

Foreign Corrupt Practices Act Clearinghouse (FCPAC) Definitions of Terms and Data Fields Included on the FCPAC Website

Location of Alleged Improper Payments, 2006-2015: This chart identifies the countries where bribes were offered or paid, for all FCPA Groups filed between January 1, 2006 and December 31, 2015. Each unique country will be counted only once per FCPA Group regardless of the number of bribes offered or paid to officials in that country. If a single FCPA Group implicates more than one country, that Group will be counted once for each unique country implicated. The data used to generate this graphic were culled from publicly available documents filed in connection with the enforcement actions, and may not reflect all countries where bribes were offered or paid. See About Us – Datasets for a definition of “FCPA Group.”

Corporate Actions Involving M&A and Successor Liability, 2006-2015: This chart identifies merger and acquisition transactions and instances of successor liability in FCPA Groups involving at least one entity defendant that were filed between January 1, 2006 and December 31, 2015. An FCPA Group is marked “M&A” if the merger or acquisition transaction occurred during the course of the FCPA-related misconduct, the investigation, or the resolution, or if the transaction was being negotiated at the time of the investigation or enforcement action. For purposes of this graphic, wholly internal corporate reorganizations are not counted as M&A transactions. An FCPA Group is marked “successor liability” if a successor to the merger or acquisition transaction was held liable for the FCPA-related misconduct of a predecessor, whether by being sued, by settling claims filed against the predecessor, or by assuming a monetary or non-monetary sanction or a compliance obligation. The data used to generate this graphic were culled from publicly available documents filed in connection with the enforcement actions, and may not reflect all merger and acquisition activity. See About Us – Datasets for a definition of “FCPA Group.”

Sanctions per Year: This chart identifies the total, average and median monetary sanctions imposed in FCPA-related actions filed between January 1, 2006 and December 31, 2015. Sanctions are culled from FCPA Groups involving at least one entity defendant and are adjusted to avoid double counting that could otherwise occur when, for example, sanctions are imposed jointly and severally on multiple defendants or a single sanction imposed on a parent entity is deemed to resolve claims against multiple different subsidiaries in multiple different enforcement actions. FCPA Groups involving only individual defendants are excluded from this chart because the smaller sanctions imposed in those Groups could otherwise skew the average and median sanctions for a particular year. Sanctions are aggregated annually according to the filing date, not the date of resolution. A \$0 value for a particular year could mean that no sanctions were imposed or, alternatively, that no FCPA-related enforcement actions were filed that year. See About Us – Datasets for a definition of “FCPA Group.”

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Compliance and Reporting Obligations for Corporate Entities, 2006-2015: This chart consists of two separate but related datasets. The first dataset identifies, for all FCPA Groups filed between January 1, 2006 and December 31, 2015, the frequency with which the government requires entity defendants to adopt new compliance policies and procedures as part of a resolution of FCPA-related claims. The data is culled from FCPA Groups involving at least one entity defendant in order to avoid double counting that may otherwise occur when the same or affiliated corporate entities are sued in separate enforcement actions based on the same underlying misconduct. Data is aggregated by filing date, not date of resolution.

The second dataset, which is a subset of the first, identifies whether entity defendants with an ongoing compliance obligation are required to report to the government regarding their efforts to implement new compliance policies and procedures and, if so, what that reporting obligation looks like. “Outside monitor” means that the entity is required to hire an independent third-party monitor to evaluate the entity’s efforts to implement new compliance policies and procedures and to report to the government regarding those efforts. “Self-reporting” means that the entity is required to provide intermittent reports to the government regarding its efforts to implement new compliance policies and procedures. A “hybrid” reporting obligation is a combination of both self-reporting and an outside monitor, and often takes the form of an outside monitor for 18 months followed by 18 months of self-reporting. “No reporting” means that the entity is not required to provide the government with any status reports about its ongoing compliance obligations. Data is culled from FCPA Groups in order to avoid double counting that may otherwise occur when the same or affiliated corporate entities are sued in separate enforcement actions based on the same underlying misconduct. For that reason, a reporting obligation is counted only once for each FCPA Group. If affiliated entities undertake multiple, different reporting obligations, the “highest” obligation is applied to the Group based on the following ranking: outside monitor, hybrid, self-reporting, no reporting. Data is aggregated by filing date, not date of resolution. See About Us – Datasets for a definition of “FCPA Group.”

Proceedings per Year: This chart identifies the number of FCPA proceedings filed per year between January 1, 2006 and December 31, 2015. There are many ways to count FCPA proceedings. For purposes of this graphic, proceedings are included if they are identified as FCPA cases on the SEC or DOJ website, or if they are related to such proceedings. Multiple proceedings brought by the same agency in the same year against the same or affiliated entity defendants based on the same underlying bribery scheme are lumped together and counted as a single proceeding. Each unique individual defendant that is sued in a single year is counted separately. While the FCPAC does include proceedings that allege no FCPA-related allegations, for purposes of this graphic those

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cases are excluded from the count unless they are identified as FCPA-related cases on the SEC or DOJ website. Cases are deemed filed in the year that the charging document is filed. If no charging document is filed, the case is deemed filed in the year of the earliest press release, negotiated resolution, or other pertinent case filing. Note that this graphic relies on a unique methodology for counting FCPA proceedings that does not align with the definition of an “Enforcement Action” on the About Us – Datasets portion of this website. For this reason, we have used the term “proceeding” and not “Enforcement Action” to define the graphic’s unit of measurement. Even this relatively minor distinction underscores the complexity involved in defining an FCPA enforcement action and counting the number of such actions filed per year.

Average Sanctions for Corporations that Self-Report and Don’t Self-Report, 2006-2015: This chart identifies the average monetary sanction imposed, collectively, on all FCPA Groups filed between January 1, 2006 and December 31, 2015 in which one or more company defendant or affiliated entity voluntarily self-reported the FCPA violation (or purported violation) to the SEC, DOJ or both. By way of comparison, this chart also identifies the average monetary sanction imposed, collectively, on all FCPA Groups filed between January 1, 2006 and December 31, 2015 in which no company defendant or affiliated entity self-reported the FCPA violation (or purported violation) to the SEC or DOJ. Sanctions are culled from FCPA Groups involving at least one entity defendant and are adjusted to avoid double counting that could otherwise occur when, for example, sanctions are imposed jointly and severally on multiple defendants or a single sanction imposed on a parent entity is deemed to resolve claims against multiple different subsidiaries in multiple different enforcement actions. Data about self-reporting is based on information that is disclosed in publicly available documents filed in connection with the enforcement actions, and may not reflect all instances of self-reporting by entities. See About Us – Datasets for a definition of “FCPA Group.”