



February 7, 2025

## Trump's New Approach to the FCPA

By: [Drew Meyer](#)

On February 5, 2025, US Attorney General (AG), Pam Bondi, issued a memorandum entitled *Total Elimination of Cartels and Transnational Criminal Organizations*, in which she provides new guidance to the Department of Justice (DOJ) regarding enforcement of the Foreign Corrupt Practices Act (FCPA). In this memo, AG Bondi states that the FCPA Unit "shall prioritize investigations related to foreign bribery that facilitates the criminal operations of Cartels and Transnational Criminal Organizations, and shift focus away from investigations and cases that do not involve such a connection." Also in her memo, AG Bondi increased Main Justice oversight of the U.S. Attorney's Offices' FCPA cases – ordering them to "provide the [Main Justice] FCPA Unit with 24 hours' advance notice of the intention to seek charges and make available to the Unit upon request any existing memoranda relating to the contemplated charges."<sup>i</sup>

This new guidance is in stark contrast with public statements made by Deputy AG Lisa Monaco, in which she emphasizes the importance of the FCPA and associated enforcement priorities, especially holding individual wrongdoers accountable.<sup>ii</sup> Ms. Monaco has also made statements that cooperation with foreign allies is crucial for FCPA enforcement – "The multilateral growth in FCPA and sanctions enforcement has also allowed us to go after those who profit from corruption and crime around the world — whether they are sanctions-evading oligarchs or office-holding bribe recipients. Working with our partners, we can ensure that corrupt regimes will be held responsible."<sup>iii</sup>

On its face, it would appear that this new guidance from AG Bondi will decrease enforcement against corporate corruption. And the Trump administration's approach to relations with traditional U.S. allies appears unlikely to strengthen multilateral anti-bribery and anti-corruption (ABAC) efforts.<sup>iv</sup> But companies would be well advised to not decrease their global ABAC resources and efforts.

### Foreign governments filling the void of the FCPA

While the priorities of the U.S. government may have shifted away from FCPA enforcement, foreign governments have gone in the opposite direction. In May 2023, the European Commission (EC) presented a *Proposal for a directive of the European Parliament and of the Council on combating corruption*, in response to the European Parliament's calls for "the EU to assume a stronger role in addressing corruption."<sup>v</sup> The proposal also requires EU member states to "establish bodies or organization units specialized in the prevention and repression of corruption. Such entities need to be independent and have sufficient human, financial, technical and technological resources, as well as the necessary powers to exercise their tasks."<sup>vi</sup> EC President Ursula von der Leyen, in her *Political Guidelines for the Next European Commission 2024-2029*, further strengthened Europe's approach to anti-corruption, saying that the European Public Prosecutors' Office will increase their own ABAC resources.<sup>vii</sup>



The Chinese State Administration for Market Regulation (SAMR) has also revised and strengthened their ABAC laws as recently as January 2025 – even targeting specific industries, such as the pharmaceutical industry.<sup>viii</sup> The Chinese government is also well-known for carrying out targeted enforcement singling out specific American companies.<sup>ix</sup>

### Corruption costs companies

While companies may be tempted to decrease ABAC resources and efforts because of the void the U.S. will likely leave in FCPA enforcement, they are still well-advised to maintain vigilance, as foreign governments appear to have the appetite to fill that enforcement void left by the U.S. Indeed, corruption is widely known to be bad for a company's bottom line.<sup>x</sup> More specifically, the EC published a study that concluded "corruption is estimated to cost the European Union between EUR 179 billion and EUR 990 billion per year, amounting to up to 6% of its GDP."<sup>xi</sup>

### Conclusion and recommendations

When executives and/or board directors become aware of potential corruption within their companies, investigations into those matters should slightly shift scope from a traditional FCPA focus to a broader global focus. They should now account for foreign ABAC laws just as much, if not moreso, than the FCPA. Important laws that could take enforcement away from an FCPA focus include the U.K. Bribery Act, France's Sapin II Law, China's Anti-Unfair Competition Law, and others.

Companies should also adjust the scope of their ABAC compliance risk assessments to cover local law just as much as U.S. law. In terms of compliance resources, companies should consider adjusting resources from a U.S. focus to a more even global distribution.

- 
- <sup>i</sup> *Total Elimination of Cartels and Transnational Criminal Organizations* – <https://www.justice.gov/ag/media/1388546/dl?inline>
- <sup>ii</sup> *Deputy Attorney General Lisa Monaco Delivers Remarks at American Bar Association National Institute on White Collar Crime* – <https://www.justice.gov/archives/opa/speech/deputy-attorney-general-lisa-monaco-delivers-remarks-american-bar-association-national>
- <sup>iii</sup> *Deputy Attorney General Lisa O. Monaco Delivers Keynote Remarks at 2022 GIR Live: Women in Investigations* – <https://www.justice.gov/archives/opa/speech/deputy-attorney-general-lisa-o-monaco-delivers-keynote-remarks-2022-gir-live-women>
- <sup>iv</sup> *Best of 'frenemies': Trump's relationship with Europe this time may be very different* – <https://www.bbc.com/news/articles/c931l927v18o>
- <sup>v</sup> *Proposal for a directive of the European Parliament and of the Council on combating corruption* – [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762406/EPRS\\_BRI\(2024\)762406\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762406/EPRS_BRI(2024)762406_EN.pdf)
- <sup>vi</sup> Ibid.
- <sup>vii</sup> *Political Guidelines for the Next European Commission 2024-2029* – [https://commission.europa.eu/document/download/e6cd4328-673c-4e7a-8683-f63ffb2cf648\\_en?filename=Political%20Guidelines%202024-2029\\_EN.pdf](https://commission.europa.eu/document/download/e6cd4328-673c-4e7a-8683-f63ffb2cf648_en?filename=Political%20Guidelines%202024-2029_EN.pdf)
- <sup>viii</sup> *Compliance Guidelines for Pharmaceutical Corporations on Prevention of Commercial Bribery (医药企业防范商业贿赂风险合规指引)* – [https://www.samr.gov.cn/zw/zfxxgk/fdzdgnr/jjjzs/art/2025/art\\_0cee28b1eba84820addc024b351b7bac.html](https://www.samr.gov.cn/zw/zfxxgk/fdzdgnr/jjjzs/art/2025/art_0cee28b1eba84820addc024b351b7bac.html)
- <sup>ix</sup> *What's at Stake for Google in China?* – <https://www.nytimes.com/2025/02/04/technology/china-google-antitrust-investigation.html>
- <sup>x</sup> *Political corruption isn't just wrong, it also devalues business, ASU study finds* – <https://news.asu.edu/20191101-discoveries-political-corruption-isnt-just-wrong-it-also-devalues-business-asu-study-finds>
- <sup>xi</sup> *Stepping up the EU's efforts to tackle corruption* – [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/734687/EPRS\\_STU\(2023\)734687\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/734687/EPRS_STU(2023)734687_EN.pdf)



---

*This communication is not intended to create or constitute, nor does it create or constitute, an attorney-client or any other legal relationship. No statement in this communication constitutes legal advice nor should any communication herein be construed, relied upon, or interpreted as legal advice. This communication is for general information purposes only regarding recent legal developments of interest, and is not a substitute for legal counsel on any subject matter. No reader should act or refrain from acting on the basis of any information included herein without seeking appropriate legal advice on the particular facts and circumstances affecting that reader. For more information, visit [www.buchalter.com](http://www.buchalter.com).*



**[Drew Meyer](#)**

Special Counsel

(206) 318-7009

[dmeyer@buchalter.com](mailto:dmeyer@buchalter.com)