



United States  
Department of  
Agriculture  
  
Foreign  
Agricultural  
Service

# PROGRAM ANNOUNCEMENT

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## NOTICE TO U.S. PARTICIPANTS OF EXPORT CREDIT GUARANTEE PROGRAMS

WASHINGTON, Jan. 10, 2008—The U.S. Department of Agriculture's Foreign Agricultural Service today issued a reminder regarding foreign corrupt practices to U.S. participants of the Export Credit Guarantee Programs, including the GSM-102 Program and the Facility Guarantee Program (FGP).

Exporters are reminded that U.S. firms and individuals seeking to do business in foreign markets must be familiar with the Foreign Corrupt Practices Act of 1977 (FCPA), 15 U.S.C. §§ 78dd-1, et seq., which, in general, prohibits corrupt payments to foreign officials for the purpose of obtaining or keeping business. The anti-bribery provisions of the FCPA make it unlawful for a U.S. person and certain foreign issuers of securities to make a corrupt payment to a foreign official for the purpose of obtaining or retaining business for or with, or directing business to, any person. They also apply to foreign firms and persons who take any act in furtherance of such a corrupt payment while in the United States. Consistent with the FCPA, the Organization for Economic Cooperation and Development (OECD) has brought about anti-bribery recommendations to combat bribery of foreign public officials in international business transactions, which the U.S. Government has agreed to follow in its export credit practices.

Congress enacted the FCPA to halt the bribery of foreign officials and to restore public confidence in the integrity of the American business system. Several firms that paid bribes to foreign officials have been the subject of criminal and civil enforcement actions, resulting in large fines and suspension and debarment from federal contracting, and their employees and officers going to jail. To avoid such consequences, many firms have implemented detailed compliance programs intended to prevent and to detect any improper payments by employees and agents. The Commodity Credit Corporation (CCC) reserves the right to require that exporters/applicants disclose, upon demand: (i) the identity of persons acting on their behalf in connection with the transaction; (ii) the amount and purpose of commissions and fees paid, or agreed to be paid, to such persons; and (iii) whether anyone acting on the exporter/applicant's behalf is charged with or has been convicted of any violation of law against bribery.

In making certifications to CCC for application for a payment guarantee under GSM-102 as required by 7 C.F.R. 1493.50 and under the FGP as required by 7 C.F.R. 1493.270 and in submitting an Evidence of Export notice as required by 7 C.F.R. 1493.90, the exporter/applicant is affirming that he/she is in compliance with the FCPA and other anti-bribery measures.

Parties doing business with CCC are encouraged to develop, apply and document appropriate controls to combat bribery. More information about the FCPA is available from the U.S. Department of Justice web site, including, in particular, the layperson's guide to the FCPA Statute. For information on anti-corruption policies, public debarment lists of multilateral financial institutions, and the excluded parties list system (EPLS), please visit the following websites: [www.iadb.org](http://www.iadb.org); [www.epls.gov](http://www.epls.gov); [www.adb.org](http://www.adb.org); [www.ebrd.com](http://www.ebrd.com)

For further information, contact the Registrations and Operations Branch of FAS at (202) 720-3224, or by e-mail at [AskGSM@fas.usda.gov](mailto:AskGSM@fas.usda.gov).

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