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June 27, 2012

The Honorable Ron Kirk  
United States Trade Representative  
600 17th Street NW  
Washington, DC 20508

Dear Ambassador Kirk:

I write with regard to transparency in the negotiation process for the potential Trans-Pacific Partnership Agreement (TPP) and future trade agreements. As you are well aware, negotiations to shape a potential TPP agreement are ongoing and these evolving efforts continue to grow in scope – just this week Mexico and Canada have been invited to join the negotiation process. The Obama Administration has taken positive measures to increase transparency in the negotiation process but, I have heard from local stakeholders that feel they continue to lack meaningful input in that process and I believe there are more opportunities to engage Congress and stakeholders from the American public to garner their input on the terms of the agreement before its conclusion.

President Obama has laid out a range of admirable and ambitious standards for this 21st Century trade agreement to better position domestic industries and workers and raise the standard of living of the global economy – incorporating high labor standards, promoting innovation, helping small and medium sized businesses participate, reducing costs for utilizing green goods and services, allowing governments to respond quickly to the needs of their communities, and allowing our exporters to more actively compete in international markets especially against state-owned enterprises and value added taxes, among others. The Asia-Pacific region hosts some of the fastest growing markets in the world and the potential economic gains from increased Asia-Pacific trade are significant. A successful agreement could go a long way toward the creation and retention of American jobs as the economy continues to recover. If done right, my home state of Washington is particularly well-positioned to take full advantage of a TPP agreement.

With 12 completed rounds of negotiations by the existing TPP countries, much of the text has begun to take shape. As such, I write in advance of the next round of negotiations scheduled for early July in San Diego, California and ask that you and your staff actively work to improve transparency during the negotiation process both for members of Congress and their staff as well as representatives of the public interest. Through enhanced transparency and consultation, TPP will better reflect the wide range of stakeholders touched by this expanded trade model and truly be an agreement that America can be proud to replicate in the future.

I understand that your office is informally following a system of consultation established under the now-expired Bipartisan Trade Promotion Authority Act of 2002 (P.L. 107-210). Negotiations under this legislation required various stages of congressional consultations before and during negotiations, including all committees of the House of Representatives and the Senate with jurisdiction over laws that would be affected by a trade agreement resulting from the negotiations. A Congressional Oversight Group made up of members of these committees and staff with proper security clearances was provided access to pertinent documents relating to the negotiations, including classified materials. During TPP negotiations and any future negotiations of trade agreements I would urge you, in the absence of formal legislation requiring such procedures, to continue to provide access to pertinent documents, such as full proposal texts, and engage in broad and deep consultations with all members and the staff of the full range of committees of Congress whose jurisdiction touches on the wide-ranging issues involved, including those new trade issues to be addressed by this new potential model. It is essential that Congress be allowed ample opportunity to provide input on trade policy.

It is also commendable that your office has implemented new transparency measures to engage stakeholders through a mix of opportunities to present and hold one-on-one consultations with negotiators during the negotiation rounds but more can still be done to increase transparency. As such, I would encourage you and your staff to adopt additional procedures to achieve this. Further, the trade advisory system, which currently has nearly 700 citizen advisors and 28 separate committees, could be improved to better reflect public interests. While there are a range of public and private sector interests represented through the advisory system, I would urge you to adopt measures to engage a more diverse range of stakeholders from the American public as you continue to negotiate and consult interested parties about potential American proposals and positions. More specifically, as you work to enhance transparency, I would request that you and your office work to implement measures to better engage American small and medium-sized farmers and manufacturers, labor, public health and environmental organizations, civil society, and other interests who have a stake in the agreement and continue to feel they lack meaningful input in the process.

I believe there are more opportunities to engage Congress and stakeholders from the American public to garner their input on the terms of the TPP agreement before its conclusion. With expanded transparency and consultation, TPP will truly be a model agreement that America can be proud to replicate with future trade partners seeking closer economic ties. I look forward to continuing to work with you and your office to ensure that any TPP agreement is the best deal possible for the American people.

Sincerely,



ADAM SMITH  
Member of Congress