

Emmer Pro-TPA Letter Garners More Than Half Of GOP Freshmen

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Twenty-six House Republican freshman lawmakers — which is roughly 60 percent of the House GOP class that entered into Congress at the beginning of the year — have pledged their commitment to backing the renewal of Trade Promotion Authority (TPA) in a March 9 letter to President Obama.

The letter was initiated by Reps. Tom Emmer (R-MN) and Mimi Walters (R-CA), and was signed by two members — Reps. Robert Dold (R-IL) and Frank Guinta (R-NH) — who had served in the 112th Congress. They lost their re-election bids in 2012 only to return this year.

None of the letter's signatories sit on the House Ways & Means Committee, but four signatories are on the Agriculture Committee: Reps. Ralph Lee Abraham (R-LA), John Moolenaar (R-MI), John Newhouse (R-WA) and Emmer. He and two other signatories — Reps. Steve Knight (R-CA) and David Trott (R-MI) — sit on the Foreign Affairs Committee. Walters sits on the Judiciary and Transportation committees.

In a March 10 interview with *Inside U.S. Trade*, Emmer held open the possibility that more lawmakers may sign the letter, but a spokeswoman for his office said the letter is now closed and has been sent to the president. "There were numerous offices who expressed support for TPA and did not sign the letter before it was sent to the President," she said in a follow-up email to *Inside U.S. Trade*. "While conversations between Rep. Emmer and his colleagues will continue on this topic, at this time we are not seeking additional signers because this specific letter is closed."

Emmer said only three of the 43 Republican freshmen had expressed their adamant opposition to renewing TPA because they see it as Congress ceding its authority on trade to the president. Two days after the letter was sent, Rep. Steve Russell (R-OK), a Republican freshman, indicated his opposition to TPA and the Trans-Pacific Partnership in an op-ed published by The Hill.

The letter was initially supposed to be released the week of Feb. 23, but missed two publicly set deadlines before its March 9 release. Emmer rejected the notion that the letter was delayed because it had not garnered enough signatures, as some anti-TPA sources had said.

The letter pushes back against the charge that TPA, which is also known as fast track, is an abrogation of congressional power. It insists that TPA is a way for Congress to establish negotiating objectives for the administration and ensure that Congress is consulted closely throughout the negotiations. "TPA affirms that Congress has the final say on any trade agreement by requiring an up-or-down vote before implementation," according to the letter.

Emmer said he made the same point as he lobbied his colleagues to sign the letter, emphasizing that through TPA, Congress is exercising and not ceding its constitutional authority on trade to the president. Specifically, he mentioned that Ways & Means Chairman Paul Ryan (R-WI) has assured him TPA legislation will contain mechanisms to strip a trade agreement of its fast-track protection.

This is an apparent reference to including a provision in previous versions of TPA legislation allowing for a resolution of disapproval that strips a given trade agreement of its fast-track status because it fails to make progress toward the statutory negotiating objectives and the failure of an administration to properly consult Congress.

In addition, previous TPA laws have stated that the fast-track procedure is a rule of both houses of Congress which both chambers are able to change. However, both the resolution of disapproval and the revocation of fast track as a rule change require the backing of the congressional leadership. Under the 2002 expired fast-track, the resolution of disapproval could only come to the floor after being considered by the trade committees as well as the House Rules Committee.

Beyond the brief reference to the up-or-down vote, the letter does not address that TPA means Congress gives up its power to amend legislation under the fast-track procedure. In response to criticism that Congress cedes its authority to the president because it is giving up this power, the spokeswoman emphasized that Congress will be able to strip a trade agreement of its fast-track status.

In the interview, Emmer acknowledged that the issue of ceding power to Obama poses a problem for some Republicans. “Initially, what you get from Republicans, and I think this is due to the executive orders the president has signed recently, ... would be ‘I don’t want to give this executive any more authority,’” he said. “I went through and explained to them this isn’t giving the executive more authority. This is Congress exercising its sole authority over trade.”

Emmer emphasized repeatedly that conservative members of Congress are put off on describing TPA as “fast track,” as it suggests that the process circumvents the Constitution. “I think a lot of folks with my political perspective, hearing the term ‘fast track’ doesn’t give you confidence right out of the chute. It sounds — ‘fast track’ makes it sound like someone in the Beltway is pulling a fast one,” Emmer said.

He said he uses the term TPA instead. Other Republican supporters of fast track have gone one step further and named a 2014 fast-track renewal bill the “Bipartisan Congressional Trade Priorities Act” because they believe TPA connotes giving the president more power than he has now.

Emmer said he did not know about the opposition from the conservative group Americans for Limited Government (ALG) to his letter and added that he has not been approached by anyone making anti-TPA arguments. ALG President Richard Manning in a Feb. 24 letter argued that passing TPA amounts to ceding congressional authority to a president whose “usurpation of Congressional constitutional authority has reached a crisis level.”

“Would you vote to give the President the power to write legislation with Congress only having a simple majority veto over the changes? This is exactly what passage of TPA does by stripping away all Congressional prerogatives besides a final passage vote,” Manning wrote. ALG opposes both TPA and TPP (*Inside U.S. Trade*, Feb. 27).

Manning was also critical of the idea that TPA will allow Congress to set objectives for trade talks like the TPP. He noted that USTR is close to concluding the deal in those talks, and that the Obama administration has ignored congressional calls to address currency manipulation in TPP. “[I]t is clear that President Obama has no more regard for congressional input in this area than he has shown on immigration.”

Moreover, some TPA supporters have begun to worry that the delay in introducing fast-track legislation could result in a vote that becomes a referendum on TPP itself (*Inside U.S. Trade*, March 6). The Emmer spokeswoman noted that the TPP talks are not done, especially in regards to U.S. efforts to open the Japanese and Canadian agriculture markets, which she signaled means there is still a need to provide guidelines to the administration.

“It is important to Minnesotans that a high quality TPP deal includes market access to these products so Congressman Emmer will continue to urge his colleagues in the House to pass a trade promotion authority bill so we can achieve the best possible outcome for our farmers and manufacturers,” she said.

Two pro-TPA lobbyists have described the Feb. 27 vote to extend funding for the Department of Homeland Security (DHS) for one week as a good indicator as to which House Republicans would likely vote against TPA out of fear that it would imbue the president with undue authority.

Among the 55 Republicans who bucked the leadership and voted against the DHS bill extension, four of them were freshmen who did not sign Emmer’s letter. But among the signatories was one member, Rep. Jody Hice (R-GA), who also voted against the one-week DHS funding extension.