



FCPA Compliance Checklist

In today's international marketplace, it is critical to keep in mind the reach of American federal statutes that have significant impact on foreign jurisdictions. Prosecutions of The Foreign Corrupt Practices Act (FCPA) matters generally run on parallel tracks. The DOJ investigates individuals & corporations for potential criminal violations, while the SEC investigates & pursues those same individuals & entities for civil remedies including monetary fines, debarment & disgorgement.

If your company operates overseas, it is time well spent to review the following aspects of your business:

- Identify the nature of your business and all sectors in which you operate.

- Identify all nations in which you operate and/or engage in commerce.

- Research the Corruptions Perception Index published by Transparency International, a global coalition with a mission to stop corruption and promote transparency - for each nation in which you operate and /or engage in commerce (www.transparency.org)

- Identify all public/governmental agencies to which you market and/or sell products and services.

- Inventory the strengths and weaknesses of your corporate internal controls.

- Identify all executives and employees responsible for compliance with federal statutes and regulations.

- Revisit record keeping and accounting procedures for all international transactions to ensure accurate characterization of all expenditures.

- Implement an anonymous hotline for employee concerns with measurable follow-up and accountability for addressing each call in a timely manner.

- Revisit the content of employee compliance training on an annual basis.

- Develop an ongoing relationship and exchange of information with knowledgeable external legal counsel.
