

No.: 04-01

Date: January 6, 2004

Foreign Corrupt Practices Act Review

Opinion Procedure Release

The Department has reviewed the FCPA Opinion request of a U.S. law firm that was submitted on March 5, 2003 and supplemented on April 23, 2003 and November 18, 2003.

The requestor proposes to sponsor and present, in conjunction with a ministry (the "Ministry") of the People's Republic of China ("PRC"), a Comparative Law Seminar on Labor and Employment Law in the People's Republic of China and the United States of America. The seminar would be held in Beijing, China. The stated purpose of the seminar is to educate legal and human resources professionals from the PRC and the United States about labor and employment laws and their practical applications in the PRC and the U.S. to facilitate understanding, compliance, and development of the laws of both jurisdictions. The seminar will last one and a half days. The requestor would pay for the following costs of the seminar: conference rooms; interpreter services; receptions and meals during the seminar; transportation costs for Chinese government officials who do not live in Beijing to travel to the seminar; hotel accommodation for Chinese government officials participating in the seminar; and translation and printing of seminar materials. The requestor has asked for a determination of the Department's present enforcement intention under the FCPA.

The requestor has represented, among other things, that:

1. it has no business before the entities that may send officials to the seminar;
2. it is unaware of any pending or anticipated business between the clients who will be invited to the seminar and the Chinese officials who will attend;
3. it has obtained written assurance, a copy of which has been provided to the Department of Justice, from the Deputy Director of the Department of Legal Affairs for the Ministry that the requestor's sponsorship of the seminar and its payment of the expenses described in the request violate no law of the PRC;
4. it is not selecting the particular officials who will be invited to the seminar; rather, the Ministry will select who will participate in the seminar;
5. it intends to pay all costs directly to the providers or reimburse costs incurred only upon presentation of a receipt;
6. it will not advance funds or pay reimbursements in cash;
7. it will not provide any free "gifts"; or "tokens"; to attendees or presenters, including Ministry personnel; and
8. other than the costs specified in the request, the requestor will not compensate the Ministry or any other Chinese government official for their participation in the seminar.

Based upon all of the facts and circumstances, as represented by the requestors, the Department does not presently intend to take an enforcement action with respect to the proposed seminar described in this request.

The FCPA Opinion Letter and this release have no binding application to any party which did not join in the request, and can be relied upon by the requesting party only to the extent that the disclosure of facts and circumstances in its request is accurate and complete and continues to accurately and completely reflect such facts and circumstances.