

Citizens Trade Campaign

Back-Room Deal Making for the 1%

“Fast Track” Enables Bad Public Policy

Modern trade agreements cover far more than just tariffs and quotas. They affect everything from banking regulations to food safety standards, energy policy, medicine patents, environmental protections, government procurement and beyond. These far-reaching and ambitious pacts should be created in a manner that offers opportunities for real oversight and informed public participation. **“Fast Track” is a Nixon-era trade negotiating and approval process that strips power to influence the terms of trade agreements away from the public and our elected representatives, while maintaining and amplifying the influence of large corporate interests.**

Fast Track is contrary to democratic principles like transparency, public participation and accountability in every way:

- Under Fast Track, the U.S. Trade Representative negotiates the terms of trade agreements with other countries in secretive, behind-closed-door meetings.
- While hundreds of corporate lobbyists are granted official trade advisor status, the general public has no right to see what is being proposed in our names until after negotiations have concluded, the agreement is signed and the opportunity for changes becomes all but impossible.
- Fast Track also removes Congress’ exclusive constitutional authority to “regulate Commerce with foreign nations” by circumventing ordinary Congressional review, amendment and debate procedures.
- Because trade agreements take precedent over U.S. laws at the federal, state and municipal level, Fast Track enables an amazingly wide range of public interest policies to be rewritten without any of the typical public processes associated with democratic lawmaking.

In concrete terms, Fast Track delegates five major elements of Congress’ constitutional authority to the executive branch: the power to select trading partners; the power to set the terms of trade agreements and to actually sign the agreements before Congress votes on them; the power to write implementing legislation, circumvent Congressional committee review and submit the legislation directly for a vote; the power to override Congressional leaders’ control of House and Senate floor schedules; and the power to override normal voting procedures, including a ban on all amendments and limits on debate. Under Fast Track, Congress does provide a list of “negotiating objectives” that the U.S. Trade Representative is supposed to try to meet, but these objectives are not enforceable.

The first time Congress handed its authority over to the White House in this manner was during the Nixon administration. The last time was during the George W. Bush administration, when at 3:28 in the morning on July 27, 2002, by just a two-vote majority, the U.S. House of Representatives voted for a Fast Track delegation they then called “Trade Promotion Authority.” That delegation of Fast Track expired on June 30, 2007. For new trade agreements, such as the Trans-Pacific Partnership (TPP), to be considered under Fast Track rules, Congress would first have to pass new Fast Track legislation.

In 2012, U.S. Trade Representative Ron Kirk, the President’s cabinet-level trade advisor, said, “In order for us to conclude the [Trans-Pacific Partnership] agreement, we’re going to have to have [Fast Track] trade promotion authority.” Interest in acquiring Fast Track trade promotion authority is also referenced in President Obama’s published 2013 Trade Policy Agenda.

Learn more & get involved: www.citizenstrade.org