

# Book Review: The Foreign Corrupt Practices Act in a New Era.

September 01, 2014

Broadly speaking, the Foreign Corrupt Practices Act prohibits offering or paying anything of value to a foreign official to obtain or retain business. Recent years have seen a boom in FCPA compliance efforts and enforcement attempts as the Department of Justice has proclaimed this as a "new era." Mike Koehler, law professor at Southern Illinois University School of Law and author of the *FCPA Professor* blog (<http://www.FCPAprofessor.com>), now brings his thorough command of the FCPA to the page in *The Foreign Corrupt Practices Act in a New Era*. Koehler's text is written with a clarity and candor that will be appreciated whether readers are practitioners, nonlawyer compliance professionals, policymakers, or others with an interest in international business issues. In light of the government's focus on FCPA enforcement, the FCPA has now emerged as a top legal and compliance concern for companies doing business in the global marketplace. But the application of the FCPA, and the policy questions underlying enforcement choices, are not straightforward. To borrow some of Koehler's examples — everyone can agree that providing a cash-filled suitcase to a foreign official to obtain a lucrative government contract is problematic. But what about a payment to incentivize a low-ranking foreign official with ministerial or clerical duties to do something he or she ought to be doing anyway? And just who counts as a "foreign official" anyway? The goal of *The Foreign Corrupt Practices Act in a New Era* is to provide readers with what Koehler terms a pair of "FCPA Goggles" — a foundational understanding of the FCPA and a toolkit for risk assessment and compliance. Koehler starts with a discussion of FCPA history and underlying legal principles and then provides a comprehensive analysis of the FCPA's anti-bribery provisions and its books and records and internal controls provisions. Later chapters cover the FCPA enforcement regime and the reasons behind the recent increase in enforcement. *The Foreign Corrupt Practices Act in a New Era* also discusses the business effects of FCPA enforcement and compliance and closes by focusing on FCPA reform. *The Foreign Corrupt Practices Act in a New Era* (416 pages) is available in hardback from Edward Elgar Publishing (<http://www.e-elgar.co.uk/>) and from Amazon. Electronic copies can be

purchased on Google Play and eBooks.com. *Originally published in The Florida Bar Journal September/October 2014.*

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