

The Trans-Pacific Partnership and “Fast Track” Trade Authority

What is the Trans-Pacific Partnership (TPP)?

- The TPP is a massive “free trade” agreement currently being negotiated behind closed doors by officials from the United States and 11 other countries – Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam.
- The TPP has been under negotiation for five years. The public, Congress and the press cannot see the draft TPP text. More than 600 official corporate “trade advisors” have access. The Obama administration plans to sign TPP by early 2014.
- Although it is called a “free trade” agreement, the TPP is not really mainly about trade. Of TPP’s 29 draft chapters, only five deal with traditional trade issues. Most would set rules on non-trade matters that affect our daily lives - food safety, Internet freedom, medicine costs, financial regulation and more. Our domestic policies would be required to comply with the TPP rules.

How Could Fast Track Facilitate TPP’s Implementation?

- Under the U.S. Constitution, Congress writes the laws and sets trade policy. And so it was for 200 years. President Nixon seized both of those powers through a mechanism known as Fast Track – a legislative luge run used to skid through harmful “trade” deals.
- Candidate Obama said he would “replace Fast Track ... I will ensure that Congress plays a strong and informed role in our international economic policy and in any future agreements we pursue...” Instead, now he is asking Congress to revive Nixon’s old Fast Track process.
- Of the 500+ U.S. trade agreements enacted since 1974 when Fast Track was hatched, Fast Track was only used for 16 of them, showing that Fast Track is not needed to pass trade deals.
- Rather, Fast Track has been used to ram through Congress sweeping pacts such as the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO). These deals, like TPP, extend far beyond traditional trade business (like tariff-cutting) to impose retrograde constraints on our domestic financial, energy, medicine-patent, food safety, immigration, procurement and other policies. TPP would even limit internet freedom.
- Fast Track handed the executive branch five key congressional powers – steamrolling key checks and balances in the Constitution by seizing authority vested in our congressional representatives:
 - Power to select trade partners,
 - Power to set terms and sign sweeping “ trade” agreements **before** Congress votes on them,
 - Power to write legislation to change all U.S. laws needed to conform with the agreements, skirt congressional review and amendments and directly submit this legislation for a vote,
 - Power to force votes within 60-90 days of submitting the implementing legislation to Congress,
 - Power to override normal voting rules. All amendments on Fast-Track FTAs are banned and debate is limited, including in the Senate.
- We must replace Fast Track with a democratic process that restores congressional scrutiny over pacts that affect vast swaths of our daily lives. Any replacement must empower Congress to set binding public interest objectives for any trade deal and to verify that those objectives have been met by voting on the deal before the president can sign it. This year presents a unique opportunity to push for this replacement as Congress will likely debate whether to return to the defunct and defamed Fast Track or to forge a new process that preserves core tenets of American democracy and can deliver trade deals that benefit the majority.