

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