

Congress of the United States
Washington, DC 20515

August 2, 2012

The Honorable Barack Obama
President of the United States
1600 Pennsylvania Ave.
Washington, DC 20500

Dear Mr. President:

Rules-based trade and U.S. trade laws are vitally important components to our nation's forestry jobs. It is imperative that trade agreements not undermine the effectiveness of our trade laws. Upholding this principle in the Trans-Pacific Partnership (TPP) negotiations could mean the difference between a healthy U.S. forestry industry, and one falling victim to unfairly traded imports. Although we may have differences of opinion on the overall Trans-Pacific Partnership trade agreement, we can all agree that we must have the strongest agreement possible for our domestic industries.

A final Trans-Pacific Partnership (TPP) trade agreement must eliminate inequities currently present in the application of U.S. trade laws against foreign unfair trade practices. Specifically, the final text of the TPP must include language making all signing parties subject to full judicial review with respect to the application of domestic trade laws.

Existing U.S. free trade agreements uniformly provide for the continued application of national antidumping and countervailing duty laws to imports from partner countries. However, the U.S.-Canada Free Trade Agreement, and subsequently NAFTA, provide for international dispute settlement panels to substitute for domestic judicial review of antidumping and countervailing duty determinations by national investigating authorities.

NAFTA's "Chapter 19" panel system has undermined the full effectiveness of our trade laws when it comes to unfair Canadian trade practices and cross-border trade matters. Instead of allowing U.S. Courts to determine whether the U.S. government has properly applied U.S. trade laws, NAFTA Chapter 19 transfers that authority to private non-U.S. citizens – who interpret U.S. law and make binding decisions upon U.S. federal agencies.

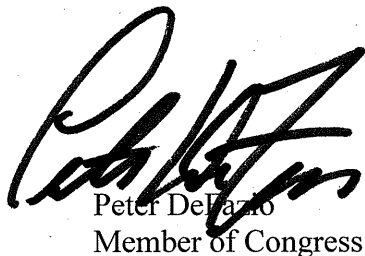
The NAFTA dispute settlement system completely turns on its head the fundamental principle of U.S. jurisprudence that all parties are entitled to full judicial review by an independent and competent judiciary. Under Chapter 19, foreign individuals can dictate how U.S. laws are enforced without any review by the U.S. judiciary. This entrustment of the interpretation of our laws to NAFTA panels has severely injured U.S. forestry industries and workers that depend on these laws to fight unfair trade practices. We must not repeat this mistake under TPP.

The TPP negotiations provide an excellent opportunity to bring U.S. trade law as it pertains to Canada (and Mexico) into harmony with that for other TPP members. The TPP must specifically preserve the sovereign right of all member countries to use their trade laws with respect to unfairly traded imports from other TPP countries. Given Canada's track record of providing

massive subsidies to its forestry industry and unfair lumber trade practices, a TPP agreement that includes Canada must provide for normal domestic judicial review of trade law actions with respect to all TPP members.

Ensuring that all signing parties to the Trans-Pacific Partnership are subject to the same application of domestic trade laws and full judicial review would ensure that our trade laws are fully enforced. Resolving this issue is of utmost importance to our domestic forestry industries, and will help preserve good American jobs in our rural communities that can least afford the loss of these jobs.

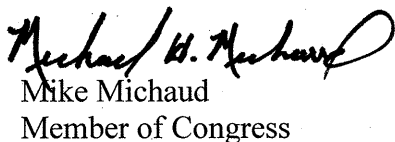
Sincerely,



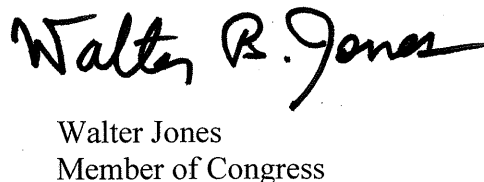
Peter DeFazio
Member of Congress



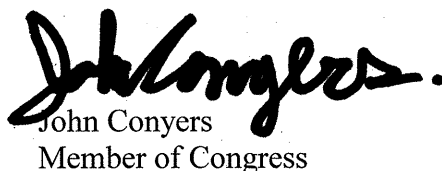
Cathy McMorris Rodgers
Member of Congress



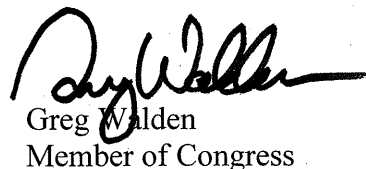
Mike Michaud
Member of Congress



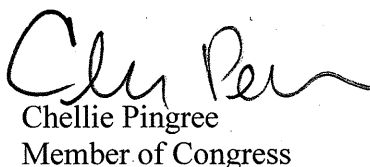
Walter Jones
Member of Congress



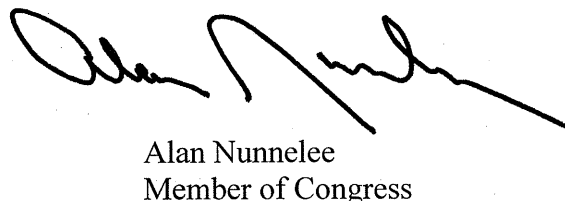
John Conyers
Member of Congress



Greg Walden
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Chellie Pingree
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Alan Nunnelee
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Mike Ross
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Steve Southerland II
Member of Congress



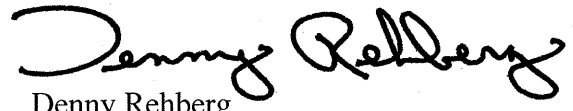
Rick Larsen
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Jo Bonner
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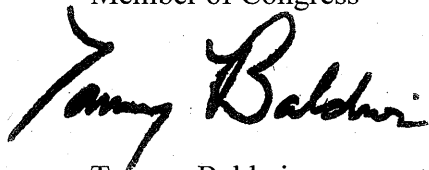
Denny Rehberg
Member of Congress



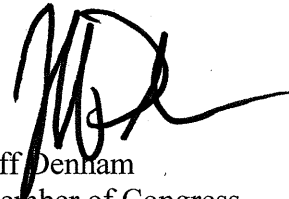
Kurt Schrader
Member of Congress



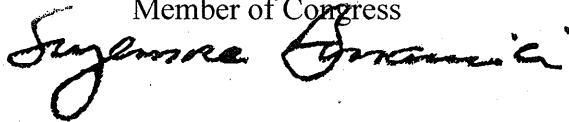
Jaime Herrera Beutler
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Tammy Baldwin
Member of Congress



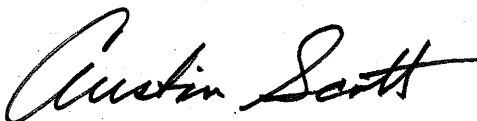
Jeff Denham
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Suzanne Bonamici
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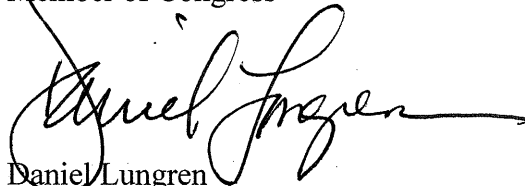
Michael Simpson
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Austin Scott
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Joe Wilson
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Daniel Lungren
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