

United States Senate

WASHINGTON, DC 20510-4504

April 22, 2015

The Honorable Michael Froman
Ambassador
United States Trade Representative
600 17th Street NW
Washington, D.C. 20508

Dear Ambassador Froman:

The Trans-Pacific Partnership (TPP) is the largest Free Trade Agreement in the history of the United States. Unfortunately, while the United States Trade Representative (USTR) afforded over 400 representatives of special interests and multi-national corporations the opportunity to develop negotiating objectives and access confidential information, it shared little with the general public, or their elected representatives. And now, USTR is requesting "Fast Track" authority, which will allow the TPP to be passed without any amendments from Members of Congress.

I object to this process. Since the TPP has largely been completed, nonbinding negotiating objectives in Fast Track Authority legislation are meaningless. There is no way for Congress to have any meaningful impact on negotiations without clear and binding legal mandates on what USTR is seeking to achieve. I therefore request information from your office before Congress votes for Fast Track Authority that could pave the way for the passage of the TPP.

Before we even consider relinquishing Congress's Constitutional authority "to regulate commerce with foreign nations" to the executive branch, I would like you to respond to the following questions.

- 1) The minimum wage in Vietnam is roughly 56 cents an hour. It has been reported that Malaysia uses modern-day slave labor in its electronics industry. If the TPP goes into effect, do you have an estimate as to how many jobs in this country will be lost as American corporations move to Vietnam and Malaysia where they can pay workers less than \$1 an hour?
- 2) Right now, the TPP includes what is called an Investor-state dispute settlement (ISDS) mechanism, which would allow foreign investors the right to use international tribunals as a forum for seeking compensation for laws and regulations that impact their ability to

profit from investments. For example, under an ISDS provision of an agreement, a French firm is suing Egypt under an international tribunal for raising its minimum wage. Uruguay and Australia are both being sued for imposing requirements on how tobacco products are packaged. Eli Lilly is suing Canada for \$500 million for "violating its obligations to foreign investors under the North American Free Trade Agreement by allowing its courts to invalidate patents for two of its drugs." Transcanada is considering suing the U.S. under an international tribunal for refusing to approve the Keystone Pipeline. Quebec is being sued under an international tribunal for banning fracking. After the TPP goes into effect, could a Federal, state, or local government be forced to pay compensation to a foreign company if an international tribunal rules that this company was prevented from earning an expected future profit due to environmental, labor, or consumer laws or regulations?

- 3) I have been told that the TPP would force the U.S. government to waive "Buy American" procurement rules for countries that are in the TPP. It is my understanding that under the TPP the U.S. government could not choose to buy American products over Vietnamese or Malaysian products that are made without meeting prevailing wage requirements. Is this true, and if so, how many Americans will lose their jobs as a result?
- 4) It has been reported that 100% of Vietnamese seafood imports contained antibiotics that are not approved in the U.S. As you know, seafood imports are a common source of pathogens. Have any studies been done to determine what kind of health hazards the American people will be exposed to by the importation of these products if the TPP is implemented?
- 5) Today, many millions of people living in the Asia-Pacific region benefit from access to life-saving medications at affordable prices. Unfortunately, what is known about the current TPP draft text suggests that the agreement would threaten this access because the pharmaceutical companies could delay the time in which generic drugs could be put on the market. Doctors without Borders has said that "the TPP has the potential to become the most harmful trade pact ever for access to medicines." How many people will lose access to life-saving drugs for cancer and HIV if the TPP goes into effect?

I look forward to your timely response on these critical issues.

Sincerely,



Bernard Sanders
United States Senator