Congress of the United States
House of Representatives
Washington, DC 20515

April 25, 2012

Mr. Thomas J. Donohue
President and Chief Executive Officer
U.S. Chamber of Commerce
1615 H Street, NW
Washington, DC 20062

Dear Mr. Donohue:

On April 21, 2012, the New York Times published an article detailing the results of its investigation into allegations that top Wal-Mart executives "orchestrated a campaign of bribery to win market dominance" in Mexico.[1] If true, these allegations raise serious questions regarding Wal-Mart's compliance with the Foreign Corrupt Practices Act (FCPA), a law which makes it illegal to bribe foreign government officials.

On Monday, the Washington Post reported that two high-level Wal-Mart executives were on the board of the U.S. Chamber of Commerce's Institute for Legal Reform, which has "been pushing for the [FCPA] to be scaled back" and "has been a leader in criticizing the law."[2] According to the Washington Post, one of these executives was Thomas Hyde, a former Wal-Mart executive vice president and corporate secretary.[3] According to the New York Times, Mr. Hyde received "detailed memos" describing the bribes by Wal-Mart employees and signed off on changes that weakened the company's internal investigation process.[4]

We are concerned about the role that Wal-Mart officials may have played in the Chamber's Institute for Legal Reform. It would appear to be a conflict of interest for Wal-Mart

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[1] *Vast Mexico Bribery Case Hushed Up by Wal-Mart After Top-Level Struggle*, New York Times (Apr. 21, 2012) (online at www.nytimes.com/2012/04/22/business/at-wal-mart-in-mexico-a-bribe-inquiry-silenced.html?_r=2).

[2] *Wal-Mart Faces Federal Criminal Probe Tied to Allegations of Bribery in Mexico,* Washington Post (Apr. 23, 2012) (online at www.washingtonpost.com/business/economy/wal-mart-faces-federal-criminal-probe-tied-to-allegations-of-bribery-in-mexico/2012/04/23/gIQA7t9lcT_story.html); *Wal-Mart Took Part in Lobbying Campaign to Amend Anti-Bribery Law*, Washington Post (Apr. 24, 2012) (online at www.washingtonpost.com/business/economy/wal-mart-took-part-in-lobbying-campaign-to-amend-anti-bribery-law/2012/04/24/gIQAyZcdfT_story.html).

[3] *Id.*

[4] New York Times, *supra* note 1.

officials to advise on ways to weaken the Foreign Corrupt Practices Act at a time when the leadership of the company was apparently aware of corporate conduct that may have violated the law.

To assist our committees in better understanding Wal-Mart's role in efforts to lobby for changes to the FCPA, please provide the following information and documents:

1. A list of all Chamber of Commerce and Chamber Institute for Legal Reform Board members and senior officials who have worked on issues related to the FCPA and have been or currently are affiliated with Wal-Mart or any of its subsidiaries or affiliates over the past ten years;

2. All internal and external communications involving the individuals identified in response to Question 1 relating to the FCPA, including any communications about attempts to change provisions of the law or to repeal it;

3. All communications about the FCPA or any other U.S. anti-bribery laws between individuals affiliated with the Chamber of Commerce or the Chamber's Institute for Legal Reform and Wal-Mart officials, employees, or agents;

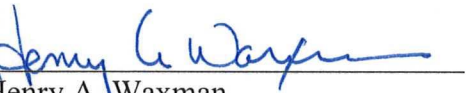
4. All documents detailing the U.S. Chamber of Commerce's strategy for changing or repealing the FCPA; and

5. All documents including communications, relating to the actions of Wal-Mart in lobbying for changes to the FCPA or any other U.S. anti-bribery laws.

Please provide these documents by May 9, 2012. If you have any questions about this request, please contact Una Lee of the Oversight Committee staff at (202) 225-5051 or Tiffany Benjamin of the Energy and Commerce Committee staff at (202) 226-3400.

Sincerely,

Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform



Henry A. Waxman
Ranking Member
Committee on Energy and
Commerce

cc: The Honorable Darrell E. Issa, Chairman
Committee on Oversight and Government Reform

The Honorable Fred Upton, Chairman
Committee on Energy and Commerce