February 12, 2024

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

We are writing to commend Ambassador Katherine Tai’s approach to developing and implementing your Administration’s inclusive and worker-centered trade policy, especially on matters related to the digital economy.

We appreciate greatly Ambassador Tai’s acknowledgement that trade officials should not attempt to preempt Congress on domestic policy through trade negotiations. It is a credit to your presidency that Ambassador Tai is proceeding in a manner that respects Congress’ role in setting domestic policy and that honors your digital competition, privacy, and artificial intelligence (AI) oversight goals, which we also support. For instance, during the Aspen Security Forum Ambassador Tai noted that your Administration has deliberately examined the position taken by the previous Administration on certain digital trade matters to assess whether it aligns with your Administration’s regulatory approach, the debates in Congress, and the broader public conversation regarding these issues. We agree with Ambassador Tai’s assessment that getting ahead of the domestic debates on these issues would be malpractice.

Your Administration’s approach contrasts favorably with the previous Administration, which used trade agreements to derail domestic policy debates. Specifically, the Trump Administration inserted several “digital trade” provisions favored by Big Tech interests into the U.S.-Mexico-Canada Agreement. These provisions, which had not been in past U.S. trade agreements, were designed to limit the regulation of domestic online privacy and data security matters, gig worker protection, AI oversight, tech anti-monopoly, and other important policies.

We appreciate that Ambassador Tai has made clear at the World Trade Organization and in the Indo-Pacific Economic Framework negotiations that your Administration will not allow these Trump-era rules to derail the debate in the U.S. Congress on crafting rules for the digital economy. As you may know, dozens of bills have been introduced so far in the 118th Congress, many of them with bipartisan support, that would establish online privacy, data security, online civil rights and liberties, AI oversight, and anti-trust policies. We are concerned that trade negotiations on certain digital rules could get ahead of Congress’ domestic policymaking.

We also want to commend you for Ambassador Tai’s strong and strategic approach to trade policy with countries who are not our allies, such as China and Russia. Ambassador Tai reasserted our rights to limit the flow of Americans’ data to such countries by withdrawing U.S. support for Trump-era WTO proposals that granted data brokers and digital platforms all but total control of Americans’ data. These proposed provisions would have constrained Congress and U.S. government agencies from restricting the flows of Americans’ data for national security or privacy reasons.
We look forward to working with your Administration to ensure that any trade rules covering digital policy provide Congress with the policy space needed to safeguard the interests of American workers, entrepreneurs, smaller businesses, and consumers.

Sincerely,

Rosa L. DeLauro  
Member of Congress

Frank Pallone, Jr.  
Member of Congress

Robert C. "Bobby" Scott  
Member of Congress

Maxine Waters  
Member of Congress

Jerrold Nadler  
Member of Congress

Raúl M. Grijalva  
Member of Congress

Nydia M. Velázquez  
Member of Congress

James P. McGovern  
Member of Congress

Mark Takano  
Member of Congress
Jamie Raskin
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Bennie G. Thompson
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Joseph D. Morelle
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Brendan F. Boyle
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Susan Wild
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Donald Norcross
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Kweisi Mfume
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Bonnie Watson Coleman
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Jill Tokuda
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Paul D. Tonko
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Sara Jacobs
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Pramila Jayapal
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Jan Schakowsky
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Veronica Escobar
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Marcy Kaptur
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Summer Lee
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Mark DeSaulnier
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Ayanna Pressley  
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Sheila Cherfilus-McCormick  
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Sheila Jackson Lee  
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Sean Casten  
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Salud Carbajal  
Member of Congress

Mary Gay Scanlon  
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Robin L. Kelly  
Member of Congress

C. A. Dutch Ruppersberger  
Member of Congress