

# Coping with Corruption in India

## Elements of the Foreign Corrupt Practices Act

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- What does the Foreign Corrupt Practices Act prohibit?
  - Applies to US persons or foreign persons in the US
  - Who “corruptly”
  - Pay or offer to pay anything of value
  - To a foreign official, or to any person while knowing that all or part will be offered or paid to a foreign official

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- For the purpose of influencing the official or to secure any improper advantage
  - In order to obtain or retain business
  - India is a country that has a history of widespread corruption and bribery, so that is a “Red Flag”
  - Other “red flags”-industry, agent, commission
  - Anti-bribery provisions and books and records
  - Facilitating or expediting payments OK generally

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