

Reintroduced Fast Track Bill Contains Same Fundamental Flaws as Last Year's Bill, Replicates 2002 Fast Track Process

Meet the Ryan-Hatch Fast Track — Same as the Old Fast Track

Top Line Messages:

- ✓ Today's bill replicates the same old Fast Track process from the 2002 Fast Track, just as last year's failed Fast Track proposal did.
- ✓ This is the same Fast Track that got us into past job-killing trade agreements and our \$912 billion trade deficit. Fast track for TPP will make it easier for corporations to send American jobs overseas, and will undermine our wages by forcing Americans to compete with Vietnamese workers making 56 cents an hour.
- ✓ This bill will never become law. Nearly all House Democrats and a sizeable bloc of the GOP announced opposition to this old Fast Track scheme several years ago. In the past 21 years, Fast Track authority has been authorized only once by Congress – from 2002 to 2007.

ASK: Please publicly oppose the Ryan-Hatch Fast Track bill.

- Representative Ryan and Senator Hatch's reintroduced Fast Track legislation contains **the same, undemocratic Fast Track procedures found in the 2002 Fast Track and last year's failed Camp-Baucus-Hatch Fast Track bill**. It would delegate away Congress' constitutional trade authority. It would sideline Congress and the public from having any meaningful role in shaping American trade agreements.
- **Today's bill explicitly grandfathers in Fast Track coverage for the TPP, even after the administration dismissed Congress' bipartisan and bicameral demands that TPP include enforceable disciplines against currency manipulation.**
- **This bill would empower whomever is president over the next 3 to 6 years to:**
 - Unilaterally select U.S. trade agreement partners and initiate new negotiations;
 - Determine the contents of trade agreements and sign and enter into them before Congress votes to accept or reject the terms, regardless of whether a pact meets Congress' negotiating objectives;
 - Write implementing legislation containing any terms the President unilaterally decides are "necessary or appropriate" that can change wide swathes of existing U.S. law, and then circumvent ordinary committee review and submit the legislation for a vote;
 - Obtain a mandatory vote in both chambers of Congress within 90 days, overriding congressional leaders' control of House and Senate floor schedules regardless of whether a pact meets Congress' negotiating objectives;
 - Override normal voting procedures, including a ban on all amendments and limits on debate time regardless of whether a pact meets Congress' negotiating objectives.
- Given that the Ryan-Hatch bill doesn't condition the President getting Fast Track privileges on negotiators actually meeting Congress' negotiating objectives, **the bill's**

hyped negotiating objectives are not only not “new” and inadequate, but also unenforceable.

- The currency objective is NOT new. The 2002 Fast Track also included currency measures, but thanks to the structure of Fast Track, a president could and did ignore them. Even if this negotiating objective were met, the language does not require *enforceable* disciplines on currency manipulation to be included in the TPP or other deals obtaining Fast Track treatment.
- There are numerous examples of administrations ignoring congressional “negotiating objectives” under past grants of Fast Track. The 1988 Fast Track used for NAFTA and WTO required that labor rights be included in trade agreements. The George H.W. Bush administration simply ignored this negotiating objective.
- Ryan-Hatch provisions that would ostensibly enable Congress to strip Fast Track authority from trade agreements are, in fact, more difficult for Congress to trigger than simply voting down a fast tracked trade agreement in the first place. This does virtually nothing to increase congressional oversight over trade policymaking.
- Provisions touted as improving transparency do not meet the level of transparency seen during past administrations. Worst still, they would also lock-in the recent practice of formally requiring congressional staff to have security clearance to view any draft trade pact text. Draft texts still would be kept secret from the press and public during all formative stages of the negotiations.
- **Reforms demanded by numerous members of Congress and hundreds of civil society organizations to create a democratic and accountable trade authority were entirely ignored** in the Ryan-Hatch legislation.
 - Nearly 600 labor, environmental, family farm, consumer, faith, human rights, public health, Internet freedom and other groups enumerated the principles for a trade authority process they would support in a letter to then-Senate Finance Chair Ron Wyden in late 2014: a congressional roll in selecting appropriate trade partners; mandatory negotiating objectives to ensure trade agreements deliver broad benefits; access to draft trade pact texts to ensure meaningful congressional and public input; congressional certification that negotiating mandates were met before negotiations could be concluded; congressional approval of agreements before the Executive Branch could sign and enter into them; and a mechanism for a sizeable minority of Congress to obtain a vote to remove expedited consideration for an agreement. The Ryan-Hatch legislation fails to deliver on any of these commonsense reforms.
- Getting trade policymaking procedures right matters because it’s not just old trade agreements that “haven’t always lived up to the hype.” **The most recent use of Fast Track was for the 2012 Korea FTA. Our bilateral goods trade deficit with South Korea has reached record levels, increasing 84% in just three years. Using the same trade-jobs ratio boosters used to promote the Korea agreement, that equates to nearly 85,000 more lost jobs on top of the millions lost to NAFTA and WTO. Our trade deficit with our FTA partners has grown 427 percent since the deals took effect.**
 - The Korea-U.S. Free Trade agreement was sold to Congress and the public using the same claims now being made for the TPP: more exports, an improved trade balance and more jobs. But once again, the opposite occurred.
 - U.S. goods exports to our “free trade” agreement (FTA) partners have grown 20 percent more slowly **than U.S. exports to the rest of the world** over the last decade. Rather than learning the lessons from this policy failure, the U.S. Trade Representative has instead tried to spin the problem away. This does not instill

confidence, and is reason alone for Congress to oppose the Ryan-Hatch bill.

- **Opposition to the Ryan-Hatch bill has nothing to do with not trusting the President** — it's about doing what's right for constituents.
 - Opposition to Fast Track isn't about who is in the White House. Congress voted down Fast Track for President Clinton in 1998 after Clinton's 1995 and 1997 Fast Track bids never even obtained final votes. George W. Bush could not convince Congress to extend Fast Track in 2007.
 - The delegation of congressional authority to the executive granted by Ryan-Hatch would also extend beyond the Obama presidency into the next administration.
- **Foreign policy fears are no excuse for Fast Tracking trade agreements that hurt America's domestic producers and workers.**
 - The TPP will not counter economic competition from China; in fact, the United States has repeatedly welcomed China to join TPP. **Chinese-owned firms operating here are lobbying for the TPP and Fast Track.** The TPP will not empower Pacific allies as a bulwark against Chinese influence; they already embrace China as a partner, and this agreement won't change that.
 - If anything, the TPP threatens to make the United States weaker in relation to rising powers like China by further offshoring U.S. manufacturing and service capacity and expertise; further exacerbating domestic income inequality; and undermining our energy independence.
 - Trying to paint TPP as a way for America to write the rules in Asia *so that China does not* is absurd. TPP is not about establishing "American" rules in Asia. It's about imposing rules that would hurt most Americans, but are favored by the hundreds of official U.S. corporate trade advisors calling the shots on TPP.
 - The TPP rules promote more U.S. job offshoring and would further gut our manufacturing base — even as a recent Department of Defense report warned that U.S. deindustrialization poses a threat to national security and our nation's economic wellbeing.
 - TPP would ban the application of Buy America procurement preferences with respect to all firms operating in TPP countries. Instead reinvesting our tax dollars at home to build a strong national infrastructure and create economic growth and jobs at home, TPP would require us to give firms from the TPP nations, including Chinese state-owned-enterprise firms operating in Vietnam, equal access to U.S. government contracts.
- **Voters do not want Congress to rush forward with more trade agreements.**
 - A bipartisan [Wall Street Journal poll](#) from January 2015 found that 75% of Americans felt that the pending Pacific Rim trade agreement either should be delayed or abandoned entirely.
- **The Ryan-Hatch bill faces long odds for approval in the 114th Congress.** The bill proposed currently makes only minor adjustments to last year's Fast Track bill that was dead on arrival in the House. Only eight out of 201 House Democrats supported that bill and House GOP leadership could not count more than 100 members as "yes" votes. Since then, 14 of the 17 new freshman Democrats in the House have signed letters opposing Fast Track, despite pressure from the administration.