

*This is your Release #9 (October 2022)*

# **Doing Business Under the Foreign Corrupt Practices Act**

## *Second Edition*

**by Don Zarin**

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Doing business overseas means learning new ways of negotiating. It also means understanding when an accepted and even expected “gift” to the other party will be considered a bribe under the U.S. Foreign Corrupt Practices Act (FCPA).

Release #9 of *Doing Business Under the Foreign Corrupt Practices Act* provides vital legal and procedural information that helps corporations and attorneys:

- Develop internal compliance programs that detect and prevent illegalities
- Spot cautionary “red flags” and sidestep potential legal pitfalls in planned business steps
- Draft compliant business agreements and contracts using included model contract provisions
- Satisfy FCPA’s complicated accounting standards
- Avoid RICO violations, wire and mail fraud, and other legal missteps

The number and size of recoveries under the FCPA have significantly grown, and the whistleblower provision in the Dodd-Frank Act increases potential recoveries for actions as well. *Doing Business Under the Foreign Corrupt Practices Act* updates readers on recent enforcement actions, reminding companies and their counsel of the harsh penalties for falsified books and records, mischaracterized payments, fictitious invoices, insufficient internal accounting controls, and other charges. This treatise is an invaluable resource for in-house and outside

*(continued on reverse)*

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corporate counsel, corporate executives and managers, and anyone who is responsible for business relationships with overseas partners or customers.

Key updates in Release #9 include:

**“Agency” Under the FCPA:** The scope of the term “agent” as applied to a foreign national has received a lot of attention in recent cases such as *United States v. Hoskins* and *United States v. Rafoi-Bleuler*. See chapter 4 and chapter 11 for discussion of the reach of the FCPA with respect to foreign nationals operating outside the territory of the United States.

**ALJ Adjudications in FCPA Cases:** In *Jarkesy v. SEC*, the Fifth Circuit held that the practice of imposing civil monetary penalties in administrative proceedings is unconstitutional. While not an FCPA enforcement action, the decision directly challenges the SEC’s reliance on ALJ adjudications in FCPA cases. See chapter 8.

**And all of the latest cases, enforcement actions, and settlements.**

Thank you for purchasing *Doing Business Under the Foreign Corrupt Practices Act*. If you have questions about this product, or would like information on our other products, please contact customer service at [info@pli.edu](mailto:info@pli.edu) or at (800) 260-4PLI.

## FILING INSTRUCTIONS

# Doing Business Under the Foreign Corrupt Practices Act

**Release #9  
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