

# DOJ's June 9, 2025 FCPA Guidelines: A Recalibration of U.S. Anti-Corruption Enforcement

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The long-anticipated guidance released by the U.S. Department of Justice (DOJ) on June 9, 2025 (the Guidelines) reorients Foreign Corrupt Practices Act (FCPA) enforcement, shifting the DOJ's focus to more centrally controlled, national-interest-driven anti-corruption misconduct. Below is an overview of the background and salient shifts driven by the Guidelines.

## BACKGROUND

On February 10, 2025, President Trump issued an executive order directing the U.S. Attorney General to initiate a 180-day pause, during which time the DOJ was ordered to (1) cease initiating any new FCPA investigations or enforcement actions, subject to individual exceptions; (2) review all existing FCPA investigations or enforcement actions and “take appropriate action . . . to restore proper bounds on FCPA enforcement and preserve Presidential foreign policy prerogatives”; and (3) issue updated guidelines or policies, as appropriate.

In line with this last mandate, the Office of the Deputy Attorney General issued the Guidelines on June 9, 2025, effectively ending the 180-day pause. In a speech following issuance, DOJ Criminal Division Head Matthew R. Galeotti underscored that the “through-line” of the Administration’s changes is “the vindication of U.S. interests”: moving forward, the DOJ will “enforce the FCPA — firmly but fairly — by bringing enforcement actions against conduct that directly undermines U.S. national interests without losing sight of the burdens on American companies that operate globally.” By contrast, conduct that does not directly implicate U.S. interests “should be left to [] foreign counterparts or appropriate regulators.”

## FOUR GUIDING FACTORS

In deciding whether to pursue FCPA investigations and enforcement actions, prosecutors are directed to consider the four non-exhaustive principles discussed below. The Guidelines all but eliminate line-level discretion: any new FCPA investigation or enforcement action will require express authorization from the Assistant Attorney General for the DOJ Criminal Division—or from a more senior DOJ official. Existing investigations will undergo a 180-day review to ensure consistency with the four principles.

1. **“Total Elimination of Cartels and TCOs.”** Prosecutors are directed to place a priority on targeting alleged misconduct that “(1) is associated with the criminal operations of a Cartel or [transnational criminal organizations

(TCOs)]; (2) utilizes money launderers or shell companies that engage in money laundering for Cartels or TCOs; or (3) is linked to employees of state-owned entities or other foreign officials who have received bribes from Cartels or TCOs.”

2. **“Safeguarding Fair Opportunities for U.S. Companies.”** Enforcement “will seek to vindicate” the interests of “law-abiding U.S. companies” abroad, targeting schemes that deny them fair access to market competition and inflict other economic injuries. Although the DOJ insists that targets will not be chosen based on nationality, the practical effect is likely to be increased attention on foreign competitors accused of bribing their way into contracts at the expense of U.S. entities. Indeed, in a footnote embedded in this section, the Guidelines state that “[t]he most blatant bribery schemes have historically been committed by foreign companies, as reflected by the fact that the most significant FCPA enforcement actions . . . have been overwhelmingly brought against foreign companies.” The Guidelines further note that the Foreign Extortion Prevention Act may be leveraged where “U.S. entities or individuals have been harmed by foreign officials’ demands for bribes.”
3. **“Advancing U.S. National Security.”** Prosecutors are directed to focus on the “most urgent threats to U.S. national security resulting from the bribery of corrupt foreign officials involving key infrastructure or assets.” Areas of focus include defense, intelligence, and critical infrastructure, suggesting that companies in these and adjacent sectors may anticipate intensified DOJ interest.
4. **“Prioritizing Investigations of Serious Misconduct Over Routine Practices.”** Low-dollar alleged misconduct—if unaccompanied by aggravating factors—will seldom warrant federal action under the Guidelines. Instead, prosecutors will target substantial bribes, sophisticated efforts to conceal bribe payments, fraudulent conduct in furtherance of bribe schemes, and efforts to obstruct justice. Additionally, the DOJ will assess whether capable and willing foreign authorities can pursue cases before initiating U.S. actions.

## KEY TAKEAWAYS

Companies should not relax their controls based on the DOJ’s narrowed focus on actions directly implicating U.S. interests. Non-U.S. companies that compete head-to-head with American firms, participate in defense-related supply chains, or do business in cartel-dominated regions may expect heightened exposure. Companies should reassess their risk exposure as a whole—particularly in sectors tied to U.S. national security, including defense, infrastructure, and energy—and update internal investigation, compliance, and risk assessment efforts based on the four DOJ principles.

*Law Clerk Hector Correa Gaviria also contributed to this blog post.*

3 Min Read

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