

Contents

About the author	ix
Introduction and overview	1
1 A diverse group of professionals need skills to spot risk under the FCPA and related laws	16
Omnipresent risk	17
The fallacy of “just don’t bribe”	20
Root causes of risk	25
Realities of the global marketplace	31
“Ripple effects” of scrutiny and enforcement	38
2 The FCPA’s core anti-bribery provisions and related risk management strategies	88
Anything of value	89
Corrupt intent	103
Foreign official	115
Obtain or retain business	130
Jurisdiction	143
Statute of limitations	156
3 A focus on third parties and related risk management strategies	167
Third-party payment provisions	168
Risk management strategies	178
4 The FCPA’s exception, affirmative defenses and related risk management strategies	198
Facilitating payments exception	199
Affirmative defenses	212

5	The FCPA's books and records and internal controls provisions	231
	A law much broader than its name suggests	231
	Legal authority and non-legal sources of information	233
	Enforcement action analysis	250
6	Compliance best practices and the fundamentals of conducting a risk assessment	281
	Overview of best practices	282
	The fundamentals of conducting a risk assessment	289
	Risk assessment skills exercise	296
7	Implementing a compliance program and effectively communicating compliance expectations	305
	Written policies and procedures	305
	Effective communication strategies	308
	Training best practices	313
8	Overseeing a compliance program	323
	Oversight responsibility and resources	323
	Internal reporting and investigation	330
	Periodic assessment and continuous improvement	339
	Conclusion	347
	Index	349