

September 21, 2012

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CRIMINAL ENFORCEMENT

FEDERAL ISSUES

CFPB Publishes Proposed Mortgage Servicing Standards. On September 17, the Consumer Financial Protection Bureau published in the Federal Register a series of rules [proposed](#) last month under the Truth in Lending Act and the Real Estate Settlement Procedures Act that would impose new requirements on all residential mortgage servicers. The CFPB's proposed rules would incorporate elements of many of the servicing standards contained in the various enforcement action settlements with major servicers over the past two years, including standards regarding periodic statements, force-placed insurance, single point of contact and loss mitigation procedures. Public comment is due on the core aspects of the proposed rules by October 9, 2012. BuckleySandler has prepared a [Special Alert](#) that provides a detailed review of the CFPB's proposed servicing rules.

FDIC to Host Teleconferences on CFPB Proposed Mortgage Rules. On September 18, the FDIC announced in Financial Institution Letter [FIL-39-2012](#) that it plans to host two teleconferences in the coming weeks to discuss the CFPB's mortgage-related proposed rules. The teleconferences will be conducted by staff from the FDIC's Division of Depositor and Consumer Protection and are being offered to officers and employees of FDIC-supervised institutions. The first call will take place on September 27, 2012 and will cover (i) mortgage origination standards, (ii) appraisals for "higher-risk" mortgages, (iii) ECOA appraisal requirements, and (iv) mortgage servicing standards. On October 10, 2012, FDIC staff will discuss (i) RESPA/TILA mortgage disclosure integration, (ii) qualified mortgages and the ability to repay standard, (iii) escrow requirements for "higher-priced mortgage loans", and (iv) high-cost HOEPA loans.

CFPB Director Testifies Before House Committee, Promises CARD Act Ability to Repay Rule. On September 20, CFPB Director Richard Cordray [appeared before the House Financial Services Committee](#) in connection with the CFPB's [Semiannual Report](#) issued July 30, 2012. During the House hearing the Director faced questions on topics covered during prior committee hearings, including (i) the status and potential impact of the CFPB's qualified mortgage/ability to repay (QM) rule, (ii) whether that rule will provide a safe harbor or a rebuttable presumption, (iii) whether the CFPB will commit to a definition of "abusive" practices, and (iv) whether the CFPB will raise the threshold for banks exempt from compliance with new CFPB remittance rules. Mr. Cordray reiterated that the QM rule will be finalized before the end of 2012, and that while the final regulations are still under consideration, the CFPB intends to provide bright line standards to help limit litigation risk. He continued to avoid offering a definition or description of abusive practices and did not express a willingness to revisit the remittance standards. Mr. Cordray also revealed that the CFPB has determined that it cannot resolve through the issuance of guidance a problem with the application of the Federal Reserve Board's credit card ability to repay rule that is restricting access to credit for stay-at-home spouses. Mr. Cordray committed to releasing a proposed rule to remedy the problem prior to Congress' return following the November elections.

CFPB Readies for Launch of Short-Form Credit Card Agreement Pilot Program. On September 18, the CFPB [published a Notice and Request for Comment](#) on information it plans to collect with regard to a pilot program designed to test a short-form credit card agreement. The CFPB [announced last year](#) its plan to partner with Pentagon Federal Credit Union to test its prototype agreement. The recently-published notice indicates that Pentagon Federal Credit Union will begin sending the short-form agreement to new cardholders in the fourth quarter of 2012 and the first quarter of 2013, and that the CFPB plans to conduct qualitative research through surveys of new cardholders. Parties interested in commenting on the CFPB's proposed research have through October 18, 2012 to do so.

FBI Warns Financial Institutions About New Cyber Threats. On September 17, the FBI, together with the Financial Services Information Sharing and Analysis Center and the Internet Crime Complaint Center, [issued a fraud alert](#) to advise financial institutions of a new trend in which cyber criminals steal financial institution employee credentials for subsequent use in conducting wire fraud. The alert identifies spam and phishing emails as the primary method by which outsiders have obtained employee credentials, and notes that small and medium sized banks and credit unions have been the most targeted institutions to date. The fraudsters also have stolen administrative credentials to third-party services and have used those credentials to circumvent financial institutions' authentication methods. Once obtained, the credentials have been used to conduct unauthorized wire transactions. The alert notes that in some instances the unauthorized transactions have been preceded by a denial of service attack against the institution's public

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FHFA Inspector General Publishes Two Reports. On September 18, the Inspector General (IG) for the FHFA published a report on the FHFA's oversight of management of high-risk sellers and servicers by Fannie Mae and Freddie Mac (the Enterprises). The [high-risk seller/servicer report](#) presents a review of the Enterprises' high risk counterparties and noted that more than 300 are on the Enterprises' watch lists while more than forty have been blocked from doing business with the Enterprises. To better manage counterparty risk, the IG recommends that the FHFA promulgate standards for the Enterprises to develop contingency plans for handling a large seller/servicer's failure, and that the FHFA finalize its proposed guidance for FHFA examiners to use in assessing the Enterprises' contingency plans.

On the same day, the FHFA IG published a [report](#) regarding Fannie Mae's purchase and transfer of certain mortgage servicing rights on approximately 384,000 loans for roughly \$512 million. The IG determined that the amount paid was consistent with other such purchases made as part of a Fannie Mae program through which Fannie Mae transferred mortgage servicing rights from a regular servicer to a specialty servicer. While it determined that Fannie Mae did not overpay for the servicing rights in context, the IG recommended that the FHFA (i) consider requiring the Enterprises to seek approval for high costs initiatives, (ii) ensure additional scrutiny of pricing of future significant servicing transactions, (iii) reevaluate the Fannie Mae transfer program, and (iv) follow through with Fannie Mae's implementation of prior FHFA directions regarding the purchase and transfer of mortgage servicing rights.

FinCEN Plans Roundtable on Customer Due Diligence Proposal, Releases Materials from July Hearing. On September 17, FinCEN [announced](#) that it will host a roundtable discussion on its [proposed customer due diligence requirements](#) on September 28, 2012 in Chicago, Illinois. The announcement identifies a series of "key issues" on which the roundtable discussion will focus, including (i) how institutions currently identify, collect, and verify beneficial ownership information, (ii) the costs associated with collecting and verifying such information, and (iii) how institutions currently conduct due diligence on trust accounts. Last week, FinCEN [released](#) a summary of a public hearing held in July on its customer due diligence proposal. The [summary](#) provides the final agenda for the hearing, a general summary of topics covered, and statements and other materials submitted for the record.

FinCEN Publishes Form for Electronic Reporting of Cash Payments. On September 19, FinCEN [announced](#) the availability of electronic reporting of cash payments. Under the Bank Secrecy Act any person engaged in a trade or business that, in the course of that trade or business, receives more than \$10,000 in cash in one transaction or in two or more related transactions is required to report such transactions. FinCEN encourages covered persons to begin using the new electronic Form 8300 to report cash payments. FinCEN will continue to accept paper filings of Form 8300 for the near future, but eventually will require electronic filing of all reports.

U.S. FCPA Guidance Expected Soon. The DOJ is expected to release soon guidance on compliance with the FCPA, which originally was [promised in November 2011](#) by Assistant Attorney General for the Criminal Division Lanny Breuer. Recent FCPA settlements obtained by the DOJ set the stage for the guidance and provide companies with insight as to what the guidance likely will include. For example, as part of its recent \$60 million FCPA [settlement](#), Pfizer agreed to a detailed series of FCPA-specific compliance undertakings, augmenting the more general rendition of program elements. The Pfizer [deferred prosecution agreement](#) (i) details the structure of the company's compliance program staffing and oversight, (ii) mandates the maintenance and content of certain anti-corruption policies and procedures, (iii) provides mechanisms and resources for internal compliance reporting, (iv) requires annual company-wide, corruption-related risk assessments and five market-specific proactive compliance reviews annually, (v) requires thorough corruption-risk diligence prior to acquisitions, (vi) describes a program of third-party diligence and control, and (vii) directs a program of biennial training for specific personnel and directors, and a three-year training rotation for certain third parties. The [BuckleySandler FCPA Team](#) has prepared a [Client Update](#) on the expected guidance, which includes a link to a checklist of the entire list of "Enhanced Compliance Obligations", allowing compliance counsel to conduct a quick cross-check of their company's existing compliance program elements.

NIST Finalizes Information Security Risk Assessment Guidelines. On September 18, the National Institute of Standards and Technology [released](#) a final version of its risk assessment guidelines, which are designed to advise all types of government and private organizations-including financial institutions-about information security risks and information technology infrastructures. [The Guide for Conducting Risk Assessments](#) provides guidance regarding (i) threats, (ii) vulnerabilities, (iii) impact to missions and business operations, and (iv) the likely threat of exploitation of vulnerabilities in information systems and their physical environment to cause harm or adverse consequence.

House Member Introduces Eminent Domain Bill. Last week, Representative John Campbell (R-CA) introduced a bill, [H.R. 6397](#), that would prohibit Fannie Mae and Freddie Mac from buying mortgages originated in localities that employ eminent domain to rescue borrowers from their underwater mortgages by seizing the loans and selling them to private investors to be restructured. The FHFA currently is [considering its options](#) for responding potential action by localities absent legislative intervention.

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NCUA Board Member Announces Resignation. On September 20, NCUA Board Member Christiane Hyland [announced](#) her resignation effective October 5, 2012.

COURTS

Massachusetts Federal Court Reverses Prior Certification of Class in Fair Lending Case. On September 18, the U.S. District Court for the District of Massachusetts [decertified a class](#) of borrowers who allege that their mortgage lender violated the Equal Credit Opportunity Act and the Fair Housing Act by allowing its brokers to impose charges not related to a borrower's creditworthiness. *Barrett v. Option One Mortg. Corp.*, No. 08-10157, 2012 WL 4076465 (D. Mass. Sep. 18, 2012). The borrowers claim that the lender's policy had a disparate impact on African-American borrowers who allegedly received higher rates than similar white borrowers. In March 2011, the court certified this class of borrowers, holding that the plaintiffs demonstrated commonality sufficient for class certification based on a statistical analysis comparing APRs paid by white and African-American borrowers that appeared to show slightly higher APRs for minority borrowers. Subsequent to the court's March 2011 decision, the Supreme Court held in *Wal-Mart Stores, Inc. v. Dukes*, 131 S. Ct. 2541 (2011) that a policy that allows local units discretion to act can only present a common question if the local units share a mode of exercising that discretion. Following the Supreme Court's decision, the lender in this case moved to decertify the class. The court agreed with the lender that the borrowers' statistical analysis based on aggregate data does not consider each individual broker. The court held that the borrowers in this case lack commonality because they cannot show that all of the lender's brokers exercised discretion in the same way and granted the lenders motion to decertify the class.

Student Lender Agrees to Settle TCPA Collection Litigation. On September 17, the U.S. District Court for the District of Washington [approved](#) a settlement entered into between a student lender and a class of borrowers who alleged that the lender violated the Telephone Consumer Protection Act (TCPA) by employing an automated dialing system to place collection calls to borrowers' cell phones. The lender and its affiliated companies [agreed to pay \\$24 million](#) to resolve the case and avoid the costs of further proceedings, but the lender continues to vigorously deny the allegations. According to counsel for the class, the settlement, which the

parties have been negotiating since 2010, is the largest settlement to date under the TCPA.

MISCELLANY

UK Court Holds Contract May Be Formed Through Series of Emails. On September 3, an appeals court in the United Kingdom held that a contract of guarantee executed in a series of emails duly authenticated by the electronic signature of the guarantor is enforceable. *Golden Ocean Group Ltd. v. Salgaocar Mining Indus. PVT Ltd., No A3/2001/0440, 0438*. In this case, a ship owner sought to enter into a long-term charter of the ship with a mining conglomerate. The shipping brokers negotiating the contract on behalf of the parties did so through a series of emails. An early email contained the provision of guarantee, but the guarantee was not explicitly restated in the final email that culminated the agreement. The court held that under English law the emails at issue here properly formed a contract, including the guarantee. The court added that the electronic signature of the guarantor's agent on the culminating email is proper authentication of the contract of guarantee contained in the earlier email, and that generally, "an electronic signature is sufficient and that a first name, initials, or perhaps a nickname will suffice." The court upheld the lower court's decision and dismissed the appeal.

FIRM NEWS

[Jeff Naimon](#) will speak on a panel at the [Mortgage Bankers Association's Regulatory Compliance Conference](#) on October 2, 2012. The panel is entitled "Government Program and Secondary Market Changes and Challenges."

[Melissa Klimkiewicz](#) and [Jon Langlois](#) will speak on a live teleconference sponsored by the National Business Institute on October 4, 2012. The presentation is titled "HAMP, HARP, HAFA and FHA Update: Evolving Program Requirements and Expectations." To register call (800) 931-3140 or visit the website, www.nbi-sems.com.

[James Parkinson](#) will speak at the American Bar Association's [International White Collar Crime Conference](#) in London on October 8, 2012. Mr. Parkinson's panel is entitled "What Every General Counsel Needs to Know Regarding Compliance and Internal Investigations."

[Jonice Gray Tucker](#), [Valerie Hletko](#), and [Amanda Raines](#) will present a [webinar](#) sponsored by the [California Mortgage Bankers Association](#) on October 9, 2012. Their remarks will focus on fair lending enforcement trends and related risk assessments.

[Jeff Naimon](#) will be an instructor at the American Bar Association Consumer Financial Services Committee's [Third Annual National Institute on Consumer Financial Services Basics](#) on October 9, 2012. Mr. Naimon will be co-presenting on the topic of fair lending with Patrice Ficklin, CFPB Assistant Director, Office of Fair Lending and Equal Enforcement.

[John Stoner](#) will speak on a panel addressing "The Uniform Commercial Code and the Mortgage Crisis" at the [State Bar of California Annual Meeting](#) on October 12, 2012. Mr. Stoner recently was appointed to the Commercial Transactions Committee of the State Bar of California.

[David Krakoff](#) will participate on a panel at The American Bar Association's [Fifth Annual National Institute on the Foreign Corrupt Practices Act](#), being held October 17 - 19, 2012 at The Westin Georgetown. Mr. Krakoff's session on October 18, 2012 is titled "The Trial of an FCPA Case: Pitfalls and Pratfalls."

[Thomas Sporkin](#) will speak at the [Securities Enforcement Forum 2012](#) on October 18, 2012, in Washington, DC. The Securities Enforcement Forum 2012 brings together securities enforcement and white-collar attorneys, current and former senior SEC and DOJ officials, in-house counsel and compliance executives, and other top professionals in the field.

[Margo Tank](#) will speak at the [ACORD Implementation Forum](#) in Ft. Lauderdale, FL on October 24, 2012. Ms. Tank's panel is titled "Guidelines for e-Signatures and e-Delivery in the Insurance - Cutting through the Legalese."

[David Krakoff](#), [James Parkinson](#), [Andrew Schilling](#), and [Thomas Sporkin](#) will speak at the [Commerce and Industry Group's](#) seminar, "[Anti-Bribery: The Changing Anti-Corruption Environment in Key Jurisdictions](#)" on October 24, 2012, in London. The panel will examine recent developments in anti-corruption enforcement in the UK, US, and Continental Europe; it will also consider best practices to identify and mitigate exposure to corruption risk.

[Margo Tank](#) will speak at [The Electronic Signature and Records Association's Annual Conference](#), November 14-15, 2012, in Washington, DC. Ms. Tank's panel will discuss electronic signatures and mobile technology.

[David Krakoff](#) will speak at ACI's [Inaugural Summit on White Collar Litigation](#) being held January 23-24, 2013, in New York, NY. Mr. Krakoff will participate in the session entitled "FCPA Case Review: A Hands-On Look at the Year in the FCPA and What Litigators Need to Take Away."

FIRM PUBLICATIONS

Bradley Marcus and Nakiya Whitaker authored for the August 2012 issue of Mortgage Banking Magazine an article titled "[The Risk of Vicarious Liability for Broker Misconduct](#)."

Thomas Sporkin, Robyn Quattrone, and [Stephen LeBlanc](#) authored "[Crowdfunding Offers Attractive Financing Alternative, But SEC Must Give More Clarity](#)", which was published by Accelus on August 21, 2012.

Andrew Schilling published "[Whistle-blower Bounties May Encourage Residential Mortgage-Backed Securities Fraud Reporting](#)" on August 29, 2012 in the Westlaw Journal Bank & Lender Liability.

David Krakoff and Lauren Randell authored "[FCPA: Were the Sting Trials Doomed from the Start?](#)" for the September 1, 2012 Law Journal Newsletters - Business Crimes Bulletin.

Thomas Sporkin co-authored "[The Wells Process Turns 40](#)", which was published in Law360 on August 31, 2012.

David Krakoff and Lauren Randall contributed "[FCPA: Were the Sting Trials Doomed from the Start?](#)" for the September 2012 Business Crimes Bulletin.

Matthew Previn, Andrew Pennacchia, and Jonathan Cannon published "[Rising Tide of Operational Risk Demands Due Diligence in Vendor Selection](#)" on September 20, 2012 in National Mortgage News.

About BuckleySandler LLP (www.buckleysandler.com)

With over 150 lawyers in Washington, Los Angeles, New York, and Orange County, BuckleySandler provides best-in-class legal counsel to meet the challenges of its financial services industry and other corporate and individual clients across the full range of government enforcement actions, complex and class action litigation, and transactional, regulatory, and public policy issues. The Firm represents many of the nation's leading financial services institution. "The best at what they do in the country." (Chambers USA).

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New York: 1133 Avenue of the Americas, Suite 3100, New York, NY 10036, (212) 600-2400

Orange County: 3121 Michelson Drive, Suite 210, Irvine, CA 92612, (949) 398-1360
We welcome reader comments and suggestions regarding issues or items of interest to be covered in future editions of InfoBytes. Email infobytes@buckleysandler.com.

In addition, please feel free to email our attorneys. A list of attorneys can be found [here](#).

*For back issues of InfoBytes, please see:
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Student Lender Agrees to Settle TCPA Collection Litigation. On September 17, the U.S. District Court for the District of Washington [approved](#) a settlement entered into between a student lender and a class of borrowers who alleged that the lender violated the Telephone Consumer Protection Act (TCPA) by employing an automated dialing system to place collection calls to borrowers' cell phones. The lender and its affiliated companies [agreed to pay \\$24 million](#) to resolve the case and avoid the costs of further proceedings, but the lender continues to vigorously deny the allegations. According to counsel for the class, the settlement, which the parties have been negotiating since 2010, is the largest settlement to date under the TCPA.

CREDIT CARDS

CFPB Director Testifies Before House Committee, Promises CARD Act Ability to Repay Rule. On September 20, CFPB Director Richard Cordray [appeared before the House Financial Services Committee](#) in connection with the CFPB's [Semiannual Report](#) issued July 30, 2012. During the House hearing the Director faced questions on topics covered during prior committee hearings, including (i) the status and potential impact of the CFPB's qualified mortgage/ability to repay (QM) rule, (ii) whether that rule will provide a safe harbor or a rebuttable presumption, (iii)

whether the CFPB will commit to a definition of "abusive" practices, and (iv) whether the CFPB will raise the threshold for banks exempt from compliance with new CFPB remittance rules. Mr. Cordray reiterated that the QM rule will be finalized before the end of 2012, and that while the final regulations are still under consideration, the CFPB intends to provide bright line standards to help limit litigation risk. He continued to avoid offering a definition or description of abusive practices and did not express a willingness to revisit the remittance standards. Mr. Cordray also revealed that the CFPB has determined that it cannot resolve through the issuance of guidance a problem with the application of the Federal Reserve Board's credit card ability to repay rule that is restricting access to credit for stay-at-home spouses. Mr. Cordray committed to releasing a proposed rule to remedy the problem prior to Congress' return following the November elections.

CFPB Readies for Launch of Short-Form Credit Card Agreement Pilot Program. On September 18, the CFPB [published a Notice and Request for Comment](#) on information it plans to collect with regard to a pilot program designed to test a short-form credit card agreement. The CFPB [announced last year](#) its plan to partner with Pentagon Federal Credit Union to test its prototype agreement. The recently-published notice indicates that Pentagon Federal Credit Union will begin sending the short-form agreement to new cardholders in the fourth quarter of 2012 and the first quarter of 2013, and that the CFPB plans to conduct qualitative research through surveys of new cardholders. Parties interested in commenting on the CFPB's proposed research have through October 18, 2012 to do so.

E-COMMERCE

UK Court Holds Contract May Be Formed Through Series of Emails. On September 3, an appeals court in the United Kingdom held that a contract of guarantee executed in a series of emails duly authenticated by the electronic signature of the guarantor is enforceable. [Golden Ocean Group Ltd. v. Salgaocar Mining Indus. PVT Ltd., No A3/2001/0440, 0438](#). In this case, a ship owner sought to enter into a long-term charter of the ship with a mining conglomerate. The shipping brokers negotiating the contract on behalf of the parties did so through a series of emails. An early email contained the provision of guarantee, but the guarantee was not explicitly restated in the final email that culminated the agreement. The court held that under English law the emails at issue here properly formed a contract, including the guarantee. The court added that the electronic signature of the guarantor's agent on the culminating email is proper authentication of the contract of guarantee contained in the earlier email, and that generally, "an electronic signature is sufficient and that a first name, initials, or perhaps a nickname will suffice." The court upheld the lower court's decision and dismissed the appeal.

PRIVACY/DATA SECURITY

FBI Warns Financial Institutions About New Cyber Threats. On September 17, the FBI, together with the Financial Services Information Sharing and Analysis Center and the Internet Crime Complaint Center, [issued a fraud alert](#) to advise financial institutions of a new trend in which cyber criminals steal financial institution employee credentials for subsequent use in conducting wire fraud. The alert identifies spam and phishing emails as the primary method by which outsiders have obtained employee credentials, and notes that small and medium sized banks and credit unions have been the most targeted institutions to date. The fraudsters also have stolen administrative credentials to third-party services and have used those credentials to circumvent financial institutions' authentication methods. Once obtained, the credentials have been used to conduct unauthorized wire transactions. The alert notes that in some instances the unauthorized transactions have been preceded by a denial of service attack against the institution's public website, which may have served as cover for the illicit activity by distracting the institution's personnel responsible for detecting unauthorized activity.

NIST Finalizes Information Security Risk Assessment Guidelines. On September 18, the National Institute of Standards and Technology [released](#) a final version of its risk assessment guidelines, which are designed to advise all types of government and private organizations-including financial institutions-about information security risks and information technology infrastructures. [The Guide for Conducting Risk Assessments](#) provides guidance regarding (i) threats, (ii) vulnerabilities, (iii) impact to missions and business operations, and (iv) the likely threat of exploitation of vulnerabilities in information systems and their physical environment to cause harm or adverse consequence.

CRIMINAL ENFORCEMENT

FinCEN Plans Roundtable on Customer Due Diligence Proposal, Releases Materials from July Hearing. On September 17, FinCEN [announced](#) that it will host a roundtable discussion on its [proposed customer due diligence requirements](#) on September 28, 2012 in Chicago, Illinois. The announcement identifies a series of "key issues" on which the roundtable discussion will focus, including (i) how institutions currently identify, collect, and verify beneficial ownership information, (ii) the costs associated with collecting and verifying such information, and (iii) how institutions currently conduct due diligence on trust accounts. Last week, FinCEN [released](#) a summary of a public hearing held in July on its customer due diligence proposal. The [summary](#) provides the final agenda for the hearing, a general summary of topics covered, and statements and other materials submitted for the record.

FinCEN Publishes Form for Electronic Reporting of Cash Payments. On September 19, FinCEN [announced](#) the availability of electronic reporting of cash payments. Under the Bank Secrecy Act any person engaged in a trade or business that, in the course of that trade or business, receives more than \$10,000 in cash in one transaction or in two or more related transactions is required to report such transactions. FinCEN encourages covered persons to begin using the new electronic Form 8300 to report cash payments. FinCEN will continue to accept paper filings of Form 8300 for the near future, but eventually will require electronic filing of all reports.

U.S. FCPA Guidance Expected Soon. The DOJ is expected to release soon guidance on compliance with the FCPA, which originally was [promised in November 2011](#) by Assistant Attorney General for the Criminal Division Lanny Breuer. Recent FCPA settlements obtained by the DOJ set the stage for the guidance and provide companies with insight as to what the guidance likely will include. For example, as part of its recent \$60 million FCPA [settlement](#), Pfizer agreed to a detailed series of FCPA-specific compliance undertakings, augmenting the more general rendition of program elements. The Pfizer [deferred prosecution agreement](#) (i) details the structure of the company's compliance program staffing and oversight, (ii) mandates the maintenance and content of certain anti-corruption policies and procedures, (iii) provides mechanisms and resources for internal compliance reporting, (iv) requires annual company-wide, corruption-related risk assessments and five market-specific proactive compliance reviews annually, (v) requires thorough corruption-risk diligence prior to acquisitions, (vi) describes a program of third-party diligence and control, and (vii) directs a program of biennial training for specific personnel and directors, and a three-year training rotation for certain third parties. The [BuckleySandler FCPA Team](#) has prepared a [Client Update](#), which includes a link to a checklist of the entire list of "Enhanced Compliance Obligations", allowing compliance counsel to conduct a quick cross-check of their company's existing compliance program elements.

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