



U.S. Department of Justice

Criminal Division

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Fraud Section

Washington, D.C. 20530

**ADDENDUM TO THE FOREIGN CORRUPT PRACTICES ACT (FCPA)**  
**RESOURCE GUIDE, SECOND EDITION<sup>1</sup>**

December 13, 2024

On July 30, 2024, the U.S. Foreign Extortion Prevention Technical Amendments Act (FEPA), was enacted into law. *See* Pub. Law 118-78. The Department of Justice (DOJ) has long prosecuted corrupt foreign officials under other federal laws, including, but not limited to, money laundering statutes. FEPA complements the FCPA by creating a new statute, 18 U.S.C. § 1352, which makes it a crime for any foreign official (as defined in FEPA<sup>2</sup>), or a person selected to be a foreign official, to corruptly demand, seek, receive, accept, or agree to receive or accept, directly or indirectly, payments from certain classes of persons and entities by making use of the mails or any means or instrumentality of interstate commerce in return for taking certain actions and in connection with obtaining or retaining business. FEPA generally mirrors the FCPA by defining those classes of persons and entities as (i) “issuers” and “domestic concerns,” as defined in 15 U.S.C. §§ 78c(a) and 78dd-2, respectively, and their officers, directors, employees, agents, or stockholders thereof acting on their behalf; and (ii) “persons,” as defined in 15 U.S.C. § 78dd-3, if the foreign official or a person acting on behalf of the foreign official is in the territory of the United States.

A violation of FEPA is punishable by up to 15 years’ imprisonment and a maximum fine of \$250,000 or three times the monetary equivalent of the thing of value demanded by the foreign official. *See* 18 U.S.C. § 1352(b)(2). Unlike portions of the FCPA, FEPA does not provide any civil remedies or grant enforcement authority to the U.S. Securities and Exchange Commission.

FEPA also requires DOJ, in consultation with the State Department, to provide annual reports to Congress beginning in July 2025 about, among other things, DOJ’s enforcement of FEPA.

DOJ policy provides that the Criminal Division’s Fraud Section has exclusive jurisdiction over and primary responsibility for all FEPA matters, just as it does for all FCPA matters. *See* U.S. Dep’t of Justice, Justice Manual § 9-47.110, available at <https://www.justice.gov/jm/jm-9-47000-foreign-corrupt-practices-act-1977>. The FCPA Unit within the Fraud Section handles all FEPA (and FCPA) matters for DOJ and regularly works with U.S. Attorneys’ Offices around the country on such cases.

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<sup>1</sup> *As with the Resource Guide to the U.S. Foreign Corrupt Practices Act, this addendum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, that are enforceable at law by any party, in any criminal, civil, or administrative matter. It is not intended to substitute for the advice of legal counsel on specific issues related to FEPA. It does not in any way limit the enforcement intentions or litigating positions of the U.S. Department of Justice or any other U.S. government agency.*

<sup>2</sup> *See* 18 U.S.C. § 1352(a)(1).