

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

AUG 31 2012

The Honorable Zoe Lofgren
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Lofgren:

Thank you for the letter from you and your colleagues regarding the negotiations on a Trans-Pacific Partnership (TPP) Agreement. We are seeking to negotiate a TPP agreement that will open up new market opportunities for U.S. businesses, workers, farmers, ranchers, and innovators, support higher paying jobs for Americans, and reflect U.S. values. TPP negotiators are taking on new and emerging issues, such as strengthening disciplines on state-owned enterprises, addressing corruption, and helping innovative and job-creating small-and medium-sized enterprises participate more actively in international trade.

We recognize the important role of Congress in advising on the development of U.S. negotiating positions for the TPP and in achieving an outcome that the public can support. The daily communication between USTR and Congress on the TPP demonstrates the priority the Obama Administration places on obtaining input from Members of Congress elected to represent Americans' interests in Washington, and on keeping Members and staff advised regularly of the substance and status of the TPP negotiations.

Before beginning the TPP negotiations and at each stage in the process, USTR has worked with Members of Congress and their staff as we have formulated U.S. positions on each issue in the negotiations. We have engaged in more than 500 consultations on a bipartisan basis since President Obama notified Congress of his intent to participate in the TPP negotiations in December 2009. Beyond our continuing consultations with Members and staff of the House Committee on Ways and Means, Senate Committee on Finance, House Committee on Agriculture, and Senate Committee on Agriculture, Nutrition and Forestry, USTR has reached out and engaged with all committees and staffers that have expressed an interest in TPP issues as well as various caucuses, individual member offices and Congressional leadership offices.

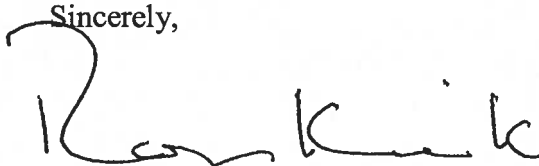
TPP texts are classified pursuant to rules agreed to between the governments participating in the TPP negotiations. This confidentiality arrangement reflects a common practice in U.S. regional and bilateral trade negotiations, as negotiators need to communicate with each other with a high degree of candor and mutual trust to reach the best possible agreement. It would undermine our negotiating strategy, and therefore, our ability to maximize the results we are seeking to achieve for the United States in the TPP negotiations, if we were to reveal our negotiating proposals broadly. All Members of Congress have access to these classified texts. We have sought to follow the guidance set out in the Trade Act of 2002 regarding access by relevant staff with appropriate security clearances to U.S. proposal text. There is no question that the views, advice and guidance we have received from Congress has helped to shape and improve U.S. proposals.

As you note in your letter, USTR works closely with participants in the trade advisory system that Congress established in the Trade Act of 1974. Our trade advisory system includes advisory committees on the industrial and agricultural sectors as well as committees dedicated to labor and environment issues. Over the past three years, the Obama Administration has worked to ensure that these committees are more representative of all who have a stake in our trade policy. These committees include representatives not only of a wide range of businesses and agricultural producers, but also from labor unions, non-governmental organizations, and state and local governments. The advisory committees provide expertise and perspective on trade issues that this Administration, prior Administrations and Congress have found valuable. Over the course of the TPP negotiations, USTR has conducted more than 150 meetings with the trade advisory committees, and USTR has encouraged broader participation from non-governmental organizations.

The trade advisory system, however, is only one element of the outreach that USTR and other agencies have undertaken in the context of the TPP negotiations. USTR also proactively reaches out to the general public and civil society stakeholders to share information about the ongoing talks and to obtain their views and perspectives so they may be reflected in U.S. proposals. To ensure input from the public, USTR has published multiple notices in the Federal Register seeking comments from interested individuals and organizations. We have held more than 300 meetings with representatives from business, civil society stakeholders, non-governmental organizations, academic institutions and others to get their specific input on issues under negotiation and update them on the status of the negotiations. We consider the wide-ranging input we receive from these groups carefully as we seek to develop balanced negotiating positions that best advance U.S. interests. In addition, we have welcomed these stakeholders to special sessions at each TPP negotiating round held in the United States and other venues to interact with negotiators from the United States and other TPP countries.

USTR recognizes that implementing a Trans-Pacific Partnership agreement requires partnership with Congress and has demonstrated a strong commitment to engaging in meaningful consultations with a broad spectrum of Congressional interests. USTR also recognizes and respects the role that the public, civil society groups and American businesses have in determining policies, and we strive for our proposals to reflect the diverse input we receive. I look forward to working further with you as the negotiations for a TPP agreement move forward.

Sincerely,

A handwritten signature in black ink that reads "Ron Kirk". The signature is written in a cursive, slightly stylized font. The first letter "R" is large and loops around the "o". The "n" is connected to the "o". The "K" is tall and has a long horizontal stroke that extends to the right, ending in a small "k" shape.

Ambassador Ron Kirk