



PROTECT AMERICANS FROM BRIBERY AND FIGHT CORRUPTION AT ITS SOURCE

PASS THE FOREIGN EXTORTION PREVENTION ACT

SUMMARY

- + Americans working abroad are increasingly being shaken down for bribes by corrupt foreign officials, and losing out on valuable business opportunities to unethical foreign competitors—often state-controlled companies—who are all too willing to pay them.
- + When foreign officials demand bribes, they steal precious resources from their citizens, reward and encourage illegal business practices, punish law-abiding U.S. businesses, provide impunity to environmental criminals, sow the seeds of economic and social unrest, and fortify and finance authoritarian regimes.
- + **These crimes largely go unpunished.** A recent survey by the OECD [found](#) that foreign officials who demand or receive bribes are only criminally punished by their home governments some 20% of the time. And of nearly 50 leading export countries surveyed in a recent Transparency International [report](#), only 2 were found to actively enforce their foreign anti-bribery laws.
- + Current U.S. law does not protect Americans from these bribe demands. Instead, U.S. law only punishes the American company if and when it pays those bribes.
- + This incomplete legal framework is at odds with dozens of other countries, including the United Kingdom, Germany, and France, who criminalize both the giving and the demanding of foreign bribes.
- + A short, simple, and bipartisan measure known as the Foreign Extortion Prevention Act, or FEPA, would fix this imbalance, extend much-needed protections to Americans working abroad, and equip the U.S. Department of Justice with a potent new tool for fighting foreign corruption at its source.

EXAMPLES OF THE HARMS CAUSED BY FOREIGN BRIBE DEMANDS

UGANDA



Child Trafficking in Uganda. In Uganda, social welfare officers and court officials used their positions to [accept](#) bribes from an Ohio-based adoption agency in exchange for recommending that a child be placed into an orphanage, for steering adoption cases to “adoption-friendly” judges, and for obtaining favorable guardianship orders, throughout a bribery scheme that sought to facilitate the trafficking of Ugandan children.

MEXICO



Drug Trafficking in Mexico. In Mexico, a Mexican State Attorney General used his position to [accept](#) bribes from the H-2 drug cartel in exchange for helping the cartel in a scheme to distribute thousands of kilograms of heroin, cocaine, marijuana, and methamphetamine throughout the United States.

INDONESIA



Undermining Environmental Protections in Indonesia. In Indonesia, a senior environment official used his position to [accept](#) bribes from a Missouri-based agricultural company in exchange for undermining a requirement under Indonesian law that an environmental impact study be conducted before the sale of genetically-modified crops—of which the company was a leading producer—could be approved.

RUSSIA



Public Health Regulators for Sale in Russia. In Russia, health care officials used their positions to [accept](#) bribes from a Massachusetts-based pharmaceutical company in exchange for pursuing favorable regulatory treatment for the company’s flagship drug used for immune system disorders, as well as for approving patient prescriptions for the drug and for influencing the government’s budget for purchasing it.

CHINA



Bribery by Buyers for the CCP. In China, employees of state-owned companies used their positions to [accept](#) or agree to accept over \$175,000 in bribes from a Wisconsin-based print marketing provider in exchange for awarding business to the company.

HOW FEPA WOULD PROTECT AMERICANS ABROAD AND FIGHT FOREIGN CORRUPTION

- + FEPA would amend U.S. [bribery law](#) (18 U.S.C. § 201) to make it illegal for any foreign official to corruptly demand, seek, receive, or accept a bribe from either (1) a U.S. person or a U.S. company or (2) from *any* person while in the United States, in connection with obtaining or retaining business.
- + Those who violate FEPA could face a criminal fine of up to \$250,000 or three times the value of the bribe (whichever is greater) and a prison sentence of up to 15 years.
- + FEPA would also require the U.S. Department of Justice to publish an annual report that discusses the scale and nature of foreign bribe demands against American companies, the effectiveness of U.S. diplomatic efforts to protect American companies from foreign bribe demands, and the efforts of foreign governments to prosecute those crimes.