

Congress of the United States
Washington, DC 20515

July 17, 2017

The Honorable Robert E. Lighthizer
United States Trade Representative
Office of the United States Trade Representative
600 17th Street NW
Washington, DC 20508

Dear Ambassador Lighthizer:

The U.S. trade agreement with South Korea remains a key cornerstone of U.S. economic and strategic engagement in the Asia-Pacific region. Preserving and strengthening the strong economic relationship between the United States and South Korea is particularly important today with rising tensions on the Korean peninsula. In light of the President's statements following his June meeting with President Moon and your request to convene a meeting of the KORUS Joint Committee with the stated aim of "consider[ing] matters affecting the operation of the Agreement, including possible amendments and modifications" and "follow-on negotiations," we write to urge you to consult closely with Congress before meeting with Korea and throughout your discussions on these matters, in accordance with U.S. law and longstanding practice. Furthermore, we emphasize the importance of adhering to the requirements established in the Bipartisan Congressional Trade Priorities and Accountability Act of 2015.

There are a host of areas in which our trade relationship with Korea can be enhanced. A high-level dialogue with Korea also presents an opportunity to address longstanding concerns with respect to implementation of existing commitments on automotive trade, services, customs, and other key matters.

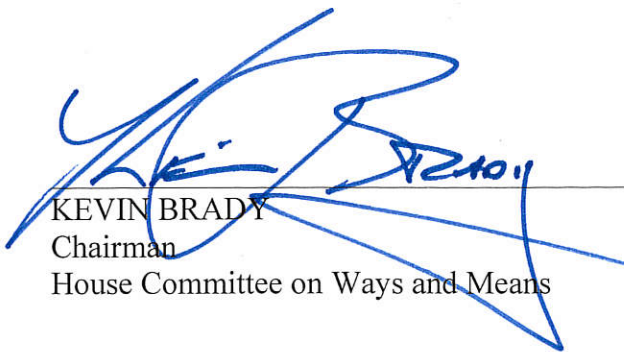
However, while KORUS established a Joint Committee under Article 22.2 to supervise implementation, consider ways to further enhance trade relations between the Parties, and consider amendments to the Agreement, the United States cedes no sovereignty to the Joint Committee. Indeed, any changes affecting the United States resulting from the work of that Joint Committee cannot take effect unless either the President exercises his authorities as delegated to him by Congress or Congress makes changes to U.S. statutes. And, even where the President exercises authorities that Congress has already delegated, Congress fully expects to be consulted in the exercise of those authorities.

Accordingly, for the proposed special session of the Joint Committee to be successful, the Administration must consult closely with the Chairs and Ranking Members of the committees of jurisdiction, and Congress more broadly, throughout the process. By statute, the U.S. Trade Representative is to report directly to the Congress and be responsible to the Congress for the

administration of trade agreement programs. U.S. law and longstanding practice establishes detailed and specific Congressional consultation requirements in the context of trade agreements. These consultation requirements stem from the Constitutional authority of Congress over U.S. trade policy and allow the United States to demonstrate to the world a Congressional and Executive Branch partnership over trade policy. Such a unified front serves the United States well in any discussions with our trading partners, demonstrating a shared purpose and resolve that will result in better outcomes for the United States.

We look forward to meeting with you as soon as possible to hear your views concerning the trade agreements program generally and to discuss your goals and ours for the special session of the Joint Committee that you have requested.

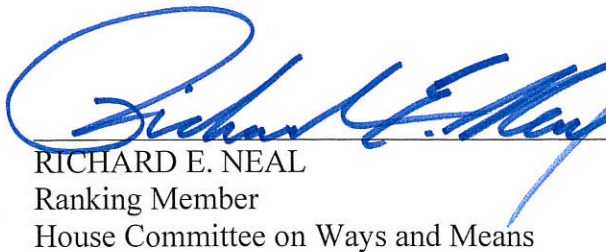
Sincerely,



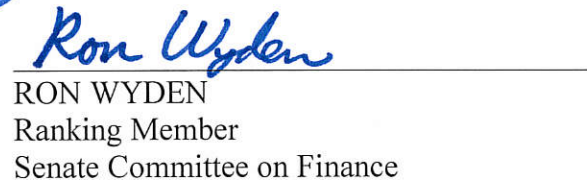
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Chairman
House Committee on Ways and Means



ORRIN HATCH
Chairman
Senate Committee on Finance



RICHARD E. NEAL
Ranking Member
House Committee on Ways and Means



RON WYDEN
Ranking Member
Senate Committee on Finance