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THE TRANS-PACIFIC PARTNERSHIP IS NOT AN IMMIGRATION GIVE-AWAY

Dear Colleague:

No one believes more strongly than do I that our immigration laws should be written by Congress and not negotiated in trade agreements. In 2003, I and other Members sent a letter to Ambassador Robert Zoellick, head of the United States Trade Representative (USTR), stating that:

The Constitution grants the legislative branch of the federal government plenary power over immigration law. As the Supreme Court ruled in *Galvan v. Press*, 347 U.S. 522, 531 (1954), "that the formulation of [immigration] policies is entrusted exclusively to Congress has become about as firmly imbedded in the legislative and judicial tissues of our body politic as any aspect of our government." The United States Trade Representative's practice of proposing new immigration law in the context of bilateral or multilateral trade negotiations cannot be reconciled with Congress's constitutional prerogative. Even worse, when combined with the grant of "fast track" or "trade promotion authority" eliminating the legislature's ability to amend such proposals, USTR's practice has effectively stolen this plenary power away from Congress. We cannot allow this to continue and must thus insist that you never again agree to include immigration provisions in trade agreements. . . .

Based on the current draft text of the Trans-Pacific Partnership (TPP) and assurances from USTR, I am confident that we can vote for the TPP and trade promotion authority without violating the enduring principles set forth in the 2003 letter. To its great credit, USTR has stood up to immense pressure and has refused to agree to "temporary entry" provisions in the TPP that would allow foreign workers to come to America outside of the terms of current congressionally-passed immigration law. Whatever other countries participating in the TPP negotiations agree to regarding temporary entry, the U.S. will not be a signatory.

In addition, no one has been more vocal than me in their criticism of the Obama Administration's attempt to unconstitutionally rewrite our immigration laws through the grant of administrative legalization to millions of unlawful aliens. There is nothing in the current draft of the TPP that will in any way advance or facilitate this or any other unconstitutional action by the Administration.

In the TPP negotiations, USTR has acted in good faith and has respected Congress' constitutionally-granted power to write our nation's immigration laws. In turn, we should support the TPP and trade promotion authority as a boon to the American economy.

Sincerely,

Bob Goodlatte
Chairman
House Judiciary Committee