The Trans-Pacific Partnership

Don't Fast Track a Bad Deal

The Trans-Pacific Partnership (TPP) also known as "NAFTA on Steroids" is poised to become the largest free trade agreement ever. Current negotiating countries include the U.S., Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam. This grouping accounts for 38% of global economic activity.

The TPP has been shrouded in mystery. Negotiators have refused to release the text of the TPP to the public but have given access to members of special advisory committees which are dominated by hundreds of corporate officials, lawyers and lobbyists.

Now, TPP supporters want to "fast track" the TPP with legislation that would prevent members of Congress from amending a single provision of it – provisions crafted in secret with the help of corporate lobbyists. Instead of giving a blank check to these corporate interests and the Administration, Congress should assert its constitutional authority and vet every word of the TPP to make sure the agreement's many provisions are in the interest of American families.

What is Fast Track?

Fast Track (also called Trade Promotion Authority) is a procedure by which Congress agrees to delegate its Constitutional authority over trade policy to the U.S. President. The U.S. Constitution gives Congress *exclusive* authority to set U.S. trade policy and gives the executive branch authority to conduct international negotiations. This smart check and balance means Congress controls the substance of U.S. trade agreements and can alter any agreement the executive branch negotiates that does not meet Congress' specifications. But in 1973, then-President Nixon developed Fast Track as a tactic to grab control over all trade policy for the White House.

How Fast Track Works

Fast Track allows a president to sign a deal before Congress votes on it and then provides expedited procedures for moving trade agreements through Congress with all amendments banned. The Fast Track process can only go into effect if Congress explicitly authorizes it by passing special legislation.

■ Negotiation – Keeping Congress out of the Negotiations

— 90-day notification by the President to Congress of intent to begin negotiations. This is a formality that does not require any action by Congress. Nor can Congress stop a pact's launch.
— There are no enforceable requirements that Congress be meaningfully involved in negotiations.
— 90-day notification by the President to Congress of intention to sign an agreement

■ President Provides Legislation and Reports to Congress AFTER an agreement is signed

— Within 60 days after an agreement is signed, the president provides a list of the changes to all domestic laws that are needed to ensure compliance with the language of the trade agreement. Domestic federal laws must conform to the trade pact, which also would supersede already existing state laws.
— President – at a date and time of his choosing — submits the following to Congress
- a copy of the final legal text of the trade agreement
- a draft implementing bill

■ Expedited Legislative Procedures

The normal rules of the House and Senate are suspended.

— Mandatory introduction of the implementing bill in both Houses and immediate referral to the appropriate committees.
— Automatic discharge from the congressional committees after a restricted and short period of time. Unlike all other bills, the trade pact implementing bill is not subject to amendment or "markup" or committee measures. The White House is empowered to unilaterally write the legislation.
— Strict limits on floor debate and normal procedures are waived such as Senate unanimous consent, debate and the ability of opponents to filibuster the legislation in the Senate.
— The bill – and supporting legislation to change laws to conform to the agreement – must be voted on within 90 legislative days.
— No amendments can be offered.
— Each House must vote either up or down on the bill which passes with a simple majority.

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Fast Track weakens Congress and transfers Congressional authority to the President

Originally, Fast track dealt with trade deals that were focused on reducing tariffs. However, over the years, trade deals have increasingly become economic integration agreements affecting almost every aspect of our lives including jobs, food safety, generic drugs, labor, environment and national sovereignty. Fast Track is a 20th century approach to 21st century economies.

■ Fast Track uses trade agreements as a backdoor way to change domestic laws

— Fast track authorizes a President to negotiate and enter into agreements that set U.S. policy on non-tariff, non-trade issues that touch almost every aspect of our lives. For example, only 5 of the TPP's 29 chapters directly deal with trade. No other past form of trade authority permitted this incursion.
— U.S. laws must be changed to conform with the trade agreement – not the other way around.
— Unelected negotiators set policy without the ability of Congress to offer amendments or ensure that the provisions of the trade agreement benefit U.S. families.

■ Congressional authority is severely weakened

— Allows the executive branch to select the negotiating countries, set the substance of the agreements, and then negotiate and sign the agreements BEFORE Congress votes.
— Empowers the Executive Branch to write lengthy implementing legislation on its own, without Congressional input or mark-ups in committees.
— Congressional legislative objectives are not binding and Congress retains no leverage to ensure that its objectives were met.
— Congress doesn't get to write the legislation to approve the deal, which changes scores of U.S. laws
— Recent trade deals – including the TPP – commit the U.S. to be bound by decisions of international trade tribunals that can order the United States to change its laws or face permanent trade sanctions, undermining U.S. sovereignty.
— Allows the President to control the congressional voting schedule and voting procedure.

Fast Track is not needed to pass trade and investment agreements

■ Hundreds of trade deals have been enacted without Fast Track. For example, the Clinton administration implemented 130 trade and investment deals without Fast Track.
■ Fast Track was defeated on the House floor in 1998 and there was no Fast Track from 1995-2000 and from 2007 to the present.
■ Fast Track has been used for only 15 trade deals since 1974 – typically for the trade deals that were the most controversial and most expansive in terms of non-trade policies.

The major trade agreements utilizing Fast Track have devastated U.S. working families

■ **3.7 million jobs have been lost** from China's inclusion into the WTO (2.7 million jobs); Mexico's inclusion in NAFTA (700,000 jobs) and the Korean Free Trade Agreement (60,000 jobs lost in just two years).
■ **A 373% increase in our trade deficit** when adjusted for inflation from $105 billion in 1993 (the year before NAFTA went into effect) to $497 billion in 2013. In 1993 our trade deficit amounted to -0.9% of Gross Domestic Product; by 2013 this figure was -3%. Our trade deals have contributed to the increased loss of 2% of our entire GDP that has been transferred to other countries. In 2013, the U.S. could have generated more than 3 million jobs if we had enacted policies that supported balanced trade as opposed to fast tracked trade deals that generated massive trade deficits and lost jobs.

There IS an Alternative — Congress should reassert its Constitutional authority to promote FAIR TRADE as opposed to disastrous free trade agreements

In this way, Congress would ensure that trade agreements would lift up working families and our standard of living. There are many alternative trade authority processes that can replace Fast Track that would allow Congress to maintain a vibrant role in the process and provide for enhancing labor, environmental and public health standards both in the U.S. and around the world.

FOR MORE INFORMATION:

www.stopthetpp.org

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Communications Workers of America