

# Foreign Corrupt Practices Act





# Foreign Corrupt Practices Act

The Foreign Corrupt Practices Act (FCPA) was enacted to prohibit bribery and other illegal payments to officials of a foreign government, to obtain or retain business or to secure an improper advantage.



# Policy Statement

It is the express and unalterable policy of Swiftships, LLC, and its affiliates, to comply with the provisions of the FCPA. All Swiftships employees are expected to conduct company business transactions worldwide with integrity, and fairness. Swiftships will not tolerate bribery and more generally fraud, money-laundering, financing terrorism or any other forms of unethical business practice.

Swiftships policies and procedures are reviewed and updated on a regular basis to identify and address changes in laws, regulations, and the global environment. Swiftships provides effective and continuous training to ensure that the Companies' policies are effectively communicated, understood, and followed. If you have any questions or doubts related to this Policy and whether certain behavior is in line with FCPA, contact your manager or HR.

Compliance with this policy is mandatory. No employee has the authority to act contrary to the provisions of this Policy or to authorize, direct or condone violations of it by any other employee or by any agent.

No employee shall offer, promise, make, or facilitate the making of, payments to foreign officials or officials of a public international organization as are prohibited by the FCPA.

Any employee who has knowledge of incidents which he or she believes may be a violation of this Policy has an obligation to promptly notify Executive Management or the Legal Department.

Any employee who violates this Policy, who orders another to violate this Policy, or who knowingly permits an employee under his or her supervision to violate this Policy, will be subject to appropriate disciplinary action.



## Prohibited Acts

The FCPA prohibits the “offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to ‘a foreign official’ for the purpose of inducing such person to do any act or make any decision in his official capacity, or use his influence with any foreign government to effect or influence any act or decision of such government.” Both taking bribes (being induced to misuse) and offering bribes (making the inducement) are illegal.

The most important note to consider is that it is the **payer's intent** and not the monetary value that is critical in determining whether a gift, entertainment or travel expenses for a government official violates the FCPA. This requirement protects companies that engage in legitimate promotion of their business while targeting conduct that seeks to improperly induce officials into misusing their positions.



## Definitions

A “foreign official” under the FCPA includes officers or employees of a department, agency or instrumentality of a foreign government. This includes government-owned corporations, members, and organizations.

“Corrupt” means an illegal motive or purpose, or an intent to wrongfully influence the recipient.

A company or person has “knowledge” of prohibited conduct if the company or person is (a) aware that such person to whom company resources are given is engaging in such conduct, that such circumstances exist or that such result is substantially certain to occur or (b) has a firm belief that such circumstances exist or that such result is substantially certain to occur.



## Bona Fide Expenditures

Swiftships employees may offer and accept gifts, hospitality and entertainment, within reasonable and approved values and frequency, when presented as business courtesy, not as inducement for doing business. They must be provided openly and transparently, and clearly and properly recorded. Such reasonable and bona fide expenditures must be provided in accordance with applicable laws and procedures, and must not hinder our independent way of operating, or in a way that might create the appearance of corruption or impropriety. Swiftships employees must not, either by commission or omission, take part in local business customs that are in conflict with this Policy.



## Sponsored Travel

Swiftships may, in limited circumstances, sponsor certain travel expenses of third parties when directly related to legitimate company business activities, reasonable in value and frequency, provided openly and transparently, and in accordance with applicable company policies and procedures. Swiftships may also provide limited immigration assistance to facilitate third party participation in such business-related activities.

Sponsored travel or immigration assistance offered, promised, or provided to corruptly influence or that creates the appearance of corruption or impropriety (i.e., lavish, frequent, unrelated to legitimate company-business activities, or concealed) are prohibited. Sponsored travel or immigration assistance that is not susceptible to appropriate controls and oversight are also prohibited. Management must ensure that sponsored travel (including sponsored travel that is required by contract) and immigration assistance complies with the requirements of this policy and other applicable policies and procedures.

## Hiring & Retaining Current And Former Government Officials And Their Relatives

Discussions with and offers to current and former government officials (both U.S. and Non-U.S.) and their relatives regarding their hire or retention as employees or vendors must comply with this policy, revolving door and conflicts of interest policies, and related laws and regulations.

## Exceptions

Any bribes or corrupt payments made under threat of imminent harm are exempted from this policy; they must be reported immediately to the Corporate Vice President,

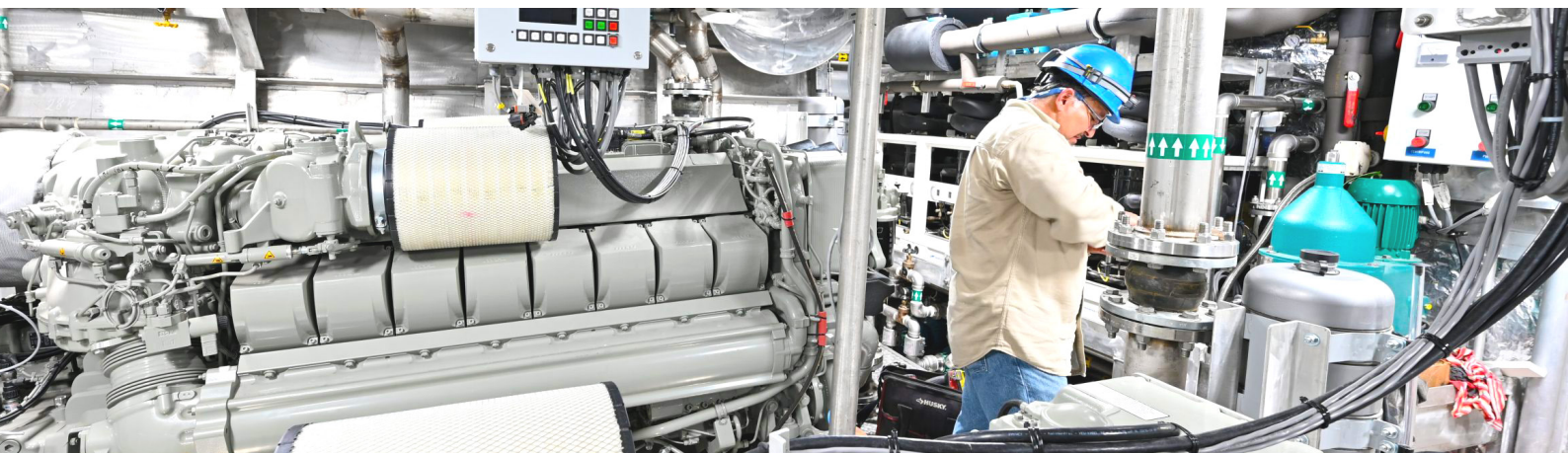
## Penalties

Corporations are subject to criminal fines of up to \$2,000,000 and civil fines up to \$10,000 per violation.

Individuals are subject to criminal fines up to \$100,000, imprisonment for up to five (5) years, or both, and civil fines up to \$10,000. Individuals cannot be indemnified by their employer for such violations.

## Questions And Concerns

It is important that any employee with questions about complying with the FCPA contact the Legal Department.








# Foreign Corrupt Practices Act Checklist

- 1.** If dealing directly with a governmental official or department, have you done due diligence on the individual and department to ensure that they are not likely to ask for a bribe now or at some time in the future?
- 2.** If dealing with a consultant, joint venture, partner, distributor, subcontractor, supplier, etc., have you done due diligence on the individual or entity to ensure that they are not likely to give a bribe now or at some time in the future?
- 3.** Is the country or region where you are doing business (or the place where your potential consultant, joint venture, partner, distributor, subcontractor, supplier, etc. will do business) known as a place where officials are likely to ask for or accept bribes?
- 4.** Do you know all of the owners of the entity with which you are dealing? Are there any owners who have a connection to a governmental official?
- 5.** Who recommended the individual or entity with which you are dealing? Was it a trust-worthy source? Was it a government official?
- 6.** Has the individual or entity you are dealing with requested that payments be made in an unusual manner (i.e., in cash, in a third country)?
- 7.** Does the individual or entity you are dealing with currently have the experience or capability to perform the task?
- 8.** Does the agreement you are entering into with the individual or entity contain written representations that FCPA laws and regulations will not be violated?
- 9.** Does the commission for the individual or entity exceed the normal rate for commissions?
- 10.** Is the individual or entity you are dealing with in an industry where bribery is not uncommon?
- 11.** If you are relying on an exception to the FCPA (i.e., payments to government officials to urge them to do (or do more quickly) that which they are already obligated to do, such as providing police protection), have you contacted the Legal Department?



 +1 (985) 384-1700

 +1 (985) 380-2565

 8001 Hwy 182 East,  
Morgan City, LA 70380

 [www.swiftships.com](http://www.swiftships.com)