

14. Once the usual treatment of the statutory elements, and exceptions and defenses, has been laid out, this FCPA problem appears to be close on issues of mens rea and quid pro quo. It is hardest as an advice problem because the DOJ's FCPA enforcement policy offers great rewards for self-reporting but the violation looks to be isolated and the company's calculus on whether to report and argue for a declination, or hope to weather any storm, will be a difficult one.