

FCPA Guidance for Companies Using Intermediaries in High-Risk Regions

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PRACTICES Foreign Corrupt Practices Act FCPA

Historically, most Foreign Corrupt Practices Act (FCPA) enforcement actions have involved interactions between companies and foreign intermediaries. Companies have generally responded by improving compliance, yet the use of third parties to facilitate overseas business continues to create substantial FCPA risks.

Since July 2016, the Justice Department (DOJ) and Securities and Exchange Commission (SEC) have settled at least eight FCPA matters involving payments to foreign officials via third parties, including actions against LATAM Airlines Group SA, Key Energy Services Inc., Anheuser-Busch InBev SA/NV, Och-Ziff Capital Management Group, and Embraer SA. Each of those companies allegedly violated the books and records and internal controls provisions of the FCPA for failing to properly account for and disclose the improper payments.

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