



NEW DOJ GUIDANCE EMPHASIZES THE “FOREIGN” IN THE FOREIGN CORRUPT PRACTICES ACT

Non-U.S. companies doing business affecting the U.S. should take particular note of the newly-issued guidance (Guidance) by the Department of Justice (DOJ) on enforcement of the Foreign Corrupt Practices Act (FCPA). Announced on June 9, 2025 by Deputy Attorney General Todd Blanche and reinforced in remarks on the same day by Head of DOJ’s Criminal Division Matthew Galeotti at the American Conference Institute’s FCPA Conference, the new policy reflects a shift in enforcement priorities following a temporary pause in investigations earlier this year. The Guidance is focused on “(1) limiting undue burdens on American companies that operate abroad and (2) targeting enforcement against conduct that directly undermines U.S. national interests.”

Rather than signaling a retreat, the guidance introduces a strategic pivot—focusing DOJ resources on cases that pose national security, and economic, or geopolitical risks, while de-emphasizing low-level or routine business conduct. The Guidance’s direction to prosecutors to consider conduct that deprives U.S. companies of a “fair” opportunity to compete likely portends increasing DOJ focus on investigation and prosecuting non-U.S. companies.

Key Changes in DOJ Enforcement Strategy

- **Focus on High-Impact Conduct:** DOJ will prioritize cases involving:
 - Threats to U.S. national security or critical infrastructure (e.g., defense, energy, emerging tech);
 - Distortion of competition that harms U.S. companies or strategic interests;
 - Links to hostile foreign governments or transnational criminal organizations (TCOs); or
 - Sophisticated concealment, large-scale payments, or obstruction of justice.
- **De-Prioritization of Routine Practices:** The DOJ explicitly stated it will not focus on minor, low-dollar payments or customary business courtesies absent aggravating factors; but Galeotti warned companies to be careful to avoid exceeding routine practices.
- **Individual Accountability:** Renewed emphasis is placed on prosecuting executives, agents, and intermediaries directly involved in misconduct. Cooperation credit will require specific, actionable evidence identifying individual wrongdoing.
- **Global Cooperation:** DOJ will continue working with capable foreign enforcement authorities; and, in prioritizing its prosecutorial functions, DOJ will consider the likelihood that a non-U.S. authority would be willing and able to investigate and prosecute the same conduct.
- **Proportional Enforcement:** Prosecutors are instructed to consider collateral consequences—such as disruption to legitimate operations and impact on employees—when investigating and resolving matters.

Practical Takeaways

- **Continuing Vigilance:** The Guidance and Galeotti remarks confirm that FCPA enforcement will persist.



- **Prioritize High-Risk Areas:** Focus compliance efforts on sectors and geographies tied to national security, energy, infrastructure, or sensitive technology.
- **Emphasis on Transactions with Cross-Border Implications:** Pay close attention to business with state-owned entities or in jurisdictions with known TCO activity.
- **Expect Greater Individual Scrutiny:** Ensure that directors, executives, and third parties are personally trained and accountable under internal compliance regimes.
- **Strengthen Internal Controls:** A robust, well-documented compliance program remains critical—especially in high-stakes environments.
- **Prepare for Increased Multijurisdictional Enforcement:** Non-U.S. companies with U.S. ties should anticipate expanded coordination between, and participation by, DOJ and local regulators.

Looking Ahead

The Guidance represents a DOJ shift toward fewer, more consequential enforcement actions—anchored in national interest—likely more focused on non-U.S. companies and emphasizing individual culpability. Companies with global operations, or at least operations affecting the U.S., should view this as a call to reinforce compliance efforts, assess individual-level risk, and prepare for expanded enforcement activity across borders.

For questions about how the DOJ's updated FCPA guidance may impact your operations, or to review your company's compliance posture, please contact us here at GCE Advisors (details below).