

The FCPA Database - A Great New Resource for All Things Compliance

Yesterday the FCPA Blog wrote about a new resource available to the compliance practitioner, the FCPA Database. Intrigued by this introduction and still needing to cool off from my rant about the worst conflict of interest mistake (almost ever) made, I clicked over to the site for a visit. Boy was I impressed, the Database has a number of resources gathered in one location which can be of immediate use to the compliance practitioner. The site collects information which will be specific to the compliance practitioner.

The site includes sections on the following:

Law Firm Memos - A collection of the best and brightest blue chip law firm articles on all areas of anti-corruption issues.

Law Firm Directory - An invaluable collection of law firms around the world, which you can call on for system legal services or when an emergency arises and you need a law firm in Afghanistan, as in now, for example.

Events Calendar - A wide ranging section on up and coming FCPA, compliance and anti-money laundering events across the globe.

News - A daily collection of compliance and money-laundering news from around the globe. There is an aggregated section and then the globe is broken out by continent and sub-continent. So if you want to see the latest compliance and anti-corruption news about Southeast Asia you can simply click on it go directly there.

Legislative Index - For my money this is the single biggest differentiator that the FCPA Database brings to the table for the compliance practitioner. I toggled over to the country of Australia to find the following sub-categories; Anti-Corruption, anti-money laundering, privacy legislation and enforcement agencies. I then looked to see if they are a member of OECD and UNCAC and if so what are their reports on anti-corruption efforts in the country? In short it aggregates a host of information that would normally only be available to those have in-country researchers digging out these details.

Why is such a resource needed and of such great use to the compliance practitioner? Yesterday I was one of two panelists in a webinar, jointly hosted by Ethisphere and World Check. The subject was anti-corruption efforts in China both under the Foreign Corrupt Practices Act (FCPA) and Chinese law. My co-presenter was Amy Sommers, a partner in K&L Gates Shanghai office. I spoke about the FCPA affecting US companies doing business with or in China and Amy spoke about anti-corruption efforts from the Chinese perspective. Amy detailed several current laws designed to fight bribery and corruption in China.

One of the more interesting topics raised by Amy is that there are both Chinese national laws and Communist Party internal rules and regulations against government officials and party members accepting gratuities which are not reasonable in value; are given without transparency, and/or have the appearance of impropriety. Doesn't this sound like something very close to the FCPA policy on gifts? The point of Amy's remarks is that if the gift violates the FCPA; it probably also violates some Chinese law as well. If you, as a US company employee, make such an offer to a Chinese governmental official or employee of a state owned enterprise, you may put the recipient in the unenviable position of not wanting to lose face by not accepting your gift. But such acceptance may violate a local law.

Previously, it could have been very difficult for a US company to know the local law in a foreign jurisdiction. There was certainly no single resource to which the compliance practitioner could turn to for that information. The FCPA Database fills that gap. It is welcomed addition to all things compliance and I suggest you visit the site, noodle around and see what it has that might help you make your company's compliance program more robust.

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