

Global Anti-Bribery Year-in-Review: 2016 Developments and Predictions for 2017

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The past year was consequential for FCPA enforcement in numerous respects, including blockbuster penalties, new policy initiatives, and the SEC's first DPA with an individual for FCPA violations. In April 2016, the DOJ's Fraud Section introduced the Foreign Corrupt Practices Act Enforcement Plan and Guidance, which included a one-year pilot program (the "Pilot Program") to encourage voluntary disclosure, extraordinary cooperation and demonstrated remediation in exchange for cooperation credit, a reduction in financial penalties under the US Sentencing Guidelines ("USSG"), and more lenient charges or even a declination. In 2016, the DOJ settled multiple cases consistent with the principles of the Pilot Program, offering discounts ranging between 20 and 50 percent off the bottom of the USSG range and in some cases declining to prosecute, while requiring disgorgement of ill-gotten gains in those cases. The DOJ also made clear its intention to use the Pilot Program as a stick as well as a carrot: it refused to provide full credit under the Pilot Program where, in its view, companies failed to self-disclose, fully cooperate or properly remediate.

[Read the full alert.](#)

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