



Written by [Steve Byas](#) on December 6, 2018

Trump's Threat to Leave NAFTA Is Designed to Force Through USMCA. But Why not Scuttle Both?

"I'll be terminating it [NAFTA] within a relatively short period of time," President Donald Trump vowed on Saturday. "We [need to] get rid of NAFTA. It's been a disaster for the United States."

Before Americans who value their country's national sovereignty cheer too loudly, however, they should know that Trump's threat is only intended to nudge Congress to accept the United States, Mexico, Canada Agreement (USMCA), which his administration negotiated with the other two North American nations. As Larry Kudlow, Trump's National Economic Council director, told reporters on Monday, Trump "is trying to light a fire under Congress."



Despite Trump's frequent statements during the 2016 campaign that NAFTA was the "worst trade deal ever signed," both friends and foes who are *informed* about what is actually in the USMCA are saying much the same thing about the agreement — it is an even stronger trade-controlling deal than NAFTA. But the president, who did not personally negotiate the agreement, may not be aware of the sovereignty-threatening particulars embedded in the agreement's 1,800 pages.

Trump, who sees himself as a master negotiator, is using his threat to tear up the NAFTA deal as leverage with Congress. He especially is targeting recalcitrant Democrats, who have expressed concerns with USMCA in the areas of labor unions and environmentalism. Nancy Pelosi, slated to take back the gavel as speaker of the House in January, said that new deal does not have "enough enforcement reassurances regarding provisions that relate to workers and to the environment."

Article 2205 of NAFTA provides that any of the three nations can pull out of the agreement, but must give six months' notice of such intent. Suddenly, the globalists who have generally favored both more of these multilateral managed trade deals *and* increased presidential power are now advocates of the constitutional power of Congress over trade. For example, Todd Tucker, a fellow at the liberal think tank Roosevelt Institute, told Vox.com, "[T]he Constitution gives Congress the power to set terms of trade, not the executive branch."

Despite years of Congress conceding much of its constitutional power over trade to presidents, even after agreements are negotiated by the executive branch and then approved by Congress, it is still up to Congress to pass implementing legislation. Even if Trump used the power Congress (unconstitutionally) delegated to the executive to unilaterally pull out of the NAFTA agreement, those implementation laws would remain on the books. Until those laws are repealed, much of American trade with Mexico and Canada would still be governed by them.



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Which illustrates another danger of managed-trade deals. As the British have discovered with the European Union (EU), such deals are much easier to enter into than to exit.

Still, Trump has the veto, and any effort to override his actions would have to have strong bipartisan support in Congress to muster a two-third majority vote of each house. And, because of the long-standing practice of Congress to give up its constitutional power on trade, they are somewhat limited in how much they can change the deal. This is because of the practice known as “fast track.” Fast track is the long-standing practice of giving the president a free hand in negotiating trade agreements, then having only 90 days to approve or disapprove with an up or down vote — they are no longer allowed to make any changes. As a practical matter, members of Congress who are inclined to vote no, are told they are going to kill the whole deal if they don’t just suck it up and vote yes.

Fortunately, USMCA is not yet a done deal. Senator Pat Toomey (R-Penn.) has informed Trump that the votes to pass USMCA are not yet there, as opposition remains from members of both parties. Senator Sherrod Brown (D-Ohio) told CNN, “The president needs to talk to Congress on this and we can get back to the table with the Mexicans and the Canadians and do stronger labor standards.”



Another Democrat, Senator Ron Wyden of Oregon, asked, “If this deal is so great, why is he already resorting to threats to try and ram this through Congress?”

Senator Marco Rubio (R-Fla.) has expressed his own concerns, tweeting that the deal was “unacceptable,” because he contends it would kill the Florida vegetable market.

Despite strong opposition, a new trade deal is strongly desired by extremely powerful forces. Rufus Yerxa, president of the National Foreign Trade Council, warned that were Trump to withdraw from NAFTA, without replacing it with USMCA, “a whole lot of farmers in Iowa would be in a world of hurt just before the 2020 Iowa caucuses.”

“There is no question that there is a path to passage,” said Edward Alden, senior fellow at the globalist Council on Foreign Relations (CFR). The CFR’s president, Richard Haass, gushed with praise for USMCA, tweeting, “The USMCA looks to be the trade pact formerly known as NAFTA plus 10-20 percent.” Haass sees the deal as a precedent to re-start the Trans-Pacific Partnership (TPP), which Trump rightly railed against during his campaign, denouncing it as a threat to American national sovereignty. In fact, many of the same negotiators for TPP worked the USMCA deal, as well.

William F. Jasper, senior editor of *The New American*, has said that it is unlikely that Trump has actually read the USMCA deal (it’s an extremely long document — more than 1,800 pages!), and that he is just going by what his advisors have told him is in the agreement. This means, of course, that the president himself, who ran for president on an “America First” agenda, could have second thoughts about the agreement when he finds out more about what is actually in it.

Writing in the *Gainesville Sun*, Tim Marden explained the seriousness of USMCA, saying that it “will



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add a Thanksgiving-sized layer of international government.” Marden added, “Article 24.18 of the trade deal boldly speaks to the subordination of the United States to [the United Nations].”

Americans who value their nation’s independence need to address this issue with their members of the House and Senate, right now. And, while they are at it, members of Congress should be asked just why such a far-reaching agreement is not a treaty. Under the Constitution, a treaty must be approved by not just a majority of the Senate, but by two-thirds of the Senate, before it can be considered law in the United States. And, any treaty must be in accordance with the Constitution itself, before it is legally binding.

Support for following the Constitution and maintaining our nation’s sovereignty should be two things that are bipartisan. I would “reach across the aisle” for that.



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