

The Foreign Corrupt Practices Act

OVERVIEW

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FCPA Overview

Two Primary Provisions

- Anti-bribery provision
- Accounting requirements

FCPA's Anti-Bribery Provision

Prohibits U.S. person or company from:

- corruptly paying or offering to pay
- anything of value
- to a foreign official
- directly or indirectly
- to assist in obtaining or retaining business.

FCPA's Anti-Bribery Provision

Exception and Defenses

- **Facilitating payments to expedite or secure routine government action**
- **Legal under local *written* law**
- **Bona fide expenditure related to promotion or demonstration of goods or services**

FCPA's Accounting Provisions

- **Requirement to make and keep records in reasonable detail to accurately reflect transactions.**
- **Requirement to devise and maintain a system of internal accounting controls sufficient to provide reasonable assurance that transactions are recorded appropriately and in accordance with rules and regulations.**