



## Kobre & Kim's International Private Client Team

JULY 17, 2025

# Managing Cross-Border Risks Amid Renewed U.S. FCPA Enforcement



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**The U.S. Government's latest guidance marks a renewed focus on Foreign Corrupt Practices Act (FCPA) enforcement following a temporary pause. Companies operating across borders should proactively assess their exposure; strengthening compliance, identifying vulnerabilities, and managing reputational risks are key to navigating this evolving landscape.**

The U.S. Government's latest guidance marks a renewed focus on Foreign Corrupt Practices Act (FCPA) enforcement following a temporary pause. These shifts heighten enforcement risks for companies operating across borders, particularly those in competition with U.S. companies or engaged in geopolitically sensitive sectors. Increased coordination across legal systems—onshore and offshore—is becoming essential in responding to disinformation and politically motivated investigations.

Companies operating across borders can take the following steps to prepare for the coming increased scrutiny:

- **Assess Asset Vulnerabilities Against Future Government Attacks.** Individuals and companies at risk of attack by the DOJ or other government authorities should consider a detailed examination of their asset structures – including those in offshore jurisdictions such as the British Virgin Islands, Cayman Islands, and Dubai – and explore lawful and appropriate preparatory measures that can be taken should an investigation be launched. Expertise in cross-border asset enforcement and navigating offshore complexities is critical to designing effective protections.
- **Act Fast to Identify and Respond to Disinformation.** Effectively managing disinformation risks requires a vigilant, well-prepared team working closely with legal and communications professionals. Timely identification of falsehoods is critical: those seeking information about a business or individual may encounter inaccurate or defamatory claims from unreliable sources. Monitor emerging content, set clear response protocols, and be ready to engage stakeholders to correct the record. False narratives, particularly those

targeting individuals or companies operating across jurisdictions, can quickly spread and influence authorities, counterparties, and financial institutions. At the first sign of adverse public attention, engaging cross-border specialists can help contain the situation and shape a legal and strategic response—potentially heading off years of costly and disruptive scrutiny.

The DOJ's recent guidance signals a renewed focus on FCPA enforcement. Increased coordination across legal systems—onshore and offshore—is becoming essential in responding to disinformation and politically motivated investigations. Entities facing high-stakes scrutiny may benefit from early, integrated legal strategies that span commercial, criminal, and reputational dimensions.

## About Kobre & Kim

Kobre & Kim is a global law firm focusing on cross-border disputes and investigations, often involving fraud and misconduct.

To preserve the assets, liberty, and reputation of UHNWIs with global business interests, our firm:

- Coordinates legal strategy and works closely with various stakeholders (including crisis communications and public relations firms) to formulate holistic strategies in court and out-of-court to preserve reputation and mitigate privacy concerns;
- Brings together former U.S. and UK government lawyers across offshore jurisdictions in the BVI and Cayman Islands, Asia, EMEA, Latin America and the U.S., including former prosecutors from the U.S. Department of Justice (DOJ) and UK Serious Fraud Office (SFO);
- Takes a multidimensional approach to Ultra high-net-worth individuals (UHNWI)-focused disputes investigations to resolve business disputes and regulatory investigations, trace and recover misappropriated funds, defend against asset attacks, and acquire and strategically deploy information to provide UHNWIs with a commercial advantage in their disputes and investigations.