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## U.S. Senate Staff Report on “High Probability” Standard Cites Two Articles Co-Authored by Michael Huneke

### Articles & Press

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On Dec. 18, the majority staff of the U.S. Senate’s Permanent Subcommittee on Investigations (PSI) issued a [report](#) which cites two articles co-authored by Michael Huneke, co-chair of our Sanctions, Export Controls and Anti-Money Laundering practice. The report calls for the Bureau of Industry and Security (BIS) to further leverage the “high probability” standard in U.S. export controls corporate enforcement and compliance to bring more corporate enforcement cases with higher penalties.

When discussing the meaning of the “high probability” standard, the report cites an article Huneke co-wrote with Brent Carlson of the Berkeley Research Group, “[How Not to Stand Out Like a Sore Thumb \(Part 2\): A Fresh Look at the ‘High Probability’ Definition of Knowledge Applied to Export Controls and Sanctions Enforcement.](#)”

The report describes the U.S. government’s characterizations of export controls as the “new” Foreign Corrupt Practices Act (FCPA) and cites another article co-authored by Huneke, “[Converging Practices for Bribery, Export Controls and Sanctions.](#)” in its discussion of the history of the FCPA.

For key takeaways from the Senate staff report, [read this client alert authored by Huneke on the subject.](#)



**[Michael H. Huneke](#)**

### Related Areas of Focus

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