

GOVERNMENTAL AFFAIRS
OFFICE

AMERICAN BAR ASSOCIATION

Governmental Affairs Office

740 Fifteenth Street, NW
Washington, DC 20005-1022
(202) 662-1760
FAX: (202) 662-1762

DIRECTOR

Robert D. Evans
(202) 662-1765
rdevans@staff.abanet.org

DEPUTY DIRECTOR

Denise A. Cardman
(202) 662-1761
cardmand@staff.abanet.org

SENIOR LEGISLATIVE COUNSEL

R. Larson Frisby
(202) 662-1098
frisbyr@staff.abanet.org

Lillian B. Gaskin
(202) 662-1768
gaskinl@staff.abanet.org

LEGISLATIVE COUNSEL

Kristi Gaines
(202) 662-1763
gainesk@staff.abanet.org

Kenneth J. Goldsmith
(202) 662-1789
goldsmithk@staff.abanet.org

Kerry M. Lawrence
(202) 662-1766
lawrenck@staff.abanet.org

Ellen McBarnette
(202) 662-1767
mcbarnee@staff.abanet.org

E. Bruce Nicholson
(202) 662-1769
nicholsonb@staff.abanet.org

DIRECTOR GRASSROOTS
OPERATIONS/LEGISLATIVE COUNSEL

Julie M. Strandlie
(202) 662-1764
strandlj@staff.abanet.org

INTELLECTUAL PROPERTY
LAW CONSULTANT

Hayden Gregory
(202) 662-1772
gregoryh@staff.abanet.org

STATE LEGISLATIVE COUNSEL

Rita C. Aguilar
(202) 662-1780
aguilarr@staff.abanet.org

EXECUTIVE ASSISTANT

Julie Pasatiempo
(202) 662-1776
jpasatiempo@staff.abanet.org

STAFF DIRECTOR FOR
INFORMATION SERVICES

Sharon Greene
(202) 662-1014
greenes@staff.abanet.org

EDITOR WASHINGTON LETTER

Rhonda J. McMillion
(202) 662-1017

April 10, 2008

The Honorable Nancy Pelosi, Speaker
The Honorable John Boehner, Minority Leader
U.S. House of Representatives
Washington, D.C. 20510

Dear Speaker Pelosi and Minority Leader Boehner:

I write on behalf of the American Bar Association to urge that the House of Representatives preserve, and adhere to, the Trade Promotion Authority-eligible status of the submitted implementing bill for the U.S.-Colombia Trade Promotion Agreement.

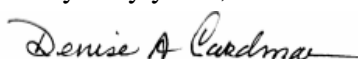
The ABA has a policy endorsing Trade Promotion Authority (TPA) as a mechanism for cooperation between the government's political branches in negotiating and implementing trade agreements. This ABA policy, adopted in 1997 and reiterated periodically in connection with TPA renewals, is based on the constitutional conundrum that TPA intelligently resolves and also on the arrangement's practical impact on the willingness of foreign trading partners to engage seriously with U.S. representatives at the negotiating table.

Through TPA, for a very narrow set of potential trade agreement implementing bills and in the broad national interest, Congress cedes final control of two important aspects of the legislative process: (1) the precise contents of the bill, and (2) when, at the latest, floor votes will occur. We recognize that, as a technical matter, TPA effects a change in the debate rules of each chamber, and that either chamber can revise its debate rules at any time. However, using this power to deny TPA-advantaged consideration (in terms of either timing or amendments) to a TPA-eligible bill already submitted by the President would have grave systemic consequences. Such an action would be unwise and unjustified in the current situation.

If the President can be shown to have failed to consult with Congress in the required manner during negotiations with Colombia, or has included in the bill provisions not "necessary or appropriate" to implementing U.S. commitments in the agreement, then a point of order can be raised during Congressional debate. If Members of Congress oppose implementation of this agreement for any reason, including concerns about Colombia's worthiness as an FTA partner, they can vote against the bill.

Going beyond these legitimate options and preemptively stripping from the bill TPA's temporal or substantive protections, however, would repudiate a Congressional commitment -- with broad and undesirable consequences both inside and outside the trade field. The ABA urges you not to take such a step.

Very truly yours,



Denise A. Cardman
Acting Director