

Justice Department Turns Up The Heat On Corporate Executives For Their Companies' Corrupt Practices Overseas – May Lead To Jail Time And Property Seizures

November 19, 2009

Lanny Breuer, the Assistant Attorney General of the Criminal Division, is a former white collar defense lawyer who has defended high-profile clients including Bill Clinton and Roger Clemens. After being appointed to his new position by the Obama administration, Breuer appears poised to bring government scrutiny on corporate compliance issues – including companies that engage in corrupt practices and bribes overseas. In recent remarks, Breuer indicated that corporate executives, in addition to their companies, can expect to be under the microscope for actions taken by their companies overseas.

On November 17, 2009, Breuer addressed the 22nd National Forum on the Foreign Corrupt Practices Act. During his prepared remarks, Breuer cautioned companies not to allow the current economic times to lead to lapses in corporate compliance efforts: “The Department is looking carefully at lapses – both past, present, and future – in corporate compliance as a result of the downturn in the global economy.” Breuer made the point that his office is not limited to charging companies, but that it is targeting individuals as well, stating “prosecution of individuals is a cornerstone of our enforcement strategy.”

Looking forward, Breuer indicated that his department will focus on overseas sales in the pharmaceutical industry (which he calls a “high-risk area”) stating that the depth of government involvement in the foreign health systems contributes to “a significant risk that corrupt payments

will infect the process.”

Finally, Breuer indicated that his office will be focused on asset forfeiture and recovery. “We will seek forfeiture in all appropriate cases going forward.” These efforts will be targeted not only at the U.S. companies and executives, but also at the bribe recipients through a partnering effort with international officials. [Read Breuer's address to the 22nd National Forum on the Foreign Corrupt Practices Act.](#)

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