

118TH CONGRESS
1ST SESSION

S. _____

To amend title 18, United States Code, to prohibit a foreign official from demanding a bribe, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WHITEHOUSE introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 18, United States Code, to prohibit a foreign official from demanding a bribe, 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 “Foreign Extortion Pre-
5 vention Act”.

6 **SEC. 2. PROHIBITION OF DEMAND FOR BRIBE.**

7 Section 201 of title 18, United States Code, is
8 amended—

9 (1) in subsection (a)—

1 (A) in paragraph (2), by striking “and” at
2 the end;

3 (B) in paragraph (3), by striking the pe-
4 riod at the end and inserting a semicolon; and

5 (C) by adding at the end the following:

6 “(4) the term ‘foreign official’ means—

7 “(A)(i) any official or employee of a for-
8 eign government or any department, agency, or
9 instrumentality thereof; or

10 “(ii) any senior foreign political figure, as
11 defined in section 1010.605 of title 31, Code of
12 Federal Regulations, or any successor regula-
13 tion;

14 “(B) any official or employee of a public
15 international organization;

16 “(C) any person acting in an official ca-
17 pacity for or on behalf of—

18 “(i) a government, department, agen-
19 cy, or instrumentality described in sub-
20 paragraph (A)(i); or

21 “(ii) a public international organiza-
22 tion; or

23 “(D) any person acting in an unofficial ca-
24 pacity for or on behalf of—

1 “(i) a government, department, agen-
2 cy, or instrumentality described in sub-
3 paragraph (A)(i); or

4 “(ii) a public international organiza-
5 tion; and

6 “(5) the term ‘public international organization’
7 means—

8 “(A) an organization that is designated by
9 Executive order pursuant to section 1 of the
10 International Organizations Immunities Act (22
11 U.S.C. 288); or

12 “(B) any other international organization
13 that is designated by the President by Execu-
14 tive order for the purposes of this section, effec-
15 tive as of the date of publication of such order
16 in the Federal Register.”; and

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

18 “(f) PROHIBITION OF DEMAND FOR A BRIBE.—

19 “(1) OFFENSE.—It shall be unlawful for any
20 foreign official or person selected to be a foreign of-
21 ficial to corruptly demand, seek, receive, accept, or
22 agree to receive or accept, directly or indirectly, any-
23 thing of value personally or for any other person or
24 nongovernmental entity, by making use of the mails
25 or any means or instrumentality of interstate com-

1 merce, from any person (as defined in section 104A
2 of the Foreign Corrupt Practices Act of 1977 (15
3 U.S.C. 78dd-3), except that that definition shall be
4 applied without regard to whether the person is an
5 offender) while in the territory of the United States,
6 from an issuer (as defined in section 3(a) of the Se-
7 curities Exchange Act of 1934 (15 U.S.C. 78c(a))),
8 or from a domestic concern (as defined in section
9 104 of the Foreign Corrupt Practices Act of 1977
10 (15 U.S.C. 78dd-2)), in return for—

11 “(A) being influenced in the performance
12 of any official act;

13 “(B) being induced to do or omit to do any
14 act in violation of the official duty of such for-
15 eign official or person; or

16 “(C) conferring any improper advantage,
17 in connection with obtaining or retaining business
18 for or with, or directing business to, any person.

19 “(2) PENALTIES.—Any person who violates
20 paragraph (1) shall be fined not more than
21 \$250,000 or 3 times the monetary equivalent of the
22 thing of value, imprisoned for not more than 15
23 years, or both.

1 “(3) JURISDICTION.—An offense under para-
2 graph (1) shall be subject to extraterritorial Federal
3 jurisdiction.

4 “(4) REPORT.—Not later than 1 year after the
5 date of enactment of the Foreign Extortion Preven-
6 tion Act, and annually thereafter, the Attorney Gen-
7 eral shall submit to the Committee on the Judiciary
8 of the Senate and the Committee on the Judiciary
9 of the House of Representatives, and post on the
10 publicly available website of the Department of Jus-
11 tice, a report—

12 “(A) focusing, in part, on demands by for-
13 foreign officials for bribes from entities domiciled
14 or incorporated in the United States, and the
15 efforts of foreign governments to prosecute such
16 cases;

17 “(B) addressing United States diplomatic
18 efforts to protect entities domiciled or incor-
19 porated in the United States from foreign brib-
20 ery, and the effectiveness of those efforts in
21 protecting such entities;

22 “(C) summarizing major actions taken
23 under this section in the previous year, includ-
24 ing enforcement actions taken and penalties im-
25 posed;

1 “(D) evaluating the effectiveness of the
2 Department of Justice in enforcing this section;
3 and

4 “(E) detailing what resources or legislative
5 action the Department of Justice needs to en-
6 sure adequate enforcement of this section.

7 “(5) RULE OF CONSTRUCTION.—This sub-
8 section shall not be construed as encompassing con-
9 duct that would violate section 30A of the Securities
10 Exchange Act of 1934 (15 U.S.C. 78dd–1) or sec-
11 tion 104 or 104A of the Foreign Corrupt Practices
12 Act of 1977 (15 U.S.C. 78dd–2; 15 U.S.C. 78dd–
13 3) whether pursuant to a theory of direct liability,
14 conspiracy, complicity, or otherwise.”.