

This is your Release #9 (December 2022)

Deskbook on Internal Investigations, Corporate Compliance, and White Collar Issues

by Arnold & Porter Kaye Scholer LLP

Authored by Arnold & Porter Kaye Scholer LLP's White Collar Defense Practice Group, this treatise provides comprehensive coverage of the regulatory and criminal issues that can arise in a corporate setting.

All chapters are updated to reflect the most recent trends and specific high-profile DOJ investigations, settlements and actions. Just a few of the changes in this release are:

Materiality of false statements: New text examines the DOJ's disparate approaches to the Flynn and Sussman investigations on the issue of when a false statement made to the government is "material." These matters may provide unpredictable outcomes for future defendants, particularly when political considerations may inform the government's motivations. **Chapter 5, Advising Witnesses in Light of Perjury Statutes.**

Bank Secrecy Act: Congress has proposed a new law that would expand the definition of "financial institution" under the BSA to address the transparency concerns raised by the Pandora Papers; the ENABLERS Act is likely to become law and would increase the universe of professionals and other entities responsible for conducting due diligence on their clients. **Chapter 14, Money Laundering and Financial Institutions.**

Kleptocracy: Recent FinCEN guidance on foreign corruption focuses on the threat that kleptocratic regimes pose to U.S. financial institutions. The guidance emphasizes regulators' expectations that financial institutions identify and report suspicious transactions, and lists ten "financial red flag indicators" to assist financial institutions with detecting transactions involving foreign public corruption. And

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the Treasury, in coordination with other agencies, has launched a new rewards program that offers rewards payments for information leading to seizure, restraint, or forfeiture of assets linked to foreign government corruption, serving as a force-multiplier for existing rewards programs.

Chapter 14, Money Laundering and Financial Institutions.

FCPA: The chapter on anti-corruption is updated to reflect enforcement activity in the first half of 2022, including two DOJ and two SEC resolutions of corporate FCPA cases, as well as DOJ's recent charges against individuals in connection with international bribery schemes. **Chapter 15, The Foreign Corrupt Practices Act and Global Anti-Corruption Enforcement.**

The release also reflects late developments involving the seizure and examination of documents in the possession of former President Trump.

Thank you for purchasing *Deskbook on Internal Investigations, Corporate Compliance, and White Collar Issues*. If you have any questions about this product, or would like more information on our other products, please contact customer service at info@pli.edu or at (800) 260-4PLI.

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**REMOVE OLD PAGES
NUMBERED:**

- Title page to 16-76
- I-1 to I-41

**INSERT NEW PAGES
NUMBERED:**

- Title page to 16-76
- I-1 to I-40

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