



2023
FCPA Year in Review

**MORRISON
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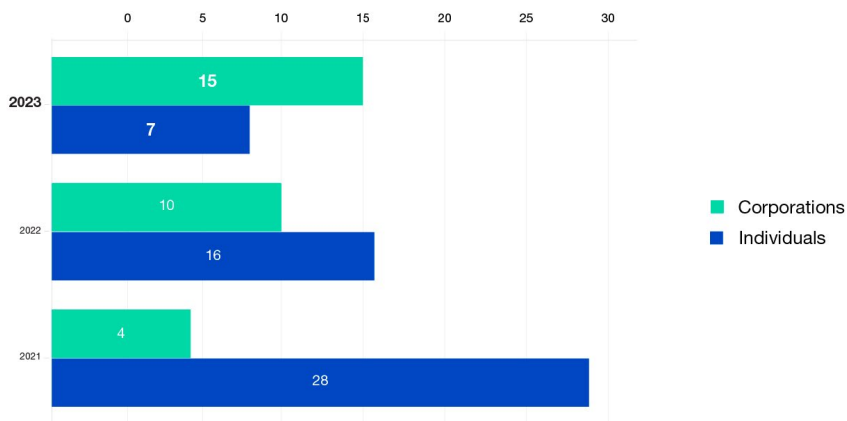
Overview

Designed for busy in-house counsel, compliance professionals, and anti-corruption lawyers, our Foreign Corrupt Practices Act (FCPA) Year In Review provides quick, visual representations of key trends in FCPA enforcement over the last year. Our Year In Review answers questions such as which countries are cooperating with the United States in foreign bribery investigations; in what courts and administrative venues are FCPA enforcement actions most likely to be brought; what are the steps that companies are taking to earn cooperation and remediation credit from the U.S. Department of Justice (DOJ); and, of course, how did FCPA enforcement in 2023 measure up against recent years? Combined with our award-winning monthly Top 10 International Anti-Corruption Developments newsletter, the Year In Review will provide an overarching view of everything our readers need to know about the current FCPA landscape.

Number of Enforcement Actions (2021-2023)¹

Over the past three years, the number of FCPA corporate enforcement actions has steadily increased from their post-pandemic decline, while the number of individual enforcement actions announced by DOJ and SEC has steadily decreased.

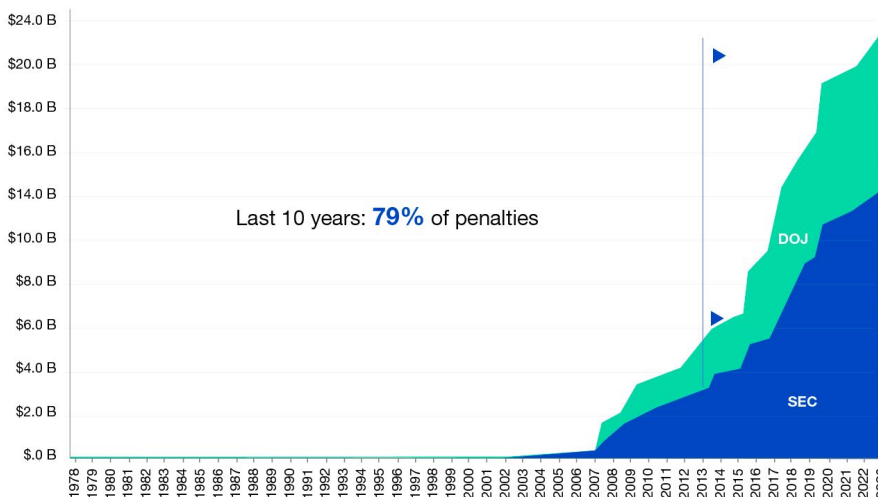
Number of Enforcement Actions (2021-2023)



Total DOJ & SEC Penalties Imposed (1978-Present)

While aggregate FCPA penalty amounts can fluctuate from year to year, the overall trend of large annual penalty amounts has remained steady over the last 15 years, with 79% of all FCPA penalties imposed since 1978 having been levied in the past 10 years.

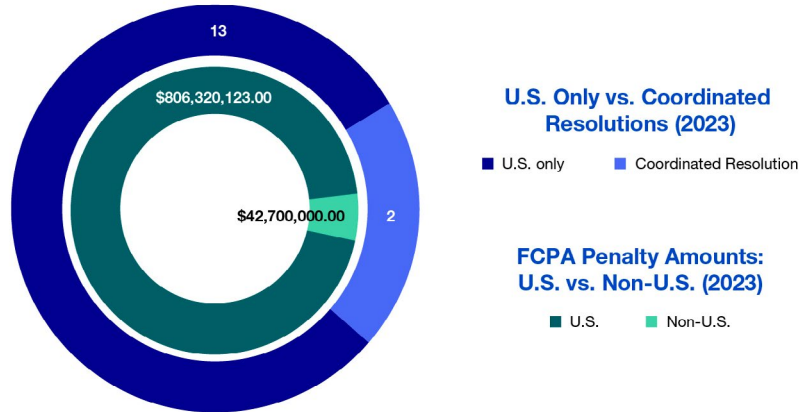
Total DOJ & SEC FCPA Penalties Imposed (1978-Present)



¹There are many reasonable ways to compute FCPA statistics, and our numbers may vary from other firms' or commentators'. For example, we count related resolutions with several companies within the same corporate family as one corporate enforcement action, while we count each individual defendant as a separate enforcement action, even if multiple people are charged in the same indictment and even if there is a related corporate enforcement action. In computing total FCPA penalties, we generally use the total amount announced by the agencies, without netting out credits to other countries, which we count separately. Regardless of whether you consider these the "right" or the "wrong" ways to compute FCPA statistics, we recognize that reasonable minds can differ and encourage you to consider the overall trends that the statistics show more than the specific methods used to calculate them.

Coordinated Resolutions and Penalty Allocations (2023)

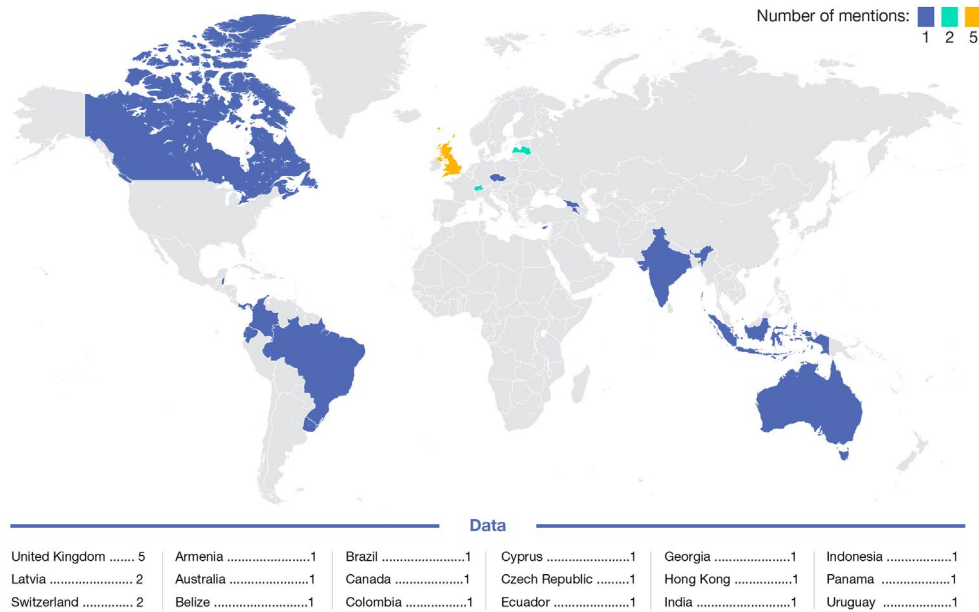
The United States announced coordinated FCPA enforcement actions with two countries in 2023, Colombia and Brazil, and provided credits for almost \$43 million in penalties paid to those countries. The remaining 13 enforcement actions and more than \$800 million in total FCPA monetary penalties were U.S. only.



International Cooperation in FCPA Enforcement Actions (2023)

Emphasizing international cooperation in foreign bribery enforcement, DOJ and SEC press releases credited 18 different countries for assisting in FCPA resolutions in 2023. The United Kingdom was cited most often, in five separate press releases.

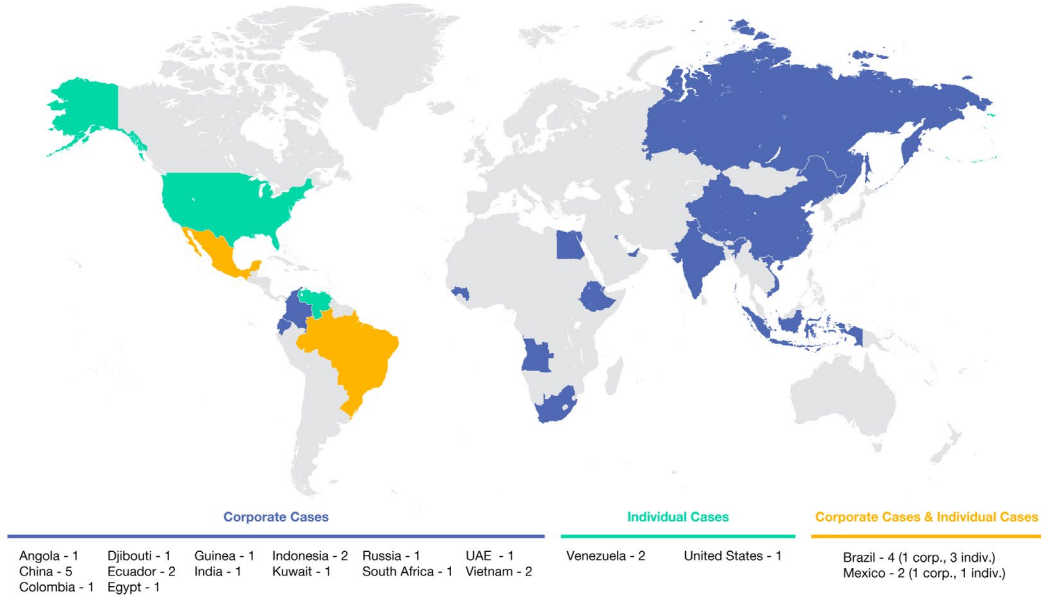
Countries Thanked in Enforcement Press Releases (2023)



Geographic Diversity of FCPA Cases (2023)

In 2023, individual enforcement actions were concentrated in four countries, headlined by Brazil and Venezuela, while corporate enforcement actions spanned 16 countries, headlined by China.

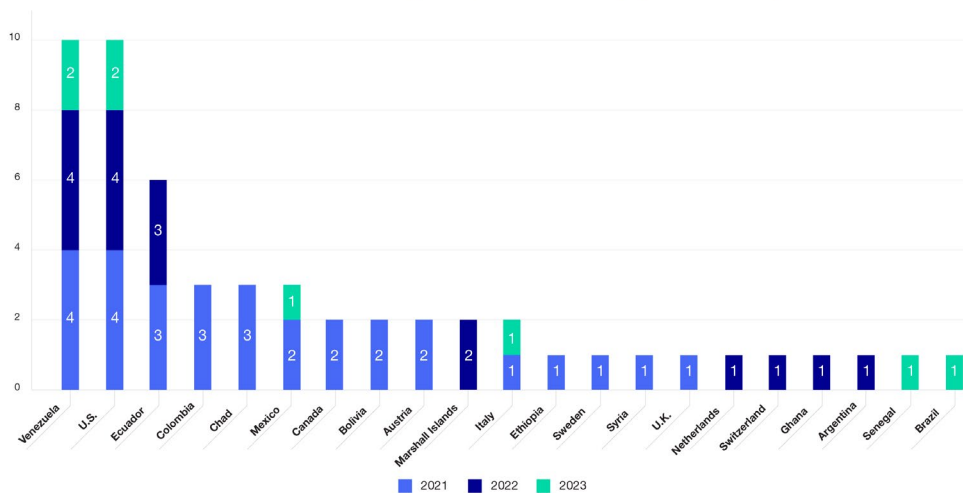
Geographic Diversity (2023)



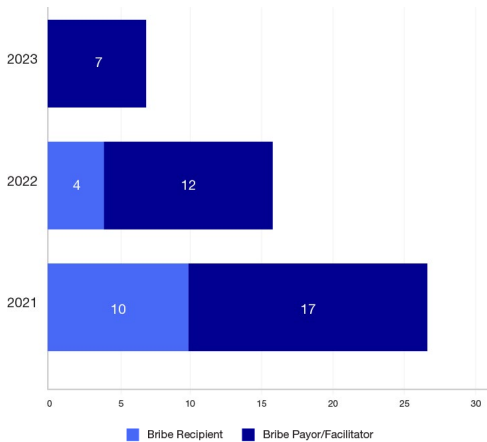
Nationality of Charged Individuals by Country (2021-2023)

Between 2021 and 2023, 50 people were charged with violating the FCPA or a related statute. The United States and Venezuela are the only countries that had at least one person charged in each of the last three years, while six of the individuals charged during this period had dual citizenship, often in the United States or Venezuela.

Individuals Charged by Nationality (2021-2023)



Charges Against Bribe Recipient vs. Bribe Payor/Facilitator (2021-2023)



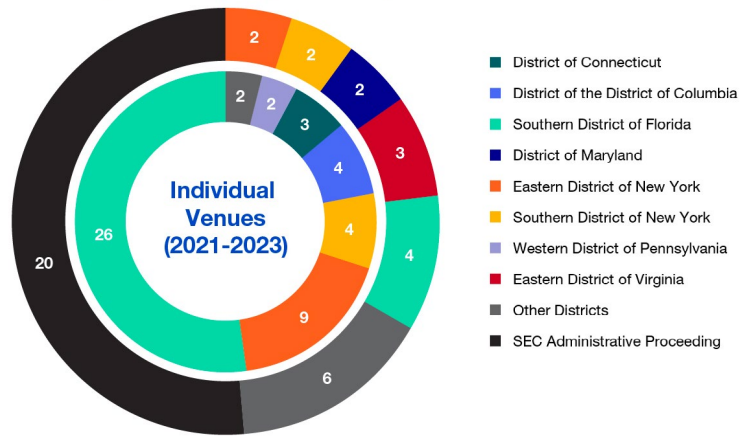
Count of Charges Against Bribe Recipient vs. Bribe Payor/Facilitator (2021-2023)

The number of charges against individuals for FCPA or FCPA-related violations dropped from 2021 to 2023, as did the proportion of charges brought against bribe recipients. Will the number of bribe recipients charged pick back up following the enactment of the Foreign Extortion Prevention Act (FEPA) in December 2023?

FCPA Enforcement Tribunals and Venues (2021-2023)

From 2021 to 2023, FCPA corporate enforcement actions were more likely than not to have an SEC administrative proceeding component, while individual enforcement actions were more likely than not to have been brought in the Southern District of Florida, which was also a popular venue for corporate enforcement actions.

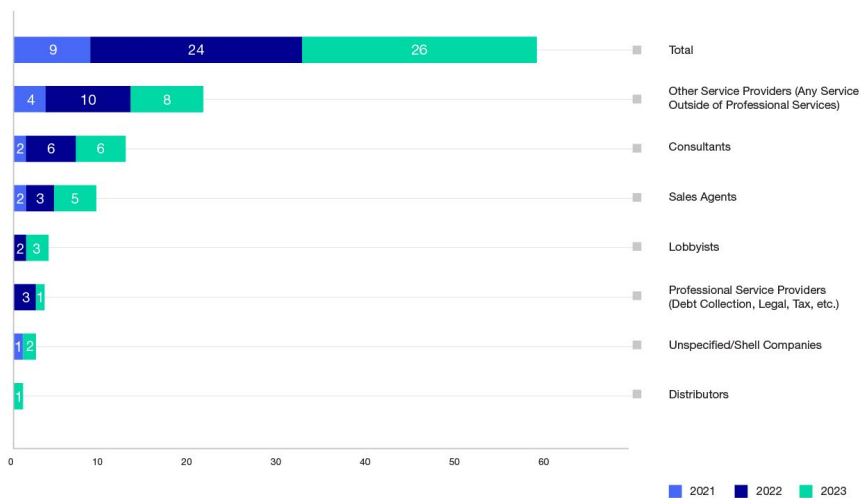
Corporate Venues (2021-2023)



Prominence of Third-Party Intermediaries in FCPA Schemes (2023)

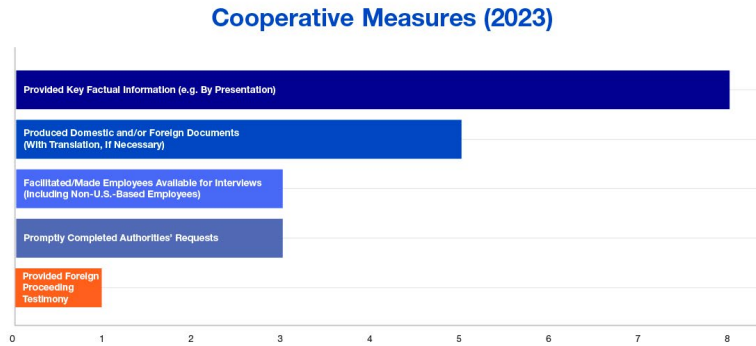
Over the last 10 years, 95% of FCPA enforcement actions have involved third parties. From 2021 to 2023, every FCPA enforcement action involved one – or more – third-party intermediaries, as described in the chart below.

Third-Party Intermediaries (2021-2023)

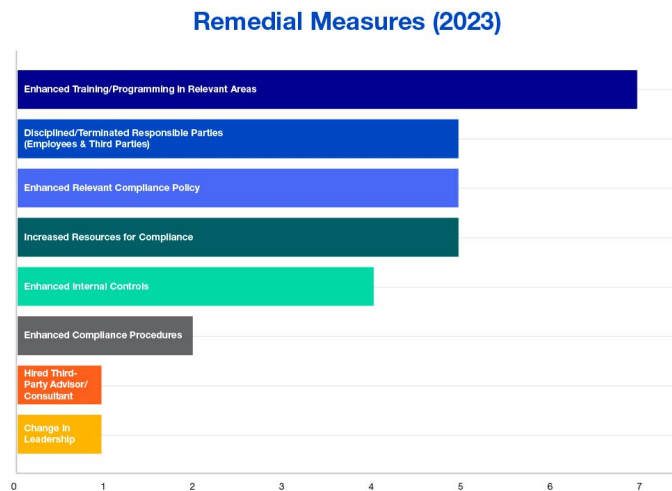


Relevant Considerations – Cooperative Measures and Remedial Measures in FCPA Resolutions (2023)

DOJ emphasizes that it rewards companies that cooperate in FCPA investigations. This table shows the types of cooperation that DOJ credited in 2023, headlined by companies providing factual information from their own investigations.

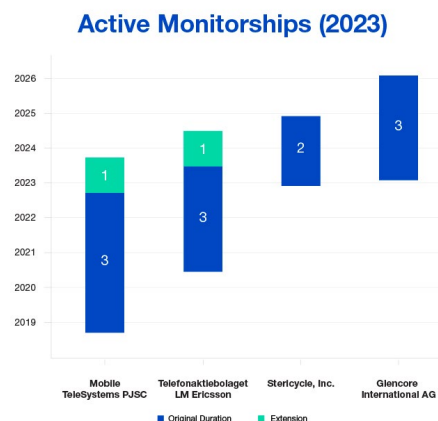


This table shows the type of remedial actions that DOJ credited in 2023, headlined by enhanced training and programming in relevant areas.



FCPA Monitorships (2023)

There were no independent compliance monitors imposed in 2023's FCPA enforcement actions, but four previously imposed monitorships began or continued in 2023.





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