

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. WILSON OF SOUTH CAROLINA

At the end of subtitle C of title XVII, add the following:

1 **SEC. 17_. TECHNICAL CORRECTION TO 2024 NDAA.**

2 (a) REPEAL OF PREVIOUS VERSION OF FEPA.—Sec-
3 tion 5101 of the National Defense Authorization Act for
4 Fiscal Year 2024 (Public Law 118–31) is repealed, and
5 each provision of law amended by that section is amended
6 to read as it read on the day before the date of enactment
7 of that Act.

8 (b) PROHIBITION OF DEMAND FOR BRIBE.—

9 (1) IN GENERAL.—Chapter 63 of title 18,
10 United States Code, is amended by adding at the
11 end the following:

12 **“§ 1352. Demands by foreign officials for bribes**

13 **“(a) DEFINITIONS.—**In this section:

14 **“(1) FOREIGN OFFICIAL.—**The term ‘foreign
15 official’ means—

16 **“(A)(i)** any official or employee of a for-
17 eign government or any department, agency, or
18 instrumentality thereof; or

1 “(ii) any senior foreign political figure, as
2 defined in section 1010.605 of title 31, Code of
3 Federal Regulations, or any successor regula-
4 tion;

5 “(B) any official or employee of a public
6 international organization;

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

9 “(i) a government, department, agen-
10 cy, or instrumentality described in sub-
11 paragraph (A)(i); or

12 “(ii) a public international organiza-
13 tion.

14 “(2) PUBLIC INTERNATIONAL ORGANIZATION.—

15 The term ‘public international organization’
16 means—

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

21 “(B) any other international organization
22 that is designated by the President by Execu-
23 tive order for the purposes of this section, effec-
24 tive as of the date of publication of the order
25 in the Federal Register.

1 “(b) PROHIBITION OF DEMAND FOR A BRIBE.—

2 “(1) OFFENSE.—It shall be unlawful for any
3 foreign official or person selected to be a foreign of-
4 ficial to corruptly demand, seek, receive, accept, or
5 agree to receive or accept, directly or indirectly, any-
6 thing of value personally or for any other person or
7 nongovernmental entity, by making use of the mails
8 or any means or instrumentality of interstate com-
9 merce—

10 “(A) from—

11 “(i) any person (as defined in section
12 104A of the Foreign Corrupt Practices Act
13 of 1977 (15 U.S.C. 78dd–3), except that
14 that definition shall be applied without re-
15 gard to whether the person is an offender)
16 while the foreign official or person selected
17 to be a foreign official, or a person acting
18 on behalf of the foreign official or person
19 selected to be a foreign official, is in the
20 territory of the United States;

21 “(ii) an issuer (as defined in section
22 3(a) of the Securities Exchange Act of
23 1934 (15 U.S.C. 78c(a))), or any officer,
24 director, employee, or agent of an issuer or

1 any stockholder thereof acting on behalf of
2 the issuer; or

3 “(iii) a domestic concern (as defined
4 in section 104 of the Foreign Corrupt
5 Practices Act of 1977 (15 U.S.C. 78dd–
6 2)), or any officer, director, employee, or
7 agent of a domestic concern or any stock-
8 holder thereof acting on behalf of the do-
9 mestic concern; and

10 “(B) in return for—

11 “(i) being influenced in the perform-
12 ance of any act or decision of the foreign
13 official or person selected to be a foreign
14 official in the official capacity of the for-
15 eign official or person selected to be a for-
16 eign official;

17 “(ii) being induced to do or omit to do
18 any act in violation of the lawful duty of
19 the foreign official or person selected to be
20 a foreign official;

21 “(iii) conferring any improper advan-
22 tage; or

23 “(iv) using the influence of the foreign
24 official or person selected to be a foreign
25 official with a foreign government or in-

1 instrumentality thereof to affect or influence
2 any act or decision of that government or
3 instrumentality,
4 in connection with obtaining or retaining busi-
5 ness for or with, or directing business to, any
6 person.

7 “(2) PENALTIES.—Any person who violates
8 paragraph (1) shall be fined not more than
9 \$250,000 or 3 times the monetary equivalent of the
10 thing of value, imprisoned for not more than 15
11 years, or both.

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

15 “(4) REPORT.—Not later than 1 year after the
16 date of enactment of this section, and annually
17 thereafter, the Attorney General, in consultation
18 with the Secretary of State as relevant, shall submit
19 to the Committee on the Judiciary and the Com-
20 mittee on Foreign Relations of the Senate and the
21 Committee on the Judiciary and the Committee on
22 Foreign Affairs of the House of Representatives,
23 and post on the publicly available website of the De-
24 partment of Justice, a report—

1 “(A) focusing, in part, on demands by for-
2 foreign officials for bribes from entities domiciled
3 or incorporated in the United States, and the
4 efforts of foreign governments to prosecute such
5 cases;

6 “(B) addressing United States diplomatic
7 efforts to protect entities domiciled or incor-
8 porated in the United States from foreign brib-
9 ery, and the effectiveness of those efforts in
10 protecting such entities;

11 “(C) summarizing major actions taken
12 under this section in the previous year, includ-
13 ing enforcement actions taken and penalties im-
14 posed;

15 “(D) evaluating the effectiveness of the
16 Department of Justice in enforcing this section;
17 and

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

21 “(5) RULE OF CONSTRUCTION.—This sub-
22 section shall not be construed as encompassing con-
23 duct that would violate section 30A of the Securities
24 Exchange Act of 1934 (15 U.S.C. 78dd–1) or sec-
25 tion 104 or 104A of the Foreign Corrupt Practices

1 Act of 1977 (15 U.S.C. 78dd-2; 15 U.S.C. 78dd-
2 3) whether pursuant to a theory of direct liability,
3 conspiracy, complicity, or otherwise.”.

4 (2) TECHNICAL AND CONFORMING AMEND-
5 MENT.—The table of sections for chapter 63 of title
6 18, United States Code, is amended by adding at
7 the end the following:

“1352. Demands by foreign officials for bribes.”.

