



Trade Promotion Authority: Another Rush Job on Fast Track

A fierce behind-the-scenes battle over Trade Promotion Authority (TPA), better known as Fast Track, is under way. It is not currently a top headline story, but it soon will be. The high-pressure lobbying and arm-twisting has been intensifying in recent weeks and congressional leaders are pushing for a vote on TPA soon after Congress returns from its Easter recess on April 13.



Passage of TPA/Fast Track is crucial to passage of President Obama's two mammoth trade agreements, the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP). Critics have dubbed the still-secret pacts "ObamaTrade," and refer to TPA as the "Pelosi excuse," a reference to then-House Speaker Nancy Pelosi's infamous argument in favor of ObamaCare: "We have to pass the bill so that you can find out what is in it."

As with ObamaCare, the problems with ObamaTrade have to do not only with the agreements themselves but with the *process* used to produce them and the *process* now being proposed (TPA) to enact them. The ObamaTrade TPP and TTIP have been negotiated in secrecy, not only without congressional consultation, but in defiance of repeated congressional requests for access to the documents. The texts that have been made public thus far have come via leaks, not via the administration's promised "transparency." Under TPA/Fast Track rules, these complex agreements covering dozens of topics and comprising hundreds of pages of tricky legalese would be sprung on Congress for a quick up-or-down vote. The respective committees of the House and Senate would have 45 days after receiving the TPP or TTIP to report out the bills, or they would be automatically discharged. Then each body must vote within 15 days. No amendments are allowed and debate in each house is limited to 20 hours.

The "commerce clause" of the U.S. Constitution (Article I, Section 8, Clause 3) bestows upon Congress, not the president, the power "To regulate Commerce with foreign Nations." However, for the past several years, the Obama administration has been cobbling together the TPP and TTIP in secret, with representatives of major corporate and banking interests, along with privileged "stakeholders" from think tanks, labor unions, and environmental NGOs. The administration has repeatedly rebuffed requests from elected members of Congress — from both parties — for access to the texts of the agreements, all the while proclaiming that the TPP/TTIP process is proceeding under "maximum transparency."



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The constitutional imperative for Congress to resist this usurpation by the White House of its commerce powers is all the more urgent since both the TPP and TTIP are far more than trade agreements. In fact, it is disingenuous to refer to them as such, since it misdirects attention from the fact that these are political and economic “integration” schemes aimed at undermining national sovereignty in favor of “international governance.”

At the 2012 summit of the G20 Leading Economies in Los Cabos, Mexico, then-Mexican President Felipe Calderón described the TPP as “one of the free trade initiatives that’s most ambitious in the world” and one that would “foster integration of the Asia Pacific region, one of the regions with the greatest dynamism in the world.”

That word *integration* is pregnant with meaning for committed globalists. World Bank economist Dominic Ruiz Devesa has approvingly noted that the TTIP objective is total “integration” of the United States and the European Union, not merely economic and trade cooperation. “Transatlantic economic integration, though important in itself, is not the end,” says Dr. Devesa. Rather, he claims, “economic integration must and will lead to political integration, since an integrated market requires common institutions producing common rules to govern it.”

That is precisely the subversive process that has been used in Europe, over the past six decades, to incrementally undermine the national sovereignty of the individual EU member states and transfer political and economic power to the Eurocracy in Brussels. Dr. Devesa and other globalist architects and cheerleaders intend to use the new TPP/TTIP “trade” agreements to take the EU process global. The TTIP involves negotiations between the United States and the European Union, which represents 28 member states.

The TPP currently involves 12 nations — Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, Vietnam, and the United States. But as we have reported previously, the TPP is actually intended as an interim arrangement, on the road to an expanded Free Trade Area of the Asia Pacific (FTAAP) that would include all 21 nations of the grouping known as the Asia-Pacific Economic Cooperation (APEC). That includes China and Russia. This is not a secret; we have quoted many of the leading lights of the TPP stating this matter-of-factly to audiences of fellow globalists. But of course, they don’t mention this when addressing the general public.

This economic and political integration process is a very important reason why both of these agreements are referred to as “partnerships.” They are not about “free trade” and increasing our exports; they deal with a *multitude* of issues — from alternative energy, global warming, sustainable development, and immigration, to homeland security, global military intervention, copyright enforcement, Internet control/censorship — and much more.

As we have reported in these pages previously, the website of the U.S. trade representative lists the following as some of the areas that are being negotiated in the secret TTIP conferences: “Agricultural Market Access, Competition, Cross-Border Services, Customs and Trade Facilitation, Electronic Commerce and Telecommunications, Energy and Raw Materials, Environment Financial Services, Government Procurement, Intellectual Property Rights, Investment, Labor, ... Rules of Origin, Sanitary and Phytosanitary (SPS) Measures, Sectoral Annexes/Regulatory Cooperation, Small- and Medium-Sized Enterprises, State-Owned Enterprises, Technical Barriers to Trade (TBT), Textiles, Trade Remedies.”

Each of those areas is packed with possibilities for incredible harm for America’s prosperity, liberty, security, and stability. And while the architects of these pacts have had years to work in secrecy,



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members of Congress are to be expected to carefully sift, analyze, and understand the texts in all their nuance, in the matter of a few weeks? Amid all of their other daily distractions? In the face of high-pressure campaigns from the White House, Wall Street, and special interests claiming that failure to pass will result in loss of jobs and economic calamity?

Organized Confusion

Working in tandem with the Obama administration is a high-powered lineup of business and financial elites: the U.S. Chamber of Commerce, European-American Business Council, Global Business Dialog, Transatlantic Policy Network, Business Roundtable, Trade Benefits America Coalition, National Association of Manufacturers, Business Coalition for Transatlantic Trade, Council of the Americas, National Foreign Trade Council — and more.

Among the deep-pocket corporate members/supporters of these groups are Goldman Sachs, CitiBank, AT&T, Boeing, Caterpillar, eBay, Sony, Disney, FedEx, General Electric, Honeywell, IBM, Intel, Microsoft, Procter & Gamble, UPS, Walmart, Daimler, Deere & Company, Apple, Archer Daniels Midland, Dow Chemical, DuPont, Exxon Mobil, Toyota, Volvo, and Xerox.

Providing intellectual ammunition for the TPP/TTIP integration efforts is a profusion of globalist think tanks, funded by the same corporate backers. Led by the Council on Foreign Relations, they includes the Peterson Institute for International Economics, Aspen Institute, Brookings Institution, Carnegie Endowment for International Peace, Atlantic Council of the United States, and New America Foundation, to name but a few.

However, since these groups are well identified with the liberal-left Wall Street “Eastern establishment,” the job of winning conservative — particularly Republican — support for so-called free trade agreements has usually fallen to “conservative” think tanks such as the Heritage Foundation and the Cato Institute, which have a higher trust level with the targeted constituencies. So it is with the current TPA fight.

“Trade opponents characterize TPA as an executive power-grab, a legislative capitulation, and a blank check from Congress,” writes Cato’s Daniel J. Ikenson. “But the truth is that ... TPA allows the executive branch to negotiate trade deals with foreign governments on the basis of guidance from Congress,” Ikenson argues. “In other words, Congress does not relinquish its authority. It reiterates its authority by setting boundaries for the president.”

“TPA, also known as ‘fast track’ authority, is the legislative power Congress grants to the President to negotiate reciprocal trade agreements,” argue Heritage Foundation writers Bryan Riley and Anthony B. Kim. “Provided the President observes certain statutory obligations under TPA, Congress agrees to consider implementing those trade pacts without amending them,” they write, claiming that “the case for timely reinstallation of an effective and practical TPA is stronger than ever.”

Among the problems with the Heritage authors’ arguments is the inconvenient fact that the U.S. Constitution does not grant Congress the authority to delegate its legislative power to the president, or to the Supreme Court, the regulatory agencies, or any other entities, which would include, most especially, global or regional trade organizations.

Moreover, the claim that TPA could exert any “statutory obligations” on the president is ludicrous. It assumes, first of all, that President Obama would be constrained by any such obligations. He has, recall, repeatedly stated that he would ignore Congress and legislate without them — and has proceeded to prove it by doing so, in blatant violation of the constitutional separation of powers. It assumes further



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that Congress would hold him accountable to the TPA's "guidance." But what evidence can be cited from the past several years to show that this is anything but a vain hope? And with the top Republican leadership in both the House and Senate enthusiastically pushing the ObamaTrade Express, how realistic is any claim that Congress would enforce any constraints, especially since they have allowed Obama to illegally negotiate the TPP and TTIP for the past several years?

No "Safe" TPA

Senator Ron Wyden (D-Ore.), the ranking member on the Senate Finance Committee, has become the center of attention in the TPA battle and is usually pointed to as the key obstacle to its passage.

Senator Jon Tester (D-Mont.), the chairman of the Democratic Senatorial Campaign Committee, said of Wyden to the *New York Times*: "He is the most important person in the caucus on this issue."

Wyden, who has supported previous trade bills, is facing reelection next year. He has a sizable constituency of Oregon conservatives and liberals who oppose the TPA/TPP/TTIP, and he knows this could be a pivotal issue in his campaign. So he is playing both sides, professing to be pro-trade, but claiming also to be crafting protections that will address the concerns of TPA opponents. His main offering is a "shut-off valve" feature.

"From his position in the driver's seat," reported the *Times*, "Mr. Wyden is putting demands on the fast-track bill that Republicans are not sure they can accept — most important, a shut-off valve that Congress could turn if the details of the Pacific or European accords did not live up to their promise."

Although both the Obama administration and GOP leaders are voicing opposition to Wyden's concept, they might pull a reversal and accept the shut-off valve in order to pass TPA, knowing full well that the congressional leadership could prevent the valve from ever being turned to threaten the TPP or TTIP. That would provide Wyden and other vulnerable senators and representatives with the protective cover of having voted only for a "safe" TPA, even though it fails to work as promised. The Wyden shut-off valve proposal and the many other proposed "guidance" measures should be seen for what they are: false assurances intended to placate constituents. The TPA must be rejected. The secret TPP and TTIP must be laid before Congress and the American people for thorough examination and debate, followed by an unhurried, informed vote. If this is done, they almost certainly will be rejected, which is precisely why we are being subjected to the current rush job.

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