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POST-COVID CORPORATE ANTI-CORRUPTION ENFORCEMENT: READY FOR LIFTOFF?

Examining pronouncements, policies, and other developments, the authors are left with little doubt that anti-corruption enforcement remains a top priority for the U.S. and its international partners. In this article, after a brief retrospective, the authors discuss certain of these developments, and then consider some of the questions that will affect anti-corruption enforcement as a result. They conclude by highlighting certain steps companies can take to be prepared for an upward trend in cross-border anti-corruption enforcement.

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Recent policy pronouncements and initiatives in the United States and a continued emphasis on expanding and exploiting international enforcement partnerships, suggest that the downturn in corporate anti-corruption enforcement in 2021 will prove to be an outlier rather than a trend. Cooperation among international enforcement bodies and the pace of their enforcement efforts are expected to increase as COVID-19 becomes endemic in many parts of the world. This increase will necessitate a renewed focus on how a variety of challenging issues are confronted by targeted companies as they conduct internal investigations and engage with domestic and international enforcement authorities.

I. A BRIEF RETROSPECTIVE: 2021 ENFORCEMENT ACTIVITY

Relative to the years before it, 2021 was a slow year for corporate anti-corruption enforcement in the U.S. Slowdowns and headwinds arose in some key overseas jurisdictions as well.

A. U.S. Enforcement in 2021

The U.S. Department of Justice (“DOJ”) brought only three Foreign Corrupt Practices Act (“FCPA”) corporate enforcement actions in 2021, each of which was

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