DOJ ADOPTS A UNIFORM CORPORATE ENFORCEMENT AND VOLUNTARY SELF-DISCLOSURE POLICY

Date: 13 March 2026

US Policy and Regulatory Alert

By: Michael Culhane Harper, David C. Rybicki, Neil T. Smith, Paul K. Andersen, Travis J. Royer

On 10 March 2026, the US Department of Justice (DOJ) adopted a single corporate enforcement and voluntary self-disclosure policy (DOJ CEP) that supersedes "all component-specific or US Attorney's Office-specific corporate enforcement policies."[1] But, despite the clear push for uniformity, and reiteration of existing baseline voluntary self-disclosure principles, questions remain about the benefits of self-reporting and how offices like the US Attorney's Office for the Southern District of New York (SDNY) will interpret, apply, and expand upon the DOJ CEP.

The DOJ CEP—a nearly word-for-word copy of the DOJ Criminal Division's (Criminal Division) existing CEP[2]—is now the uniform enforcement policy across all corporate criminal cases, except for those relating to antitrust, which has its own long-standing incentives for voluntary reporting.[3] While providing uniformity, the requirements for, and benefits of, self-disclosure essentially mirror the Criminal Division, and companies must thoughtfully assess self-disclosure with counsel.

This alert analyzes the DOJ's uniform policy on corporate enforcement and voluntary self-disclosure, its potential impact on US Attorney's Offices' handling of such cases, and practical considerations for companies evaluating whether to self-report under this policy.

UNIFORM DOJ CEP IMPACT ON SELF-DISCLOSURE PRACTICES

In announcing the uniform DOJ CEP, US Deputy Attorney General Todd Blanche and Assistant Attorney General A. Tysen Duva said the policy builds on the DOJ's "decades of experience [with self-disclosure, cooperation, and remediation] and creates incentives for companies to come forward and do the right thing when misconduct occurs."[4] The stated purpose of this policy is to "hold accountable individual wrongdoers" and reward "well-intentioned business ... when they self-disclose wrongdoing, cooperate with ... investigations, and remediate the misconduct."[5] However, Deputy Attorney General Blanche was clear that "for those that do not [self-disclose, cooperate, and remediate], make no mistake—we will not hesitate to seek appropriate resolutions against companies and individuals alike that perpetrate white collar offenses that harm American interests."[6]

While not explicitly limiting corporate responsibility for misconduct, these statements indicate a continuation of DOJ's claimed focus on specific bad actors and corporate declination resolutions when companies sufficiently self-disclose, fully cooperate, timely and appropriately remediate, and no aggravating circumstances exist. In addition, the DOJ CEP means that across divisions companies may receive: (1) a declination if they meet all four of the voluntary self-disclosure requirements, or (2) a nonprosecution agreement (NPA) (fewer than three years),

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no compliance monitor, and a reduction of at least 50% but not more than 75% of the fine range if they self-report in good faith (but do not qualify as voluntary self-disclosures), fully cooperate, and remediate with no aggravating circumstances.

This DOJ CEP comes only two weeks after the SDNY released its own CEP, offering expedited declinations for qualifying self-reports.[7] Although the SDNY CEP is formally superseded by the DOJ CEP, it remains to be seen how the SDNY, and other offices, will apply and administer the DOJ CEP. In an effort to attract self-reports, it is possible that some offices may still aim to expedite declination decisions while operating within the DOJ CEP framework, and other DOJ CEP features—like the assessment of "near miss" voluntary self-disclosures or aggravating circumstances—may remain open to interpretation between various offices and departments. Given its recent individual CEP and expedited declination rollout, the SDNY may be the first office to test the boundaries of the DOJ CEP when investigating and resolving alleged corporate misconduct.

PRACTICAL CONSIDERATIONS

For companies, this DOJ CEP establishes baseline self-reporting and cooperation guidelines and guarantees consistent benefits across every DOJ division (other than the DOJ Antitrust Division). While providing certainty and consistency, companies in the United States must still proactively monitor for, and thoroughly investigate, alleged misconduct, as well as assess the merits of self-reporting with counsel. There are practical steps companies can take to best position themselves if they want to take advantage of these DOJ CEP guarantees, including:

Developing Robust Compliance Programs

An effective compliance program that includes employee training, explicit avenues for self-reporting alleged misconduct, and clear priority areas—including antibribery, conflicts of interest, sanctions, export controls, and tariff compliance—will position companies to timely identify any potential misconduct.

Conducting Internal Investigations

Underlying the new CEP is timely self-reporting and remediation. To accomplish both, companies must conduct credible internal investigations soon after misconduct allegations are identified so that they can self-report within a reasonably prompt period. Failure to do so could result in a company's potential resolution moving from a declination to an NPA, despite good-faith efforts to self-disclose.

Efficiently Evaluating Self-Disclosure Decisions

Despite guaranteed benefits, the uniform policy reinforces the need for companies to have candid discussions with counsel about self-disclosure—including whether the identified issues warrant disclosure, adequate remediation, potential associated criminal fines and restitution, ancillary litigation, and business and reputational risks.

CONCLUSION

The DOJ CEP policy essentially applies the Criminal Division's existing corporate enforcement and self-disclosure policy to all divisions, allowing companies involved in most DOJ investigations to take advantage of timely self-

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reporting, cooperation, and remediation benefits. While broadening access to potential self-disclosure credit, companies must still proactively identify issues, conduct comprehensive investigations into alleged issues, and consult with counsel. The firm has industry knowledge in white-collar enforcement and compliance regulations and policies that can effectively help your company prepare for, and navigate, any potential misconduct.

FOOTNOTES

[1] *See* DOJ, Uniform CEP Press Release (10 March 2026).

[2] For a detailed discussion of the DOJ Criminal Division Corporate Enforcement Policy, see K&L Gates, Clearer Carrots and More Restrained Sticks: Key Updates to DOJ Corporate Enforcement Policies (15 May 2025).

[3] *See* DOJ Antitrust Division Leniency Policy and Procedures 7-3.300 (June 2022).

[4] *See* DOJ, Uniform CEP Press Release (10 March 2026).

[5] *Id*.

[6] *Id*.

[7] *See* K&L Gates, Declinations in Weeks: SDNY's New Voluntary Self-Disclosure Program (2 March 2026).

KEY CONTACTS



MICHAEL CULHANE HARPER
PARTNER

WASHINGTON, DC
+1.202.778.4572
MICHAEL.HARPER@KLGATES.COM



DAVID C. RYBICKI
PARTNER

WASHINGTON, DC
+1.202.778.9370
DAVID.RYBICKI@KLGATES.COM



NEIL T. SMITH
PARTNER

BOSTON
+1.617.261.3180
NEIL.SMITH@KLGATES.COM



PAUL K. ANDERSEN
ASSOCIATE

WASHINGTON, DC
+1.202.778.9220
PAUL.ANDERSEN@KLGATES.COM



TRAVIS J. ROYER
ASSOCIATE

PITTSBURGH
+1.412.355.3775
TRAVIS.ROYER@KLGATES.COM

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