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## United States Senate

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July 27, 2015

The Honorable Michael Froman  
United States Trade Representative  
600 17th Street NW  
Washington, DC 20508

Dear Ambassador Froman,

I write ahead of this month's Trans-Pacific Partnership (TPP) ministerial meeting and to follow up on our work together during the Senate's consideration of Trade Promotion Authority (TPA).

North Dakota is a major exporter of agricultural commodities, and market access gains will contribute to my state's continued economic success. Trade agreements must increase market access for North Dakota's producers into all markets. However, tariffs are not the only barrier to trade. New rules must include cattle and beef products within the list of agricultural goods categorized as perishable and cyclical items. The unique nature of the cattle industry must be addressed in these new rules. The industry faces time restraints and limits as to the market window of its product, our trade agreements must take this into account.

I also appreciate your willingness to address my concerns about investor-state dispute settlement (ISDS), and look forward to working with you throughout TPP, Transatlantic Trade and Investment Partnership (TTIP), and other trade negotiations to ensure ISDS is improved.

Specifically, I ask that you implement my amendment to TPA. TPP and all future trade agreements should eliminate conflicts of interest to include procedures which ensure the independence and impartiality of arbitrators and prevent actual and perceived conflicts of interest; clarify that the burden of proof is on the investor to establish the existence of each applicable element of the minimum standard of treatment, based on evidence of the general and consistent practices of States; and working to preserve countries' and subnational entities' right to regulate to protect legitimate public welfare objectives such as public health, safety, and the environment. Further, you should support efforts to end the ad-hoc nature of arbitration panels and establish a permanent body which consists of permanent judges and precedent-based appeals process.

Thank you for your openness and productive input throughout the TPA process. I look forward to working closely with you as negotiations progress to ensure the best possible outcome for North Dakota.

Sincerely



Heidi Heitkamp  
United States Senate

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