

## Anti-bribery and corruption compliance efforts continue despite regulatory pullback

Forensic & Integrity Services  
Financial Services Team

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### Part 2 of 3 in a series focusing on anti-bribery and corruption

The Foreign Corrupt Practices Act (FCPA) is continuing to spark dialogue around anti-bribery and corruption (ABC) compliance as a result of Executive Order (EO) 14209 issued by the United States government on February 10, 2025. The EO placed a temporary suspension on FCPA enforcement for a period of 180 days, and it resulted in the following:

- An order to cease initiation of any new FCPA investigations or enforcement actions with exceptions made at the Attorney General's discretion
- A requirement to perform a detailed review of existing FCPA investigations or enforcement actions to ensure the protection of the presidential authority over foreign policy
- Following the review, the issue of updated guidelines or policies that prioritize American interests and American economic competitiveness

Despite this change in the regulatory directive, early indicators demonstrate that US financial institutions are continuing to prioritize the prevention and detection of bribery and corruption for a multitude of factors.

#### Global fight against corruption

- Other countries have their own anti-corruption regulations that still apply to US institutions due to the regulations' extraterritorial reach, including the United Kingdom's Bribery Act and Brazil's Anti-Corruption Law. In recent times, US companies have been found liable under these laws as a result of their operations there – and financial institutions are particularly at risk due to the global reach of their operations and the connectivity within the financial services industry.
- The past few years have seen significant international cooperation in the global fight against corruption, with cross-jurisdictional investigations and information sharing between regulatory bodies. This is expected to continue – whether the US is part of it or not. The United Kingdom recently outlined the objective to become a “proactive, authoritative player in the global and domestic justice system” in a regulatory filing.
- In March 2025, regulators from the United Kingdom, France and Switzerland announced the formation of the International Anti-Corruption Prosecutorial Taskforce to strengthen collaboration in the fight against bribery and corruption.

#### Positive impacts of ABC programs

##### ABC programs are a key tool that help financial institutions combat corruption and fraud

- Bribery and corruption undoubtedly have a negative impact on an organization's reputation, which in turn can affect well-established client and stakeholder relationships. Having a strong and active ABC program protects against this risk.
- An effective ABC program has proven value as illicit activity undermines the integrity of the organization and may signal a weakness of internal controls, leading to the risk of less ethical conduct and other wrongdoing and fraud across the entity.
- There is expected to be a focus from the US government on illicit activities of criminal gangs, cartels and enterprises. Effective ABC policies executed in conjunction with anti-money laundering (AML) policies will be key levers for financial institutions to demonstrate to regulators their efforts to combat the activities of these criminal gangs and enterprises.

#### FCPA statute of limitations

##### Companies should not lose sight of the FCPA statute of limitations

Organizations must remain cognizant that FCPA violations may still be subject to future prosecution. The FCPA's statute of limitations may present opportunities for future prosecution and be applicable as enforcement priorities evolve.

- Unpredictability of the 180-day time frame:
  - It remains to be seen if this review period will be extended, as it is up to the discretion of the Attorney General. If the 180-day pause is extended, this period of uncertainty may continue as companies navigate the evolving regulatory environment.
  - The statute of limitations will remain relevant regardless of future actions, as its repeal would require formal action by Congress. There is currently no indication that this is being considered.

## Teaming with EY Forensic & Integrity Services

EY Forensic & Integrity Services is a leader in providing ABC-related services in the financial services industry. Our US and global networks enable tailored approaches to address complex ABC challenges. Presented below is a selection of the ways we can assist your organization navigate the changing regulatory environment:

- Conduct or refresh program assessments to identify gaps, opportunities for remediation and also address compliance or potential gaps with ABC laws in other countries
- Investigate allegations of wrongdoing internally by employees or externally by third-party vendors and contractors
- Leverage our suite of leading-edge analytics tools and workflow capabilities to augment or support financial services clients in identifying, monitoring or investigating patterns of potentially suspicious activity as a result of updated guidelines and policies
- Guide the revision of existing policies and procedures to align with international regulatory standards
- Develop and/or conduct role-specific training tailored to enhancing employees' understanding of the organization's anti-bribery and corruption compliance programs

## Selected qualifications

- We conducted an ABC risk assessment for a leading provider of financial guaranty insurance as it expands into new geographic and product markets. EY professionals interviewed key company personnel and reviewed existing compliance frameworks to identify risks and propose recommendations.
- We performed pre-acquisition ABC due diligence for a leading private equity group's purchase of a global real estate corporation. We assessed the target entity's compliance framework and selected high-risk subsidiaries for transaction testing and business intelligence screening.
- We conducted an ABC program assessment for the real estate investment group of a top five global financial institution and a sample of its joint venture partners. Our teams coordinated the implementation of the identified recommendations, including drafting new policies, creating guidelines for joint venture partners and establishing a risk assessment for new partnership opportunities.

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Embedding integrity into an organization's strategic vision and day-to-day operations is critical when managing complex issues of fraud, regulatory compliance, investigations and business disputes. Our international team of more than 4,000 forensic and technology professionals helps leaders balance business objectives and risks, build data-centric ethics and compliance programs, and ultimately develop a culture of integrity. We consider your distinct circumstances and needs to assemble the right multidisciplinary and culturally aligned team for you and your legal advisors. We strive to bring you the benefits of our leading technology, deep subject-matter knowledge and broad global sector experience.

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