



January 27, 2015

Dear Sen. Wyden,

Digital rights groups have a stake in the debate around the renewal of Fast Track (AKA trade promotion authority [TPA]), which hands Congress' Constitutionally-mandated power over trade policy to the President. We have serious concerns given that such authority may be used to pass the Trans-Pacific Partnership (TPP) agreement, the Trans-Atlantic Trade and Investment Partnership (TTIP), and other trade deals that carry provisions threatening Internet freedom and the digital rights of users without full Congressional input.

As a prominent leader in Congress who has long-defended the digital rights of Americans, we need you to stand up against weak compromises and amendments to TPA that do not fully address the glaring lack of transparency and democratic oversight in trade negotiations, and apply retroactively to current negotiations including TTIP and TPP. You once said, "It was our Founding Fathers' intention to ensure that the laws and policies that govern the American people take into account the interests of all the American people, not just a privileged few."

We agree. Agreements like TPP have been negotiated in secret, with overwhelming influence from Hollywood and other powerful, entrenched industries. This has led to regulatory requirements that could not only pave the way for more extreme regulations, but also prevent the US from reforming and updating its laws to new digital realities in the coming decades.

EFF's petition is addressed to you and is signed by over 7,550 concerned users.¹ The letter calls on you ensure that TPA includes the following fixes to the secret trade negotiation process:

- Easy, ongoing access to negotiating texts by all Congress members and their staff with proper security clearance and timely public release of concluded provisions following each round of negotiations;
- Ongoing, up-to-date publication of detailed summaries of the USTR's specific proposals being submitted in negotiations;
- Regular publication of agendas and transcripts of meetings and of all communications between USTR officials and all stakeholders, including industry groups;

¹ Signatures from 316 Oregonians, 6785 from other US states, 454 from outside of the US



- Mandatory negotiating objectives that balance users' rights with those of private industry, including requirements to enact safeguards for free speech, privacy, and access to knowledge;
- Congressional certification that negotiating objectives have been met before negotiations are concluded with only the pacts that have been so certified qualifying for expedited consideration;
- Congressional approval of trade agreement texts before they can be signed by a president so that Congress explicitly authorizes a president to enter into a pact only after ensuring that an agreement's contents are acceptable.

Users urge you to stand strong and oppose any new version of trade authority that does not include these critical guarantees of transparency, inclusiveness and accountability. Additionally, the letter specifies that provisions in current trade negotiations must not be considered closed until these transparency and oversight mechanisms have been put in place.

We are counting on you, as a pioneer in the digital rights movement, to oppose any TPA bill that does not truly address these troubling procedural issues.

Please do not support TPA. The Internet is counting on you.

Signed,

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Public Knowledge