

# United States Senate

WASHINGTON, DC 20510

July 23, 2008

The President  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear President Bush,

The United States is participating in a Ministerial meeting of the World Trade organization (WTO) this week in Geneva, Switzerland. We understand that the purpose of this summit is to finalize an agreement on certain outstanding issues related to the WTO Doha Round.

The announcement of this WTO Ministerial was surprising to us. Typically high-level negotiations only occur when all parties have authority to make a deal. Yet, the U.S. Constitution grants Congress *exclusive* authority “to regulate commerce with foreign Nations” and to “lay and collect Taxes [and] Duties.”

As you know, for decades U.S. presidents have obtained delegations of this congressional trade authority under what is commonly known as Fast Track. However, your delegation of Fast Track Trade Promotion Authority terminated on June 30, 2007. Congress has refused to provide you with further authority – either more Fast Track or any other form of trade authority – nor is there any prospect of that occurring before the end of your term. Indeed, it is likely that in the future the Fast Track process will be replaced altogether with a trade negotiation and approval mechanism that better reflects Congress’s constitutional role regarding trade policy.

Therefore we are interested in understanding what USTR Schwab or other U.S. trade officials are representing to other countries’ officials regarding their capacity to make binding commitments at this Ministerial on behalf of the U.S. Congress.

We are eager to ensure that if U.S. trade negotiators participate in the current WTO ministerial, they represent U.S. positions that comport with the sort of WTO agreement that could obtain support in the U.S. Congress.

Sincerely,



Russell D. Feingold  
United States Senator



Robert C. Byrd  
United States Senator