TRANSPARENCY INTERNATIONAL U.S.
fighting corruption, promoting democracy

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Senate Passes Bipartisan Bill to Protect Americans from Bribery Abroad

Measure Would End Impunity for Corrupt Foreign Officials Who Demand Bribes from Americans and American Companies

A statement from Transparency International U.S.
July 28, 2023

Yesterday a bipartisan majority of the U.S. Senate approved the Foreign Extortion Prevention Act (or FEPA) as part of the Senate's version of the annual defense spending bill (known as the National Defense Authorization Act, or NDAA). FEPA would make it a crime for a foreign official to demand or accept a bribe from an American or American company, or from any person while in the territory of the United States, in connection with obtaining or retaining business.

Along with Transparency International U.S. (TI US), FEPA is supported by the U.S. Chamber of Commerce, FDDA, Citizens for Responsibility and Ethics in Washington (CREW), and a broad coalition of civil society organizations that work to promote transparency and accountability in government. It also reflects a commitment made by the Biden Administration to work with Congress to criminalize the "demand side" of foreign bribery.

Scott Greytak, Director of Advocacy for TI US, said the following on the Senate's passage of FEPA:

> When corrupt foreign officials demand bribes from Americans and American companies, they threaten our safety and livelihood, steal precious resources from their own citizens, and help finance their corrupt, authoritarian regimes.
>
> Federal law makes it a crime for an American or an American company to *offer* a bribe to a foreign official, yet does nothing to punish a foreign official who demands or accepts such a bribe. And research shows that the vast majority of bribe-demanding foreign officials are never criminally prosecuted by their home governments. When these corrupt officials face little threat of prosecution by either their home governments or the U.S. Government—while U.S. companies face serious criminal liability for their involvement in

such schemes—we're left with incomplete justice. It's time for the United States to impose a cost on those who would threaten Americans' safety and livelihood with bribe demands.

If approved by the House, FEPA would create a powerful new tool for protecting Americans and American businesses working abroad, and for fighting foreign corruption at its source. We thank Sens. Whitehouse and Tillis for their leadership and urge the House to approve FEPA with expediency.

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TI US is part of the world's largest coalition against corruption. In collaboration with national chapters in more than 100 countries, through research, policy development, and advocacy, we are leading the fight to turn our vision of a world free from corruption into reality.

Related Resources

- Read the text of FEPA
- Read TI US's factsheet on FEPA—"Protect Americans from Bribery and Fight Corruption at Its Source"
- Read a letter of support for FEPA signed by leading U.S. civil society organizations
- Read endorsements of FEPA from TI chapters around the world
- Read TI US's updated analysis of how FEPA can be enforced abroad as a matter of law and practice
- Read Transparency International's *Exporting Corruption* report on enforcement of foreign anti-bribery laws in leading exporting nations
- Read the U.S. National Security Council's commitment to working with Congress to criminalize the demand side of bribery in the "United States Strategy on Countering Corruption" (page 12)

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