

## Organizational Sign-On Letter Thanking President Biden & USTR Tai for Withdrawing U.S. Support for Harmful “Digital Trade” Proposals

Dear President Biden,

We thank you for your commitment to move our nation forward to a new trade policy that benefits most Americans, and appreciate administration efforts to ensure that trade policies are redesigned to support, not undermine, important policy goals. Specifically, we write to commend U.S. Trade Representative (USTR) Ambassador Katherine Tai for leading the update of “digital trade” rules to provide the policy space necessary for our nation to enact urgently needed policies on Big Tech competition, gig worker rights, online consumer privacy and data security protections, and AI accountability measures.

USTR’s recent action to withdraw U.S. support for the four extreme “digital trade” provisions that the previous administration proposed at the World Trade Organization (WTO) is an important first step to ensuring that Big Tech interests cannot commandeer trade negotiations to undermine the important platform accountability policies being developed by Congress and your administration. The provisions from which USTR withdrew U.S. support do not appear in most other countries’ agreements nor in most U.S. free trade agreements that have had E-Commerce chapters over the past two decades.

These harmful, but now thankfully withdrawn, provisions include:

- **Two provisions that guarantee tech firms nearly absolute control of our personal data. They ban government policies to protect our privacy and ensure data security, such as proposals to prevent Americans’ data going to bad actors overseas.** Other WTO members support a more balanced version of “Data Flows” and “Location of Computing Facilities” rules that preserves governments’ rights to regulate;
- **A provision that provides tech firms special secrecy guarantees that would thwart government review of algorithms and Artificial Intelligence to curb racial discrimination, gender discrimination, labor violations, and more, while also undermining the “Right to Repair” your administration has acknowledged as vital.**

The WTO already requires countries to provide trade secrets protection for business-confidential information. This “Source Code” rule would forbid meaningful government oversight altogether. Our trade agreements should not provide special secrecy rights to digital firms to evade government oversight; and

- **A provision that undermines antitrust and competition policy and enforcement of labor, health, or other laws in the digital sphere that may affect larger firms more.** This rule twists a trade principle called non-discrimination to make facially neutral laws that may have a disparate impact on foreign firms an illegal trade barrier.

We are eager to work with your administration to create new digital trade rules that promote worker rights, consumer privacy, civil rights, and data security goals. We know that good rules for the global economy allow governments to retain policy space to regulate, while in the digital sphere also promoting data flows and disciplining actual discrimination.

Even if Big Tech lobbyists may be upset that their efforts to quietly preempt online privacy and antitrust policies, gig worker protections and AI oversight policies are derailed, most Americans will be thrilled to learn that your administration stood up for them. We stand by you on this.

Sincerely,