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Corporate Compliance, Professional Perspective - Federal Enforcement Priorities & Emerging Corporate Risks



In March 2024, the American Bar Association's (ABA) 39th Annual National Institute on White Collar Crime provided a forum for significant insights into federal enforcement priorities and emerging risks facing companies and their executives.

Presentations by enforcement heads from the Department of Justice (DOJ), the Securities and Exchange Commission (SEC), the Department of Commerce, the Department of the Treasury, the Federal Trade Commission (FTC), and the Commodities Futures Trading Commission (CFTC), and capped by new announcements from the Deputy Attorney General Lisa Monaco and a fireside chat with Attorney General Merrick Garland, provided not only an enforcement road map but also some new policy announcements.

The recent drumbeat of individual accountability for corporate misconduct is only getting louder, and a renewed focus on incentivizing voluntary self-disclosure is evident in new policies from at least two US Attorney's Offices and a novel whistleblower program to be launched by the DOJ later this year. Within this backdrop of increased enforcement, artificial intelligence (AI) and other emerging technologies are front of mind, as is safeguarding our country's intellectual property and sensitive technologies, and protecting consumers from predatory behavior. It should also come as no surprise that the DOJ, Treasury, and Commerce are prioritizing sanctions and export controls, and there is a move toward new and more aggressive restrictions on corporate data sharing with parties in certain adversarial jurisdictions, including China and Russia.

Based on our observations from discussions with regulators last week and our experience as white collar and investigations counsel in the current enforcement environment, below are six things every general counsel, corporate executive, and compliance officer should know.

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