





**FCPA Comp**



## U.S. Foreign Corrupt Practices Act

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# U.S. Foreign Corrupt Practices Act

- Under the Foreign Corrupt Practices Act (FCPA), it is unlawful for a U.S. person or company to offer, pay, or promise to pay money or anything of value to any foreign official for the purpose of obtaining or retaining business.
- A U.S. person or company may also be any officer, director, employee, or agent of a company or any stockholder acting on behalf of the company. And a foreign official may be a foreign political party or candidate for foreign political office.
- Also covered by the FCPA is the authorization of any money, offer, gift, or promise authorizing the giving of anything of value to any person while knowing that all or a portion of it will be offered, given, or promised—directly or indirectly—to any foreign official for the purposes of assisting the U.S. person or company in obtaining or retaining business.
- “Knowing” includes the concepts of conscious disregard and willful blindness.
- The FCPA also covers foreign persons or companies that commit acts in furtherance of such bribery in the territory of the United States, as well as U.S. or foreign public companies listed on stock exchanges in the United States or which are required to file periodic reports with the U.S. Securities and Exchange Commission.
- The FCPA accounting provisions require such publicly listed companies to make and keep accurate books and records and to devise and maintain an adequate system of internal accounting controls. The accounting provisions also prohibit individuals and businesses from knowingly falsifying books and records or knowingly circumventing or failing to implement a system of internal controls. U.S. persons or companies, or covered foreign persons or companies, should consult an attorney or use the Department of Justice Opinion Procedure when confronted with FCPA issues.

For more information about the FCPA, visit <http://usdoj.gov/criminal/fraud/fcpa> or

<https://www.investor.gov/additional-resources/general-resources/glossary/foreign-corrupt-practices-act-fcpa>