

Basics of the US Foreign Corrupt Practices Act (FCPA) 2015

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Within the last decade, Foreign Corrupt Practices Act (FCPA) enforcement has become a juggernaut of US enforcement agencies. The US authorities that enforce the statute, the US Department of Justice (DOJ) and the US Securities and Exchange Commission (SEC), brought five enforcement actions, combined, in 2004. Over the following decade the SEC and DOJ brought hundreds of enforcement actions and collected billions from corporations in settlements.

In recent years, the SEC and DOJ have brought dozens and have more than 100 active matters in the pipeline. These cases primarily focus on bribes paid to non-US government officials by US companies and companies that list on a US-based stock exchange. Given this broad exposure, organizations large and small have focused with greater intensity on FCPA compliance, especially as more business operations and growth opportunities shift to non-US locations.

Understanding the potential scope and applicability of the FCPA to global business operations is increasingly important in an era of heightened enforcement and enhanced penalties. Such an understanding of the statute and its enforcement is an essential foundation for developing an effective anti-corruption compliance program.

Michael S. Diamant of Gibson, Dunn & Crutcher LLP and Erin G.H. Sloane of WilmerHale will discuss:

- the basic elements of the FCPA;
- enforcement of the statute by the SEC and DOJ;
- key recent developments and enforcement trends; and
- basic elements of an FCPA compliance program.

This briefing is scheduled as a review of the fundamentals before PLI's more advanced The Foreign Corrupt Practices Act and International Anti-Corruption Developments 2015 program, being held on May 4-5, 2015, in New York City. Register for the two-day program and receive this briefing as part of your registration.

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Speakers



Erin G.H. Sloane

PARTNER

✉ erin.sloane@wilmerhale.com

📍 NEW YORK

☎ + 1 212 295 6458

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