

CLIENT ALERT

Senior DOJ Official Reinforces Role of Leniency, Compliance Programs to Deter Bid Rigging and Anticompetitive Procurement Conduct

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Richard Powers, Deputy Assistant Attorney General for Criminal Enforcement, [spoke](#) at the ABA's International Cartel Workshop on February 19, 2020, discussing the strong commitment the Division has to its leniency program as a core tool for effectively combatting cartel conduct. Powers stressed the complementary nature of leniency and partnerships such as the PCSF in creating a holistic approach to detecting, deterring, and prosecuting bid rigging and other criminal antitrust violations. He singled out small- and medium-sized government contractors as the focus of the PCSF's deterrent effect, stating "[t]he reality is that small and medium-sized businesses that are tempted to collude on government contracts or subcontracts are more likely to be deterred by wide-spread awareness of the illegality of bid rigging and active enforcement, which is why the Justice Department established the PCSF."

Powers also addressed the role of effective corporate compliance programs, calling them "the first line of defense in preventing these crimes." He explained that while corporate compliance programs are now taken into account at the charging stage and a factor that weighs in favor of Deferred Prosecution Agreement, companies should not view the credit given for corporate compliance programs as a substitute for leniency, which he said "will continue to be the ultimate credit for an effective compliance program that detects antitrust crimes and allows prompt self-reporting."

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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