

# Thank You for Withdrawing U.S. Support for Extreme “Digital Trade” Proposals

President Joseph R. Biden  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

February 2, 2024

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These harmful, but now thankfully withdrawn, provisions include: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,

Citizens Trade Campaign  
Accountable Tech  
AI Now Institute  
American Economic Liberties Project  
American Family Voices  
American Friends Service Committee  
Campaign for America's Future  
Center for Digital Democracy  
Center for Economic Justice  
Coalition of Labor Union Women  
Communications Workers of America (CWA)  
Consumer Federation of America  
Defending Rights & Dissent  
Demand Progress Education Fund  
Government Information Watch  
International Association of Machinists and Aerospace Workers  
Justice Is Global  
Kapor Center  
Maryknoll Office for Global Concerns  
Media Alliance  
National Association of Consumer Advocates  
National Family Farm Coalition  
National Organization for Women  
NETWORK Lobby for Catholic Social Justice

Open MIC  
Pax Christi USA  
Pride at Work  
Progressive Democrats of America  
Public Citizen  
Rethink Trade  
Revolving Door Project  
Service Employees International Union (SEIU)  
Sisters of Mercy of the Americas Justice Team  
Social Security Works  
The Electronic Privacy Information Center (EPIC)  
The Tech Oversight Project  
The United Methodist Church General Board of Church and Society  
Trade Justice Education Fund  
Transport Workers Union of America  
U.S. PIRG  
United Steelworkers