

DOJ Provides FCPA Guidance for Mergers and Acquisitions; Continues Industry-Wide Investigations and Focus on China

August 21, 2012 | Client Update

Recently, the Department of Justice reaffirmed its guidance as to what it views as the proper Foreign Corrupt Practices Act ("FCPA") compliance procedures in the context of mergers and acquisitions. On July 17, 2012, the Department announced a Non-Prosecution Agreement ("NPA") with The NORDAM Group Inc., an Oklahoma-based company that provides aircraft maintenance, repair, and overhaul services. On August 7, 2012, the Department announced a Deferred Prosecution Agreement ("DPA") with Pfizer H.C.P. Corp., an indirect wholly owned subsidiary of the global pharmaceutical company, Pfizer Inc. Both agreements incorporate FCPA compliance guidelines that contain elements related to mergers and acquisitions. The same elements have appeared in other agreements reached in 2012, including with Data Systems & Solutions LLC and with BizJet International Sales and Support, Inc., and can be expected to appear in future resolutions. The NORDAM and Pfizer resolutions are also noteworthy for reflecting the Department's continued focus on industry-wide investigations and bribery in China.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

Greg D. Andres

+1 212 450 4724
greg.andres@davispolk.com

John Banes

+1 212 450 4116
john.banes@davispolk.com

Martine M. Beamon

+1 212 450 4262
martine.beamon@davispolk.com

Angela T. Burgess

+1 212 450 4885
angela.burgess@davispolk.com

Neal Potischman

+1 650 752 2021
neal.potischman@davispolk.com

This communication, which we believe may be of interest to our clients and friends of the firm, is for general information only. It is not a full analysis of the matters presented and should not be relied upon as legal advice. This may be considered attorney advertising in some jurisdictions. Please refer to the firm's privacy notice for further details.

Related materials

[Read the full update](#)