

Coalition for Integrity

January 21, 2020

Lawrence A. Kudlow
Assistant to the President for Economic Policy and Director, National Economic Policy
Executive Office of the President
The White House
Washington DC

Dear Mr. Kudlow,

I have read with concern your recent comments potentially raising the possibility of weakening the Administration's support for strong enforcement of the Foreign Corrupt Practices Act. Let me draw your attention to the attached letter sent to President Trump in on August 6, 2018, from the United States Chamber of Commerce, United States Council for International Business, the National Foreign Trade Association, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), International Corporate Accountability Roundtable and the Coalition for Integrity, the anticorruption civil society organization of which I serve as the President and CEO.

As set out in our earlier letter, it is time to drive bribery and corruption out of international trade and investment. We understand that foreign bribery penalizes U.S. companies that act with integrity and their workers and it impedes economic growth. Free and fair competition and thriving societies require that all governments, companies and individuals take meaningful actions to combat corruption. The United States showed great leadership in passing and in effectively enforcing the Foreign Corrupt Practices Act (FCPA). Additionally, the United States, across administrations led by both political parties, has championed international initiatives such as the OECD Anti-Bribery Convention, which promotes concerted action by over forty countries to combat international business bribery and the solicitation of bribes by government officials. Several countries have followed suit and passed their own foreign bribery laws largely modeled on the FCPA.

We acknowledge that not all countries have committed to stop their companies from engaging in overseas business bribery and their officials from soliciting bribes. It also is true that some countries that have made such promises are not doing enough to fulfill these commitments. However, now is not the time to send the signal that the U.S. is reconsidering or might even weaken the FCPA. We therefore reiterate our 2018 call for the Trump Administration to take vigorous action on the following fronts:

1. The Administration should ensure vigorous and consistent enforcement of foreign bribery laws by all G-20 countries. While enforcement by some countries has improved, there is more to be done. We believe that Secretary Pompeo, Attorney General Barr and Secretary Ross should press the OECD, and signatories to the OECD Anti-Bribery Convention, to step up enforcement of their commitments.



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2. The Administration should ensure that all G-20 countries, including China and India, become signatories to and full partners in anticorruption agreements such as the OECD Anti-Bribery Convention.

Mr. Kudlow, you will appreciate that there are many issues on which major business, labor and civil society organizations disagree. On the issue of the Foreign Corrupt Practices Act and the OECD Anti-Bribery Convention, there is a common approach--effectively enforce the Foreign Corrupt Practices Act; push for strong and consistent enforcement of the Convention and press major economic competitors such as China and India to become signatories to and enforce the obligations of the OECD Anti-Bribery Convention.

Sincerely,


Shruti Shah
President & CEO



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August 6, 2018

Donald J. Trump
The President of the United States
The White House
1600 Pennsylvania Avenue N.W.
Washington DC 20500

Dear Mr. President,

As leading business, labor and civil society organizations, we join together to request that you and your Administration take decisive steps this year to stem international bribery and corruption. While your predecessors in both political parties have worked hard towards this objective, you have the opportunity to make major breakthroughs in 2018.

It is time to drive bribery and corruption out of international trade and investment transactions. Foreign business bribery penalizes U.S. companies and workers, impedes exports, distorts competition and undermines economic growth and sustainable development. It is a fundamentally unfair trade practice. Systematic corruption also erodes trust in democratic institutions and the rule of law, misallocates and wastes scarce resources, exacerbates security threats and fuels international crime.

Previous Administrations, like your Administration, have recognized that the U.S. Foreign Corrupt Practices Act (FCPA) is an important instrument of U.S. policy. Since 1977, responsible U.S. businesses have worked hard to comply with the FCPA; through their values and policies, they have helped to transform for the better the way businesses operate overseas. The U.S. government championed international initiatives, such as the OECD Anti-Bribery Convention, that have promoted concerted action by over forty countries to combat international business bribery and the solicitation of bribes by government officials.

Not all countries, however, have committed to stop their companies from engaging in overseas business bribery and their officials from soliciting bribes. Some countries that have made such promises are not doing enough to fulfill these commitments. Your leadership this year can be essential in driving bribery and corruption out of international trade and investment and leveling the global playing field for ethical and law-abiding businesses.

Specifically, we urge that your Administration take vigorous action in 2018 on the following fronts:

1. The Administration should ensure vigorous and consistent enforcement of foreign bribery laws by all G20 countries. Although over forty countries are signatories to the OECD Anti-Bribery Convention, according to international experts, only a few are actively enforcing their obligations under the Convention. We urge you that Secretary Pompeo, Attorney General Sessions, and other Administration representatives press the OECD, and signatories to the OECD Convention to step up enforcement of their commitments.

The President of the United States

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2. The Administration should ensure that all G20 countries, including China and India, become signatories to and full partners in anticorruption agreements such as the OECD Convention by the end of this year. You have established a strong relationship with President Xi and Prime Minister Modi. It is important that they each understand that their joining the OECD Convention is an important and necessary contribution they should make toward enhancing the integrity of the international economy.

Argentina will host the G20 meeting on November 30-December 1. Important anticorruption issues and initiatives will be discussed at that meeting. We encourage your Administration to take a strong role in preparations for this meeting, especially its anticorruption agenda. Wouldn't it be wonderful if you could attend the G20 in Argentina knowing that international trade and investment practices were being cleaned up in vitally important ways and that you and your Administration had played a major role in achieving this objective.

Respectfully yours,

Coalition for Integrity

The American Federation of Labor and Congress of Industrial Organizations

International Corporate Accountability Roundtable

National Foreign Trade Council

United States Chamber of Commerce

United States Council for International Business

cc: Secretary of State, Mike Pompeo
Secretary of Commerce, Wilbur Ross
National Security Advisor, John Bolton
Attorney General, Jeff Sessions
National Economic Council Director, Larry Kudlow