

Congress of the United States

Washington, DC 20510

April 25, 2015

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Mr. President,

This week, you said that the American people should look at the facts of the proposed Trans-Pacific Partnership (“TPP”) before taking a position on it. We agree. We write to request that you promptly declassify the latest bracketed negotiating text of the TPP and release it publicly before asking Congress to vote on “fast track” authority to facilitate the TPP’s ratification.

In recent remarks, you suggested that critics of the TPP are “dishonest” when we claim that the TPP is a “secret deal.”¹ Even though negotiations over the TPP are largely complete, your Administration has deemed the draft text of the agreement classified and kept it hidden from public view, thereby making it a secret deal.²

As a result of your Administration’s decision, it is currently illegal for the press, experts, advocates, or the general public to review the text of this agreement. And while you noted that Members of Congress may “walk over . . . and read the text of the agreement” – as we have done – you neglected to mention that we are prohibited by law from discussing the specifics of that text in public.³

While experts, the public, and the press are not allowed to review the latest draft of the TPP, executives of the country’s biggest corporations and their lobbyists already have had significant opportunities not only to read it, but to shape its terms. The Administration’s 28 trade advisory committees on different aspects of the TPP have a combined 566 members, and 480 of those

¹ Washington Post, “Obama escalates push-back against Elizabeth Warren and other trade deal critics,” 4/24/15, at <http://www.washingtonpost.com/blogs/plum-line/wp/2015/04/24/obama-escalates-push-back-against-elizabeth-warren-and-other-trade-deal-critics/>

² Washington Post, “Obama administration sued over its secretive trade negotiations,” 12/18/13 at <http://www.washingtonpost.com/blogs/the-switch/wp/2013/12/18/obama-administration-sued-over-its-secretive-trade-negotiations/>

³ Washington Post, “Obama escalates push-back against Elizabeth Warren and other trade deal critics,” 4/24/15, at <http://www.washingtonpost.com/blogs/plum-line/wp/2015/04/24/obama-escalates-push-back-against-elizabeth-warren-and-other-trade-deal-critics/>

members, or 85%, are senior corporate executives or industry lobbyists.⁴ Many of the advisory committees – including those on chemicals and pharmaceuticals, textiles and clothing, and services and finance – are made up entirely of industry representatives.⁵

Because the negotiations are largely complete, there is no reason the TPP must remain secret from the American people before Congress votes on fast track authority. In 2001, President George W. Bush made public a draft of the scrubbed bracketed text of the Free Trade Area of the Americas (“FTAA”) agreement several months before Congress granted partial fast track authority to facilitate the ratification of that deal.⁶ At the time of the public release of the text, then-U.S. Trade Representative Robert Zoellick noted that the release would “make international trade and its economic and social benefits more understandable to the public,” and would “increase public awareness of and support for the FTAA.”⁷

What was true then remains true now. The American people should be allowed to weigh in on the facts of the TPP before Members of Congress are asked to voluntarily reduce our ability to amend, shape, or block any trade deal. The press and the public should be allowed to examine the details that corporate executives and lobbyists have already been allowed to influence for years. Members of Congress should be able to discuss the agreement with our constituents and to participate in a robust public debate, instead of being muzzled by classification rules. Before Congress votes to facilitate the adoption of the TPP, the American people should be allowed to see for themselves whether it’s a good deal for them.

We have an additional concern: the fast track legislation currently under consideration goes far beyond the TPP. Fast track, as currently written, would preclude Congress from amending or filibustering *any* trade agreement submitted to this Congress or any future Congress – potentially through 2021.⁸ If passed, this legislation would grease the skids for approval of any additional trade agreements that might be advanced through the next two presidencies. While we hope that future Presidents and future Congresses share our values, no one knows who will be using this authority once you leave office.

⁴ Washington Post, “Interactive: How companies wield off-the-record influence on Obama’s trade policy,” 2/28/14 at <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/02/28/how-companies-wield-off-the-record-influence-on-obamas-trade-policy/>

⁵ *Id.*

⁶ While the draft text was released, and fast track authority granted, the FTAA was not finalized and remains incomplete. LA Times, “Hemisphere Agreement Draft Text Released,” 7/5/2001; H.R. 3009, “Trade Act of 2002,” 8/6/2002 at <https://www.congress.gov/bill/107th-congress/house-bill/3009>

⁷ Office of the United States Trade Representative, Press Release, “USTR Zoellick Says Publication of Free Trade Area of Americas (FTAA) Text Will Help Explain Trade Benefits,” July 2001 at <https://ustr.gov/about-us/policy-offices/press-office/press-releases/archives/2001/july/ustr-zoellick-says-publication-free-trade-ar>

⁸ Congressional Research Service, R43491: “Trade Promotion Authority (TPA): Frequently Asked Questions,” 4/20/15

We understand that people may disagree about the risks and benefits associated with a massive trade deal. We respectfully suggest that characterizing the assessments of labor unions, journalists, Members of Congress, and others who disagree with your approach to transparency on trade issues as “dishonest” is both untrue and unlikely to serve the best interests of the American people. We write in the hope that we can work together to open up this process to the American people and to achieve your goal of letting them judge the facts for themselves.

Respectfully yours,



Sherrod Brown
United States Senator



Elizabeth Warren
United States Senator