



The Foreign Corrupt Practices Act in a New Era

Mike Koehler

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'Professor Mike Koehler has brought to this volume the clear-eyed perspective that has made his FCPA Professor website the most authoritative source for those seeking to understand and apply the FCPA. This is a uniquely useful book, laying out systematically the history and rationale of the FCPA, as well as its evolution into a structure governed as much by lore as by law. It will be valuable both to those who counsel international corporations, whether in connection with immediate crises or long-term strategies; and to those who contemplate what the FCPA has become, and how it can be improved.'

- Michael Mukasey, Former U.S. Attorney General

'This is the single most comprehensive academic treatment of the Foreign Corrupt Practices available. Professor Koehler's book will become the authoritative standard for the field. The book not only treats the history of the FCPA, but analyzes the statute's elements in detail, discusses current cases, and makes proposals for reforms where the current law is deficient. The book is written in a clear, accessible style and I will use it often as a resource for my own scholarly work.'

- Daniel Chow, Associate Dean for International and Graduate Programs, The Ohio State University Michael E. Moritz College of Law, USA

'An excellent and thought-provoking book by a great expert. Backed up by rigorous analysis of cases, Professor Koehler constantly challenges those involved in anti-corruption work by asking the question 'why?' He puts forward many constructive and well-argued suggestions for improvements that need to be considered. I have learned a lot from Professor Koehler over the years and I can thoroughly recommend this book.'

- Richard Alderman, Former Director of the UK Serious Fraud Office

The Foreign Corrupt Practices Act (FCPA) has emerged as a top concern for companies doing business in the global marketplace. This book is the first of its kind given its comprehensive and provocative coverage of the FCPA and its many related legal and policy issues.

In *The Foreign Corrupt Practices Act in a New Era*, Professor Koehler dissects the FCPA's new era and confronts the FCPA statutory text, legislative history, judicial decisions, enforcement agency guidance, and resolved FCPA enforcement actions.

Written by a former FCPA attorney with expert knowledge and experience relevant to the issues discussed, the book injects innovative concepts to the study of the FCPA and its enforcement such as the 'world's most ethical FCPA violators,' 'the façade of enforcement' the 'three buckets' of FCPA financial exposure, 'FCPA Inc. and the business of bribery,' and the 'offensive use' of the FCPA. The book places an emphasis on learning FCPA issues incrementally in the belief that foundational knowledge (such as general legal principles and general Department of Justice and Securities and Exchange Commission enforcement policies and resolution vehicles) will best enhance understanding and comprehension of specific FCPA topics.

Understanding the FCPA's new era is a fundamental skill-set for a diverse group of professionals navigating the global marketplace. This book provides a toolkit that will help readers from the boardroom to the courtroom to the classroom better understand the FCPA, FCPA enforcement, FCPA compliance strategies, and the many legal and policy issues present in this new era.

Contents: Prologue Introduction and Overview 1. Before the New Era: The Story of the FCPA and Its Early Enforcement 2. FCPA Foundational Knowledge 3. The FCPA's Anti-Bribery Provisions 4. The FCPA's Books and Records and Internal Controls Provisions 5. FCPA Enforcement 6. Reasons for the Increase in FCPA Enforcement 7. The FCPA's Long Tentacles 8. FCPA Compliance and Best Practices 9. FCPA Reform Conclusion Index

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