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10 Reasons Why America Cannot Afford Fast Track

1. Polls show that three out of every five voters oppose Fast Tracking the Trans-Pacific Partnership (TPP). A plurality of voters say they are less likely to support a candidate who votes in favor of Fast Track.¹
2. Fast Track eliminated “checks and balances” instituted by the Founding Fathers that are essential to our democracy. While the U.S. Constitution gives Congress exclusive authority to “regulate commerce with foreign nations,” Fast Track delegated away to the executive branch Congress’ constitutional authority to choose U.S. trade partners or set the content of U.S. trade agreements.²
3. During two decades of Fast-Track deals, polls have consistently shown that Americans – Democrats, Republicans and independents alike – oppose the trade status quo. A 2014 Pew Research Center poll revealed that just 20 percent of Americans believe that trade has created U.S. jobs and just 17 percent believe it has raised wages, while half of Americans say trade has cost U.S. jobs and a plurality say it has depressed U.S. wages.³
4. Fast Track is not needed for trade expansion. President Bill Clinton was denied Fast Track authority for six of his eight years in office, but the Clinton administration still completed more than 100 trade and investment pacts without Fast Track.⁴
5. Fast Track was an anomaly in that it empowered executive branch negotiators to “diplomatically legislate” changes to not just tariffs and quotas, but *non-trade* policies. Fast Track was used to push through Congress pacts that required a broad array of domestic policies to conform to the pacts’ requirements, including Buy American rules, financial regulations, immigration policies, patent and copyright standards, energy policies, food safety standards, healthcare policies, environmental regulations and more.⁵
6. Fast Tracked deals have led to massive U.S. trade deficits. The aggregate U.S. trade deficit with countries covered by Fast Tracked agreements has *increased* by more than \$147 billion since the deals were implemented, while the aggregate trade deficit with all other countries has *decreased* by more than \$131 billion.⁶



7. Fast Track was an abuse of power. Fast Track empowered the executive branch to unilaterally select trade partners, set terms and sign a pact before Congress voted on it; to write implementing legislation, skirt congressional committee review and amendment processes and directly submit it for a vote; to override congressional leaders' control of House and Senate floor schedules and force an expedited vote deadline; and to override normal voting procedures, including a ban on all amendments and limits on debate.⁷
8. Fast Track has only been used 16 times in the history of our nation, often to enact the most controversial of "trade" pacts, such as the North American Free Trade Agreement (NAFTA) and the establishment of the World Trade Organization (WTO).⁸
9. Bipartisan opposition in Congress defeated President Clinton's effort to get Fast Track in 1998.⁹ Indeed, Fast Track has been so unpopular that it has only been in place for five of the last 20 years.
10. A Fast Track replacement is overdue. Fast Track was created by President Nixon in 1973. Since the nation's founding, there have been six distinct forms of trade authority. As the subject matters of trade negotiations changed and Congress' support for the old system faded, a trade authority mechanism has been created every few decades since 1890. Until now.¹⁰

¹ Hart Research Associates and Chesapeake Beach Consulting, "National Survey on Fast-Track Authority for TPP Trade Pact," January 27, 2014. Available at: http://fasttrackpoll.info/docs/Fast-Track-Survey_Memo.pdf.

² U.S. Constitution, Article I, Section 8.

³ Pew Research Center, "Faith and Skepticism about Trade, Foreign Investment," September 2014. Available at: <http://www.pewglobal.org/2014/09/16/faith-and-skepticism-about-trade-foreign-investment/>.

⁴ Office of the U.S. Trade Representative, "Annex III: U.S. Trade-Related Agreements and Declarations," 2014 Trade Policy Agenda and 2013 Annual Report, March 2014. Available at: http://www.ustr.gov/sites/default/files/Annex%20III_1.pdf.

⁵ See Public Citizen, "There Is No Acceptable "Version" of Fast Track," PC factsheet, February 2014. Available at: <http://www.citizen.org/documents/no-acceptable-fast-track.pdf>.

⁶ The change in the aggregate deficit for all countries not covered by a Fast Tracked deal is measured since 2006 – the median entry date of Fast Tracked deals. U.S. International Trade Commission, "Interactive Tariff and Trade DataWeb," accessed February 11, 2014. Available at: <http://dataweb.usitc.gov/>.

⁷ See Public Citizen, "Replacing Fast Track: America Needs a New Trade Authority Mechanism," PC factsheet, February 2014. Available at: <http://www.citizen.org/documents/replacing-fast-track-new-trade-authority.pdf>.

⁸ See Lori Wallach, *The Rise and Fall of Fast Track Authority*, (Washington, D.C.: Public Citizen, 2013).

⁹ U.S. House of Representatives, Final Vote Results for Roll Call 466, September 25, 1998. Available at: http://www.citizen.org/trade/article_redirect.cfm?ID=15963.

¹⁰ For more information on the history of trade authority mechanisms, see Lori Wallach, *The Rise and Fall of Fast Track Authority*, (Washington, D.C.: Public Citizen, 2013).