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Contact: Joe Williams (202) 454-5108
Lori Wallach (202) 454-5107

Questions on the Fast Track Bill That Chairman Baucus Might Prefer Not to Answer

Note: At 10 a.m. today, U.S. Sen. Max Baucus' legislation to give Fast Track trade authority to the president will be unveiled to reporters.

1. U.S. Rep. Sandy Levin (D-Mich.), ranking member of the House Ways and Means Committee, does not support your bill. After years of negotiators ignoring Congress' objectives, Levin sought changes to the 2002 Fast Track procedure to ensure that the objectives actually were met as a condition for the expedited voting procedures going into effect. More than 160 other House Democrats already have said they oppose the 2002 version of Fast Track. Does your bill alter the process relative to the 2002 Fast Track? How? Does it require Congress' objectives to be met for a trade pact implementing bill to obtain the no amendments, limited debate vote within 90 days?
2. Your bill includes some negotiating objectives not found in the 2002 version of Fast Track. *But does this really matter?* Are there new procedures in your bill relative to the 2002 Fast Track that would make the objectives mandatory or enforceable? With your bill, if negotiators fail to meet the objectives, could the president still sign a trade pact before Congress votes on it with a guarantee that the executive branch can write legislation to implement the pact, alter wide swaths of existing U.S. law and obtain House and Senate votes within 90 days? Is that executive branch-authored bill still not subject to committee markup and amendment? With your bill, even if the objectives are not met, would the Senate cede its cloture procedures? Would floor amendments be forbidden and a maximum of 20 hours of debate be allowed?
3. Given that 160-plus House Democrats and 27 House GOP have announced they oppose the 2002 Fast Track mechanism, why do you think that your bill can pass? Both Democratic and GOP presidents have struggled to persuade Congress to grant Fast Track. A two-year effort by President Bill Clinton to obtain Fast Track during his second term was voted down on the House floor in 1998 when 171 Democrats were joined by 71 GOP members. Clinton had Fast Track for only two of his eight years in office. President George W. Bush spent two years and extraordinary political capital to obtain the 2002-2007 Fast Track grant, which passed a GOP-controlled House by one vote. Indeed, Fast Track has been in effect for only five years (2002-2007) of the 18 years since passage of the North American Free Trade Agreement (NAFTA) and the agreement that created the World Trade Organization (WTO).

Statement of Lori Wallach, Director of Public Citizen’s Global Trade Watch and author of the book, “The Rise and Fall of Fast Track Trade Authority.”

“Fast Track trade authority faces long odds for approval in the 113th Congress. Congress’ willingness to support Fast Track has declined markedly because ‘trade’ agreements have increasingly invaded Congress’ domestic policymaking prerogatives. In addition, Democratic and GOP presidents alike have consistently ignored the negotiating objectives included in Fast Track, but the way the process is structured, Congress gives away its authority to do anything about it. That makes the addition of new objectives meaningless. It’s rare these days that across the aisle, Congress agrees on anything, so its notable that a large bipartisan bloc insists on maintaining the exclusive constitutional authority over trade that the Founding Fathers wisely granted to Congress.”

For more information about Fast Track, please visit <http://www.citizen.org/fast-track>.

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