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Is Anyone Not a Foreign Official Under the FCPA?

Authors: [Jacqueline C. Wolff](#) | [Nirav S. Shah](#)

Recent years have seen a rise in the number of enforcement actions taken by the Department of Justice (DOJ) and the Securities Exchange Commission (SEC) under the Foreign Corrupt Practices Act (FCPA), as well as a notable expansion of the types of conduct covered by these prosecutions. Increasingly, the government has focused on prosecuting individuals and companies for allegedly corrupt payments to officials of state-owned enterprises (SOEs), rather than more traditional government entities.

The FCPA prohibits corrupt payments to “foreign officials,” defining a foreign official as “any officer or employee of a foreign government or any department, agency, or instrumentality thereof ... or any person acting in an official capacity for or on behalf of any such government or department ... ” 15 U.S.C. § 78dd-2(h)(2)(A). [Read more](#)

Foreign Bribery: Feds Aggressively Use FCPA And the Money Laundering Statute

Author: [Steven F. Reich](#)

Every time you turn around, the Justice Department or SEC announces a new round of charges and settlements against

individuals and entities under the Foreign Corrupt Practices Act (FCPA). Historically, the government has focused FCPA enforcement efforts on persons or entities within the U.S., or on foreign persons or entities that commit unlawful acts within our borders.

But, more recently, the government has employed conspiracy or aiding and abetting theories to reach acts of foreign bribery not previously thought to be within U.S. law enforcement's reach. This article examines recent charges and settlements suggesting a new approach by federal authorities to foreign bribery. [Read more](#)