

Congress of the United States
Washington, DC 20515

February 23, 2015

The Honorable Paul Ryan
Chairman
U.S. House Committee on Ways and Means
1102 Longworth House Office Building
Washington, D.C. 20515

The Honorable Sander M. Levin
Ranking Member
U.S. House Committee on Ways and Means
1106 Longworth House Office Building
Washington, D.C. 20515

The Honorable Orrin G. Hatch
Chairman
U.S. Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Ron Wyden
Ranking Member
U.S. Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Ryan, Ranking Member Levin, Chairman Hatch, and Ranking Member Wyden:

Today, the United States is the world's largest net exporter of Internet-related services and products and our continued success as an innovative economy depends on U.S. leadership in the dynamic and rapidly growing Internet sector. We appreciate your work to craft a strong Trade Promotion Authority (TPA) bill, and urge you to ensure that key provisions of the bill -- including on intellectual property -- reflect the U.S. view of the Internet and U.S. digital economy trade interests.

Many countries around the world are pursuing what has been called "digital protectionism" restrictions targeted at U.S. Internet and digitally-intensive businesses in order to protect local industries from new competition or keep data away from U.S. companies or shores, often under the sympathetic guise of enforcing intellectual property rights. In light of this disturbing trend, our trade agreements must stand up firmly in support of an open, vibrant Internet.

The TPA bill introduced in the last Congress (H.R. 3830, S. 1900) included strong provisions on digital trade in goods and services and cross-border data flows. Additionally, in the area of intellectual property, it directed our trade negotiators to fight for strong protections and enforcement of intellectual property. We commend you for these steps and encourage you as you develop this year's legislation to include another critical element omitted from last Congress' bill -- robust limitations and exceptions like fair use that are the bedrock of the Internet and the success of Internet platforms, and absent which trade agreements could be used to the detriment of U.S. economic interests.

It is precisely these limitations and exceptions that are under attack in Europe and elsewhere around the world. For instance, European governments have recently enacted laws limiting online platforms from displaying short excerpts of publishers' website content, even when accompanied by hyperlinks to the publishers' websites. This excerpting and hyperlinking is a

core feature of the Web and firmly recognized in U.S. law: it benefits Internet users, who get access to information; Internet platforms; and publishers, who receive increased traffic to their websites. Examples such as this are precisely why TPA legislation must help prevent the erosion of copyright limitations and exceptions and instead work with our partners to adopt pro-innovation policies.

We appreciate your attention to this matter and look forward to working with you to further develop TPA legislation that prioritizes policies for a robust Internet economy.

Sincerely,



Jared Polis
Member of Congress



Darrell Issa
Member of Congress