

# The DOJ and SEC Have Updated Their Foundational Foreign Corrupt Practices Act Resource

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The U.S. Department of Justice (DOJ) and Securities and Exchange Commission (SEC) [recently published an updated guide to the Foreign Corrupt Practices Act \(FCPA\)](#), a key resource for corporate whistleblowers around the world.

[The FCPA](#) is a U.S. law that prohibits the payment of anything of value to foreign government officials in order to obtain a business advantage. The FCPA also requires publicly traded corporations to make and keep books and records that accurately reflect transactions of the corporation to ensure that no bribes were paid.

This singular law is extremely important to global corporate accountability because [it ensures that U.S. companies can be held accountable for corrupt actions abroad](#). Additionally, because this law is a part of the Dodd-Frank Act, whistleblowers from around the world may anonymously and confidentially report such corruption to the SEC and receive an award for successful tips. The U.S. government has successfully prosecuted many foreign corporations under the FCPA and has issued millions of dollars in rewards to both U.S. and non-U.S. whistleblowers.

This new guide adheres to this standard by providing significant, easy to follow information on the scope of the FCPA, potential consequences for FCPA violations, and whistleblower protections. In this new edition, the DOJ and SEC expand their guidance on a number of issues citing new cases and the new [DOJ FCPA Corporate Enforcement Policy](#), which all anticorruption advocates, including potential whistleblowers, and corporate compliance professionals should review and understand.

The complete list of topics on which updated definitions and guidance is provided is as follows:

- Intermediaries
- Gifts as bribes
- Instrumentalities of foreign governments
- Third party payments

- The “local law defense”
- Successor liability for corporations
- Conspiracy liability
- Applicable statutes of limitations
- Criminal liability for accounting violations
- Factors that the Justice Department considers in determining how to resolve a corporate criminal case
- DOJ FCPA Corporate Enforcement Policy (a new official DOJ policy), including examples of when the DOJ will decline to prosecute
- How corporate and individual cooperation is evaluated
- Components of an effective compliance program

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