

January 28, 2014

Chairman Max Baucus  
Senate Committee on Finance  
219 Dirksen Senate Office Building  
Washington, DC 20510

Ranking Member Orrin G. Hatch  
Senate Committee on Finance  
219 Dirksen Senate Office Building  
Washington, DC 20510

Dear Members of the Senate Committee on Finance,

Before the recess on January 16th, your committee held a hearing on the “Bipartisan Congressional Trade Priorities Act” (HR3830/S.1900). We urge you to oppose S.1900. Were S.1900 enacted, it would relinquish to the Executive branch most of Congress’s exclusive constitutional authority over trade policy and extinguish Congress’ ability to have meaningful input into or review of trade agreements like the Trans-Pacific Partnership (TPP) agreement, the Transatlantic Trade and Investment Partnership (TTIP), and other trade agreements.

If this bill were enacted, the President could sign a trade agreement such as the TPP before Congress has a chance to vote on it with a guarantee that both the House and Senate would waive normal order and vote on the agreement within 90 days using extraordinary procedures. This includes the executive branch being empowered to write legislation not subject to committee markup that would implement the pact, and alter existing US laws that the executive branch deems “necessary or appropriate” to comply with the rules of the trade pact. Additionally, it would forbid Congress from any floor amendments and allow each chamber no more than 20 hours of debate. In short, Congress would not only cede its constitutional trade authority, but also give up vital power as a coequal branch of government, to the detriment of Congress’ core domestic policymaking prerogatives.

As we noted in our letter of October 2013, sent by many of the organizations undersigned here, the legislation also includes several problematic negotiation objectives. For example, the bill includes an obligation to provide “strong enforcement of intellectual property rights,” with no countervailing acknowledgment of the need to protect the rights of users and innovators. The bill says nothing about America’s strong fair use doctrine, which has given users the freedom not only to create new artistic works, but also to build on existing technologies. That freedom has spurred thriving technology industries that have become essential to our economy.

Lastly, the bill encourages “enhanced cooperation” with Trade Advisory Committees that are almost entirely made up of corporate advisors. Such committees do not represent the many of the interests and stakeholders that would be affected by TPP or TTIP. Congress and the public it represents, and not simply corporate interests, must have a formative role in determining the content of US trade agreements.

At the State of the Union address, President Obama may call for bipartisan support for Fast Track or for passage of TPP. But the “Bipartisan Congressional Trade Priorities Act” is an abrogation of not only Congress’ constitutional authority, but also of its responsibility to democracy and the will of the people.

We oppose this bill, and urge you to do so as well.

January 28, 2014

Sincerely,



*Demand Progress*



*New Media Rights*



*Electronic Frontier Foundation*



*OpenMedia*



*Free Press Action Fund*



*Public Citizen*



*Global Exchange*



*IOGT International*



*Techdirt*

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cc:

John D. Rockefeller IV (D-WV)

Chuck Grassley (R-IA)

Ron Wyden (D-OR)

Mike Crapo (R-ID)

Charles E. Schumer (D-NY)

Pat Roberts (R-KS)

Debbie Stabenow (D-MI)

Michael B. Enzi (R-WY)

Maria Cantwell (D-WA)

John Cornyn (R-TX)

Bill Nelson (D-FL)

John Thune (R-SD)

Robert Menendez (D-NJ)

Richard Burr (R-NC)

Thomas R. Carper (D-DE)

Johnny Isakson (R-GA)

Benjamin L. Cardin (D-MD)

Rob Portman (R-OH)

Sherrod Brown (D-OH)

Patrick J. Toomey (R-PA)

Michael F. Bennet (D-CO)

Robert P. Casey, Jr. (D-PA)