

350.org \* Center for Biological Diversity \* Center for International Environmental Law \*  
Food & Water Watch \* Friends of the Earth \* Green America \* Greenpeace USA \*  
Institute for Agriculture and Trade Policy \* League of Conservation Voters \*  
Natural Resources Defense Council \* Sierra Club

July 28, 2015

Dear Conferee:

On behalf of our millions of members and activists we write to urge you to reject anti-climate provisions in the Trade Facilitation and Enforcement Act of 2015, known as the Customs Act (H.R. 644), that would modify the negotiating objectives of the Trade Priorities and Accountability Act of 2015, or “fast track.”

Our organizations have already expressed our strong opposition to fast track because of its implications for our global climate. The language in the House version of the Customs Bill, however, goes a step further by adding a section on climate change to the fast-track bill’s negotiating objectives that “ensure[s] that trade agreements do not require changes to U.S. laws or obligate the United States with respect to global warming or climate change.”<sup>1</sup>

The proposed provision poses significant risks to future progress on climate action. If accepted, it would limit the United States’ latitude to safeguard climate policies from trade attacks under existing and future trade agreements; it would inject even greater uncertainty into ongoing negotiations in the UNFCCC and other arenas by raising new questions about the scope of US negotiating authority; and it would raise serious challenges to the fulfillment of formal agreements like the US-China commitment to facilitate trade in clean-energy technologies, and global commitments to phase out fossil fuel subsidies.

Twenty-first century trade agreements must *ensure* that climate policies are not undermined by trade rules and must address trade-related climate issues. This language in the Customs Bill takes us in the exact wrong direction.

Countries in the Trans-Pacific Partnership (TPP) seek to include language in the pact on climate change. The European Commission seeks provisions on climate change in the Transatlantic Trade and Investment Partnership (TTIP).<sup>2</sup> The language in the Customs Bill, however, would actually handcuff our own negotiators from being able to negotiate these provisions.

With time running out to avoid the worst impacts of climate change, it is imperative that you reject provisions in the Customs Act that would *explicitly prevent* the United States Trade Representative from

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<sup>1</sup> Amendment to the Senate Amendment to HR 644, P. 251. <http://amendments-rules.house.gov/amendments/sa64461015000943943.pdf>

<sup>2</sup> [http://trade.ec.europa.eu/doclib/docs/2013/july/tradoc\\_151626.pdf](http://trade.ec.europa.eu/doclib/docs/2013/july/tradoc_151626.pdf)

seeking to address climate change in trade agreements. The United States must lead on climate action, not preemptively impede its own negotiators from doing so.

Sincerely,

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