Congress of the United States
Washington, DC 20515

November 12, 2013

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama:

We are strong supporters of American trade expansion. We are also strong supporters of the U.S. Constitution. Article I-8 of the Constitution gives Congress exclusive authority to set the terms of trade. Meanwhile, the executive branch has constitutional authority to negotiate with foreign sovereigns on behalf of our nation. The Founders established this clear check and balance to prevent the president from unilaterally negotiating with foreign nations and imposing trade policies that Congress would deem to be against the national interest.

For two hundred years of our nation's history, Congress led our nation's trade policy. However, recent presidents have seized Congress' constitutional trade authority and also "diplomatically legislated" on numerous other matters under Congress' jurisdiction using a procedure commonly known as "Fast Track", or "Trade Promotion Authority."

Under Fast Track, the executive branch is empowered to sign trade agreements *before* Congress has an opportunity to vote on them, and then unilaterally write legislation making the pacts' terms U.S. federal law. Fast Track allows the president to send these executive branch-authored bills directly to the floor for a vote under rules forbidding all floor amendments and limiting debate. And by requiring the House to vote on the bill within a preset period of time, it takes the floor schedule out of the hands of the House majority and gives it to the president.

Given these factors, we do not agree to cede our constitutional authority to the executive through an approval of a request for "Fast Track Trade Promotion Authority."

Sincerely,

Walter B. Jones (NC-03)
Member of Congress

Michele Bachmann (MN-06)
Member of Congress

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Dana Rohrabacher (CA-48)
Member of Congress

Louie Gohmert (TX-01)
Member of Congress

Paul Cook (CA-08)
Member of Congress

David B. McKinley (WV-01)
Member of Congress

John J. Duncan, Jr. (TN-02)
Member of Congress

Steve Stockman (TX-36)
Member of Congress

Frank A. LoBiondo (NJ-02)
Member of Congress

Rob Bishop (UT-01)
Member of Congress

Chris Collins (NY-27)
Member of Congress

Christopher H. Smith (NJ-04)
Member of Congress

John L. Mica (FL-07)
Member of Congress

Kerry L. Bentivolio (MI-11)
Member of Congress

Paul C. Broun (GA-10)
Member of Congress

Mo Brooks (AL-05)
Member of Congress

Don Young (AK-At Large)
Member of Congress

Jeff Duncan (SC-03)
Member of Congress

Frank R. Wolf (VA-10)
Member of Congress

Jeff Denham (CA-10)
Member of Congress

Michael G. Fitzpatrick (PA-08)
Member of Congress

Duncan Hunter (CA-50)
Member of Congress

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

November 13, 2013

President Barack Obama
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear President Obama:

We write to express our serious concern with the ongoing negotiations over the Trans-Pacific Partnership (TPP) Free Trade Agreement (FTA), a potential agreement of tremendous consequence for our country. Specifically, we remain deeply troubled by the continued lack of adequate congressional consultation in many areas of the proposed pact that deeply implicates Congress's constitutional and domestic policy authorities.

For some time, members of Congress have urged your administration to engage in broader and deeper consultations with members of the full range of committees of Congress whose jurisdiction touches on the numerous issues being negotiated. Many have raised concerns relating to reports about the agreement's proposed content. While your Administration's goal was to sign a TPP FTA at the October 2013 Asia-Pacific Economic Cooperation summit, we believe that to date the process has failed to provide adequate consultation with Congress.

Such opportunity for input from Congress is critical as the TPP FTA will include binding obligations that touch upon a wide swath of policy matters under the authority of Congress. Beyond traditional tariff issues, these include policies related to labor, patent and copyright, land use, food, agriculture and product standards, natural resources, the environment, professional licensing, competition, state-owned enterprises and government procurement policies, as well as financial, healthcare, energy, e-commerce, telecommunications and other service sector regulations.

In light of the broad scope of today's trade agreements, it is even more vital that Congress have a fulsome role in shaping these pacts' terms. Given our concerns, we will oppose "Fast Track" Trade Promotion Authority or any other mechanism delegating Congress' constitutional authority over trade policy that continues to exclude us from having a meaningful role in the formative stages of trade agreements and throughout negotiating and approval processes.

Congress, not the Executive Branch, must determine when an agreement meets the objectives Congress sets in the exercise of its Article I-8 exclusive constitutional authority to set the terms of trade. For instance, an agreement that does not specifically meet congressional negotiating objectives must not receive preferential consideration in Congress. A new trade agreement negotiation and approval process that restores a robust role for Congress is essential to

achieving U.S. trade agreements that can secure prosperity for the greatest number of Americans, while preserving the vital tenets of American democracy in the era of globalization.

Twentieth Century "Fast Track" is simply not appropriate for 21st Century agreements and must be replaced. The United States cannot afford another trade agreement that replicates the mistakes of the past. We can and must do better.

We are deeply committed to transforming U.S. trade policy into a tool for creating and retaining family-wage jobs in America, safeguarding the environment, maintaining consumer protection and improving the quality of life throughout the country. We look forward to working with you to ensure that Congress and the Executive Branch are working together to meet that critical goal.

Sincerely,

ROSA L. DeLAURO
Member of Congress

GEORGE MILLER
Member of Congress

LOUISE M. SLAUGHTER
Member of Congress

PETER A. DeFAZIO
Member of Congress

NICK J. RAHALL, II
Member of Congress

HENRY A. WAXMAN
Member of Congress

NYDIA M. VELAZQUEZ
Member of Congress

JOHN CONYERS, JR.
Member of Congress

BENNIE G. THOMPSON
Member of Congress

C.A. DUTCH RUPPERSBERGER
Member of Congress

MAXINE WATERS
Member of Congress

ROBERT A. BRADY
Member of Congress

EDDIE BERNICE JOHNSON
Member of Congress

ELIJAH E. CUMMINGS
Member of Congress

MARCY KAPTUR
Member of Congress

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Member of Congress

ED PASTOR
Member of Congress

JOSE E. SERRANO
Member of Congress

CHAKA FATTAH
Member of Congress

SANFORD D. BISHOP, JR.
Member of Congress

PETER J. VISCLOSKY
Member of Congress

JAMES E. CLYBURN
Member of Congress

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Member of Congress

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Member of Congress

JIM McDERMOTT
Member of Congress

MICHAEL H. MICHAUD
Member of Congress

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Member of Congress

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Member of Congress

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Member of Congress

NIKI TSONGAS
Member of Congress

JOHN F. TIERNEY
Member of Congress

PATRICK E. MURPHY
Member of Congress

ZOE LOFGREN
Member of Congress

FREDERICA S. WILSON
Member of Congress

TIM RYAN
Member of Congress

MICHAEL M. HONDA
Member of Congress

ALCEE L. HASTINGS
Member of Congress

BETTY McCOLLUM
Member of Congress

BARBARA LEE
Member of Congress

GARY C. PETERS
Member of Congress

LLOYD DOGGETT
Member of Congress

CHELLIE PINGREE
Member of Congress

DANIEL T. KILDEE
Member of Congress

DANNY K. DAVIS
Member of Congress

JERROLD NADLER
Member of Congress

JANICE D. SCHAKOWSKY
Member of Congress

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Member of Congress

JOHN A. YARMUTH
Member of Congress

TIMOTHY H. BISHOP
Member of Congress

PETER WELCH
Member of Congress

ALBIO SIRES
Member of Congress

LORETTA SANCHEZ
Member of Congress

YVETTE D. CLARKE
Member of Congress

ANNA G. ESHOO
Member of Congress

ANN McLANE KUSTER
Member of Congress

CAROLYN B. MALONEY
Member of Congress

CHERI BUSTOS
Member of Congress

BOBBY L. RUSH
Member of Congress

DANIEL LIPINSKI
Member of Congress

RICHARD M. NOLAN
Member of Congress

CAROLYN McCARTHY
Member of Congress

PAUL TONKO
Member of Congress

CORRINE BROWN
Member of Congress

ELIZABETH H. ESTY
Member of Congress

BRIAN HIGGINS
Member of Congress

JOHN D. DINGELL
Member of Congress

ELEANOR HOLMES NORTON
Member of Congress

BRAD SHERMAN
Member of Congress

GENE GREEN
Member of Congress

CAROL SHEA-PORTER
Member of Congress

LOIS CAPPS
Member of Congress

JARED HUFFMAN
Member of Congress

DONALD M. PAYNE, JR.
Member of Congress

JULIA BROWNLEY
Member of Congress

WILLIAM L. ENYART
Member of Congress

MICHELLE LUJAN GRISHAM
Member of Congress

RUSH HOLT
Member of Congress

ALAN S. LOWENTHAL
Member of Congress

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Member of Congress

ALAN GRAYSON
Member of Congress

DAVID LOEBSACK
Member of Congress

MARK POCAN
Member of Congress

TERRI A. SEWELL
Member of Congress

AL GREEN
Member of Congress

GRACE MENG
Member of Congress

JOYCE BEATTY
Member of Congress

ADAM B. SCHIFF
Member of Congress

SEAN PATRICK MALONEY
Member of Congress

JUDY CHU
Member of Congress

STEPHEN F. LYNCH
Member of Congress

FRANK PALLONE, JR.
Member of Congress

KEITH ELLISON
Member of Congress

JOHN LEWIS
Member of Congress

BEN RAY LUJAN
Member of Congress

EMANUEL CLEAVER
Member of Congress

JOHN GARAMENDI
Member of Congress

LUIS V. GUTIERREZ
Member of Congress

DAVID N. CICILLINE
Member of Congress

MICHAEL F. DOYLE
Member of Congress

DONNA F. EDWARDS
Member of Congress

DAVID SCOTT
Member of Congress

RAUL M. GRIJALVA
Member of Congress

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JAMES R. LANGEVIN
Member of Congress

ROBIN KELLY
Member of Congress

JOSEPH P. KENNEDY
Member of Congress

STEVE COHEN
Member of Congress

STEVEN A. HORSFORD
Member of Congress

TULSI GABBARD
Member of Congress

RON BARBER
Member of Congress

GLORIA NEGRETE McLEOD
Member of Congress

JOE COURTNEY
Member of Congress

JOHN P. SARBANES
Member of Congress

RAUL RUIZ
Member of Congress

JERRY McNERNEY
Member of Congress

DINA TITUS
Member of Congress

BILL PASCRELL, JR.
Member of Congress

MARK TAKANO
Member of Congress

ANN KIRKPATRICK
Member of Congress

SHEILA JACKSON LEE
Member of Congress

BRUCE L. BRALEY
Member of Congress

KAREN BASS
Member of Congress

JUAN VARGAS
Member of Congress

JANICE HAHN
Member of Congress

NITA M. LOWEY
Member of Congress

ELIOT L. ENGEL
Member of Congress

GRACE F. NAPOLITANO
Member of Congress

GWEN MOORE
Member of Congress

FILEMON VELA
Member of Congress

BETO O'ROURKE
Member of Congress

MIKE McINTYRE
Member of Congress

ROBERT C. "BOBBY" SCOTT
Member of Congress

G.K. BUTTERFIELD
Member of Congress

THEODORE E. DEUTCH
Member of Congress

KYRSTEN SINEMA
Member of Congress

HENRY C. "HANK" JOHNSON
Member of Congress

WILLIAM L. OWENS
Member of Congress

KATHY CASTOR
Member of Congress

COLLIN C. PETERSON
Member of Congress

RUBEN HINOJOSA
Member of Congress

ALLYSON Y. SCHWARTZ
Member of Congress

KURT SCHRADER
Member of Congress

COLLEEN W. HANABUSA
Member of Congress

SCOTT H. PETERS
Member of Congress