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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.

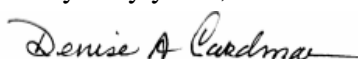
The ABA has a policy endorsing Trade Promotion Authority (TPA) as a mechanism for cooperation between the government's political branches in negotiating and implementing trade agreements. This ABA policy, adopted in 1997 and reiterated periodically in connection with TPA renewals, is based on the constitutional 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