



The Hold Corporate Criminals Accountable Act

Introduced By: Senators Peter Welch (D-Vt.); Josh Hawley

Background:

In recent years, courts across the country have seen a rise in deferred and non-prosecution agreements, which allow corporations to resolve their criminal liability without a conviction in exchange for fines, monitoring, or other remedial actions. Yet while corporate criminal prosecutions have reached an all-time low, corporate wrongdoers continue to cause immense harm to communities. The FBI estimates the annual cost of corporate crime—[\\$300 billion](#)—is 20 times greater than the cost of street crime. Furthermore, at least [40 Fortune 500](#) companies have received a deferred and non-prosecution agreement. However, far too often, individual wrongdoers evade criminal liability.

Legislation:

The *Hold Corporate Criminals Accountable Act* will ensure public accountability for corporate wrongdoing and increase transparency in our judicial system by allowing courts to consider the public interest in approving corporate criminal agreements, providing more prosecutorial tools to combat corporate criminal actors by extending statutes of limitations, and requiring more cooperation by corporate wrongdoers in order to receive reductions in sentences.

Specifically, the *Hold Corporate Criminals Accountable Act* would:

1. Require more judicial scrutiny of deferred or non-prosecution agreements to ensure these agreements are in the public's interest.
2. Require corporations placed in one of these agreements or on probation to use effective compliance monitoring instead of skirting monitoring, as in the case of Boeing's [recent agreement](#).
3. Require federal agencies keep a public list and copy of these deferred and non-prosecution agreements they enter so the public can see the contents of them.
4. Extend all statutes of limitations related to corporate criminal offenses by five years to provide prosecutors more time to bring complex cases.
5. Redefine substantial assistance for a sentencing reduction in the context of corporate criminal offenders to require actual assistance in identifying and prosecuting individual bad actors within a corporation.

Endorsers: The *Hold Corporate Criminals Accountable Act* is endorsed by Professor Brad Garrett, author of *Too Big to Jail*.