



# Acting on DOJ's New White-Collar Enforcement Policies: A Strategic Guide for Companies and Individuals

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Since the U.S. Department of Justice (DOJ) unveiled a significant overhaul to its corporate white-collar enforcement on May 12, 2025, companies now have a narrow window to capitalize on enhanced benefits and reassess their compliance programs in light of the changes.

## **Background**

Under the Trump administration's "America First" agenda, the DOJ published its [revised guidance](#) on May 12, 2025. Its goal is to provide corporations with greater predictability and enhanced incentives in the following areas:

- **Voluntary Self-Disclosure:** Companies that voluntarily self-disclose misconduct (in a "reasonably prompt" manner), fully cooperate, remediate appropriately and promptly, and have no aggravating circumstances will now receive a declination — not merely a presumption of a declination.
- **Cooperation Credit:** Enhanced benefits for companies that cooperate fully after the DOJ learns of the misconduct, including non-prosecution agreements (rather than deferred-prosecution agreements) and 75% penalty reductions for "near miss" self-disclosures.
- **Investigation Timeline:** The DOJ directs prosecutors to take steps to minimize the impact of investigations with mandatory tracking of investigative milestones and justification required for extensions.
- **Monitor Usage:** Monitorships will be rarer and more tightly scoped, and used only when the DOJ deems them "necessary" with new cost controls and mandatory fee caps when monitors are imposed.
- **Early Termination Opportunities:** The DOJ will conduct a review of all existing agreements with companies to determine if early termination is appropriate for any existing resolutions.
- **Penalty Reductions:** Clear percentage reductions in fines (75% for Part II cases, up to 50% for Part III cases) with presumptions that reductions come from the low end of sentencing guidelines.

- **Resolution Terms:** Shorter agreement terms (under three years for non-prosecution agreements) and regular reviews for early termination possibilities.
- **Individual vs. Corporate Focus:** Greater emphasis on prosecuting culpable individuals while providing civil and administrative alternatives for corporate-level misconduct in appropriate cases.

Additionally, the DOJ will pivot its enforcement priorities to the following areas:

- Healthcare and procurement fraud targeting government programs
- Trade and customs fraud, including tariff evasion
- Sanctions violations and support for cartels/transnational criminal organizations
- Complex money laundering, particularly involving Chinese entities
- Market manipulation and investment fraud
- Digital asset crimes victimizing consumers

#### **Immediate action for companies**

**Evaluate existing DOJ agreements for early termination:** Companies currently under non-prosecution agreements, deferred prosecution agreements, or monitoring agreements should immediately assess their compliance progress and submit requests for early termination where appropriate.

**Conduct self-disclosure risk assessment:** Now is the time to conduct comprehensive internal audits, particularly in the DOJ's priority areas, and evaluate whether voluntary disclosure makes strategic sense. The more willing a company is to make early disclosure and cooperate, the more likely it is that the company will receive concessions from the DOJ on penalties.

**Recalibrate compliance programs:** The DOJ appears to be aligning its white-collar enforcement efforts with overall administration priorities, including an emphasis on the public fisc (financial resources of the government that come from taxpayers), tariffs, cartels and transnational criminal organizations, and the southern border. Companies should immediately review and update their compliance programs to address healthcare and procurement fraud (if receiving government payments), trade and customs compliance (particularly tariff accuracy), sanctions and anti-money laundering controls, digital asset transactions and controls, and immigration law compliance for corporate activities.

#### **Industry-specific priorities**

**Healthcare and government contractors:** Focus immediately on fraud prevention in federal programs. This remains the top enforcement priority for the DOJ.

**Companies with China operations:** Pay special attention to Variable Interest Entity (VIE) structures and money laundering controls, as these received explicit mention in the enforcement priorities.

**Financial institutions:** Strengthen customer due diligence and transaction monitoring systems immediately, as the DOJ's enhanced focus on sanctions violations and enabling cartel/transnational criminal organization transactions create heightened enforcement risk for financial institutions under the new guidance.

**Technology and digital asset companies:** Document good-faith compliance efforts comprehensively, as the DOJ's new "willful" standard for digital asset violations creates opportunities to avoid prosecution by demonstrating robust compliance programs and genuine remediation efforts.

### The bottom line

Companies should familiarize themselves with the DOJ's revised enforcement guidance to ensure they are appropriately assessing their risk profile, addressing potential misconduct, and meeting government expectations. Those that act decisively now—whether seeking early termination of existing agreements, making strategic self-disclosures, or upgrading compliance programs—will be better positioned as the DOJ shifts resources toward its stated enforcement priorities.

The question is no longer what the new policies mean, but what your organization is doing about them.

### Additional Information

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