

DOJ Fraud Section 2025 Year-in-Review: Expanded Enforcement Signals Increased Corporate Risk

Client Alerts

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The Department of Justice (DOJ) Fraud Section released its 2025 Year-in-Review (YIR) last week, revealing an expanded enforcement blueprint that suggests heightened regulatory risk and more aggressive corporate enforcement ahead. In light of these changes, companies – especially those in the Section’s identified priorities for enforcement – should prepare for increased parallel enforcement and criminal liability by proactively strengthening their compliance programs to identify and address issues before they come to fruition and immediately engaging qualified counsel immediately upon receiving an initial government inquiry.

Contrary to some claims that fraud enforcement is declining, the Fraud Section, the biggest white-collar fraud section in the country has grown in size and expanded its mandate. The Fraud Section increased manpower by 30% in 2025, ending the year with over 200 prosecutors. The Section also brought 15 corporate enforcement actions, which includes 12 companies that entered resolutions and three others that were indicted.

Fraud Section priorities also expanded in 2025. For example, the creation of the new Health and Safety Unit (HSU), staffed with over 20 former Consumer Protection Branch prosecutors, signals increased focus on corporate health and safety investigations. The Section also assumed a leading role in addressing alleged trade fraud and securities fraud involving foreign issuers. Companies should expect more such cases to be investigated and for those cases to be resolved at a faster clip.

1. Expanded enforcement despite disruption.

The Fraud Section demonstrated robust enforcement activity in 2025, despite significant headwinds caused by the Department of Government Efficiency (DOGE), organizational changes throughout the Department of Justice and its Criminal Division, and the implementation of various Executive Orders affecting enforcement strategy—among them, an order purporting to “pause” FCPA enforcement, which was later lifted, creating uncertainty about whether and how the government would continue pursuing foreign bribery cases.

Nonetheless, the Section charged more defendants in 2025 than in 2024. The aggregate intended fraud loss across those charges was over \$16 billion, a record high and more than double last year's total. The Section also continued its focus on corporate accountability, entering into 12 corporate resolutions across each of its four litigation units. And the Fraud Section indicted three corporate entities for criminal activity after a 15-year hiatus on corporate criminal indictments. The YIR expressly states that the Section "will continue to aggressively pursue corporate crime and will indict where appropriate."

2. The Section has grown in size and scope.

The Fraud Section grew by over 30% in 2025, ending the year with over 200 prosecutors, compared to approximately 150 at the end of 2024. This growth – due in part to DOJ reorganization – is particularly striking considering reductions elsewhere in the federal government and the Department. Among other contributors, at the end of November 2025, over 50 prosecutors from the Consumer Protection Branch (CPB) were reassigned to the Fraud Section; over 20 of these prosecutors went to the newly formed HSU, which investigates and prosecutes violations of federal laws designed to protect public health and safety; and approximately 30 of these prosecutors were integrated into the Fraud Section's Market, Government, and Consumer Fraud (MGC) Unit to continue investigating and prosecuting consumer fraud.

With the integration of the prosecutors from the CPB, the Fraud section is now – for the first time – responsible for investigating and prosecuting some of the country's most significant criminal health and safety cases, including cases involving transportation safety; dangerous consumer product defects; and other threats that arise when companies and individuals ignore legal and safety obligations like the Federal Food, Drug, and Cosmetic Act or the Consumer Product Safety Act.

In another signal that health care enforcement is a top priority, the Healthcare Fraud Unit's (HCF) historic June 2025 strike force takedown, which resulted in 324 defendants charged in connection with over \$14.6 billion in alleged health care fraud, accounted for much of this year's record-breaking numbers and marked a near-record number of charged defendants. Perhaps more noteworthy was that the HCF Unit entered into two corporate resolutions, its first such corporate actions in nearly a decade. *See United States v. Kimberly-Clark Corp.; In re: Troy Health, Inc.*

The YIR also confirms that the MCG Unit will prioritize cases involving trade and customs fraud, tariff evasion, and fraud involving variable interest entities (VIEs) – areas that the Section did not previously handle. In the current environment of trade policy volatility, this expanded mandate signals increased enforcement risk for companies engaged in international trade or import/export operations.

3. FCPA enforcement continues.

After some uncertainty from the FCPA Executive Order and inconsistent policy direction, FCPA enforcement remains a Fraud Section priority. The FCPA Unit went to trial in two cases this year,

winning both. The Unit also brought an FCPA indictment against a company for the first time in 15 years and secured two additional corporate resolutions.

Statements from Deputy Attorney General Todd Blanche and other DOJ officials at the December 2025 American Conference Institute FCPA conference affirmed that corporate enforcement, including FCPA enforcement, continues to be a top priority for the Department. The YIR reiterated this commitment: “The Criminal Division is prosecuting FCPA violations, consistent with the Deputy Attorney General’s Guidelines, in a way that vindicates US interests by ensuring that criminal actors in this space are held to account. We are enforcing this law firmly, fairly, and efficiently—regardless of the identity of the offender, in a way that promotes the rule of law and ensures an equal playing field so that companies win business based on merits.”

The YIR also confirmed that the Department continues to allocate significant resources to this area. The FCPA Unit maintains over 20 prosecutors dedicated to investigating and prosecuting FCPA violations. While the Unit has housed significantly more prosecutors in recent years (including during President Trump’s first term), this nonetheless represents substantial resources and sustained commitment to FCPA enforcement.

4. Key Takeaways for 2026.

Health care fraud prosecutions should continue to grow in number and impact. The HCF Unit was largely responsible for the uptick in the Section’s prosecution numbers last year. Expect more investigations of life sciences companies as the HCF Unit pursues its stated goal of targeting the worst offenders, protecting the public fisc, and having increasing impact. The YIR expressly confirms that corporate enforcement is an area of “focus” for the Unit.

Health and safety enforcement will likely accelerate. The CPB has always done important and impactful work in the health and safety space. The integration of the CPB into the Fraud Section — particularly with the creation of the new HSU — has the potential to supercharge corporate health and safety investigations and prosecutions. The Fraud Section has deep experience in handling corporate resolutions, serving as the Department’s subject matter expert in this area. In particular, the Section’s Criminal Enforcement and Compliance (CEC) Unit provides expertise that assures the Department’s consistent application of the Criminal Division’s Corporate Enforcement and Voluntary Self-Disclosure Policy (CEP), and evaluates corporate compliance programs. This infrastructure will likely enable health and safety cases to be brought more quickly and in greater volume.

Increased focus on tariff and trade fraud and fraud associated with foreign issuers. Several cases have already been brought and the YIR makes clear these types of cases are areas of focus. Look for more enforcement activity in 2026, particularly given the current trade policy environment.

More corporate cases could be resolved faster. The Section had three CEP declinations in 2025, up from the two in 2024. The CEP was streamlined earlier in the year to provide enhanced incentives for voluntary disclosure, and DOJ leadership has made clear that it wants its corporate

investigations resolved more quickly. And Deputy Attorney Blanche recently said that additional changes to the CEP will be forthcoming. This suggests that more corporate cases may be resolved faster and with fewer onerous conditions than during the previous administration—including fewer monitorships, more NPAs and DPAs rather than guilty pleas, and more corporate resolutions with two-year rather than three-year self-reporting periods.

Renewed focus on corporate indictments. The Fraud Section had not indicted a company at any point in the last 15 years. By indicting three companies in 2025, the Section took a considerable step away from that practice, a move with potentially significant implications going forward. Companies have routinely argued under the "Filip Factors" analysis that a corporate indictment would serve as a "death sentence"; these indictments suggest that DOJ may reject that argument. Conversely, assuming these recently indicted companies demonstrate some success at trial, more companies (especially smaller non-public companies) may dig in during tough negotiations, challenge the Department to indict, and take their chances at trial.

Procurement fraud enforcement landscape remains uncertain. Notably, the YIR made no reference at all to the recently announced National Division of Fraud Enforcement that the White House and Department have touted. Recent reporting suggests that Criminal Division leadership has informed personnel that Fraud Section resources will not be used to establish this new Division. That said, there is at least some overlap between the Criminal Fraud Section and the announced National Fraud Division — particularly with respect to procurement fraud cases of national significance.

One of two scenarios seems likely: the new National Fraud Division will be additive, expanding the overall volume of procurement fraud cases that the Department investigates and prosecutes; or it will assume some or all of the footprint that the Fraud Section has historically occupied in this space. If the former, this could mark a significant shift in procurement fraud enforcement, which has been historically reactive and driven by qui tam suits and whistleblower complaints due, in part, to resource constraints. Additional resources may increase the number and duration of affirmative investigations. In either case, increased attention to procurement fraud appears likely; the devil will ultimately be in the details and time will tell.

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