

United States Senate

WASHINGTON, DC 20510

March 22, 2016

The Honorable Michael Froman
United States Trade Representative
600 17th Street NW
Washington, DC 20508

Dear Ambassador Froman:

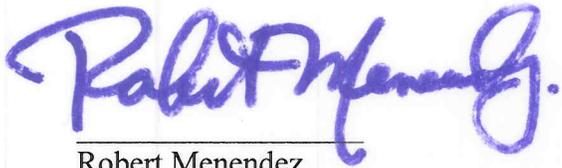
In accordance with Chapter 19 of the Trans-Pacific Partnership (TPP), three bilateral consistency plans with Malaysia, Vietnam, and Brunei require the countries to enact and implement numerous legal reforms before the trade agreement enters into force. The required actions reflect concerns noted in our congressional consideration of the trade promotion authority granted to the Administration to provide expedited legislative consideration for a trade agreement.

We request that the Administration withhold the submission of implementing legislation for the TPP unless and until Malaysia, Vietnam, and Brunei implement the legal reforms stipulated in the respective consistency plans and demonstrate a consistent track record of enforcing these new laws. Our concern is based on the current poor condition of labor standards in these countries, the uncertainty surrounding the capacity and willingness of these governments to implement the required reforms, and questions about how the Administration will assess these countries' achievement of their commitments.

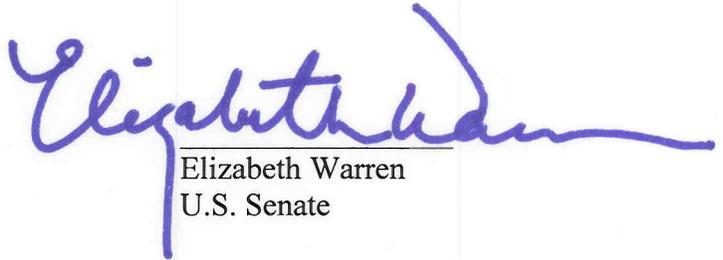
A good reason for this uncertainty has been the record of Malaysia, where recent history has shown how ephemeral progress on human trafficking in the country can be. The 2015 Trafficking in Persons (TIP) report, released on July 27, 2015, cited a pilot program adopted by the Malaysian government to allow four trafficking victims to work outside government facilities as evidence of "significant efforts" by the Malaysian government to comply with the minimum standards of the Trafficking Victims Protection Act. On September 11, 2015, a mere 46 days after the release of the TIP report, the State Department confirmed in a response to questions for the record submitted to the Senate Foreign Relations Committee that the Malaysian government was unable to successfully implement the pilot program. As evidenced at Congressional hearings on the subject, many observers, including Members of Congress, still have serious concerns as to whether Malaysia merited an upgrade from Tier 3 to Tier 2 Watch List. The potential manipulation of the 2015 TIP report has caused us to question whether we should accept the Administration's assurances that these countries are meeting their commitments.

Given the time it would take for some of these countries to meet their obligations, it would be premature for Congress to take action on TPP before Malaysia, Vietnam, and Brunei have taken the first steps toward fulfilling their commitments. In order to incentivize compliance, improve labor conditions, ensure that American workers and business are not subjected to unfair competition, and to fully inform our vote on TPP, implementing legislation for the TPP should not be submitted to Congress until Malaysia, Vietnam, and Brunei have met the obligations stipulated in the consistency plans.

Sincerely,



Robert Menendez
U.S. Senate



Elizabeth Warren
U.S. Senate



Harry Reid
U.S. Senate



Sherrod Brown
U.S. Senate



Debbie Stabenow
U.S. Senate



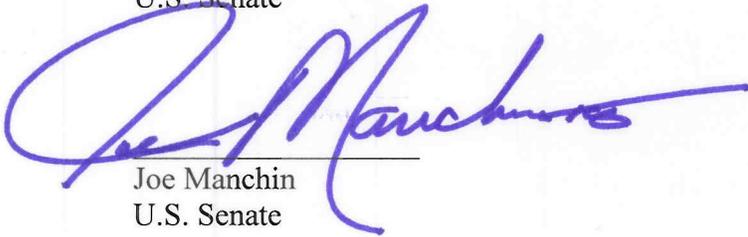
Charles E. Schumer
U.S. Senate



Gary C. Peters
U.S. Senate



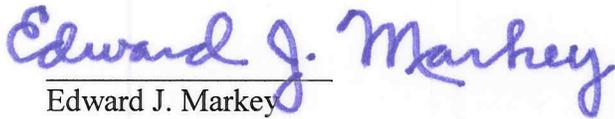
Mazie K. Hirono
U.S. Senate



Joe Manchin
U.S. Senate



Al Franken
U.S. Senate



Edward J. Markey
U.S. Senate



Richard Blumenthal
U.S. Senate



Brian Schatz
U.S. Senate



Martin Heinrich
U.S. Senate

B. Sanders

Bernard Sanders
U.S. Senate

Bob Casey, Jr.

Robert P. Casey, Jr.
U.S. Senate

Jeffrey A. Merkley

Jeffrey A. Merkley
U.S. Senate

Tammy Baldwin

Tammy Baldwin
U.S. Senate

Kirsten Gillibrand

Kirsten Gillibrand
U.S. Senate