

118TH CONGRESS  
2D SESSION

# S. 4548

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## AN ACT

To make a technical correction to the National Defense Authorization Act for Fiscal Year 2024 by repealing section 5101 and enacting an updated version of the Foreign Extortion Prevention Act.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Foreign Extortion Pre-  
3 vention Technical Corrections Act”.

4 **SEC. 2. TECHNICAL CORRECTION TO 2024 NDAA.**

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7 Fiscal Year 2024 (Public Law 118–31) is repealed, and  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

11 (b) PROHIBITION OF DEMAND FOR BRIBE.—

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

15 **“§ 1352. Demands by foreign officials for bribes**

16 “(a) DEFINITIONS.—In this section:

17 “(1) FOREIGN OFFICIAL.—The term ‘foreign  
18 official’ means—

19 “(A)(i) any official or employee of a for-  
20 eign government or any department, agency, or  
21 instrumentality thereof; or

22 “(ii) any senior foreign political figure, as  
23 defined in section 1010.605 of title 31, Code of  
24 Federal Regulations, or any successor regula-  
25 tion;

1           “(B) any official or employee of a public  
2 international organization;

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

5                 “(i) a government, department, agen-  
6 cy, or instrumentality described in sub-  
7 paragraph (A)(i); or

8                 “(ii) a public international organiza-  
9 tion.

10           “(2) PUBLIC INTERNATIONAL ORGANIZATION.—

11 The term ‘public international organization’  
12 means—

13                 “(A) an organization that is designated by  
14 Executive order pursuant to section 1 of the  
15 International Organizations Immunities Act (22  
16 U.S.C. 288); or

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

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

23                 “(1) OFFENSE.—It shall be unlawful for any  
24 foreign official or person selected to be a foreign of-  
25 ficial to corruptly demand, seek, receive, accept, or

1 agree to receive or accept, directly or indirectly, any-  
2 thing of value personally or for any other person or  
3 nongovernmental entity, by making use of the mails  
4 or any means or instrumentality of interstate com-  
5 merce—

6 “(A) from—

7 “(i) any person (as defined in section  
8 104A of the Foreign Corrupt Practices Act  
9 of 1977 (15 U.S.C. 78dd–3), except that  
10 that definition shall be applied without re-  
11 gard to whether the person is an offender)  
12 while the foreign official or person selected  
13 to be a foreign official, or a person acting  
14 on behalf of the foreign official or person  
15 selected to be a foreign official, is in the  
16 territory of the United States;

17 “(ii) an issuer (as defined in section  
18 3(a) of the Securities Exchange Act of  
19 1934 (15 U.S.C. 78c(a))), or any officer,  
20 director, employee, or agent of an issuer or  
21 any stockholder thereof acting on behalf of  
22 the issuer; or

23 “(iii) a domestic concern (as defined  
24 in section 104 of the Foreign Corrupt  
25 Practices Act of 1977 (15 U.S.C. 78dd–

2)), or any officer, director, employee, or  
agent of a domestic concern or any stock-  
holder thereof acting on behalf of the do-  
mestic concern; and

“(B) in return for—

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

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

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

“(iv) using the influence of the foreign  
official or person selected to be a foreign  
official with a foreign government or in-  
strumentality thereof to affect or influence  
any act or decision of that government or  
instrumentality,

1 in connection with obtaining or retaining busi-  
2 ness for or with, or directing business to, any  
3 person.

4 “(2) PENALTIES.—Any person who violates  
5 paragraph (1) shall be fined not more than  
6 \$250,000 or 3 times the monetary equivalent of the  
7 thing of value, imprisoned for not more than 15  
8 years, or both.

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

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

22 “(A) focusing, in part, on demands by for-  
23 eign officials for bribes from entities domiciled  
24 or incorporated in the United States, and the

1 efforts of foreign governments to prosecute such  
2 cases;

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

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

12 “(D) evaluating the effectiveness of the  
13 Department of Justice in enforcing this section;  
14 and

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

18 “(5) RULE OF CONSTRUCTION.—This sub-  
19 section shall not be construed as encompassing con-  
20 duct that would violate section 30A of the Securities  
21 Exchange Act of 1934 (15 U.S.C. 78dd–1) or sec-  
22 tion 104 or 104A of the Foreign Corrupt Practices  
23 Act of 1977 (15 U.S.C. 78dd–2; 15 U.S.C. 78dd–  
24 3) whether pursuant to a theory of direct liability,  
25 conspiracy, complicity, or otherwise.”.

1           (2) TECHNICAL AND CONFORMING AMEND-  
2       MENT.—The table of sections for chapter 63 of title  
3       18, United States Code, is amended by adding at  
4       the end the following:

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

Passed the Senate June 13, 2024.

Attest:

*Secretary.*





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