



**Monday, October 19**  
**4:30 pm–6:00 pm**

## **304 Globalization of US Business- International Considerations for Compliance with the FCPA**

**Jeffrey Harwin**

*First Vice President, Enterprise Anti-Corruption & Code of Ethics Executive*  
Bank of America

**Mark Mendelsohn**

*Deputy Chief, Fraud Section, Criminal Division*  
Department of Justice

**Howard Sklar**

*Global Trade and Anti-Corruption Strategist*  
Hewlett Packard

**Alexandra Wrage**

*Chief Legal Officer*  
Trace International, Inc.

## Faculty Biographies

### **Jeffrey Harwin**

Jeffrey Harwin is a first vice president in Bank of America's global compliance and operational risk group in New York City. He is responsible for oversight of the bank's global anti-corruption program as well as its code of ethics.

Mr. Harwin had a similar role at Merrill Lynch where he worked prior to coming to Bank of America. He oversaw Merrill's anti-corruption compliance and transactional due diligence programs. Previously, Mr. Harwin managed Merrill Lynch's government compliance team which was responsible for ensuring compliance with rules and regulations surrounding gifts and entertainment, political contributions, lobbyist registrations and charitable contributions. He also oversaw the anti-money laundering program for the firm's capital markets business. Prior to joining Merrill Lynch, Mr. Harwin was a litigation attorney in private practice.

Mr. Harwin is a graduate of Franklin & Marshall College and Brooklyn Law School.

### **Mark Mendelsohn**

Deputy Chief, Fraud Section, Criminal Division  
Department of Justice

### **Howard Sklar**

Howard M. Sklar is vice president for compliance and ethics at American Express Co. in New York. His responsibilities include the maintenance and development of the compliance programs for American Express Business Travel, the Consumer Travel Network, Membership Travel Services, and AXP Publishing. These operating divisions comprise over 23,000 employees and operate in countries and markets throughout the world. Until recently, Mr. Sklar was the company's first-ever global anti-corruption leader, responsible for creating and implementing the anti-corruption compliance program globally.

Before joining American Express Co., Mr. Sklar was at the Securities and Exchange Commission as a senior attorney in the enforcement division. Prior to that he was with the Bronx District Attorney's Office investigating white collar crime. He founded the computer crime unit at the Bronx District Attorney's Office.

He has lectured on investigative techniques and on anti-corruption issues nationally and internationally.

Mr. Sklar graduated cum laude from Washington College of Law at The American University.

## Alexandra Wrage

Alexandra Wrage is the president of TRACE in Annapolis, MD, an international non-profit membership association working with companies to raise their anti-bribery compliance standards. She is also the author of Bribery and Extortion: Undermining Business, Governments and Security and the host of the training DVD "Toxic Transactions: Bribery, Extortion and the High Price of Bad Business."

Ms. Wrage is chair of ACC's International Legal Affairs Committee, chair of the Women in International Regulatory Law ("WIRL") steering committee, co-chair of the ABA's anti-corruption committee, and a member of the working group for the United Nation's Global Compact 10th Principle. Ms. Wrage has written three guidebooks: The TRACE Standard for Doing Business with Intermediaries Internationally, The High Cost of Small Bribes, and First to Know: Robust Internal Reporting Programs. She speaks frequently on topics of international law, anti-corruption initiatives and the hidden costs of corruption. Ms. Wrage was named as one of the 100 most influential people in business ethics for by Ethisphere Magazine and as one of Maryland's innovators of the year for BRIBELINE.

Ms. Wrage studied law at Kings College, Cambridge University.

# Scope of this Review

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**This review will cover:**

- **bribery and its impact on business;**
- **the definition of a bribe;**
- **gifts and business hospitality for foreign officials;**
- **what constitutes “corrupt intent”;**
- **the United States Foreign Corrupt Practices Act;**
- **the OAS Inter-American Convention Against Corruption;**
- **the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions;**
- **the Council of Europe Criminal Law Convention;**
- **the African Union Convention on Preventing and Combating Corruption; and**
- **the United Nations Convention Against Corruption.**

# Defining Bribery

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**Bribery and kickbacks can occur between private companies. These constitute a serious problem in international business transactions. The focus of this review, however, is primarily on bribery of foreign officials.**

**The term “bribery” is used in this review to describe a range of illegal activities. There is no universal or comprehensive definition of what constitutes bribery. The most widely accepted definition is:**

**A bribe is anything of value offered or given to a foreign official to encourage him to abuse his public office.**

**This applies to foreign officials, both civilian and military, regardless of rank or seniority, and to those persons who seek to influence them.**

# The High Cost of Bribery

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**Until recently, bribery was considered a way of life and a cost of doing business. This perception is changing as individuals, communities, and companies begin to recognize that the long-term cost of bribery outweighs the short-term gain of winning a contract.**

**According to the World Bank, US\$1 trillion is removed from the global economy each year as a result of bribery.**

**Companies that pay bribes usually recover this money through inflated prices, which in turn deplete resources that could be used for schools, roads, and hospitals.**

# The Business Case for Transparency

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## Bribery:

- **increases the cost of doing business;**
- **induces officials to contrive new rules and delays because of the availability of bribes;**
- **distorts the playing field by shielding firms with connections from competition and leads to inefficient distribution of resources;**
- **negatively impacts business growth;**
- **discourages foreign direct investment and can amount to as much as a 20% tax on such investment;**
- **undermines the rule of law and provides fertile ground for organized crime; and**
- **leads to a general loss of confidence in public institutions.**

# **Risk: Increase in Prosecutions**

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**Reducing bribery and increasing transparency is a high priority on the global political agenda.**

**In spite of cultural differences, bribery is being addressed worldwide through international conventions and local laws.**

**As a result of implementation of international conventions, all countries have or will soon have laws criminalizing the bribery of foreign officials.**

**The number of investigations and prosecutions is increasing and the likelihood of being brought before a foreign court for violations of these laws has increased dramatically.**



# Two Kinds of Bribery

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**Companies operating internationally typically encounter two types of bribery:**

## **Bribery related to contracts:**

**Contracts offered to the private sector may be awarded after a bribe, rather than on the basis of cost or quality. Bribery can originate on either side of the process: companies may pay bribes to secure contracts and foreign officials may demand bribes to award them.**

## **Bribery related to government services:**

**This can involve police officers, customs officers, and low-level bureaucrats in charge of licenses and other approvals. The ultimate beneficiary is often a more senior official for whom they are working.**

# The United States Foreign Corrupt Practices Act

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**In 1977, the United States Congress enacted the Foreign Corrupt Practices Act (“FCPA”). Until the late 1990s, the United States was the only country to attempt to prohibit bribery of foreign officials.**

**The FCPA provisions are far-reaching. Compliance with the Act is utterly essential for U.S. companies engaged in international business transactions and for companies registered with the U.S. Securities and Exchange Commission.**

# The FCPA: Background

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## History

**In the mid-1970s, over 400 U.S. companies admitted making questionable or illegal payments in excess of US\$300 million to foreign officials, politicians, and political parties.**

**The abuses ranged from bribery of high-level foreign officials to small payments to government functionaries to expedite routine government services.**

## Purpose

**The U.S. Congress enacted the FCPA to reduce bribery of foreign officials and to restore public confidence in the integrity of the American business system. The FCPA was intended to have and has had an enormous impact on the way American companies do business.**

# Who is Covered by the FCPA?

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**The FCPA is extremely broad in its scope and extra-territorial in its reach.**

**It applies to payments made by any U.S. individual or company, and to payments made by the company's officers, directors, stockholders and employees directly or through agents, intermediaries or third party representatives.**

**Companies may be penalized if they order, authorize, or assist someone else to violate the anti-bribery provisions.**

**The FCPA also applies to payments made by non-U.S. citizens based outside the United States but working for a U.S. company, even when the prohibited act takes place entirely outside the United States.**

**Note: Other national laws vary in the extent to which they permit action against non-citizens.**

# International Anti-Bribery Initiatives

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**In the last five years, almost every country has adopted or begun the process of adopting a law prohibiting bribery of foreign officials, similar to the FCPA. These laws typically are enacted to ensure that the country complies with one or more international anti-bribery conventions, some of which are described later in this review.**

**In recent years, anti-bribery enforcement has become more rigorous. National authorities now enjoy increased international cooperation among financial services regulators and criminal law enforcement agencies. This has aided the prosecution of inappropriate payments.**

**Recent anti-terrorism and anti money-laundering initiatives place even greater scrutiny on international commercial transactions.**

# Anti-Bribery Laws

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**Most anti-bribery laws have two components:**

**1. Anti-Bribery Provisions**

The anti-bribery provisions address inappropriate payments to foreign officials.

**2. Record-Keeping Provisions**

The record-keeping provisions address internal controls and record-keeping requirements.

# Anti-Bribery Provisions

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**In all countries, it is now or will soon be a crime to:**

- **pay or offer to pay,**
- **anything of value,**
- **directly or indirectly,**
- **to any foreign official or foreign political candidate or anyone acting on behalf of a public international organization,**
- **with the intention of obtaining an improper business advantage.**

**A violation does not always require that something of value actually change hands. A mere offer or promise to pay or give something of value may violate the law if done with corrupt intent.**

# Payment, Offer or Promise to Pay

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**Anti-bribery laws may prohibit not only the giving of bribes, but the mere offer or promise of a bribe even if the person offering it never provides it and even if the person to whom he offers it doesn't accept it.**

**This includes the *authorization* of a payment, offer, or promise of anything of value to be provided by a third party.**



# No Bribe Too Small

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**Most countries do not provide a lower limit on the value of a bribe. In other words, no matter how small the amount, a payment made with corrupt intent can violate anti-bribery laws.**

**The item of value need not be given directly to the foreign official.**

**The item of value can take many forms and may be given to an official directly or to the official's family members.**

# Not Always Cash

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**Anti-bribery laws define bribes more broadly than simply payments of cash. A bribe can include charitable contributions, lavish hospitality, and travel and gifts.**

**A bribe may take the form of:**

- **stock,**
- **gifts,**
- **entertainment,**
- **discounts on products and services not readily available to the public,**
- **an offer of employment for the official or a relative of the official,**
- **personal favors,**
- **forgiveness or assumption of a debt,**
- **political contributions, or**
- **scholarship for the child of a foreign official.**

# Gifts and Hospitality: Overview

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**Most anti-bribery laws do not expressly permit payment of gifts, hospitality, and travel expenses. Instead, they state that a company can defend itself by showing that expenditures for gifts, hospitality & entertainment were:**

- **reasonable and *bona fide*; and**
- **directly related to the promotion, demonstration or explanation of company products or services; or**
- **directly related to the execution or performance of a contract with a government agency.**

# Gifts

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**Most anti-bribery laws provide no guidance regarding what is a permissible gift for a foreign official. To avoid violations, a gift to a foreign official should be of modest value and should be provided as a courtesy or token in accordance with the customs of the official's country.**

**The following guidelines should be observed when providing a gift to a foreign official:**

- **The cost of the gift should be reasonable and customary.**
- **The gift should comply with the recipient's laws or policies.**
- **Cash gifts are never appropriate.**

# Gifts (continued)

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- **A pattern of providing gifts regularly to the same recipient should be avoided as it may create an appearance of bribery.**
- **A gift should be presented in a manner that avoids any appearance of impropriety.**
- **The cost of a gift and its presentation should be transparent. No facts concerning a gift should be concealed.**
- **The cost of a gift should be fairly and accurately accounted for in a company's books and records.**

# Hospitality

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**Anti-bribery compliance is most challenging in the area of business entertainment because there is greater room for disagreement over what is considered a “reasonable” business expenditure.**

**The following points should be considered prior to entertaining or hosting foreign officials:**

- **Entertainment and hospitality expenditures should comply with any local laws or business policies that apply to the foreign official.**
- **The cost of entertainment and hospitality should be unmistakably reasonable.**
- **The cost of entertainment and hospitality should be in keeping with local customs.**
- **The cost and provision of entertainment and hospitality should avoid even the appearance of impropriety.**
- **All costs related to entertainment and hospitality should be fairly and accurately accounted for in a company’s books and records.**

# Political Contributions

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- **Political contributions typically qualify as “something of value” under anti-bribery laws.**
- **Political candidates, parties, and party officials are considered foreign officials under most anti-bribery laws.**
- **Payments to a political office, political party, or party officials for the purpose of obtaining, retaining, or directing business to a specific entity are prohibited.**

# Who is a Foreign Official?

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**Anti-bribery laws prohibit corrupt payments to any foreign official regardless of rank or position. Foreign officials include:**

- **persons employed by a foreign government;**
- **foreign political parties;**
- **candidates for foreign political office;**
- **members of a royal family;**
- **officials of a state-owned business;**
- **employees of public international organizations;**
- **departments or agencies of a public international organization;**
- **persons acting in an official capacity, regardless of whether or not they are remunerated; and**
- **private companies wholly or partially owned by a foreign official or in which a foreign official holds an economic interest.**



# Business Relationships with Foreign Officials

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**Companies are not typically prohibited from conducting business with foreign governments, agencies, and government-controlled entities. They are merely required to ensure that commercial transactions with foreign officials or foreign governments are conducted in an unmistakably transparent manner.**

**“Conducting or doing business” with a foreign official includes:**

- **a joint venture with a foreign official’s company;**
- **hiring a foreign official as a consultant;**
- **paying fees for services;**
- **providing investment opportunities; or**
- **awarding a contract or subcontract to an official’s company.**

# Corrupt Intent

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**A payment to a foreign official will violate anti-bribery laws if it is made with “corrupt intent.” “Corrupt intent” means that the payment is made with the intention to gain, retain, or direct business by:**

- **influencing any act or decision of any foreign official in his or her official capacity;**
- **inducing a foreign official to do or omit to do any act in violation of his or her lawful duty; or**
- **obtaining any improper advantage.**

**The corrupt payment need not actually be made or succeed in its purpose. The mere offer or promise of a corrupt payment can constitute a violation of law. If the payment is made but the desired business is not obtained, the law has nevertheless been violated.**

**Note: If a payment has been made to a foreign official, it is difficult to argue that there was no corrupt intent.**

# “Turning a Blind Eye”

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**Actual knowledge of a corrupt payment is not required. Companies and their officers, directors, and employees may not insulate themselves from liability if they “turn a blind eye” to suspicious actions or circumstances surrounding payments or relationships with foreign officials.**

**All anti-bribery laws prohibit corrupt payments through intermediaries. Companies must not make payments to third parties, while knowing that all or a portion of the payment will benefit a foreign official.**

**The term “knowing” includes conscious disregard and deliberate ignorance. Companies are expected to undertake due diligence to ensure that there is no readily available information that would alert them to a likelihood that those with whom they work internationally would violate the law.**

# Due Diligence & Red Flags

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**As previously mentioned, companies can be liable under anti-bribery laws for the acts of third parties, including commercial intermediaries and other agent representatives and joint venture partners.**

**To reduce this risk, companies should conduct due diligence on all commercial intermediaries and other third party representatives. The purpose of due diligence is to identify any “red flags” that might indicate a greater risk of a violation. All companies are expected to conduct due diligence for anti-bribery compliance purposes.**

# Due Diligence

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**A comprehensive due diligence review should include:**

- **complete contact information for the intermediary;**
- **a description of the intermediary company organizational structure and business registrations;**
- **identification of the intermediary company ownership;**
- **identification of key employees and third parties that will undertake marketing efforts;**
- **disclosure of government employment of any intermediary owners, key employees, and their family members;**
- **curriculum vitae for all company owners, officers and key employees;**
- **identification of relevant local law requirements including post military/government employment laws;**
- **business references & financial reference;**
- **compensation details – country and method of compensation;**
- **disclosures regarding bankruptcies, criminal convictions, or investigations for corruption, bribery, tax evasion, etc.; and**
- **conflicts of interest.**

# “Red Flags”

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The purpose of conducting due diligence on an intermediary or other third party representative is to identify suspicious circumstances or “red flags” that create a greater risk of a violation. Red flags include (but are not limited to) the following:

- a history of corruption in the country of the commercial transaction;
- an intermediary specifically recommended by a foreign official;
- an intermediary who refuses to certify compliance or does not have an internal Code of Conduct addressing bribery and other forms of corruption;
- an intermediary who refuses to provide complete information or required disclosures;
- an intermediary who requires that payment be made to a third party or in a different country;
- a request for an unusually large commission;
- requests for reimbursement for poorly documented or questionable expenses;
- an intermediary who makes large or frequent political contributions;
- an intermediary who has family or business ties to relevant foreign officials;
- the use of a shell or holding company or blind trust;
- financial difficulties; and
- credible rumors or media reports of corrupt behavior.

# Facilitating Payments

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**Canada, the United States, Australia, New Zealand and South Korea permit “facilitating payments.” Facilitating payments are payments intended to expedite or to secure the performance of a routine governmental action.**

**The term routine governmental action is an action which is ordinarily and commonly performed by a foreign official, such as providing permits, licenses, or other official documents. The facilitating payment must only prompt an official to do what he/she would otherwise be bound to do. The payment must not prompt the official to make a discretionary decision concerning the award of business.**

# The Problem with Facilitating Payments

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**While making facilitating payments overseas may be legal under the laws of some countries, they are illegal under the laws of countries in which they are made. In fact, all of the countries that permit their nationals and corporations to pay facilitating payments in foreign countries do not permit them to make these payments in their own country. There is no country anywhere with a written law permitting the bribery of its officials.**

**Thus, even though a payment may meet the requirements of a facilitating payment, it will violate the law of the country in which it is made.**



# TRACE Position on Facilitating Payments

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**Facilitating payments are essentially small bribes and are inherently illegal and therefore should be avoided. Every bribe of a government official, regardless of size, breaks the law of at least one country. No country permits the bribery of its officials.**

**Paying facilitating payments is poor legal practice and it is bad business practice. Widespread payment of small bribes sets a permissive tone, which invites more and greater demands. These types of payments amount to a hidden tax on business, tend to proliferate, and buy an uncertain, unenforceable advantage. Well-run businesses seek clear, dependable terms and enforceable contracts. Small bribes introduce uncertainty, risk and delay. Permitting facilitating payments engenders cynicism and disregard for foreign laws and the cultures in which a company operates.**

**TRACE has published a guidebook on facilitating payments titled “The High Cost of Small Bribes,” which can be found on the TRACE Resource Center.**

# Record-Keeping Provisions

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**The purpose of record-keeping provisions is to prevent companies from concealing bribes and to discourage fraudulent accounting practices.**

**Record-keeping provisions require companies to make and keep books and records that accurately and fairly detail the transactions and disposition of the assets of the company. Companies are required to maintain a system of internal accounting controls that ensure record-keeping in accordance with generally accepted accounting principles. This means that bribes must be recorded as bribes and facilitating payments must be recorded as facilitating payments.**

# Serious Consequences

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**The U.S. FCPA carries criminal and civil penalties. The penalties are severe and include jail time for individuals. A single violation can cost a company up to US\$2 million. Individuals can spend up to 5 years in jail and pay up to US\$100,000 per violation. A company cannot pay criminal fines on behalf of its employees or agents.**

**FCPA violations can affect a company's eligibility for export licenses and governmental contracts. The damage to a company's reputation for an FCPA violation is severe and can sometimes be irreparable.**

**The laws of other countries have similar penalties, although the U.S. has traditionally imposed the highest fines.**

# International Laws & Conventions

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**Because countries are passing anti-bribery laws as part of their ratification of international conventions, TRACE members should be aware of the anti-bribery laws in their own countries. What follows is a brief discussion of the international conventions that address anti-bribery issues and the countries that have ratified the conventions.**

**Information on individual country laws may be found on the TRACE Resource Center. Links to the full text of the conventions discussed in this review can be found under 'Links' on the TRACE homepage.**

# The Inter-American Convention Against Corruption

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The Organization of American States (“OAS”) adopted the first international convention to address transnational bribery in March 1996. Parties to the Inter-American Convention Against Corruption (“OAS Convention”) are required to enact domestic laws criminalizing a number of acts of corruption. In 2001, the OAS adopted a Mechanism for Follow-up of Implementation of the Inter-American Convention against Corruption.

The OAS Convention addresses public sector corruption. It differs from the FCPA in that:

- it addresses solicitation of (demand-side) as well as offers of (supply-side) bribes.
- it contains no exception for facilitating payments.
- prohibited actions are defined more broadly: “...in exchange for any act or omission in the performance of [the official’s] public functions.”

The OAS Convention has been ratified by 33 of the 34 OAS member states (Barbados is the only signatory that has not ratified). For a complete list of signatory countries and dates of ratification, click on the following link: [OAS Convention Signatories and Ratifications](#).

# The OECD Convention on Combating Bribery of Foreign Public Officials

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The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (“OECD Convention”) was adopted in November 1997. Parties to the OECD Convention have agreed to enact domestic laws criminalizing the bribery of foreign officials.

The OECD Convention addresses public sector corruption. It differs from the OAS Convention in that it addresses supply-side bribery only. The provisions of the OECD Convention are similar to the FCPA, including a record-keeping provision. The OECD Convention also calls for mutual legal assistance between Parties, and requires member states to cooperate in a follow-up program to monitor and promote implementation.

While facilitating payments are not explicitly addressed in the text of the OECD Convention, official Commentaries on the Convention indicate that “[s]mall ‘facilitation’ payments do not constitute payments made ‘to obtain or retain business or other improper advantage’” within the meaning of the Convention and therefore are not an offense.

Thirty-seven countries have ratified or acceded to the OECD Convention. For a complete list of signatory countries and ratification dates, click on the following link: [OECD Convention Signatories and Ratifications](#). Six countries that have ratified the OAS Convention have also ratified the OECD Convention. They are: Argentina, Brazil, Canada, Chile, Mexico, and the U.S.

# Council of Europe Criminal Law Convention on Corruption

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The Council of Europe Criminal Law Convention on Corruption (“CoE Convention”) was adopted in November 1998.

## The CoE Convention:

- addresses public sector and private sector (private-to-private) corruption.
- addresses supply-side and demand-side bribery.
- includes provisions for international cooperation between Parties, including extradition and legal assistance.
- contains no exception for facilitating payments.

The CoE Convention also contains a provision for monitoring by The Group of States Against Corruption (GRECO).

Forty-one countries have ratified or acceded to the CoE Convention, including 20 countries that have also ratified the OECD Convention. For a complete list of signatory countries and dates of ratification, click on the following link: [CoE Convention Signatories and Ratifications](#).

# African Union Convention on Preventing and Combating Corruption

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The African Union Convention on Preventing and Combating Corruption (“AU Convention”) was adopted in July 2003. Prohibited acts are defined broadly and cover a wide range of offenses.

## The AU Convention:

- addresses public sector and private sector corruption.
- addresses supply-side and demand-side bribery.
- contains no exception for facilitating payments.
- provides for cooperation and mutual legal assistance between Parties.
- provides for a Follow-up Mechanism in the form of an Advisory Board on Corruption elected by the AU Executive Council.

Twenty-four member states have ratified or acceded to the AU Convention. For a complete list of signatory countries and dates of ratification, click on the following link: [AU Convention Signatories and Ratifications.](#)



# United Nations Convention Against Corruption

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The UN Convention Against Corruption (“UN Convention”) was adopted on 31 October 2003 and opened for signature on 9 December 2003. It entered into force on 14 December 2005. It is the first truly global instrument aimed at reducing corruption. The UN Convention contains a broad range of measures that extend beyond criminalizing bribery and includes preventative measures.

## The UN Convention:

- addresses public sector and private sector corruption.
- criminalizes an array of corrupt practices.
- contains no exception for facilitating payments.
- promotes the development of national institutions to prevent corrupt practices and to prosecute offenders.
- requires ratifying countries to assist each other, technically and financially, to fight corruption, reduce its occurrence, and reinforce integrity.
- requires the cooperation between governments to recover stolen assets.
- provides for a private right of action for commercial bribery.

More than 100 countries have ratified or acceded to the UN Convention. For a complete list of signatory countries and ratification dates, click on the following link:

[UN Convention Signatories and Ratifications.](#)

# Summary

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## **Anti-bribery laws make it a crime to:**

- **pay or offer to pay,**
- **anything of value,**
- **directly or indirectly,**
- **to any foreign official, foreign political candidate, or anyone acting on behalf of a public international organization,**
- **with the intention of obtaining an improper business advantage.**

**Something of value does not necessarily have to change hands. An offer, a scheme, or a promise to pay or give something of value will constitute a violation if done with a corrupt intent.**

# Summary (continued)

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The laws of some countries contain an exception for **facilitating payments**. TRACE advises against paying facilitating payments because they are illegal under the laws in which they would be made.

**Record-keeping provisions** require companies to make and keep books and records that accurately and fairly detail the transactions and disposition of the assets of the company. This means that bribes must be recorded as bribes and facilitating payments must be recorded as facilitating payments.

Companies may be held liable for the actions of their third parties. Companies must conduct **due diligence on commercial intermediaries** to identify any “red flags” that indicate a risk of an anti-bribery violation.

# TRACE

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**TRACE was founded in 2001**

**Legal status: Washington, DC non-profit: 501(c)(6)**

- **Research and benchmarking;**
- **Online training module;**
- **Access to the TRACE database of pre-vetted commercial intermediaries;**
- **Workshops for member companies and their intermediaries;**
- **Local law resources, including Country Bulletins and Gifts & Hospitality Guidelines;**
- **Resource Center library of model language;**
- **Access to panel of anti-bribery experts at designated TRACE Partner Firms; and**
- **TRACE Forum for in-house counsel and compliance officers.**

## ACC Extras

Supplemental resources available on [www.acc.com](http://www.acc.com)

Foreign Corrupt Practices Act Update.  
Program Material. January 2008

<http://www.acc.com/legalresources/resource.cfm?show=19853>

Staying Out of Trouble: The Role of a Global Anti-Corruption Program.  
Quick Reference. May 2008

<http://www.acc.com/legalresources/resource.cfm?show=275369>

A Checklist for the Foreign Corrupt Practices Act.  
Quick Reference. March 2008

<http://www.acc.com/legalresources/resource.cfm?show=16463>

Please note, these additional resources are provided by the Association of Corporate Counsel and not by the faculty of this session.