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## DOJ Announces New FCPA Corporate Enforcement Policy at Annual Conference

Deputy Attorney General Rod J. Rosenstein today announced a revised FCPA Corporate Enforcement Policy. The new policy, announced at the 34th International Conference on the Foreign Corrupt Practices Act, is designed to provide greater visibility into the enforcement decision-making process so that companies can make decisions that promote ethical behavior and the rule of law. In doing so, Rosenstein seeks to foster a compliance-focused partnership between companies and regulators. Overall, the new policy is not intended to provide a type of immunity for companies, but is instead designed to promote the efficient remediation of harm. The new policy includes the following key components:

In cases where a company meets the requirements of voluntary self-disclosure, full cooperation, and timely and appropriate remediation, it is presumed that the case will be resolved through a declination. This presumption may be overcome only if there are aggravating circumstances surrounding the offense or criminal recidivism.

In cases where a company meets the standards of voluntary disclosure and all other requirements, but aggravating circumstances exist that compel an enforcement action, the Department of Justice will recommend a 50 percent reduction off the low end of the fine range in the Sentencing Guidelines. If the offender is a criminal recidivist, it may not be eligible for this reduction.

Finally, the revised policy details how the Department of Justice evaluates a company's compliance program and specifies elements of an effective program, such as developing a culture of compliance, committing resources to compliance activities and ensuring that compliance personnel have appropriate access to corporate management.

Rosenstein's full remarks can be read [here](#). If you have any questions regarding the new FCPA Corporate Enforcement Policy, please contact [Tiff Moseley, Esq.](mailto:Tiff.Moseley@loeb.com), at [tmosley@loeb.com](mailto:tmosley@loeb.com) or 202.618.5032.

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