

January 5, 2018

Director General Yoo Myung-hee  
Ministry of Trade, Industry, and Energy  
Seoul, Korea

Dear Director General Yoo:

In preparation for initiating negotiations on amendments and modifications to the United States-Korea Free Trade Agreement (KORUS), I would like to outline the following important points about the handling of documents in the context of the negotiations, and confirm that you agree with this approach:

- First, negotiating documents, such as proposals of both sides, accompanying explanatory material, written communications related to the substance of the negotiations, and other documents exchanged in the context of the negotiations will be held in confidence by both sides. This means that the documents may be provided only to (1) government officials, including members of our respective legislative branches, or (2) persons outside government who participate in that government's domestic consultation process and who have a need to review or be advised of the information in these documents. Anyone given access to the documents will be informed that they cannot share the documents with people not authorized to see it. Both sides will hold these documents in confidence for four years after entry into force of the results of these negotiations, or if no results enter into force, for four years after the last round of negotiations. However, these restrictions will not apply to both sides regarding their own position. Both sides will be free to disclose that information on condition that, absent consent of the other side, the positions of the other side or agreed text is not included in that disclosure.
- Second, while the negotiating documents are confidential, both sides may mail, e-mail, fax, or discuss the documents over unsecured lines with the groups of people mentioned above (*i.e.*, government officials and persons who participate in the domestic consultation process). Both sides also may store the documents in a locked file cabinet or within a secured building; that is, the documents do not need to be stored in a safe. Both sides also can create and store these documents on unclassified computer systems.
- Lastly, both sides will mark the documents they create in a manner that makes clear that the documents will be held in confidence. To that end, the United States will use the following marking: "KORUS Confidential Information – Modified Handling Authorized". Korea will mark documents in accordance with its legislation.

The policy underlying this approach is to maintain the confidentiality of documents, while at the same time allowing both sides to develop their positions, communicate internally and with each other, and engage with their public as they consider appropriate in developing and communicating their own positions. Maintaining confidentiality will promote robust discussion

and limit any adverse impact disclosure may have on future and ongoing negotiations with other countries. We look forward to your confirmation that you agree with this approach.

Sincerely,

[SIGNED]

Michael Beeman  
Assistant United States Trade Representative