



THE SECRETARY OF COMMERCE
Washington, D.C. 20230

September 13, 2005

The Honorable Richard Shelby
Chairman, Subcommittee on Commerce,
Justice, and Science
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Upon further review of amendment number 1665, offered by Senator Dorgan to H.R. 2862, Appropriations for Science, the Departments of State, Justice, and Commerce, and Related Agencies for Fiscal Year 2006, we would like to offer additional comments on this troubling amendment.

This amendment is similar to an amendment offered to the Trade Promotion Authority bill (included in the Trade Act of 2002) by Senator Dayton, which similarly sought to limit the President's authority to negotiate comprehensive trade agreements. Like the Dayton amendment, the Dorgan amendment would jeopardize our current global trade talks and restrict our efforts to provide new opportunities to America's workers and farmers. Moreover, the Department of Justice advises that the provision unconstitutionally infringes upon the President's constitutional authority to negotiate international agreements on behalf of the United States.

During Senate consideration of the Trade Promotion Authority bill, Ambassador Zoellick, Secretary Evans, and Secretary Veneman strongly recommended to the President that he veto the legislation should the bill include this amendment. We and other senior advisors will recommend to the President that he veto this legislation if the Dorgan amendment were included.

We strongly urge you and your colleagues to oppose the Dorgan amendment.

The Office of Management and Budget advises that from the standpoint of the Administration's Program, there is no objection to the submission of this letter.

Sincerely,

Handwritten signature of Rob Portman in black ink.

Rob Portman
U.S. Trade Representative

Handwritten signature of Carlos M. Gutierrez in black ink.

Carlos M. Gutierrez
Secretary of Commerce

Identical Letters Sent to:

The Honorable Barbara Mikulski
United States Senate

The Honorable Charles Grassley
Chairman, Committee on Finance
United States Senate

The Honorable Max Baucus
United States Senate