

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

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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.

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