

Enforcement Insights

The FCPA Lives On

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By **Martin Weinstein**
Partner



By **Gina Castellano**
Partner



By **Laura Perkins**
Partner

Despite the temporary pause on FCPA enforcement in spring 2025, the DOJ continued to fight foreign corruption in 2025. At the December 2025 ACI Conference, the Chief of the DOJ's FCPA Unit, David Fuhr, stated that there has been a large uptick in self-disclosures and the volume of cases handled by the FCPA Unit. Deputy Attorney General Blanche, Principal Deputy Assistant Attorney General Galeotti, and Unit Chief Fuhr all emphasized that the DOJ's priorities are aligned with continued foreign bribery enforcement, including as to U.S. companies.

The year began with an [executive order pausing FCPA enforcement](#) to permit the Attorney General to review pending cases and investigations to ensure alignment with the administration's enforcement priorities. The pause ended with a more narrowly tailored approach to FCPA enforcement. On June 9, the DOJ announced [Guidelines for Investigations and Enforcement of the Foreign Corrupt Practices Act](#) (Guidelines), which set forth four non-exhaustive factors for DOJ prosecutors to evaluate FCPA investigations: (i) cartel and TCO Involvement; (ii) economic injury to U.S. companies; (iii) threats to U.S. national security; and (iv) prioritization of investigations involving serious misconduct. As Deputy Attorney General Blanche recently stated, these changes to FCPA enforcement are intended to enhance efficiency, reduce costs, and promote transparency and uniformity in FCPA enforcement.

In 2025, in the corporate space, we saw one FCPA CEP declination, one criminal indictment, and one criminal resolution. As detailed above, in August, the DOJ announced [a declination](#) for Liberty Mutual, stemming from bribes paid by its subsidiary in India to state-owned banks to secure customers. In October, the DOJ [announced](#) a superseding indictment charging voting machine company SGO Corporation Limited, a/k/a Smartmatic (Smartmatic), and its executives, for allegedly causing more than \$1 million in bribes to be paid to the former Chairman of the Philippines' Commission on Elections to secure and retain government contracts for Philippine national elections. The indictment marks the first [criminal indictment of a corporate defendant](#) for FCPA-related offenses since 2010. In November, the DOJ announced [a deferred prosecution agreement](#) (DPA) with a Guatemalan subsidiary of Millicom International, resolving allegations that the subsidiary paid bribes to government officials to secure favorable legislation and maintain a significant market share. Notably, the term of the DPA was limited to two years (instead of the typical three-year term) and the DOJ did not impose a compliance monitor. *For more on Millicom, read Cadwalader's full analysis and insights [here](#).*

As to individuals, the DOJ obtained [two convictions](#) of U.S.-based individuals related to bribery of foreign government officials, and it continues to pursue other cases against individuals. For example, the DOJ recently announced its decision to move forward with its [case](#) against former Corsa Coal executive Charles Hunter Hobson, while Pennsylvania-based Corsa Coal itself received a declination in 2023. Similarly, the DOJ continues to actively prosecute three executives of Smartmatic and a Philippine foreign official in connection with the alleged bribery and money laundering scheme discussed above.

Looking forward into 2026, we anticipate a continued focus on FCPA investigations, though much remains to be seen about how those investigations will be generated and handled. Given resource constraints in the FCPA Unit, we expect even more reliance on whistleblowers. And, while the revised CEP attempts to provide even more certainty to companies that self-disclose, the voluntary self-disclosure decision may be viewed as a more complex determination given the narrowed approach to FCPA enforcement outlined in the Guidelines.