

Letter from Derek Kilmer

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Dear Mr. Robison,

Thank you for contacting me about President Obama's trade agenda. I appreciate you taking the time to share your views with me. To be honest, this is complicated stuff. So, let me apologize upfront for what will be a lengthy response. It's important to me that you understand where I stand and what I'm considering as this debate moves forward.

President Obama has called on Congress to take up legislation that would give him the same authority that every other President over the past 40 years has had to negotiate trade agreements with other countries. This is called Trade Promotion Authority (TPA), which would set the nation's trade priorities and establish requirements regarding how the Administration must consult with Congress, stakeholders, and the public throughout the negotiations.

TPA legislation also sets procedures for Congressional consideration of trade agreements. In the past, both parties have used this approach to provide direction to the executive branch regarding what they want to see in any trade agreements. Congress uses this avenue to consider trade agreements because they've found trying to amend trade agreements in the legislative branch is not an effective way for the United States to engage in international negotiations.

This is a particularly hot topic as the Administration continues negotiations of the Trans-Pacific Partnership, a 12-nation trade agreement that would involve 40% of the world's economy.

Suffice it to say, it's important that America gets this right.

Trade is an essential part of Washington state's economy. Generally, our state does well when we're able to sell our apples, our wood products, our airplanes, our software, and other products overseas. Exports from just Washington's Sixth Congressional District, which I represent, totaled more than \$2.2 billion in 2013, supporting more than 67,000 jobs.

With that in mind, I appreciate President Obama's suggestion that trade agreements – if done right – could expand opportunities to export our goods to growing markets like those in Asia and benefit Washington state's employers and workers.

In addition, it's worth acknowledging that global trade is a reality. The United States makes up just 4% of the world population – so global trade is going to happen regardless of whether Congress passes trade legislation. In making his case to Congress, the President has asked a key question: do we want America to sit back as China negotiates trade agreements around the world and seeks to set the rules of trade (leading to a race to the bottom on worker standards, environmental standards, and consumer protections) or do we want the United States to be involved in setting the rules and establishing high standards?

It's a reasonable concern. Earlier this year, I spoke with a manufacturer in Tacoma whose company makes American products made by American workers. But when that company tries to sell goods to Asia, their products consistently face high tariffs. The owner explained to me that he's been told numerous times that he could avoid tariffs if he would only move his jobs to China. If we can see more American products made by American workers have the opportunity to enter new markets without these barriers, it could lead to economic opportunities. Trade agreements with adequate protections for American companies could help reduce those tariffs, and boost sales – enabling American companies like this to expand production or hire more workers. But only if they are done right.

With that in mind, I believe that we need better trade deals than the ones we've had in the past. I do not want – nor would I support – an agreement that I believe would lead to American jobs going overseas or that would put corporate profits above the rights of workers or the health of our environment.

It's critically important that we have a trade policy that reflects our region's priorities and values. Above all, it is important to me that any trade agreement that Congress considers must ensure that we are exporting our products – not exporting our jobs.

That also means that any trade agreement needs to meet high labor standards that must be enforced. That's why in July 2014, I led an effort in Congress urging United States Trade Representative Michael Froman to fully include the May 10, 2007, agreement on labor standards as part of any Trans-Pacific Partnership (TPP). The 2007 agreement requires all countries participating in an agreement to be subject to the same high labor standards, puts in place detailed plans to bring countries into full compliance with their labor obligations, and ensures that we have strong and effective dispute settlement mechanisms and penalties. In my view, no country should benefit from TPP if it is failing to live up to its obligations to its workers, including enabling them to form unions, prohibiting child labor, and establishing worker safety and minimum wage standards.

In addition, it is important to me that our trade agreements have high environmental standards. As the dad of two little girls, I know that our kids are only as safe as the water they drink, the air they breathe, and the earth we pass on to them. I don't want to see a race to the bottom – nor anything that would undermine our efforts to protect our planet.

Unlike NAFTA – which failed to include labor or environmental standards as a core, enforceable part of the agreement – future agreements must have high standards that must be enforced.

Sens. Orrin Hatch (Utah) and Ron Wyden (Ore.), along with Rep. Paul Ryan (Wis.) jointly introduced the Bipartisan Congressional Trade Priorities and Accountability Act of 2015. This legislation would establish congressional trade negotiating objectives and enhanced consultation requirements for trade negotiations as well as allow for trade deals to be submitted to Congress for an up-or-down vote should they meet the United States' objectives and Congress be sufficiently consulted.

This bill represents a departure from so-called “fast track” laws of the past. For example, it includes greater transparency, accountability, and Congressional oversight. I’m pleased to see that the public would have at least 60 days to review a trade agreement before the president signs it. Once the president signs it, another 30 days would have to pass before Congress could even begin considering the trade agreement. I strongly believe that the public needs to have adequate time to review, scrutinize, and offer feedback about what’s included in a trade agreement.

This bill also includes stronger labor and environmental standards and unlike previous so-called “fast track” legislation, this bill demands that before countries can expand their trading relationship with the U.S., they have to maintain a core set of international labor and environmental standards. This means that, for the first time, failure to comply with labor and environmental standards will come with strong enforcement procedures. That is important if we are going to ensure that American workers can compete on a level playing field.

I’ve had some folks suggest that Congress should maintain its ability to amend agreements going forward. While I’m certainly sympathetic to that, having seen this Congress pass a lot of bills that would negatively impact workers and the planet, I’m unconvinced that allowing amendments would ensure better labor or environmental standards. Rather, under the current Congress, things could get much worse.

At the same time, I’m pleased that this proposal would also put in place a mechanism that would allow either the House or the Senate, acting on their own, to stop a bad trade deal from taking advantage of TPA’s streamlined voting procedures.

Finally, it also would make clear that trade agreements cannot by themselves change U.S. law. Under the U.S. Constitution, Congress has to have a say regarding how our nation’s laws are changed, and I think it’s important that any legislation related to trade agreements makes that very clear.

As part of a proposed package, another piece of legislation authored by Sen. Wyden would enable swift action to keep foreign bad actors accountable. The Trade Facilitation and Trade Enforcement Act would also make it easier for American companies – particularly small- and medium-sized businesses that have more limited resources – to identify unfair or illegal trade practices when they happen and strengthen our enforcement efforts so that countries that break their promises would face real consequences.

With or without trade agreements, global competition is a reality in today’s economy. And when companies and workers need to adapt to a changing marketplace, we need to make sure that they can get the resources that they need to get back to work and keep our economy growing. That’s why I support strong Trade Adjustment Assistance. I’m also pushing for Congress to reauthorize the Export-Import Bank, which helps finance U.S. exports of manufactured goods and services and create jobs through direct loans, loan guarantees, working capital finance, and export credit insurance.

While I will continue to fight to improve the Hatch-Wyden TPA bill as it moves through Congress, I support these bills because I believe that, together, they have the potential to expand jobs and economic opportunities here in America while at the same time fostering the development of higher environmental, worker safety, and consumer protection standards abroad.

As debate over this legislation continues, please know that I greatly appreciate your insight and feedback in this process and your input on how we can strengthen America's trade policy. Please be sure that I will keep your thoughts and concerns in mind as Congress continues to debate this issue.

Sincerely,

Derek Kilmer
Member of Congress

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