

Dear [insert Member of Congress or US Senator:]

I am writing to request that you Vote “No” on Fast Track Trade Authority for the Trans-Pacific Partnership (TPP). Fast Track undermines the checks and balances of Congress and puts too much power in the hands of the president.

Fast Track would undermine Congress’ responsibility to oversee commerce as delineated in the Constitution. Fast Track would prevent a transparent and democratic review process to consider the full impact trade agreements such as the TPP would have on the economy and public safety and health. Article I Section 8 of the US Constitution states:

*The Congress shall have Power to regulate Commerce with foreign Nations*

Under the U.S. Constitution, Congress is solely responsible for writing the laws and setting trade policy. For 200 years, this key check and balance on the president ensured that the executive branch did not hold too much unilateral power. But, over the last few decades, presidents have seized these congressional powers through Fast Track Trade Authority. Congress should refuse to grant Fast Track Authority to the president to ensure trade represents the views of the people, not the interests of the president.

Fast Track weakens Congress in the following ways:

- Allows the president to unilaterally select partner countries for trade pacts;
- Allows the president to unilaterally negotiate the contents of trade agreements;
- Allows the president to unilaterally sign complex trade agreements before Congress votes on them (NAFTA was 1,700 pages including appendices);
- Allows the president to commit the United States to legislation that would conform with the trade agreement, such legislation can affect finance, healthcare, patents, food safety, agriculture, Internet, wages and labor conditions, environmental protection, energy, “Buy America” laws, land use and zoning, among others.
- Commits the United States to be bound by decisions of international trade tribunals that can overrule laws passed by Congress and undermine US sovereignty;
- Allows the president to limit the normal Congressional committee process by limiting or forbidding hearings, not allowing amendments or the drafting of laws by Congressional committees;
- Allows the president to control the Congressional voting schedule and voting procedure, i.e. sets timetables for voting and does not allow amendments.

Hundreds of trade agreements have become law without Fast Track while only 16 trade agreements required Fast Track to become law. Fast Track has been used to pass the most controversial and unpopular trade agreements like NAFTA and the World Trade Organization, which have had undesirable consequences.

Some in Congress suggest that adding “Negotiating Objectives” would be sufficient to ensure congressional concerns are heard. Negotiating Objectives have previously been added to Fast Track but are not enforceable and have been ignored by previous presidents. In the case of the Trans-Pacific Partnership, there have already been more than three years of negotiations,

including 19 rounds, so Negotiating Objectives are mere window dressing and will not alter the content of the TPP. While 600 corporate advisers have been involved in negotiating the TPP, Congress has been shut out of the process and now President Obama is asking Congress to cede its constitutional responsibility over trade and to serve as a proper check and balance.

As a candidate, President Obama said he would replace the anti-democratic Fast Track process, but as president he now seeks Fast Track.

Fast Track allows an unpopular trade law to be passed without adequate Congressional oversight, but Members of Congress will be held responsible by voters when these agreements become law and undermine the economy and public health and safety.

With regard to the TPP there are a lot of issues which raise serious questions. Congress should demand transparency and hold hearings to examine these issues.

1. In September 2013, the Center for Economic and Policy Research issued a report, "Gains From Trade: The Net Effect of the Trans-Pacific Partnership on US Wages." The report made two findings: (1) The TPP would only increase the US GDP by a tiny 0.1% annually. (2) The TPP will continue the downward slide in US wages resulting in 90% of Americans seeing their incomes decrease. Thus, the TPP will add to the very serious problem of the vast wealth divide in the United States and the shrinking and impoverishment of working Americans.
2. The TPP is called 'NAFTA on steroids' because it follows the same basic model of NAFTA, but includes many more countries and covers even more aspects of the economy. How are American workers going to compete with Vietnamese workers who get paid 25¢ per hour? NAFTA cost the United States more than 600,000 jobs. It spurred undocumented immigration because it forced small farmers off their farms and into the cities, thereby lowering wages in Mexico. What will 'NAFTA on steroids' do to US jobs, wages and issues like immigration?
3. TPP will undermine laws and consumer choice. In recent years Americans have wanted to spend their money to Buy Local, Buy American, Buy Green, Buy Sweatshop-Free, and other targeted policies. These sensible ideas have swept across the country and are very popular with Americans who want to boost American products and local and independent businesses rather than buying imported products that send US dollars overseas causing a massive trade deficit. Americans will be angry with elected officials who allow this to happen.
4. The TPP will undermine laws passed by Congress as well as state and local legislatures. In fact, the TPP has 29 chapters but only 5 actually deal with trade issues, like tariffs. The other chapters concern a wide array of issues forcing US laws to be modified to conform to the TPP. This includes laws on food safety, energy including fracking and tar sands, wages and labor conditions, Internet freedom, banking and finance regulation, healthcare and drug prices, public services like transportation, utilities and education, among others. The TPP will affect virtually every aspect of the lives of Americans; such a massive agreement requires careful consideration by Congress, hearings, expert testimony, citizen input and amendments by Congress. Fast Track is inappropriate for an agreement with such broad impacts.

5. The TPP further undermines the sovereignty of the United States by committing the country to be bound by the decisions of an international Trade Tribunal, a parallel court system to that operates outside our traditional courts. Decisions of these Trade Tribunals are final, with no appeal in the traditional court system. The judges in the Trade Tribunals will often include corporate lawyers, on leave from their job at their corporation, making rulings and then returning to their corporate jobs without any conflict of interest provisions to limit their role. The TPP allows corporations to sue in Trade Tribunals for expected lost profits. In other words if a law is passed to protect the environment, consumers, workers or anything else in the public interest, foreign corporations can sue the US or local governments for the profits it expected before that law was passed. This makes Trade Tribunals a trump card that allows foreign corporations to override legislative decisions.
6. Why the secrecy? The media asked former US Trade Representative Ron Kirk that question. He said the reason the TPP is so secret was because if the people knew what was in it, it would be so unpopular that it could not become law. Kirk left as US Trade Representative in January, 2013 in part he said “to make money.” He is now senior counsel at the law firm of Gibson, Dunn and Crutcher where he represents trans-national corporations. He has been replaced by former Citigroup executive, Michael Froman. Congress members must understand why the TPP would be so unpopular with their constituents because they will be held responsible for its negative impacts.

For all of these reasons I am requesting that you vote against giving President Obama Fast Track trade authority and insist that Congress fulfills its constitutional mandate as the branch of government responsible for writing the laws and setting trade policy.

Sincerely,