

November XX, 2019

The Honorable Robert E. Lighthizer
United States Trade Representative
600 17th Street N.W.
Washington, D.C. 20508

Ambassador Lighthizer:

We write to request information concerning the announcement of an agreement reached between the United States and Japan in the areas of market access for certain agriculture and industrial goods (“U.S. – Japan Free Trade Agreement”), as well as an agreement on digital trade (“U.S. – Japan Digital Free Trade Agreement”).

According to the September 16, 2019 Presidential Message to Congress, the President intends to rely on section 103(a) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (“TPA”) to enter into the agreement covering certain agriculture and industrial goods, and intends to enter into an Executive Agreement regarding the digital trade commitments. Further, the Administration has announced that it intends to begin negotiations on a comprehensive trade agreement after the initial agreement enters into force on January 1, 2020.

Based on these announcements, we are interested in learning more about the authority the Administration has used and is planning to use to negotiate and enter into the aforementioned agreements, as well as the consultations the Administration has undertaken and plans to undertake with respect to those agreements.

We request that you provide, in written form, the following information as soon as possible and no later than the time the President enters into the announced U.S. – Japan Free Trade Agreement and U.S. – Japan Digital Free Trade Agreement:

- Please state the authority the Administration is relying on to enter the U.S. – Japan Free Trade Agreement and the U.S. – Japan Digital Free Trade Agreement. Please explain how that authority allows the Administration to enter into the U.S. – Japan Free Trade Agreement and U.S. – Japan Digital Free Trade Agreement.
- Please describe how the Administration has fulfilled the consultation requirements set out in sections 104 and 105 of TPA with respect to the U.S. – Japan Free Trade Agreement and U.S. – Japan Digital Free Trade Agreement.
- With respect to the U.S. – Japan Free Trade Agreement and U.S. Japan Digital Free Trade Agreement, the Committee on Ways and Means has not received the reports required to be completed and submitted to Congress in Section 135(e) of the Trade Act of

1974 and Section 105 (b)(4) of TPA. Please provide the reports and explain why the reports have not been submitted to Congress to date.

- Please detail how the Administration intends to implement the U.S. – Japan Free Trade Agreement and U.S. – Japan Digital Free Trade Agreement, including descriptions of any changes in U.S. law or the administration of U.S. laws.
- With respect to the U.S. – Japan Free Trade Agreement, please explain whether the Administration intends to create or modify a product specific rule of origin or marking rule, and explain what authority the Administration has to create or modify said rule. If the Administration intends to create or modify a product specific rule of origin or marking rule, please explain and why there was no mention of creating or modifying a rule in the September 16, 2019 Presidential Message to Congress and the September 25, 2019 Joint Statement of the United States and Japan.
- Please provide any instances where a product specific rule of origin or marking rule was created or modified in trade agreements outside Section 103(b) of TPA.
- Please explain how you kept individual members of Congress and standing committees in Congress informed throughout the negotiations of the U.S. – Japan Free Trade Agreement and U.S. – Japan Digital Free Trade Agreement. Please explain how the consultations, if any, you had with Congress on those agreements are consistent with the consultations you had with Congress on other trade agreements negotiated by this Administration.
- Please explain how the Administration will ensure that the U.S. Japan Free Trade Agreement is consistent with World Trade Organization (WTO) rules that prohibit narrow sectoral agreements and require that regional trade agreements eliminate duties and other restrictive regulations of commerce on “substantially all the trade”. Has the Administration submitted a plan and schedule for a comprehensive free trade agreement to the WTO? If so, please share the plan and schedule in your response. If not, please explain?
- Please state the authority the Administration intends to rely on to enter into the comprehensive trade agreement referenced in the September 16, 2019 Presidential Message to Congress and the September 25, 2019 Joint Statement of the United States and Japan.

Thank you for your anticipated answers to our questions. We look forward to reviewing your responses.

Sincerely,