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Private Equity Benefits From Post-Acquisition Compliance Disclosure

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Earlier this summer, the U.S. Department of Justice's (DOJ) National Security Division (NSD) and the U.S. Attorneys' Office for the Southern District of Texas issued a press release announcing that they declined the prosecution of a private equity firm (PE Firm) and certain affiliates after the PE Firm discovered and voluntarily self-disclosed criminal violations of U.S. sanctions and export laws committed by a company it acquired.

This is the first declination of prosecution of an acquiror under the NSD's new Mergers and Acquisitions (M&A) Policy, which is part of the NSD's revised Enforcement Policy for Business Organizations (Corporate Enforcement Policy) and only the third declination under the Corporate Enforcement Policy.

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