

NATIONAL FOREIGN TRADE COUNCIL, INC.

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January 4, 2006

The Honorable Condoleezza Rice
Secretary
United States Department of State
2201 C Street NW
Washington, DC 20520

Dear Madam Secretary:

We are writing on behalf of the National Foreign Trade Council and the U.S. Council for International Business to express our support for the U.N. Convention Against Corruption. Effectively administered, the Convention will strengthen the rule of law worldwide and further level the playing field for U.S. business.

We urge the United States to stand by its statements in the transmittal package that current laws and practices of the United States are in compliance with Article 35 and that the United States does not construe Article 35 to require any broadening or enhancing of current U.S. law and practice in any way. Public statements and communications with foreign governments to that effect could usefully implement the formal presentation to Congress.

As you know, the U.S. business community has long had concerns with Article 35, which we submitted to the U.S. government on a number of occasions, including a letter of June 15, 2004, to Secretary Powell and Attorney General Ashcroft. Article 35 requires countries to create a private right of action for acts of corruption that could serve as the basis for private actions for damages against U.S. companies in U.S. courts. In that letter we suggested that the best way to clarify the meaning and effect of that Article was to submit a ratification package that attached a reservation to it.

This was and continues to be an extremely important issue for our members. In subsequent conversations with senior officials in your Department and at the Justice Department, we were informed that the United States would not take a reservation. However, U.S. negotiators were open to suggestions regarding language for the transmittal package, which could meet our needs. We consulted closely with Administration officials to that end.

Having reviewed the language in the transmittal package, we are pleased that the U.S. has addressed our concerns in a clear and comprehensive fashion — that current laws and practices are in compliance with Article 35 and that the U.S. does not construe Article 35 to require any broadening or enhancing of U.S. current law or practice. The transmittal package now clearly states with reference to Article 35 of the Convention that “None of the provisions of the Convention creates a private right of action.” Further, to reinforce the point, the transmittal

package states "...that the Senate include a declaration in its resolution of advice and consent that makes clear that the provisions of the Convention (with the exception of Articles 44 and 46) are non-self-executing."

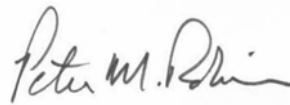
With this language, the Convention merits the support of our two organizations. However, we wish to emphasize the importance of standing by these commitments and resisting any attempts to weaken them.

We appreciate the efforts the United States has taken to address our concerns.

Sincerely,



William Reinsch
President
National Foreign Trade Council



Peter M. Robinson
President
United States Council for
International Business