

October 25, 2018

The Honorable Robert E. Lighthizer  
United States Trade Representative  
Executive Office of the President  
Washington, D.C. 20508

Dear Ambassador Lighthizer:

I am pleased to transmit an addendum on the U.S. – Mexico – Canada Agreement (USMCA) to the report submitted on October 25, 2018, in accordance with section 105(b)(4) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, and section 135(e) of the Trade Act of 1974, as amended, by the Industry Trade Advisory Committee on Energy and Energy Services, reflecting consensus majority and additional advisory opinions on the USMCA.

The Industry Trade Advisory Committee on Energy and Energy Services offers the following addendum on the U.S. – Mexico – Canada Agreement (USMCA).

On overall agreement and precedent:

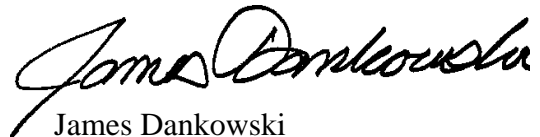
- The Industry Trade Advisory Committee on Energy and Energy Services supports the inclusion of Canada resulting in a trilateral agreement.
- The Industry Trade Advisory Committee on Energy and Energy Services representatives believe that the USMCA addresses and works for many, but not all, the energy interests of the United States. The Industry Trade Advisory Committee on Energy and Energy Services members support many provisions – from market access to zero tariffs to regulatory cooperation and several specific energy-related measures. However, while Industry Trade Advisory Committee on Energy and Energy Services supports the USMCA overall, we are disappointed that some provisions have fallen short of our preferred outcome and therefore do not fully work for the energy interests of the US. Specifically, we refer to those provisions which include sectoral limits to ISDS eligibility in Mexico and the elimination of ISDS for Canada. While the Industry Trade Advisory Committee on Energy and Energy Services representatives welcome the extent that the USMCA works for US energy interests, given our reservations about the aforementioned provisions, we do not view the USMCA as a precedent that should be used by the US in the negotiation of energy-related provisions in future US trade and investment agreements with other countries.

On Chapters 8 and 32

- The Industry Trade Advisory Committee on Energy and Energy Services representatives believe that with regards to markets across North America, the USMCA commits the US, Canada and Mexico to retain at least the current level of openness of their markets to trade and investment in energy. In combination, we believe that Chapter 8 and Chapter 32/Article 11 and the horizontal provisions of the rest of the USMCA all work together to commit Mexico, Canada and the US to energy markets that are open to trade with each other and open to investment from each other.

The Industry Trade Advisory Committee on Energy and Energy Services welcome your comments, questions or concerns in regards to our report.

Sincerely,

A handwritten signature in black ink, reading "James Dankowski". The signature is written in a cursive style with a large, prominent initial "J".

James Dankowski  
Chair  
Industry Trade Advisory Committee  
on Energy and Energy Services