



Written by [Jack Kenny](#) on May 15, 2015

Senate Reversal Puts “Fast Track” Back on the Rails

Amtrak is still in trouble, but “fast track” is back on the rails, as the U.S. Senate reversed on Thursday the vote on Tuesday that blocked a Trade Promotion Authority bill from coming to the floor for debate. Yesterday 13 Democrats joined Senate Republicans in voting 65-33 to begin debate on the measure that the Obama administration is counting on to facilitate passage of a trade agreement with 11 Pacific Rim countries known as the Trans-Pacific Partnership.



Enactment of the TPP by both houses of Congress will be simplified by adoption of the Trade Promotion Authority, which has been the basis for previous trade deals. In approving TPA, or “fast track,” Congress foregoes its ability to add amendments to the trade agreement and may vote only to approve or reject the pact as presented to the lawmakers.

In its latest version, the fast-track measure is coupled with renewal of Trade Adjustment Assistance, a federal program to help retrain workers who have lost their jobs because of import competition or companies moving production overseas. Though many Republicans oppose the TAA, calling it ineffective, none moved to block it when 52 of the GOP senators joined the 13 Democrats in moving the fast-track bill to the floor. Most congressional Democrats, backed by organized labor, oppose surrendering the power to amend the TPP while the terms of the agreement are still under negotiations and remain classified.

The Obama administration plans to complete talks this year on the trade deal with Japan and 10 other countries in the Asia-Pacific region. Promises from the White House that the final agreement will be the “most progressive” trade deal in history have not persuaded opponents of the proposed agreement, including the AFL-CIO and the Sierra Club, as well as congressional critics.

Senator Elizabeth Warren of Massachusetts, the “progressive” Democrat who has been leading the fight against the fast-track legislation, has taken aim at a controversial provision of past trade agreements that allows companies to sue free-trade partner countries over government actions that hurt the value of investments. Warren is expected to offer an amendment to keep the investor dispute clause out of the trade agreement, [Politico reported](#). Other amendments to strengthen the workers aid program, protect “Buy America” laws, attack foreign currency manipulation, and deal with human trafficking are also expected.

Referring to the Trade Adjustment Assistance, Senator Mitch McConnell (R-Ky.), said: “There are many members on my side of the aisle who have real reservations about TAA. I do as well. But I expect that at the end of this process, after the Senate works its will, that TAA will be a part of the package the Senate sends to the House.”

McConnell’s discomfort with TAA may be due to the fact that it is a tacit admission that the trade deal will result in the displacement of many American workers. The countervailing argument is that it will



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more than offset that negative impact with new jobs created by boosting American exports. Real wages for American workers, adjusted for inflation, have continued to [stagnate or decline](#), however, over the past two decades of free-trade deals, going back to the North American Free Trade Agreement (NAFTA) that President Clinton pushed through a lame-duck session of Congress in 1994. And the percentage of working-age Americans currently employed is at an all-time low, despite the job-creating benefits that were supposed to accrue from NAFTA, the Central America Free-Trade Agreement, and the U.S.-Korea Free Trade Agreement.

McConnell and his fellow Republicans might also be hard pressed to explain why, given the GOP's oft-expressed hostility to excessive government regulations from Washington, Republicans have been and continue to be eager to submit the United States to supranational regulatory agencies that will rule on the impact on trade of domestic economic, environmental, health and safety, and labor regulations. While the value of legislation in Congress itself is often suspect, the very sovereignty of the United States is being compromised by the piecemeal subordination of legislative authority to ruling bodies beyond our borders.

And since the Constitution vests "All legislative Powers" in the Congress, surrendering in advance the power to amend a trade agreement might not be the best way for Republicans to demonstrate the fidelity to the Constitution they so often profess. Surrendering legislative power to the White House is hardly the way to preserve the constitutional separation of powers, designed to keep a representative government accountable to a free and vigilant citizenry.

The roll call on Thursday's vote on fast track may be viewed [here](#).



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