

The TRADE Act (H.R. 6180 / S. 3083)

The Trade Reform, Accountability, Development and Employment Act

The TRADE Act is comprehensive trade reform legislation that addresses public demand for change

National polling results released in May 2008 by the Pew Research Center found, “There is now broad agreement that free trade negatively affects wages, jobs and economic growth in America. By greater than six-to-one, the public says free trade agreements result in job loss rather than in new jobs.” Americans’ disaffection towards “free trade” is well founded given NAFTA and the WTO’s destructive legacy. The time has come to re-write the rules governing international trade, so that it becomes a positive force for working people in the United States and around the world.

On June 4, Sen. Sherrod Brown (D-OH), Rep. Michael Michaud (D-ME) and over fifty original cosponsors introduced the TRADE Act in order move beyond simply fighting expansion-after-expansion of the failed NAFTA model. The TRADE Act shifts the debate in favor of new rules for globalization that will ensure economic security and solid jobs for American workers, while offering opportunities for sustainable development in poor countries, in a manner that actually improves public health, consumer safety, the environment and democratic accountability.

The TRADE Act establishes mandatory criteria for what must and must not be included in future trade agreements. It requires a review of existing trade agreements, and a renegotiation based on that review so that old trade deals meet the new standards. Finally, it reasserts Congressional authority and public oversight in trade policymaking.

The TRADE Act’s basic provisions:

Section 3 (Review): Requires the Government Accountability Office to conduct a comprehensive public review of existing trade agreements, including economic outcomes in the U.S. and abroad, and various security and social indicators. Also requires an analysis of how current agreements measure up to Section 4 of the Act.

Section 4 (Standards): Sets mandatory criteria for what must and must not be included in trade agreements regarding labor, the environment, product safety, agriculture, public services, government procurement, investment, intellectual property, anti-dumping, dispute resolution, national security, states’ rights and more.

Section 5 (Renegotiation): Requires the President to submit renegotiation plans to remedy the gaps identified by the Comptroller General between current trade pacts and the criteria listed in Section 4 prior to the negotiation of any new trade agreements and prior to Congressional consideration of any pending trade agreements.

Section 6 (Congressional Oversight): Establishes a special committee comprised of the chairs and ranking members of each Congressional committee implicated by trade agreements to review, and if necessary, amend, the President’s plan for renegotiations.

Section 7 (Goals): A Sense-of-the-Congress provision that describes what good trade agreements should accomplish.

Section 8 (Policymaking): A Sense-of-the-Congress provision that describes criteria for trade policymaking procedures that should replace Fast Track.

The TRADE Act's new standards include:

Labor: Countries must adopt into domestic law and effectively enforce the International Labor Organization's core labor standards. Failure to do so subjects parties to dispute resolution and enforcement mechanisms that are at least as stringent as those for commercial claims. A commission of labor rights specialists is also empowered to conduct investigations and initiate enforcement actions.

Environment: Countries are prohibited from eliminating, weakening or failing to enforce domestic environmental protections for trade purposes. Trade in illegally-harvested resources is banned. Countries must fully implement and enforce all multilateral environmental agreements to which the U.S. is a party. Failure to do so is subject to dispute resolution and enforcement.

Consumer Safety: Food and feed may only be imported into the U.S. if it meets or exceeds U.S. safety standards. The FDA and CPSC are instructed to review the regulations of trading partners and ensure that other products entering the U.S. meet or exceed domestic safety standards.

Services: Trade agreements cannot be used to require privatization or deregulation of services.

Investment: Countries maintain the right to regulate foreign investment according to their own priorities, and to place restrictions on speculative capital. Investor-to-state dispute resolution is eliminated.

Agriculture: Countries are allowed to develop strategic agricultural reserves and enact policies allowing for fair remuneration for growers and farm workers. Countries may maintain anti-dumping policies and U.S. anti-trust laws cannot be preempted.

Intellectual Property: Access to essential medicines and global warming-reduction technologies may not be obstructed. Patents on traditional knowledge must be consistent with the Convention on Biological Diversity.

States' Rights: States can only be required to comply with procurement, services or investment provisions with their explicit prior informed consent.

National endorsers of the TRADE Act include:

AFL-CIO	Painters
Change to Win	Machinists
Sierra Club	National Family Farm Coalition
Americans for Democratic Action	National Farmers Union
Citizens Trade Campaign	Public Citizen
Communications Workers of America	Teamsters
IBEW	UNITE-HERE
Institute for Agriculture and Trade Policy	United Methodists
Friends of the Earth	United Steelworkers

TAKE ACTION to support the TRADE Act:

Take a stand for fair trade! Ask your Members of Congress to cosponsor the TRADE Act.

Rep. Wu: 503-326-2901

Rep. Hooley: 503-557-1324

Rep. Walden: 541-776-4646

Sen. Wyden: 503-326-7525

Rep. Blumenauer: 503-231-2300

Sen. Smith: 503-326-3386

For more info, visit www.oregonfairtrade.org or call (503) 736-9777.