

# Compliance Hotspots for Companies Operating in the U.S. and China and Risk Mitigation Strategies

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August 26, 2020

## What we will cover today - 我们今天会讨论

- U.S. Legal Risk Highlights:
  - The Department of Justice China Initiative 中国行动计划
  - Recent sanction activity 近期制裁活动
- Bribery Risk Management in China 贿赂风险管理
- Risk Mitigation Techniques 风险减降策略
- Crystal ball for the future 未来策略



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# U.S. Legal Risks for Companies Doing Business in China or With Chinese Entities

The DOJ's China Initiative and Recent Sanctions Activity

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## The DOJ's China Initiative 美国司法部发布“中国行动计划”



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## Background on DOJ's China Initiative 中国行动计划背景

- In March 2018, the Office of the U.S. Trade Representative announced the results of an investigation of China's trade practices under Section 301 of the Trade Act of 1974. It concluded, among other things, that a combination of China's practices are unreasonable, including its outbound investment policies and sponsorship of unauthorized computer intrusions, and that "[a] range of tools may be appropriate to address these serious matters."
- 2018年3月，美国贸易代表办公室宣布根据1974年《贸易法》第301条对中国的贸易活动进行调查的结果。调查结论为，中国的多种贸易活动不合理，包括对外投资政策、支持未经授权的计算机入侵以及“一系列工具可能适合解决这些严重问题。”

OFFICE of the UNITED STATES TRADE REPRESENTATIVE  
EXECUTIVE OFFICE of the PRESIDENT

FINDINGS OF THE INVESTIGATION INTO  
CHINA'S ACTS, POLICIES, AND PRACTICES  
RELATED TO TECHNOLOGY TRANSFER,  
INTELLECTUAL PROPERTY, AND INNOVATION  
UNDER SECTION 301 OF THE TRADE ACT OF 1974



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## Background on DOJ's China Initiative 中国行动计划背景

- In November 2018, the Department of Justice unveiled the *China Initiative*. 2018年11月，美国司法部宣布实行“中国行动计划”
- It was initiated as the Department's strategic priority of confronting what it believed to be national security threats presented by the People's Republic of China. 美国国防部认为该计划是应对中国对美产生的国家安全威胁的应对。
- The Initiative's focus is on the policies and practices that seek to challenge U.S. technological and scientific leadership. 该计划的重点是旨在保护美国技术和科学领导地位的政策和做法。



### JUSTICE NEWS

Attorney General Jeff Sessions Announces New Initiative to Combat Chinese Economic Espionage

Washington, DC - Thursday, November 1, 2018

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## DOJ: Components of the Initiative 美国司法部：“中国行动计划”内容

The Attorney General set the following goals for the Initiative: 司法部部长为“中国行动计划”设定了以下的目标：

- Identify **priority trade secret theft cases**, ensure investigations are adequately resourced, and work to bring them to fruition in a timely manner and according to the facts and applicable law; 优先确定商业秘密盗窃案件，确保有足够的调查资源，并根据事实和适用的法律，努力使其及时完成；
- Develop an enforcement strategy concerning non-traditional collectors (e.g., **researchers in labs, universities and the defense industrial base**) that are being coopted into transferring technology contrary to U.S. interests; 针对非传统的收集者（例如实验室、大学和国防工业基地的研究人员）制定一项政策，这些人被认为违法了美国利益进行技术转让；
- Educate **colleges and universities** about potential threats to academic freedom and open discourse from influence efforts on campus; 和大学和学院对有关学术自由的潜在威胁以及对校园影响力的话题进行公开讨论；

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## DOJ Initiative, Continued 持续推进“中国行动计划”

- Apply the **Foreign Agents Registration Act** to unregistered agents seeking to advance China's political agenda, bringing enforcement actions when appropriate; 将《外国代理人注册法》适用于寻求推进中国政治议程的未注册代理人，并在适当时采取执法行动；
- **Equip** the nation's **U.S. Attorneys** with intelligence and materials they can use to raise awareness of these threats within their Districts and support their outreach efforts; 向美国的检察官提供情报和材料，让他们能够提高对管辖地区威胁的认识，并支持他们的外联工作；
- Implement the **Foreign Investment Risk Review Modernization Act** (FIRRMA) for DOJ (including by working with Treasury to develop regulations under the statute and prepare for increased workflow); 为司法部执行**外国投资风险审查现代化法 (FIRRMA)**（包括与财政部合作制定相关法规，为增加工作流程做好准备）；

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## DOJ Initiative, Continued 持续推进“中国行动计划”

- Identify opportunities to better address **supply chain threats**, especially those impacting the telecommunications sector, prior to the transition to 5G networks; 在向5G网络过渡之前，能加强识别并且应对针对**供应链威胁**的机会，特别是那些影响电信行业的威胁；
- Identify **Foreign Corrupt Practices Act (FCPA)** cases involving Chinese companies that compete with American businesses; 根据《**反海外腐败法**》(FCPA) 调查与美国公司竞争的中国公司；
- Increase efforts to improve Chinese responses to requests under the **Mutual Legal Assistance Agreement (MLAA)** with the United States; and 加大力度推进中方对美法律互助协议(MLAA)要求的回应；和
- Evaluate whether additional legislative and administrative authorities are required to protect our national assets from foreign economic aggression. 评估是否需要更多的立法和行政机关来保护我们的国家资产不受外国经济侵略。

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## Examples of DOJ Cases 美国司法部案例

- **Chinese nationals & entities involved in theft of trade secrets**  
中国公民设计盗窃商业秘密
- **Academics that lied about their roles in the Thousand Talents program**  
对是否参与中国千人计划撒谎
- **Acting as agents of the PRC**  
以中国工作人员身份做代理人
- **Export crimes**  
出口犯罪
- **Bribery**  
贿赂
- **Hacking**  
黑客
- **Tax, Wire and Passport Fraud**
- **False Statements to Law Enforcement**

<https://www.justice.gov/opa/information-about-department-justice-s-china-initiative-and-compilation-china-related>

### INFORMATION ABOUT THE DEPARTMENT OF JUSTICE'S CHINA INITIATIVE AND A COMPILATION OF CHINA-RELATED PROSECUTIONS SINCE 2018

Last Updated August 4, 2020

#### BACKGROUND

About 80 percent of all economic espionage prosecutions brought by the U.S. Department of Justice (DOJ) allege conduct that would benefit the Chinese state, and there is at least some nexus to China in around 60 percent of all trade secret theft cases.

The Department of Justice's China Initiative reflects the strategic priority of countering Chinese national security threats and reinforces the President's overall national security strategy. The Initiative was launched against the background of previous findings by the Administration concerning China's practices. In March 2018, the Office of the U.S. Trade Representative announced the results of an investigation of China's trade practices under Section 301 of the Trade Act of 1974. It concluded, among other things, that a combination of China's practices are unreasonable, including its outbound investment policies and sponsorship of unauthorized computer intrusions, and that "[a] range of tools may be appropriate to address these serious matters."

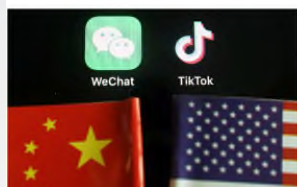
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## Theft of trade secrets is the priority but, other initiatives are being pursued in tandem by other agencies 针对盗窃商业秘密指控最多但是其他机构也在针对中国采取行动

- E.g. financial reporting and audit transparency and accountability, with an emphasis on publicly traded Chinese companies, is also being pursued by the US Securities and Exchanges Commission (SEC) and the Public Company Accounting Oversight Board (PCAOB) 例如，美国证券交易委员会(SEC)和上市公司会计监督委员会(PCAOB)也在追求财务报告和审计透明度和问责制，重点关注中国上市公司
- Team Telecom (fka the Committee for the Assessment of foreign participation in the US Telecommunications Services Sector) has recommended FCC denial of cable network connections between the US and Honk Kong
- Executive Branch Agencies (DOJ, HSI, DOD, DOS, DOC, USTR) recommend FCC revocation and termination of China Telecom's authorizations to provide international telecommunications services in the US

## Recent Sanctions Activity

With WeChat sanctions, Trump strikes at China's heart



### Xinjiang Supply Chain Business Advisory

Issued: July 1, 2020

Title: Risks and Considerations for Businesses with Supply Chain Exposure to Entities Engaged in Forced Labor and other Human Rights Abuses in Xinjiang!

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**Treasury Sanctions Individuals for Undermining Hong Kong's Autonomy**

August 7, 2020

### Huawei: Smartphone chips running out under US sanctions

An executive of Chinese tech giant Huawei says it is running out of processor chips to make smartphones due to US sanctions





## Xinjiang Human Rights Abuse Sanctions



- **July 1 Advisory** to US Businesses warns of PRC abuse of minority groups, especially in Xinjiang province
- Recommends businesses with supply chain exposure to entities involved in human rights abuses in Xinjiang / the use of forced labor should implement human rights-related due diligence policies and procedures (and threatens enforcement action for failures to do so).
- Highlights **3 primary supply chain risks**:
  1. Assisting in **developing surveillance tools** for the PRC government in Xinjiang;
  2. Relying on **labor or goods sourced in Xinjiang**, or from factories elsewhere in China implicated in the forced labor of individuals from Xinjiang in their supply chains; and
  3. Aiding in the **construction of internment facilities** used to detain Uyghurs and members of other Muslim minority groups, and/or in the **construction of manufacturing facilities** that are in close proximity to camps operated by businesses accepting subsidies from the PRC government to subject minority groups to forced labor.

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## Xinjiang Human Rights Abuse Sanctions

- **Actions in response to this issue are increasing China business partner, supplier and customer risk**:
  - The Dept. of Commerce has added a number of companies implicated in these human rights abuses to the **entities list** (11 companies on July 20, 2020; 9 on June 5, 2020 - one government institute and 8 companies, and on October 9, 2019 - 8 commercial entities and 20 governmental entities).
  - CBP has issued **WROs** detaining imports that are believed to have been manufactured with forced labor (e.g. June 17, May 1, and last September 30).
  - State has announced **visa restrictions** on PRC and CCP officials believed to be involved in these activities.
- **US law enforcement is focused on specific types of companies** providing goods or services to the Chinese government, including:
  - Activities with cameras, tracking technology, biometric devices, or related goods and services;
  - Technology joint ventures, research partnerships, and financial support for those developing or deploying these surveillance systems, or who provide genetic data, facial recognition, or the like;
  - Services provided to Xinjiang's Internment Camps or Surveillance State; and
  - Companies on the US Dept. of Commerce Entity List.

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## Xinjiang Human Rights Abuse Sanctions

### Possible enforcement mechanisms include:

- Dept. of Commerce BIS measures, primarily listing on the entity list
- CBP and ICE (HSI) - 19 USC § 1307 prohibits importation of merchandise created using forced labor
- For government contractors, FAR 52.222-50 (can subject contractors using forced labor to suspension and debarment)
- 18 USC § 1589 - Trafficking Victims Protection Act - Forced Labor: criminalizes benefiting financially or receiving anything of value from forced labor where there is knowledge or reckless disregard re. forced labor and knowing participation
- Additional sanctions imposed by the President under the Uyghur Human Rights Policy Act of 2020 (typically employed through sanctions)
- OFAC economic sanctions

Even where law enforcement hasn't acted, the press is watching.

imported clothes from Xinjiang  
firm facing US forced labour sanctions

Details on staff uniforms come after CEO says he will not  
tolerate modern slavery



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## Hong Kong Sanctions and Special Status Revocation, and Continuing Tech Sanctions May Follow the Same Playbook

- As a result of national security legislation passed in June, and recent prosecutions under that statute:
  - **Department of Treasury imposed sanctions** on 11 individuals (including the Mayor of Hong Kong, the head of the police force in Hong Kong, the Secretary for Justice in Hong Kong, and others) for “undermining Hong Kong’s autonomy and democratic processes”
  - **Commerce has suspended preferential treatment** in export license exceptions, has ended tariff and duty exemptions for Hong Kong
  - Announced **intent to revise the State Department travel advisory** for Hong Kong (suspending visa entry of PRC nationals seeking to study or research in the US while also receiving funding from or being associated with a PRC entity “implementing or supporting the PRC’s strategy to acquire and divert technologies for PRC’s military capabilities”)
- If tensions continue, additional entities that provide goods or services to the Chinese government that facilitate centralized control may be listed or additional privileges for Hong Kong may be eliminated

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# Chinese Legal Risks for Companies Doing Business in China or With Chinese Entities

China's Criminal Law and Anti-Unfair Competition Laws



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## Two primary legal authorities for commercial bribery in China:

-- Criminal Law



-- Anti-Unfair Competition Law ("AUCL") which was amended recently



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## The old definition and scope of commercial bribery

### Article 8 of the 1993 AUCL

Provides a blanket prohibition on a business from giving a bribe in the form of property or other means for the purpose of selling or buying goods.

*“Property and other means” includes promotion costs, publicity expenses, sponsorship, research costs, remuneration, consultation fees, commissions and advantages other than property.*



### As the result:

- A bribe recipient in commercial bribery could be a business (vis-à-vis the individual employees of a business).
- The legitimate payments common in everyday commerce between business to business such as payment of consultation fees and commissions, risk being caught as acts of bribery.
- For the convenience of understanding, we may call the bribery between business to business as B2B bribery.

## B2B cases that may not be bribery any more under the AUCL

### Case 1

In 2010, Toyota Finance was penalized for giving bribes to Toyota 4S shops because the former gave some “service fees” to the latter as the latter recommended its clients (buying cars) to the former to get car loans.

### Case 2

In 2009, the Foshan AIC determined that Pepsi Guangzhou had committed commercial bribery by paying “entrance fees” and “display fees” to some stores in the amount of RMB 247,900 to aid the selling of its products with better shelf display. As a result, Pepsi Guangzhou was fined RMB 50,000, and its profits were confiscated.

### Case 3

In June 2006, and February and September of 2007, a general contractor of Tsingtao beer in Wenling signed several agreements with other five companies paying them monetary incentives for exclusive distributions. The payments were described as “buyout fee” and “exclusive fee” totaling RMB 1.205 million for the purpose of obtaining trade opportunities. The parties together were fined up to RMB 1.727 million by Wenling Administrations for Industry and Commerce (AIC).

## Revised definition and scope of commercial bribery

### Article 7 of the 2018 AUCL

A business shall not resort to bribery, by offering properties or by any other means, to any of the following entities or individuals, in order to seek a transaction opportunity or competitive advantage:

- (1) any employee of the counterparty in a transaction;*
- (2) any entity or individual entrusted by the counterparty in a transaction to handle relevant affairs; or*
- (3) any other entity or individual that is to take advantage of powers or influence to influence a transaction.*



## Revised definition and scope of commercial bribery

### Significant Changes

The 2018 AUCL requires the element of purpose of “seeking transaction opportunities or competitive advantage” rather than a broad-brushed purpose element under the 1993 AUCL: “for the purpose of selling or buying goods”.

- A transaction counterparty is no longer expressly listed as a potential bribe recipient as the 1993 AUCL did. As such, the B2B bribery such as the three case studies indicated above may no longer be investigated and punished under the 2018 AUCL.
- A business or transaction counterparty may still be a bribe recipient, but seemingly limited to the third parties engaged by a transaction counterparty. For example, if a school purchases uniforms from a supplier, the students are the de-facto purchasers and users. The school is deemed to be entrusted by the students to make the purchase, and falls within below *item (2)* of bribe recipient. For another example, two parties employ an appraisal agency to appraise the quality of the goods, and one party bribes the agency to make the appraisal result beneficial to the bribing party. The appraisal agency may fall within the below *item (3)* of bribe recipient as having power or influence to influence a transaction. Although both bribery recipients above are still businesses (vis-à-vis individuals), the bribes seemingly take place with the agent causing detriments to its principal or fiduciary harming its beneficiary. Under both scenarios, the duty of loyalty is breached.

*Item (2): any entity or individual entrusted by the counterparty in a transaction to handle relevant affairs*

*Item (3): any other entity or individual that is to take advantage of powers or influence to influence a transaction*

## Vicarious liability and affirmative defense



- **Vicarious Liability** – the act of an employee of a business bribing any others shall be deemed an act of the business itself.
- **An Affirmative Defense or Safe Harbor** – if a business can prove that the employee's activity does not relate to the business's objective of obtaining specific business transaction opportunities or other competitive advantages, then the business may be exonerated from the liabilities under the AUCL.

Business operators may have a valid defense against the vicarious liability offence if they can demonstrate that they:

- (1) **have adopted proper compliance policies and measures;**
- (2) **have implemented effective measures to supervise and control its employees' activities; and**
- (3) **do not indulge, either openly or in a disguised form, its employees' bribery activities.**

## Enforcement agency's investigative power strengthened

The 2018 AUCL grants the AIC **Investigative Powers**

- To **seal or detain** cash and property in relation to breaches of the AUCL
- To **inquire into bank accounts** of businesses which have allegedly committed unfair competition activities



During investigations of **Potential Commercial Bribery Violations**, investigation procedures that the AIC may use:

- **Entering business premises** to conduct inspections
- **Questioning** businesses and other related entities and individuals, and requiring them to explain relevant situations and to provide evidentiary materials or related information
- **Accessing or copying** related evidentiary materials
- **Sealing and/or detaining** property related to suspected unfair competition
- **Inquiring about bank accounts of businesses** suspected of unfair competition

## Administrative penalties increased

The 1993 AUCL	The 2018 AUCL
<ul style="list-style-type: none"> <li>➤ Fines ranging from <b>RMB 10,000 to RMB 200,000</b></li> <li>➤ Confiscation of illegal gains</li> </ul>	<ul style="list-style-type: none"> <li>➤ Fines ranging from <b>RMB 100,000 and RMB 3 million</b></li> <li>➤ Confiscation of illegal gains resulting from illegal conduct</li> <li>➤ <b>Revoking a business's business license</b> in cases of severe misconduct</li> <li>➤ <b>Recording the penalty</b> for engaging in commercial bribery in the business's public credit record</li> </ul>

## B2B cases that may not be bribery any more under the new AUCL

### Case 1

In 2019, a supplier donated a large medical device to a hospital for free and then supplied exclusively materials used on the medical device. The supplier was penalized for giving bribes to the hospital.

Parties together were fined up to RMB 1.727 million by Wenling Administrations for Industry and Commerce (AIC).

## Some B2B bribery could trigger criminal liabilities under the Criminal Law

### Case 2

A medical device distributor paid some X-ray compensation fee to the coffer (小金库) of the X-ray clinical room of a state-owned hospital. The clinical room and its executives were punished for the crime of taking bribes by unit (**Note: the unit must be state-owned**); the distributor was punished for giving bribes by unit.

## Risk Mitigation Techniques



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## Conduct / Adjust Risk Assessments

- **Consider both sides** of the risks presented (not just a US angle)
  - Consider not just legal, but also reputational, supply chain, financial, social responsibility and other considerations in your risk assessment
- **Allow for agility** to address rapidly changing environments
  - And test that agility to ensure the compliance program is keeping pace with developments
- **Use enforcer guidance and recent enforcement actions to benchmark** your program
  - DOJ's Evaluation of Corporate Compliance Programs
  - Justice Manual Principles of Federal Prosecution of Business Organizations
  - BIS's Compliance Guidelines: How to Develop an Effective Compliance Program
  - The Second Edition of the DOJ and SEC FCPA Resource Guide
  - DOJ's FCPA Corporate Enforcement Policy

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## Regulator Guidance: DOJ's Evaluation of Corporate Compliance Programs

- Three core questions
  - Is the corporation's compliance program **well designed**?
  - Is the program **adequately resourced and empowered** to function effectively?
  - Does the corporation's compliance program **work in practice**?
- Key factors for a well-designed compliance program:
  - Risk assessments
  - Policies and procedures, e.g. code of conduct
  - Training and communications
  - Confidential reporting structure and investigation process
  - Third party management
  - M&A
  - Management commitment
  - Continuous Improvement
- In English: <https://www.justice.gov/criminal-fraud/page/file/937501/download>
- In Chinese: <http://compliancereviews.cn/Arc-v.Asp?ID=1040>

## Tips for compliance - Additional Compliance Program Considerations

### -- Measure compliance to risks;

- Did you follow the changes of law closely?
- Did you bench-mark on the ruler of compliance?
- Did you do case studies intently?
- Did you spoon-feed your colleagues with what you cooked?

### -- Risk management v. zero tolerance of illegality;

- Did you set three defense perimeters?
- Did you follow "PDCA" circle?
- How did you deal with misconduct in the context of risk management?

### -- Be mindful of different risk tolerances;

- Did you put a business manager as a co-author for legal risk assessment reports?
- Did you conduct your analysis persuasively?
- Did your trainings get to the heart of your risks?
- Did you "bully" the easy targets while "appeasing" the tough ones?

### -- A robust compliance management system is helpful for reducing risks systematically

- ISO19600 Compliance Management System - Guidelines
- ISO37001 Anti-Bribery Management System

## What Does the Future Hold? 未来会如何？



## Escalating and Retaliatory Sanctions

By Washington Post  
Published: 10/1/2020

China puts sanctions on U.S. lawmakers, NGO chiefs, in tit-for-tat retaliation

TIME

How TikTok Found Itself in the Middle of a U.S.-China Tech War

THE WALL STREET JOURNAL

China May Retaliate Against Nokia and Ericsson If EU Countries Move to Ban Huawei

U.S. Border Agents Search Chinese Nationals' Electronic Devices

John Power and Robert Delaney  
Published: 7/1/2019

US border agents carried out 1,147 searches of Chinese nationals' electronic devices in 2019, a rise of 66 per cent from the previous year, data shows

The increased searches coincide with the Justice Department's launch of its 'China Initiative' in November 2018 targeting suspected theft of trade secrets

China Commerce Ministry weighs export controls on Nokia and Ericsson (China-made products)

U.S. Ban on Huawei From U.S. Networks Could Hurt U.S. Tech

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Sole Workplace suite + User help you commute with confidence

## Continued Use of Prosecutions and Executive Powers to Accomplish Enforcement and Policy Objectives

INFORMATION ABOUT THE DEPARTMENT OF JUSTICE'S CHINA INITIATIVE AND A COMPILATION OF CHINA-RELATED PROSECUTIONS SINCE 2018

Last Updated August 4, 2020

<https://www.justice.gov/opa/information-about-department-justice-s-china-initiative-and-compilation-china-related>



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## Possible / New Legislation Increasing Compliance Obligations - U.S. "STRATEGIC" Act and China's New Data Security Law

116TH CONGRESS  
2d Session

S. \_\_\_\_\_

To advance a policy for managed strategic competition with the People's Republic of China.

IN THE SENATE OF THE UNITED STATES

Mr. RICH (for himself, Mr. GARDNER, Mr. BOHRER, and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

### A BILL

To advance a policy for managed strategic competition with the People's Republic of China.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLES.

4 This Act may be cited as the "Strengthening Trade,  
5 Regional Alliances, Technology, and Economic and Geo-  
6 political Initiatives concerning China Act" or the "STRA-

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## Questions?



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## Thank you

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## Practice Areas:

- Compliance counseling
- FCPA, anti-bribery investigation and risk management
- Anti-trust compliance
- Compliance management consulting, compliance system construction and improvement

## Education:

- New York University School of Law, 2003, LL.M.
- East China University of Politics and Law, 1993, BA

## Qualification:

- The Bar of the People's Republic of China
- The Bar of New York State

## Introduction

Henry CHEN is a senior partner in Dentons Shanghai Office. He focuses his practice on FCPA compliance, antitrust compliance, international arbitration, domestic litigation and other corporate services.

- Before he joined Dentons, Henry was AP Compliance Director in Ford Motor Company, Shanghai, China. He worked to streamline and enhance compliance management system of Ford Motor Company and managed compliance risks in bribery, data security and privacy as well as antitrust business. Meanwhile, he participated in design, risk management and operation of smart driving projects.
- Henry also worked in well-known law firms, including Herbert Smith, Baker McKenzie, MWE China Law Offices. Under his leadership, his team won the awards of "PRC Law Firm 2012-Competition" issued by China Law & Practice and "Regulatory Compliance Award of 2014" issued by Asian Legal Business.
- Henry delivers speeches or publishes articles on legal issues concerning Chinese law, regulatory issues and international and domestic dispute resolution mechanisms.
- Henry is Editor-in-Chief of [www.compliance-reviews](http://www.compliance-reviews).

## Representative Projects

- Assisted Ford Motor Company to streamline and enhance compliance system.
- Conducted compliance audit on MNCs, SOEs and other companies to identify, evaluate and manage risks.
- Provided training regarding risk management to in-house counsels, compliance officers, and lawyers of more than 130 MNCs, large domestic companies and law firms.
- Represented the companies of the U.S. and China in handling FCPA and criminal case investigations of transnational corporations to assist them in formulating and promoting anti-bribery compliance management system.
- Represented the U.S. and European companies in Chinese governmental investigations on bribery.

## Books Published

*Risk Management on Commercial Bribery*, 2014  
*Compliance Risks of Enterprises in Globalization: Outbreak and Control*, 2019

## Honors &amp; Social Commitments

- Chambers Asia Pacific 2020 Recognized Lawyer for corporate investigation & anti-corruption
- Columnist of Caixin.com on "Competition & Monopoly"
- Associate Mediator of Singapore Mediation Centre
- Arbitrator of Hong Kong International Arbitration Centre
- Member of the Editorial Advisory Board of Hong Kong International Arbitration Centre



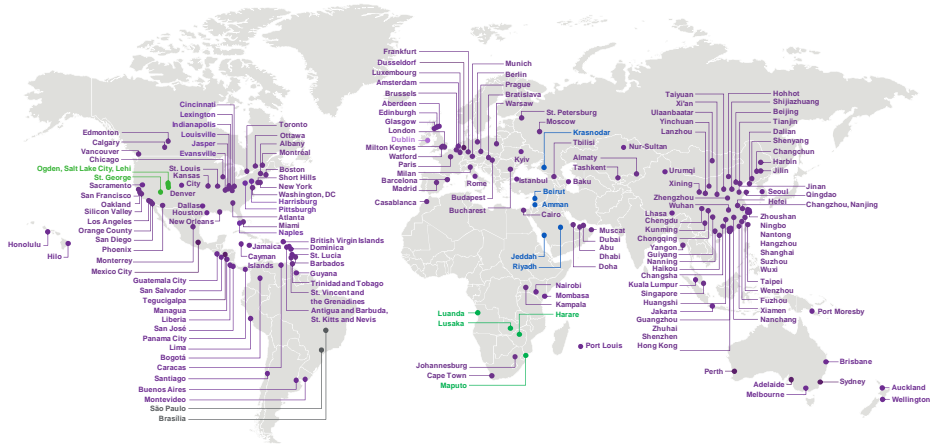
Sara Holzschuh  
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Sara Holzschuh is a member of Dentons' [White Collar and Government Investigations](#) practice, advising and representing entities and individuals that are targets or subjects of government investigations or enforcement actions, and leading or conducting internal investigations into potential or alleged violations of cross-border anti-bribery and anti-money laundering laws, trade sanctions and export controls. Where a government investigation has resulted in initiation of a formal enforcement action, Sara has vigorously defended clients against actions brought under the anti-bribery provisions of Foreign Corrupt Practices Act, federal anti-money laws and regulations, as well as cases alleging mail, wire or tax fraud or violations of the federal False Claims Act.

Sara regularly counsels and represents individuals under investigation or already charged by the US Department of Justice (DOJ), the Securities and Exchange Commission (SEC), the Federal Bureau of Investigation, the US Department of Commerce, the Department of Homeland Security and other agencies; and has conducted or directed internal investigations for, and zealously defended in administrative criminal and civil proceedings, both domestic and multinational companies and their senior management, boards of directors and special committees, across a range of sectors, including energy, mining, construction, manufacturing, transportation, software, textile, food processing, pharmaceutical and healthcare.

A former prosecutor herself, Sara understands the full spectrum of compliance risks companies face in the current enforcement environment, and her practice includes counseling clients on risk avoidance and mitigation wherever they do business. In coordination with her colleagues around the world, Sara conducts risk assessments and compliance program benchmarking reviews, recommending enhancements as needed; assists with the development and implementation of US national and global compliance programs; creates compliance training programs for employees and compliance officers; and conducts investigations into suspected violations of compliance policies and standards; as well as defending clients in enforcement actions that stem from compliance failures.

## Global coverage



Locations in purple represent Dentons offices.  
Office opening in 2020.  
Locations in blue represent associate firms, offices and special alliances.  
Locations in green represent proposed combinations that have not yet been formalized.  
Locations in gray represent Brazil Strategic Alliance.