

# **Sen. Baldwin: As NAFTA renegotiations move forward, U.S. Senator Tammy Baldwin leads letter to Trump Administration calling for strong protections for workers**

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WASHINGTON, D.C. – As negotiations over a new North American Free Trade Agreement (NAFTA) resume today, U.S. Senator Tammy Baldwin has led 17 of her Senate colleagues in a letter to United States Trade Representative Robert Lighthizer calling for the Trump Administration to reverse the race to the bottom that has led to job losses and wage stagnation in the United States.

The Senators wrote, “In advance of the fifth round of North American Free Trade Agreement (NAFTA) negotiations in Mexico City, it is clear that the Parties are at an inflection point. Entrenched corporate special interests are fiercely lobbying against reforms that benefit American working families. They fight because NAFTA has allowed them to reap big profits by taking advantage of cheap foreign labor—causing job losses, stagnating wages, and shuttered factories here at home. We write to encourage you to end the race to the bottom that has been the hallmark of previously failed agreements. We ask you to do this by pressing ahead with a bold labor chapter proposal that includes clear standards with swift and certain enforcement.”

The letter notes that the failures of previous labor chapters has been made evident

by the recent Guatemala case. That case, decided under the Dominican Republic – Central America – United States Free Trade Agreement (CAFTA-DR), found that Guatemala was in compliance with its labor obligations despite its horrifying track record, which includes the murders of 68 trade union leaders since 2007.

In addition to calling on Ambassador Lighthizer to address these issues in the renegotiated text of NAFTA, the letter calls for an independent labor monitoring body to address entrenched labor issues in Mexico.

Finally, the letter calls for Ambassador Lighthizer to withhold the benefits of the agreement unless and until parties have implemented and begun enforcing the fundamental protections of the new labor chapter.

The letter to Trade Representative Lighthizer was signed by Richard Blumenthal (D-CT), Cory Booker (D-NJ), Bob Casey (D-PA), Tammy Duckworth (D-IL), Al Franken (D-MN), Kirsten Gillibrand (D-NY), Mazie Hirono (D-HI), Edward J. Markey (D-MA), Bob Menendez (D-NJ), Jeff Merkley (D-OR), Chris Murphy (D-CT), Gary Peters (D-MI), Jack Reed (D-RI), Debbie Stabenow (D-MI), Chris Van Hollen (D-MD), Elizabeth Warren (D-MA), and Sheldon Whitehouse (D-RI).

The full letter is available [here](#) and below.

November 15, 2017

The Honorable Robert E. Lighthizer  
United States Trade Representative  
600 17th Street NW  
Washington, D.C. 20508

Dear Ambassador Lighthizer:

In advance of the fifth round of North American Free Trade Agreement (NAFTA) negotiations in Mexico City, it is clear that the Parties are at an inflection point. Entrenched corporate special interests are fiercely lobbying against reforms that benefit American working families. They fight because NAFTA has allowed them to reap big profits by taking advantage of cheap foreign labor—causing job losses, stagnating wages, and shuttered factories here at home. We write to encourage you to end the race to the bottom that has been the hallmark of previously failed agreements. We ask you to do this by pressing ahead with a bold labor chapter

proposal that includes clear standards with swift and certain enforcement.

As you are well aware, the May 10, 2007 Agreement is the baseline from which the new labor chapter must build. While May 10th was an improvement for its time, recent events have made clear that its provisions are inadequate. Nowhere is this more evident than in the recently decided Guatemala labor case, in which a panel concluded that Guatemala is in compliance with its free trade labor obligations despite a horrifying labor record.

The Guatemala case demonstrates how the May 10th model must be improved as part of the renegotiated NAFTA. First, the new labor chapter must eliminate or narrowly define the requirement that labor law violations must be through a “sustained or recurring course of action or inaction” to constitute a violation of the agreement. As the panel noted, such a requirement is overkill as “individual instances of non-compliance do not ipso facto prove that enforcement is ineffective. A given case of employer non-compliance in the face of inaction or deficient action by enforcement authorities certainly could indicate a failure of effective enforcement. However, this is not necessarily always the case.” Second, the requirement that violations occur “in a manner affecting trade” should be eliminated. The Parties should stipulate that the working conditions of all workers affect the labor market, thereby always affecting the conditions of trade and investment.

In addition to fixing these two important textual issues, we recommend that you build-in an independent labor monitoring and compliance body. This will help address entrenched labor issues in Mexico and overcome decades of inadequate monitoring and enforcement of labor obligations in trade agreements and ensure that rights and remedies apply to all workers, including seasonal and migrant workers.

Finally, as has long been the case with the provisions sought by multinational corporations, the broader benefits of NAFTA’s replacement—lower tariffs, greater market access—should not be granted unless and until all Parties have implemented the fundamental protections of the new labor chapter. In other words, Mexican labor law reforms must be fully implemented before entry into force of the new agreement. If this requires an annexation, that is acceptable.

We believe that the reforms outlined above can reverse the race to the bottom that has led to job losses and wage stagnation in the United States. Additionally, we

request that you engage with us to discuss these and related ideas further. We find that face-to-face engagement can spur creativity and bridge divides.

Sincerely,

U.S. Senators Tammy Baldwin (D-WI), Richard Blumenthal (D-CT), Cory Booker (D-NJ), Bob Casey (D-PA), Tammy Duckworth (D-IL), Al Franken (D-MN), Kirsten Gillibrand (D-NY), Mazie Hirono (D-HI), Edward J. Markey (D-MA), Bob Menendez (D-NJ), Jeff Merkley (D-OR), Chris Murphy (D-CT), Gary Peters (D-MI), Jack Reed (D-RI), Debbie Stabenow (D-MI), Chris Van Hollen (D-MD), Elizabeth Warren (D-MA), Sheldon Whitehouse (D-RI)

An online version of this release is available [here](#).