June 7, 2013

The Honorable Sander M. Levin
Ranking Member
Ways and Means Committee
1106 Longworth House Office Building
Washington, D.C. 20515

Cc: The Honorable Nancy Pelosi

Dear Ranking Member Levin:

We look forward to working with you to establish United States trade policies that promote the creation of American jobs and support our national economic interests while safeguarding Congress’s prerogatives to determine what domestic policies best promote the public interest.

As the economy continues to recover from the greatest financial crisis since the Great Depression, we can all agree that we cannot afford to have American production and American jobs sent offshore because of unfair trade agreements that undermine our economic growth. When jobs and production factories are offshored, American wages are lost, American-made products decline, and our international interests are compromised.

Job offshoring was a major issue in the previous election that unites our constituents - Democrats, Republicans and Independents alike. Polling consistently shows that Americans oppose our past model of “trade” agreements that facilitate offshoring, undermine Buy American policies, and subject American laws to review by foreign tribunals empowered to order payment of unlimited U.S. tax dollars to foreign firms that seek to avoid playing by the same rules as U.S. firms.

Thus, we write with serious concerns about both the Trans-Pacific Partnership Free Trade Agreement (TPP FTA) now being negotiated by the Obama administration and the prospect of Congress delegating wide swaths of its Constitutional authority to regulate trade (Article 1, Section 8) to the president through “Fast Track” or any other open-ended delegation of “trade promotion” authority.

In the last Congress, two-thirds of House Democrats joined together on a letter to President Obama demanding access to the draft TPP FTA texts and raising concerns about how the pact could internationally preempt Congress’s domestic policymaking prerogatives. They wrote:
“Since the United States will be obliged to bring existing and future U.S. policies into compliance with the norms established in the TPP FTA, the negotiations USTR is pursuing will create binding policies on future Congresses in numerous areas. These could include those related to labor, patent and copyright, land use, food, agriculture and product standards, natural resources, the environment, professional licensing, state-owned enterprises and government procurement policies, as well as financial, healthcare, energy, telecommunications and other service sector regulations.”

Unfortunately, today TPP FTA talks continue in extreme secrecy. The administration has yet to release draft texts after more than three years of negotiations, and the few TPP FTA texts that have leaked reveal serious problems. Thus, we are especially concerned about any action that would transfer Congress’s exclusive constitutional trade authority to the president.

Congress needs to work together to get American trade policy back on track - not give away its authority to do so. Reducing our authority to ensure our trade agreements serve the public interest will undermine our efforts to create American jobs and to reform a misguided trade policy that has devastated our manufacturing base through the offshoring of American production and American jobs.

Indeed, given the vast scope of today’s “trade” agreements, we do not believe that a broad delegation of Congress’s constitutional trade authority is generally appropriate. Negotiations on the TPP FTA delve deeply into many non-trade matters under the authority of Congress and state legislatures. If completed, the TPP FTA would lock in policies on these non-trade matters that could not be altered without consent of all other signatory countries. Thus, ensuring Congress has a robust role in the formative aspects of trade agreements is vital.

We are all deeply committed to creating jobs in our communities and across the country. To do so effectively, we believe it is critical that Congress maintains its authority to ensure American trade agreements are a good deal for the American people.

Sincerely,

Mark Pocan
Member of Congress

Ron Barber
Member of Congress

Joyce Beatty
Member of Congress

Ami Bera
Member of Congress
Hakeem S. Jeffries  
Member of Congress

Joseph P. Kennedy, III  
Member of Congress

Ann Kirkpatrick  
Member of Congress

Annie McLane Kuster  
Member of Congress

Alan Lowenthal  
Member of Congress

Michelle Lujan Grisham  
Member of Congress

Daniel B. Maffei  
Member of Congress

Patrick Murphy  
Member of Congress

Gloria Negrete McLeod  
Member of Congress

Richard M. Nolan  
Member of Congress

Beto O’Rourke  
Member of Congress

Donald M. Payne Jr.  
Member of Congress
Raul Ruiz  
Member of Congress

Kyrsten Sinema  
Member of Congress

Mark Takano  
Member of Congress

Juan Vargas  
Member of Congress

Carol Shea-Porter  
Member of Congress

Eric Swalwell  
Member of Congress

Dina Titus  
Member of Congress

Marc A. Veasey  
Member of Congress