than \$10,000 imposed in
21 an action brought by the Attorney General.”; and

22 (2) by amending paragraph (2) to read as fol-
23 lows:

24 “(2)(A) Any officer, director, employee, or
25 agent of a domestic concern, or stockholder acting

1 on behalf of such domestic concern, who willfully vio-
2 lates subsection (a) or (i) of this section shall be
3 fined not more than \$100,000 or imprisoned not
4 more than 5 years, or both.

5 “(B) Any officer, director, employee, or agent
6 of a domestic concern, or stockholder acting on be-
7 half of such domestic concern, who violates sub-
8 section (a) or (i) of this section shall be subject to
9 a civil penalty of not more than \$10,000 imposed in
10 an action brought by the Attorney General.”.

11 (c) OFFICIALS OF INTERNATIONAL ORGANIZA-
12 TIONS.—Paragraph (2) of section 104(h) of the Foreign
13 Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)) is
14 amended to read as follows:

15 “(2)(A) The term ‘foreign official’ means any
16 officer or employee of a foreign government or any
17 department, agency, or instrumentality thereof, or of
18 a public international organization, or any person
19 acting in an official capacity for or on behalf of any
20 such government or department, agency, or instru-
21 mentality, or for or on behalf of any such public
22 international organization.

23 “(B) For purposes of subparagraph (A), the
24 term ‘public international organization’ means—

1 “(i) an organization that is designated by
2 Executive order pursuant to section 1 of the
3 International Organizations Immunities Act (22
4 U.S.C. 288); or

5 “(ii) an international organization provid-
6 ing commercial communications services, as de-
7 fined in section 5(a) of the International Anti-
8 Bribery Act of 1998, except that the term ‘pub-
9 lic international organization’ does not include
10 any such international organization providing
11 commercial communications services that has
12 achieved a pro-competitive privatization.”.

13 (d) ALTERNATIVE JURISDICTION OVER ACTS OUT-
14 SIDE THE UNITED STATES.—Section 104 of the Foreign
15 Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) is fur-
16 ther amended—

17 (1) by adding at the end the following:

18 “(i) ALTERNATIVE JURISDICTION.—

19 “(1) It shall also be unlawful for any United
20 States person to corruptly do any act outside the
21 United States in furtherance of an offer, payment,
22 promise to pay, or authorization of the payment of
23 any money, or offer, gift, promise to give, or author-
24 ization of the giving of anything of value to any of
25 the persons or entities set forth in paragraphs (1),

1 (2), and (3) of subsection (a), for the purposes set
2 forth therein, irrespective of whether such United
3 States person makes use of the mails or any means
4 or instrumentality of interstate commerce in further-
5 ance of such offer, gift, payment, promise, or au-
6 thorization.

7 “(2) As used in this subsection, the term
8 ‘United States person’ means a national of the
9 United States (as defined in section 101 of the Im-
10 migration and Nationality Act (8 U.S.C. 1101)) or
11 any corporation, partnership, association, joint-stock
12 company, business trust, unincorporated organiza-
13 tion, or sole proprietorship organized under the laws
14 of the United States or any State, territory, posses-
15 sion, or commonwealth of the United States, or any
16 political subdivision thereof.”;

17 (2) in subsection (b), by striking “Subsection
18 (a)” and inserting “Subsections (a) and (i)”;

19 (3) in subsection (c), by striking “subsection
20 (a)” and inserting “subsection (a) or (i)”; and

21 (4) in subsection (d)(1), by striking “subsection
22 (a)” and inserting “subsections (a) and (i)”.

23 (e) TECHNICAL AMENDMENT.—Section 104(h)(4)(A)
24 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C.

1 78dd–2(h)(4)(A)) is amended by striking “For purposes
2 of paragraph (1), the” and inserting “The”.

3 **SEC. 4. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT REGARDING OTHER PERSONS.**
4

5 Title I of the Foreign Corrupt Practices Act of 1977
6 is amended by inserting after section 104 (15 U.S.C.
7 78dd–2) the following new section:

8 **“SEC. 104A. PROHIBITED FOREIGN TRADE PRACTICES BY**
9 **PERSONS OTHER THAN ISSUERS OR DOMESTIC CONCERNS.**
10

11 “(a) PROHIBITION.—It shall be unlawful for any per-
12 son other than an issuer (as defined in section 30A of the
13 Securities Exchange Act of 1934) or a domestic concern
14 (as defined in section 104 of this Act), or for any officer,
15 director, employee, or agent of such person or any stock-
16 holder thereof acting on behalf of such person, while in
17 the territory of the United States, corruptly to make use
18 of the mails or any means or instrumentality of interstate
19 commerce or to do any other act in furtherance of an offer,
20 payment, promise to pay, or authorization of the payment
21 of any money, or offer, gift, promise to give, or authoriza-
22 tion of the giving of anything of value to—

23 “(1) any foreign official for purposes of—

24 “(A)(i) influencing any act or decision of
25 such foreign official in his official capacity, (ii)

1 inducing such foreign official to do or omit to
2 do any act in violation of the lawful duty of
3 such official, or (iii) securing any improper ad-
4 vantage; or

5 “(B) inducing such foreign official to use
6 his influence with a foreign government or in-
7 strumentality thereof to affect or influence any
8 act or decision of such government or instru-
9 mentality, in order to assist such person in ob-
10 taining or retaining business for or with, or di-
11 recting business to, any person;

12 “(2) any foreign political party or official there-
13 of or any candidate for foreign political office for
14 purposes of—

15 “(A)(i) influencing any act or decision of
16 such party, official, or candidate in its or his of-
17 ficial capacity, (ii) inducing such party, official,
18 or candidate to do or omit to do an act in viola-
19 tion of the lawful duty of such party, official,
20 or candidate, or (iii) securing any improper ad-
21 vantage; or

22 “(B) inducing such party, official, or can-
23 didate to use its or his influence with a foreign
24 government or instrumentality thereof to affect
25 or influence any act or decision of such govern-

1 ment or instrumentality, in order to assist such
2 person in obtaining or retaining business for or
3 with, or directing business to, any person; or

4 “(3) any person, while knowing that all or a
5 portion of such money or thing of value will be of-
6 fered, given, or promised, directly or indirectly, to
7 any foreign official, to any foreign political party or
8 official thereof, or to any candidate for foreign polit-
9 ical office, for purposes of—

10 “(A)(i) influencing any act or decision of
11 such foreign official, political party, party offi-
12 cial, or candidate in his or its official capacity,
13 (ii) inducing such foreign official, political
14 party, party official, or candidate to do or omit
15 to do any act in violation of the lawful duty of
16 such foreign official, political party, party offi-
17 cial, or candidate, or (iii) securing any improper
18 advantage; or

19 “(B) inducing such foreign official, politi-
20 cal party, party official, or candidate to use his
21 or its influence with a foreign government or in-
22 strumentality thereof to affect or influence any
23 act or decision of such government or instru-
24 mentality, in order to assist such person in ob-

1 taining or retaining business for or with, or di-
2 recting business to, any person.

3 “(b) EXCEPTION FOR ROUTINE GOVERNMENTAL AC-
4 TION.—Subsection (a) of this section shall not apply to
5 any facilitating or expediting payment to a foreign official,
6 political party, or party official the purpose of which is
7 to expedite or to secure the performance of a routine gov-
8 ernmental action by a foreign official, political party, or
9 party official.

10 “(c) AFFIRMATIVE DEFENSES.—It shall be an af-
11 firmative defense to actions under subsection (a) of this
12 section that—

13 “(1) the payment, gift, offer, or promise of any-
14 thing of value that was made, was lawful under the
15 written laws and regulations of the foreign official’s,
16 political party’s, party official’s, or candidate’s coun-
17 try; or

18 “(2) the payment, gift, offer, or promise of any-
19 thing of value that was made, was a reasonable and
20 bona fide expenditure, such as travel and lodging ex-
21 penses, incurred by or on behalf of a foreign official,
22 party, party official, or candidate and was directly
23 related to—

24 “(A) the promotion, demonstration, or ex-
25 planation of products or services; or

1 “(B) the execution or performance of a
2 contract with a foreign government or agency
3 thereof.

4 “(d) INJUNCTIVE RELIEF.—

5 “(1) When it appears to the Attorney General
6 that any person to which this section applies, or offi-
7 cer, director, employee, agent, or stockholder there-
8 of, is engaged, or about to engage, in any act or
9 practice constituting a violation of subsection (a) of
10 this section, the Attorney General may, in his discre-
11 tion, bring a civil action in an appropriate district
12 court of the United States to enjoin such act or
13 practice, and upon a proper showing, a permanent
14 injunction or a temporary restraining order shall be
15 granted without bond.

16 “(2) For the purpose of any civil investigation
17 which, in the opinion of the Attorney General, is
18 necessary and proper to enforce this section, the At-
19 torney General or his designee are empowered to ad-
20 minister oaths and affirmations, subpoena witnesses,
21 take evidence, and require the production of any
22 books, papers, or other documents which the Attor-
23 ney General deems relevant or material to such in-
24 vestigation. The attendance of witnesses and the
25 production of documentary evidence may be required

1 from any place in the United States, or any terri-
2 tory, possession, or commonwealth of the United
3 States, at any designated place of hearing.

4 “(3) In case of contumacy by, or refusal to obey
5 a subpoena issued to, any person, the Attorney Gen-
6 eral may invoke the aid of any court of the United
7 States within the jurisdiction of which such inves-
8 tigation or proceeding is carried on, or where such
9 person resides or carries on business, in requiring
10 the attendance and testimony of witnesses and the
11 production of books, papers, or other documents.
12 Any such court may issue an order requiring such
13 person to appear before the Attorney General or his
14 designee, there to produce records, if so ordered, or
15 to give testimony touching the matter under inves-
16 tigation. Any failure to obey such order of the court
17 may be punished by such court as a contempt there-
18 of.

19 “(4) All process in any such case may be served
20 in the judicial district in which such person resides
21 or may be found. The Attorney General may make
22 such rules relating to civil investigations as may be
23 necessary or appropriate to implement the provisions
24 of this subsection.

25 “(e) PENALTIES.—

1 “(1)(A) Any juridical person that violates sub-
2 section (a) of this section shall be fined not more
3 than \$2,000,000.

4 “(B) Any juridical person that violates sub-
5 section (a) of this section shall be subject to a civil
6 penalty of not more than \$10,000 imposed in an ac-
7 tion brought by the Attorney General.

8 “(2)(A) Any natural person who willfully vio-
9 lates subsection (a) of this section shall be fined not
10 more than \$100,000 or imprisoned not more than 5
11 years, or both.

12 “(B) Any natural person who violates sub-
13 section (a) of this section shall be subject to a civil
14 penalty of not more than \$10,000 imposed in an ac-
15 tion brought by the Attorney General.

16 “(3) Whenever a fine is imposed under para-
17 graph (2) upon any officer, director, employee,
18 agent, or stockholder of a juridical person, such fine
19 may not be paid, directly or indirectly, by such jurid-
20 ical person.

21 “(f) DEFINITIONS.—For purposes of this section:

22 “(1) The term ‘person’, when referring to an
23 offender, means any natural person other than a na-
24 tional of the United States (as defined in section
25 101 of the Immigration and Nationality Act (8

1 U.S.C. 1101) or any corporation, partnership, asso-
2 ciation, joint-stock company, business trust, unincor-
3 porated organization, or sole proprietorship orga-
4 nized under the law of a foreign nation or a political
5 subdivision thereof.

6 “(2)(A) The term ‘foreign official’ means any
7 officer or employee of a foreign government or any
8 department, agency, or instrumentality thereof, or of
9 a public international organization, or any person
10 acting in an official capacity for or on behalf of any
11 such government or department, agency, or instru-
12 mentality, or for or on behalf of any such public
13 international organization.

14 “(B) For purposes of subparagraph (A), the
15 term ‘public international organization’ means—

16 “(i) an organization that is designated by
17 Executive order pursuant to section 1 of the
18 International Organizations Immunities Act (22
19 U.S.C. 288); or

20 “(ii) an international organization provid-
21 ing commercial communications services, as de-
22 fined in section 5(a) of the International Anti-
23 Bribery Act of 1998, except that the term ‘pub-
24 lic international organization’ does not include
25 any such international organization providing

1 commercial communications services that has
2 achieved a pro-competitive privatization.

3 “(3)(A) A person’s state of mind is knowing,
4 with respect to conduct, a circumstance or a result
5 if—

6 “(i) such person is aware that such person
7 is engaging in such conduct, that such cir-
8 cumstance exists, or that such result is substan-
9 tially certain to occur; or

10 “(ii) such person has a firm belief that
11 such circumstance exists or that such result is
12 substantially certain to occur.

13 “(B) When knowledge of the existence of a par-
14 ticular circumstance is required for an offense, such
15 knowledge is established if a person is aware of a
16 high probability of the existence of such cir-
17 cumstance, unless the person actually believes that
18 such circumstance does not exist.

19 “(4)(A) The term ‘routine governmental action’
20 means only an action which is ordinarily and com-
21 monly performed by a foreign official in—

22 “(i) obtaining permits, licenses, or other
23 official documents to qualify a person to do
24 business in a foreign country;

1 “(ii) processing governmental papers, such
2 as visas and work orders;

3 “(iii) providing police protection, mail pick-
4 up and delivery, or scheduling inspections asso-
5 ciated with contract performance or inspections
6 related to transit of goods across country;

7 “(iv) providing phone service, power and
8 water supply, loading and unloading cargo, or
9 protecting perishable products or commodities
10 from deterioration; or

11 “(v) actions of a similar nature.

12 “(B) The term ‘routine governmental action’
13 does not include any decision by a foreign official
14 whether, or on what terms, to award new business
15 to or to continue business with a particular party,
16 or any action taken by a foreign official involved in
17 the decision-making process to encourage a decision
18 to award new business to or continue business with
19 a particular party.”.

20 **SEC. 5. TREATMENT OF INTERNATIONAL ORGANIZATION**

21 **PROVIDING COMMERCIAL COMMUNICATIONS**

22 **SERVICES.**

23 (a) DEFINITION.—For purposes of this section, the
24 term “international organization providing commercial
25 communications services” means—

1 (1) the International Telecommunications Sat-
2 ellite Organization established pursuant to the
3 Agreement Relating to the International Tele-
4 communications Satellite Organization; and

5 (2) the International Mobile Satellite Organiza-
6 tion established pursuant to the Convention on the
7 International Maritime Organization.

8 (b) EXTENSION OF LEGAL PROCESS.—Except as
9 specifically and expressly required by mandatory obliga-
10 tions in international agreements to which the United
11 States is a party, an international organization providing
12 commercial communications services, its officials, and its
13 records shall not be accorded immunity from suit or legal
14 process for any act or omission taken in connection with
15 such organization’s capacity as a provider, directly or indi-
16 rectly, of commercial telecommunications services to,
17 from, or within the United States.

18 (c) ELIMINATION OR LIMITATION OF EXCEPTIONS.—
19 The President shall take all actions necessary to eliminate
20 or to limit substantially any exceptions to subsection (b).

21 **SEC. 6. ENFORCEMENT AND MONITORING.**

22 (a) REPORTS REQUIRED.—Not later than July 1 of
23 1999 and each of the 5 succeeding years, the Secretary
24 of Commerce shall submit to the Committee on Commerce
25 of the House of Representatives and the Committee on

1 Banking, Housing, and Urban Affairs of the Senate a re-
2 port that contains the following information with respect
3 to implementation of the Convention:

4 (1) RATIFICATION.—A list of the countries that
5 have ratified the convention, the dates of ratification
6 by such countries, and the entry into force for each
7 such country.

8 (2) DOMESTIC LEGISLATION.—A description of
9 domestic laws enacted by each party to the Conven-
10 tion that implement commitments under the Conven-
11 tion, and assessment of the compatibility of such
12 laws with the Convention.

13 (3) ENFORCEMENT.—As assessment of the
14 measures taken by each party to the Convention
15 during the previous year to fulfill its obligations
16 under the Convention and achieve its object and pur-
17 pose including—

18 (A) an assessment of the enforcement of
19 the domestic laws described in paragraph (2);

20 (B) an assessment of the efforts by each
21 such party to promote public awareness of such
22 domestic laws and the achievement of such ob-
23 ject and purpose; and

24 (C) an assessment of the effectiveness,
25 transparency, and viability of the monitoring

1 process for the Convention, including its inclu-
2 sion of input from the private sector and non-
3 governmental organizations.

4 (4) LAWS PROHIBITING TAX DEDUCTION OF
5 BRIBES.—An explanation of the domestic laws en-
6 acted by each party to the Convention that would
7 prohibit the deduction of bribes in the computation
8 of domestic taxes.

9 (b) DEFINITION.—For purposes of this section, the
10 term “Convention” means the Convention on Combating
11 Bribery on Foreign Public Officials in International Busi-
12 ness Transactions adopted on November 21, 1997, and
13 signed on December 17, 1997, by the United States and
14 32 other nations.

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