
Supreme Court says Timing is Everything for Bribes and Gratuities

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On June 26, 2024, the U.S. Supreme Court held that 18 U.S.C. § 666(a)(1)(B), a federal law prohibiting state and local officials from accepting corrupt payments, does not make it a crime for those officials to accept rewards or gratuities, after the fact, for their prior official acts. The Court's holding narrows the reach of the statute while leaving state and local governments the task of regulating post-hoc rewards and gratuities paid to their officials. Though the decision has triggered some speculation about the potential for future dilution of other anti-bribery statutes such as the Foreign Corrupt Practices Act ("FCPA"), that statute has not frequently been used to prosecute post-hoc rewards and gratuities, and in any event, FCPA prosecutors would still contend, even based on *Snyder's* logic, that companies and individuals can be charged for such after-the-fact payments, provided that the payment in question was offered before the official act, regardless of when it was actually made.

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