

## → Foreign Corrupt Practices Act (FCPA)

Sheppard Mullin advises both domestic and foreign businesses and their agents on the variety of U.S. laws that govern commerce to and from the United States, including the Foreign Corrupt Practices Act ("FCPA"). The FCPA makes it illegal for commercial enterprises or individuals representing such entities to offer, promise to pay, or direct or authorize another individual to pay money or anything of value to a foreign government official for the purpose of expanding or maintaining their commercial interests. Enacted in 1977 and enforced with increased fervor in recent years, the FCPA is aimed at prohibiting bribery, including suspicious political contributions. Sheppard Mullin attorneys advise clients on the full range of issues implicated by the FCPA and related anti-corruption statutes around the world.

Our expertise includes:

- FCPA due diligence
  - Hiring of agents
  - Proposed M&A and JV transactions
  - Contracts and subcontracts
- FCPA investigations
  - Internal
  - SEC
  - DOJ
- Design and implementation of FCPA compliance programs
  - Drafting of corporate FCPA policies
  - FCPA training programs, including live and webinar formats
- Advice and counsel concerning specific transactions
  - Travel and hospitality
  - Facilitation Payments
- Related areas such as foreign counterparts to the FCPA, including the UK Bribery Act
- Rules applicable to the retention of foreign sales agents, including the FCPA, export laws and, as appropriate, Foreign Military Sales ("FMS") or Foreign Military Financed ("FMF") rules governing the transaction
- The drafting of foreign sales agent agreements