

FCPA Partners Publish Commentary on US Foreign Corrupt Practices Act Guidance in *Journal of Investment Compliance*

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In response to the guidance on the US Foreign Corrupt Practices Act (the Act), published in November 2012 by the US Department of Justice (DOJ) and the US Securities and Exchange Commission (SEC), three WilmerHale [FCPA](#) partners offered their expertise on the subject matter in a recently published paper, “[DOJ and the SEC issue much-anticipated FCPA guidance.](#)”

WilmerHale Partners [Roger Witten](#), [Kimberly Parker](#) and [Jay Holtmeier](#) explain the key takeaways from the guidance in the paper, published in a recent edition of the *Journal of Investment Compliance*. Their paper offers an analysis of the guidance, where it sheds light, and where it leaves continued uncertainty regarding the enforcement of the FCPA.

Topics covered in the article include: jurisdiction; corrupt intent, knowledge and willfulness; the “business purpose” test; gifts, travel and entertainment expenses; charitable contributions; definitions of foreign officials and instrumentalities; third parties; facilitating payments; extortion/duress; successor liability; accounting provisions; compliance programs; compliance monitors; and prosecution, resolution and declination decisions.