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FCPA: How Much Have Things Really Changed?

By Rick Hartunian, Pei Pei Cheng de Castro and Jennifer Hopkins

U.S. Foreign Corrupt Practices Act (FCPA) enforcement often appears to shift dramatically from one administration to the next: new memos are issued, priorities are rebranded, and enforcement rhetoric is recast in fresh political terms.

The fundamentals, however, tend to persist across administrations: voluntary self-disclosures, individual accountability, third-party scrutiny, and cross-border coordination have remained the backbone of FCPA practice. The developments in 2025 raise a familiar question for companies and practitioners: are these changes meaningful or simply the latest iteration of a long-running pattern?

Almost a decade ago, the DOJ launched an FCPA Pilot Program, which created incentives for companies to voluntarily self-disclose misconduct, fully cooperate, and remediate in exchange for the possibility of substantial mitigation credit or even a declination. *See* Department of Justice, *Criminal Division Launches New FCPA Pilot Program* (Apr. 5, 2016).

In the first year alone, voluntary disclosures nearly doubled, increasing from 13 to 22, and the 18-month life of the pilot yielded 30 voluntary disclosures—up from 18 during the prior comparable period. *See* Rod Rosenstein, *Deputy Attorney General Rosenstein Delivers Remarks at the 34th International Conference on the Foreign Corrupt Practices Act* (Nov. 29, 2017). This early success prompted Deputy Attorney General Rosenstein, in Nov. 2017, to make the program permanent by incorporating a new FCPA Corporate Enforcement Policy into the U.S. Attorneys' Manual.

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Rosenstein championed the importance of corporate compliance, encouraged companies to "stand like a rock on matters of principle," and launched the Department's Anti-Piling-On Policy to reduce duplicative penalties in multijurisdictional cases. *See* Rod Rosenstein, *Deputy Attorney General Rosenstein Delivers Remarks at the American Conference Institute's 20th Anniversary New York Conference*

on the Foreign Corrupt Practices Act (May 9, 2018). Rosenstein insisted that "the most effective deterrent to corporate criminal misconduct is identifying the people who commit crimes and sending them to prison." *See* Rod Rosenstein, *Deputy Attorney General Rosenstein Delivers Keynote Address on FCPA Enforcement Developments* (March 7, 2019).

By 2020, Acting Assistant Attorney General Rabbitt underscored that FCPA enforcement had not slowed, even amid a global pandemic. *See* Brian Rabbitt, *Remarks of Acting Assistant Attorney General Rabbitt at the ACI 37th Annual Conference on the FCPA* (Dec. 3, 2020). He reported corporate resolutions totaling approximately $7.76 billion in worldwide penalties, one of the highest annual totals in the statute's history, and emphasized the Fraud Section's charging of 29 individuals in FCPA cases that year alone.

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Under the Biden Administration, Deputy Attorney General Monaco built on this foundation rather than departing from it. Beginning in 2021, Monaco emphasized that individual accountability would remain the Department's "first priority" in corporate criminal matters and directed prosecutors to evaluate a company's entire history of misconduct when determining appropriate resolutions. *See* Lisa Monaco, *Deputy Attorney General Monaco Gives Keynote Address at ABA's 36th National Institute on White Collar Crime* (Oct. 28, 2021).

In 2022, she linked foreign bribery more directly to national security risks, highlighting Russia's invasion of Ukraine and announcing that sanctions enforcement had become "the new FCPA," with comparable multilateral cooperation and cross-industry reach. *See* Lisa Monaco, *Deputy Attorney General Monaco Delivers Keynote Remarks at 2022 GIR Live: Women in Investigations* (June 16, 2022). Monaco stressed that modern FCPA enforcement relied on close coordination with foreign counterparts, noting that the growing multilateral network allowed DOJ "to go after those who profit from corruption and crime around the world."

In 2024, the DOJ intensified its incentive-driven strategy by unveiling a whistleblower rewards pilot program to draw out original information about significant corporate misconduct—an approach designed to reinforce DOJ's broader "first-in-the-door" framework and create impact through voluntary self-disclosures, cooperation, and whistleblowing. *See* Lisa Monaco, *Deputy Attorney General Monaco Delivers Keynote Remarks at the American Bar Association's 39th National Institute on White Collar Crime* (March 7, 2024).

DOJ formally launched the three-year Corporate Whistleblower Awards Pilot Program on Aug. 1, 2024, offering eligible whistleblowers a discretionary share of net forfeiture proceeds when original information leads to more than $1 million in forfeitures in defined subject-matter areas not covered by other whistleblower or *qui tam* regimes. *See* Memorandum, Department of Justice, *Department of Justice Corporate Whistleblower Awards Pilot Program* (Aug. 1, 2024).

By late 2024, DOJ had built a fully resourced FCPA enforcement program that secured a record number of corporate resolutions, nearly $1.5 billion in penalties, and successful prosecutions of senior executives and foreign officials. *See* Brent Wible, *Chief Counselor Wible Delivers Keynote Speech at the American Conference Institute's International Conference on the Foreign Corrupt Practices Act* (Dec. 5 2024).

As enforcement entered 2025, a change in administration brought a series of new directives. On Feb. 5, 2025, Attorney General Pam Bondi issued a memorandum that directed the FCPA Unit in the Criminal Division's Fraud Section to prioritize investigations related to foreign bribery that facilitates the criminal operations of cartels and transnational criminal organizations and shift focus away from cases that do not involve such a connection. U.S. Office of the Attorney General, *Memorandum, Total Elimination of Cartels and Transnational Criminal Organizations* (Feb. 5, 2025). Five days later, on Feb. 10, 2025, Trump issued an executive order directing DOJ to pause initiation of any new FCPA investigations or enforcement actions, subject to case-by-case exceptions, and review all existing FCPA actions to restore proper bounds on FCPA enforcement and preserve Presidential foreign policy prerogatives.

The White House, *Executive Order 14209, Pausing Foreign Corrupt Practices Act Enforcement to Further American Economic and National Security* (Feb. 10, 2025). On June 9, 2025, Deputy Attorney General Blanche issued a memorandum announcing new Guidelines for Investigations and Enforcement of the FCPA, formally lifting the pause and replacing it with a more articulated framework for case selection and prosecutorial discretion. Memorandum, Department of Justice, *Guidelines for Investigations and Enforcement of the Foreign Corrupt Practices Act (FCPA)* (June 9, 2025).

On June 10, 2025, remarks by Criminal Division Chief Galeotti framed the new FCPA Guidelines as a set of "common-sense principles." Matthew Galeotti, *Head of Justice Department's Criminal Division Galeotti Delivers Remarks at American Conference Institute Conference* (June 10, 2025).

He emphasized that FCPA enforcement would continue, "firmly but fairly," and stressed that the Guidelines do not hinge on a company's nationality but on whether the misconduct harms identifiable U.S. interests, such as fair competitive access for U.S. businesses or national security considerations, or shows serious and intentional corrupt conduct or links to cartels and transnational criminal organizations.

Galeotti underscored that DOJ "will vigorously pursue" significant white-collar matters, using insider cooperation and whistleblower tips, and holding both companies and individuals accountable for serious foreign bribery. Although the Trump II administration issued a flurry of directives suggesting a dramatic reorientation of FCPA enforcement, the reality is that far less has changed.

Recently, on September 15, 2025, after a trial in the Southern District of Florida, a federal jury convicted Carl Zaglin, the CEO of Georgia-based uniform supplier Atlanco, for his role in a multi-year scheme to bribe Honduran officials to secure more than ten million in police supply contracts, finding him guilty of conspiracy to violate the FCPA, substantive FCPA violations, and conspiracy to commit money laundering. *See* Press Release, Department of Justice, *CEO of Georgia Company Convicted in International Bribery and Money Laundering Scheme* (Sept. 15, 2025). The case's timing is telling—it proceeded just as DOJ resumed FCPA enforcement, underscoring that, rhetoric aside, the Department continues to pursue traditional foreign-official bribery cases. *Zaglin* shows that the underlying playbook has not changed.

If anything, *Zaglin* suggests that the current administration's enforcement approach is gravitating toward a particular subset of countries—those it has rhetorically linked to drug trafficking and cartel violence. That pattern becomes even clearer as the next major FCPA enforcement trial approaches.

A trial is set to begin in the Southern District of Texas on Dec. 1, 2025, following DOJ's Aug. 11, 2025 unsealing of an indictment charging two Mexican nationals residing in the United States for their roles in an alleged bribery scheme to retain and obtain business related to Petróleos

Mexicanos (PEMEX), the state-owned oil company of Mexico, and PEMEX Exploración y Producción (PEP), PEMEX's wholly owned exploration and production subsidiary. *See United States v. Martinez et al.*, No. 4:25-cr-415 (S.D. Tex., filed Aug. 6, 2025); *see also* Press Release, Department of Justice, *Two Mexican Nationals Charged for Bribing State-Owned Energy Officials* (Aug. 11, 2025).

According to the indictment, the defendants are alleged to have paid at least $150,000 in bribes, delivered through luxury goods and cash payments, to influence internal audits and obtain favorable treatment in multiple PEMEX and PEP procurement processes.

The *Zaglin* conviction and the forthcoming *Martinez* trial reflect a broader truth: despite the political messaging around cartels, national security, and a purported recalibration of priorities, the substantive contours of FCPA enforcement remain largely unchanged. DOJ continues to bring foreign-official bribery cases that rely on insider cooperation, follow money flows through intermediaries, and target misconduct at foreign enterprises—which has anchored FCPA practice for decades. The discernible shift to date lies not in enforcement theory or charging strategy, but in the geopolitical framing of where those cases arise.

Countries that the administration has rhetorically associated with drug trafficking and cartel influence—Honduras, Mexico, and their neighbors—now occupy more of the political spotlight, even though the cases themselves bear no meaningful nexus to cartel activity. Despite a year of high-profile directives and shifting rhetoric, the fundamentals of FCPA enforcement look very much the same.

Although the administration's rhetoric may have shifted, the underlying enforcement posture that companies must navigate has not meaningfully softened. The recent cases demonstrate that DOJ is still moving forward with traditional foreign-bribery prosecutions, even as it frames its priorities in national-security and cartel terms.

For global companies, the result is a landscape where the messaging may appear new, but the exposure remains familiar: core anti-bribery expectations continue to apply, and conduct that implicates procurement integrity, state-owned enterprises, or U.S. commercial interests is as likely as ever to draw scrutiny. In this environment, companies must remain proactive and ensure their compliance programs align with the practical reality of continued FCPA enforcement.

To remain protected, global companies should take practical measures, like tightening controls over contracts, invoices, and payment authorizations; creating or strengthening existing reporting processes through written policies and hotlines; regularly auditing contracts, invoices, and communications; and conducting enhanced due diligence of third-party intermediaries, including distributors, consultants, and brokers, by examining their payment structures and beneficial ownership. If the business falls within the national security realm or operates in geographic areas where transnational criminal organizations are found, heightened alertness, training, and reporting is warranted.

In short, companies doing business abroad cannot relax their FCPA vigilance. The core elements of foreign-bribery enforcement remain firmly in place, and proactive, well-documented compliance remains the strongest protection against both enforcement action and reputational harm.

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