

What you need to know about Fast Track

1. What is fast-track trade authority?

Fast track allows a treaty to be ratified with a simple majority vote in both houses rather than the constitutionally-required two-thirds majority in the Senate. It also requires that a treaty be brought up in a short time period after submission by the President and prevents Congress from amending it. Senator Orrin Hatch and Representative Paul Ryan have introduced fast-track legislation in their respective houses and have passed the legislation through their committees.

2. Does Congress direct President Obama's trade negotiations through fast track?

No! President Obama is NOT required to follow any of the policy suggestions included in fast-track legislation. They are *advisory only*. The 150 or so "protections" negotiated into the Hatch/Ryan fast-track bill can, and likely will, be ignored by the President. As an example, a majority of the House and Senate signed letters in 2013 urging inclusion of tough currency manipulation language in the Trans-Pacific Partnership (TPP). In March of 2015, the U.S. Trade Representative told the Senate Finance Committee that he wasn't including language stopping currency manipulation in the deal, ignoring their demand. That same Committee just passed fast-track legislation rewarding the Administration that ignored their one major request on the pending TPP.

3. Does fast track require transparency for the TPP?

The language in the fast track legislation requires that the President make the final TPP public for at least 60 days before he signs it. This sounds good until you realize that the President doesn't have to follow this procedure, and given previous disputes with the Executive Branch, President *Obama will do whatever he wants*, and Congress will let him, so the provision is meaningless.

4. What happens if the President ignores Congress' suggestions?

Congress could repeal fast-track legislation but the Senate would need to reach a 60-vote (three-fifths) threshold to do it; and Speaker Boehner would have to reverse course to allow a House nullification vote; both are extremely unlikely occurrences.

5. Can Congress defeat a treaty presented under fast track?

Yes, they can, BUT it will be much more difficult. In making a pitch for fast track, Speaker Boehner argued that fast track is needed so we can keep a leg up on China. Since the fast-track vote merely establishes rules for considering treaties, not the actual substance of any treaty, in making this argument, Speaker Boehner has clearly tied a vote for fast track as being a vote for the almost-completed TPP between eleven Pacific Rim nations including Australia, Japan, Mexico and Canada. There is no separating these two things; so a vote for fast track is a vote for Obama's incomplete TPP trusting that the Treaty will be good for America.

6. Don't we need this kind of trade deal to compete?

No, the United States already exports \$861 billion worth of goods and services annually to the countries involved in the Trans-Pacific Partnership. With or without the TPP, we have a robust trading relationship with these Pacific Rim nations.

7. Why do only five out of the twenty seven sections of the Trans-Pacific Partnership deal with trade?

The TPP is only *marginally* a trade deal. It is fundamentally a *regulatory* deal designed to change the laws and regulatory frameworks of the participating nations on issues ranging from *global warming* to *immigration* to *intellectual property* and *financial services*. This is why President Obama calls the TPP "*the most progressive trade agreement in our history.*"

8. Is immigration in the TPP?

Yes, and while proponents of fast track try to minimize this concern, there is no reason for President Obama to include immigration in this treaty (with Mexico as a partner) if this is a benign section. Due to secrecy requirements surrounding a yet-to-be-formalized treaty, it is impossible to know what the exact language states and its implications. However, if President Obama wants to alleviate concerns over the immigration section, he could simply eliminate it from the TPP as Congress demanded in previous rounds of negotiating. The inclusion of a section on immigration is enough to vote no on fast track to ensure that the TPP be held up to the highest level of scrutiny, and subjected to the two-thirds majority vote requirement.

9. Is the Trans-Pacific Partnership a "free trade deal"?

No, at best, it is a managed/regulatory trade deal. Over the past five years, various Washington, D.C. interest groups have been working with President Obama to put together the TPP, while Congress has largely been on the sidelines. The TPP represents the ultimate in corporate cronyism run amok with President Obama picking the winners and losers, and, if the House Speaker and Senate Majority Leader have their way, Congress rubber stamping those choices. If Congress had passed fast track legislation five years ago and directed the President on how to proceed at the beginning of the negotiating process, it would be one thing; but passing fast track to facilitate ratification of a treaty that is 99 percent complete negates the constitutional advisory role that Congress used to jealously guard.

10. How does the TPP affect China?

Leaks of information about the TPP indicate that it has something known as a *docking agreement*. While the specifics of how this would work are not known, a docking agreement allows other countries to join into the treaty, meaning that China could very well join the TPP. This docking feature would virtually eliminate any opportunity for America to engage in bilateral negotiations with the Chinese to resolve some of the stickiest issues between our nations. Rather than contain China, as the Obama Administration claims they want to do, TPP could, in fact, provide the Chinese with the key to knocking down trade barriers with some of America's most valued trading partners, as they dock into the agreement with these participating nations.

11, What is the bottom line with Fast Track?

If a Member of Congress, due to experience, doesn't trust President Obama to negotiate a good deal without full and thorough scrutiny, then he/she must oppose fast track because it almost guarantees passage of treaties he signs. Given President Obama's disastrous China climate deal where the U.S. is supposed to drastically reduce carbon dioxide emissions for sixteen years before China cuts its output at all, and the Iranian nuclear deal which provides a pathway for Iran to get nuclear weapons rather than preventing them, only the most gullible or naïve would give Obama what Leader McConnell has called "an enormous grant of power."

12. What effect do treaties have on U.S. law?

Passage of a treaty overrides U.S. laws and regulations where there are contradictions. This means that a ratified TPP with its twenty-two non-trade-related sections would allow the Executive Branch to bring U.S. law and regulations into conformity in these areas without Congressional input at all. Failure to subject it to the two-thirds ratification requirement would virtually guarantee that President Obama's "progressive" treaty, that covers every aspect of the U.S. economy, becomes the law of the land, with potentially wide-reaching implications. The same President who has dramatically expanded the Clean Air Act beyond anything that was contemplated, can be trusted to do the same with open-ended language in a treaty. The very breadth of the potential impact of the TPP demands that it be subjected to full and complete Congressional scrutiny including retaining both the two-thirds ratification requirement and the ability to amend the language where needed.

13. What should a Member of Congress do about fast track?

Learn the facts for themselves. Before voting on fast track, read the draft language of the TPP to discover what is likely to pass should fast track prevail. Failure to actually read the TPP prior to supporting fast track is a statement that the Member trusts President Obama without reservation on this managed trade regulatory deal.

14. What should a citizen do about fast track?

Contact your Members of Congress now. Votes are expected in the very near future, and President Obama, Speaker Boehner and Leader McConnell are putting on a full court press to get the votes needed for passage. You can make the difference as both Republican and Democratic Members of Congress are skeptical of granting the President this power. The time is now. Tell Members to stand up and oppose fast-track trade authority and reject President Obama's fundamental transformation of America.