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October 17, 2012

Ambassador Ron Kirk
U.S. Trade Representative
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, DC 20508

RE: Vietnam & the Trans-Pacific Partnership (TPP)

Ambassador Kirk:

On behalf of the U.S. apparel and footwear industry, I am writing to you to express our significant concerns with the letter you received October 9, 2012¹ from the American Manufacturing Trade Action Coalition (AMTAC). That letter claims that the placement last month of Vietnam on the U.S. Department of Labor's (DOL) fourth annual *List of Goods Produced by Child or Forced Labor*² should serve as justification for removing Vietnam from the Trans-Pacific Partnership (TPP) negotiations.

The flagrant use of such an emotional and polarizing issue as forced and child labor by some textile industry stakeholders is a thinly-veiled ruse to further a long-standing goal of removing Vietnam from the TPP and derailing the TPP talks altogether³. At such a sensitive time in the TPP talks, especially as we prepare to welcome new negotiating partners, any hint that the U.S. government may be entertaining the notion of considering the AMTAC proposal would be very damaging to the goal of concluding a successful agreement.

Moreover, the fact remains that the best way to address critical issues, like labor rights, is through free trade agreements like the TPP.

AAFA strongly disagrees with AMTAC's assertion that the best solution to resolve the serious issues raised by the DOL report is to remove Vietnam from the TPP negotiations. To the contrary, AAFA believes that the TPP serves as the best mechanism to address these and other concerns with Vietnam.

In your tenure as USTR, you have made a strong commitment to expand trade not only for the benefit of U.S. workers, U.S. businesses, U.S. consumers, and the U.S. economy, but to use trade as a mechanism to improve the lives of people all over the world. Your unwavering drive to make the Trans-Pacific Partnership (TPP) Free Trade Agreement a "21st century agreement⁴" comprises both of these goals.

AAFA members embody these same principles. Trade, both imports and exports, are key for the survival and future growth of the U.S. apparel and footwear industry and its 4 million U.S. workers. As such, AAFA members are committed to making a positive impact

¹ October 9, 2012 AMTAC letter to Ambassador Kirk,

<https://www.wewear.org/assets/1/7/tppvietnamamtackirkltr121009.pdf>

² U.S. Department of Labor *List of Goods Produced by Child or Forced Labor*,

<http://www.dol.gov/ilab/programs/ocft/tvpra.htm>

³ AMTAC 2010 Agenda, <http://www.amtacdc.org/SiteCollectionDocuments/2010/2010%20AMTAC%20AGENDA.pdf>

⁴ September 3, 2012 Ambassador Kirk statement at end of Vietnam visit, <http://www.ustr.gov/about-us/press-office/press-releases/2012/september/kirk-concludes-successful-visit-to-vietnam>

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on the places where clothes and shoes are made and sold, ensuring that individuals employed in the sewn products industries are afforded opportunities, and are treated with fairness and respect⁵.

AAFA believes that the successful negotiation of a TPP agreement that is commercially-meaningful for all parties to the TPP will achieve both of these goals.

The allegations raised in the DOL report, which cites evidence⁶ of child labor or forced labor involving a handful of factories and subcontractors in Vietnam (out of thousands in the garment industry), do indeed raise significant concerns. AAFA does not condone child or forced labor and has a long history fighting to eliminate those practices⁷. In this case, AAFA, in cooperation with the U.S. government and others, has been working to address the issue involving Vietnam's drug detention centers for the last year⁸.

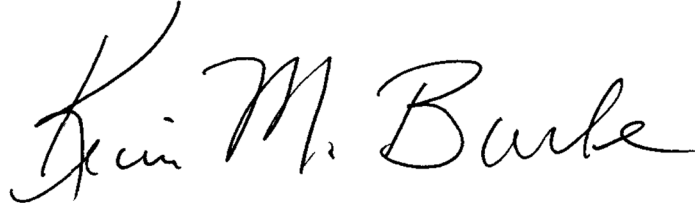
However, throwing Vietnam out of the TPP provides Vietnam no path forward to tackle these problems. More importantly, removing Vietnam from the TPP removes any and all leverage the United States would have to force Vietnam to confront these and other matters.

On the other hand, free trade agreements (FTAs), like the TPP, provide mechanisms for the countries participating in the FTAs. As part of the broader balance of concessions, we envision the final TPP will contain strong commitments on labor and permanent, market access for key U.S. and Vietnamese exports. Such an outcome would improve labor conditions and generate economic opportunities – two goals the United States maintains in its international trade policies.⁹

The AMTAC letter attempts to bolster its argument by identifying other issues, such as state owned enterprises (SOEs), that negotiators are discussing. Such comments merely reinforce the importance of keeping Vietnam at the table to make sure that negotiators can reach the best possible deal – with Vietnam and all TPP partners – in these and other areas.

Thank you for your time and consideration in this matter. Please contact Nate Herman of my staff at 703-797-9062 or by e-mail at nherman@wewear.org if you have any questions or would like additional information.

Please accept my best regards,

A handwritten signature in black ink that reads "Kevin M. Burke". The signature is written in a cursive, flowing style.

Kevin M. Burke
President & CEO

⁵ AAFA Mission Statement, <https://www.wewear.org/about/mission-statement/>

⁶ DOL Child/Forced Labor List, Bibliography of Evidence, p. 154, <http://www.dol.gov/ilab/programs/ocft/TVPRA2011-2012Bibliography.pdf>

⁷ Child/Forced Labor Page on AAFA Website, <https://www.wewear.org/aafa-on-the-issues/category/?CategoryId=38>

⁸ AAFA December 15, 2011 letter to Vietnam on drug detention centers, <https://www.wewear.org/assets/1/7/vietnamdrugrehabcenterltr1112.pdf>

⁹ 2012 Trade Policy Agenda. See <http://www.ustr.gov/sites/default/files/Chapter%20I.%20The%20Presidents%202011%20Trade%20Policy%20Agenda.pdf>