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**BEFORE THE UNITED STATES
TRADE REPRESENTATIVE
Docket Number USTR-2009-0041**

**COMMENTS CONCERNING THE PROPOSED
TRANS-PACIFIC PARTNERSHIP TRADE AGREEMENT**

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Public Citizen welcomes the opportunity to comment on the proposal by the Office of the U.S. Trade Representative (USTR) to enter into negotiations on a Trans-Pacific Partnership Trade Agreement (TPP) with Australia, Brunei, Chile, New Zealand, Peru, Singapore and Vietnam. **The TPP negotiations would be the first entered into by the new administration. For that reason, they provide the opportunity for the administration to translate into action President Obama's campaign commitments to reform the past U.S. trade agreement model so that pacts can deliver benefits to more people, and so that the various problems he identified with the past model's foreign investor, procurement, import safety, service-sector, procurement and other provisions are remedied.¹ Indeed, TPP negotiations could be used to correct these problems with respect to past Clinton and Bush administration-negotiated U.S. "Free Trade Agreements" (FTAs) with Australia, Chile, Peru and Singapore.**

It is critical to establish early on to both the American public and our prospective TPP negotiating partners that there will be a new Obama administration approach to the TPP, given that the Bush administration initiated the U.S. involvement in the talks. Starting in February 2008, the Bush administration participated in three TPP negotiating rounds.² These talks presumably followed the past U.S. trade agreement model opposed by many in Congress, Public Citizen and diverse U.S. labor, consumer, environmental, development, farm and faith organizations, and – according to polling data – a majority of Americans. Indeed, the Obama administration's notice to Congress and Federal Register posting follows on similar notices already given by the Bush administration in 2008.³ Shortly after President Obama's inauguration in 2009, USTR continued on with the Bush-initiated process by requesting comments on the TPP and giving notice of a public hearing it then conducted.⁴ Given the expectation by the American public and Congress that the Obama administration was committed to breaking with the failed Bush trade agenda, many were pleased with the late February 2009 Obama administration request of TPP countries to delay negotiations scheduled for March 30, 2009, so that the new administration could appoint trade officials and review its trade policy.⁵

Now, the administration faces a critical decision point and two key questions: how will it go about devising the U.S. approach to TPP negotiations, and will in fact the TPP negotiations become a venue to create the promised new U.S. trade agreement model? With respect to the first question, we heartily support President Obama's statements that "U.S. trade policy development needs to become more transparent" and that "many stakeholders are frustrated with the lack of consultation involved in the development and implementation of trade policy, but we can and should expand public participation in advising U.S. trade negotiators. . . . and more public consultation venues outside the established advisory groups are important steps toward this goal."⁶ **We applauded the 2009 announcement by the USTR's office that it would undertake a comprehensive and inclusive review of past U.S. trade policies, so as to formulate a new Obama trade framework. However, to date, such a process has not been conducted. We urge the USTR to initiate such a process and give it high priority.** A letter recently sent to President Obama signed by the U.S. unions, faith, family farm and other organizations most involved in trade issues (and thus most likely to be included in such a process) reiterates the need for this promised review and consultation process to be undertaken with haste, given four TPP negotiating rounds are slated for 2010, starting in mid-March.

With respect to the second question, **it is critical that the administration proceed on the basis of the trade reforms President Obama enumerated in his campaign, with a view to rebuilding consensus in favor of trade expansion. This must be based on a new approach that can deliver benefits to more Americans, while promoting equitable development for our trade partners. It**

is especially important to use these negotiations to accomplish this end given the administration is proposing to dedicate considerable negotiating resources to a process with limited new commercial prospects for the United States. The United States already has FTAs with the largest economies in the prospective TPP bloc – Australia and Singapore – plus FTAs with Chile and Peru. **These four prospective TPP countries with which the United States already has FTAs comprise 87 percent of the total combined \$1.7 trillion nominal GDP of all target TPP countries.**⁷ Compared with the prospect of the United States initiating trade negotiations with other countries that might provide significant U.S. economic opportunities, the remaining TPP countries – Brunei, Vietnam and New Zealand – provide relatively limited U.S. export opportunities and present various special problems.

The initial impetus for U.S. involvement in TPP talks seemed to be the Bush administration's interest in the addition of deregulation-promoting financial services and foreign investment chapters to a pre-existing Trans-Pacific Strategic Economic Partnership Agreement (also known as the P-4) between Brunei, Chile, New Zealand, and Singapore.⁸ The P-4 harkens back to a time when the Clinton administration sought to expand the North American Free Trade Agreement (NAFTA) model of trade pacts through the western hemisphere through the Free Trade Area of the Americas (FTAA) and an Asian Pacific Economic Partnership (APEC) Free Trade Agreement. When both projects collapsed due to major countries in each region coming to loggerheads over the agreements' scopes and the model on which the pacts should be premised, "coalitions of the willing" from each grouping established their own NAFTA-style deals – resulting in the P-4, the U.S. FTAs with Chile, Singapore, Australia and Peru and the Central America Free Trade Agreement (CAFTA). Representatives of some of the governments now involved in TPP talks and some U.S. industry representative view the TPP as a means to revive the APEC FTA.

This is the wrong approach. The U.S. approach to the TPP must move away from the outdated thinking and failed trade agreement model represented by these old pacts, and must seek to remedy the measurable damage inflicted under it. A large bloc in Congress is eager to work with the administration to create a new trade agreement model, and has offered its assistance to the USTR. That assistance comes in the form of the comprehensive trade agreement reform agenda set forth in the Trade Reform, Accountability, Development and Employment (TRADE) Act, which is supported by a majority of House Democrats. The TRADE Act lays out in detail a trade agreement model explicitly designed to capture the benefits of trade while both remedying the overreach of the past U.S. trade agreement model into limiting non-trade regulatory policy space and adding important elements that were absent in past pacts. In the view of Public Citizen, the comprehensive trade agreement reforms enumerated in the TRADE Act should be the basis for the U.S. TPP approach.

As is always the case, policy decisions are intertwined with political considerations. In addition to providing good policy, the trade agreement model laid out in the TRADE Act is one that can gain support from a majority of House Democrats, in contrast to the past model which was implemented with Republican votes supplemented by a few Democratic supporters. The TRADE Act's House cosponsors at the time these comments are being filed include a majority of House committee chairs and subcommittee chairs and 22 members of the Blue Dog caucus and 18 members of the New Democrats caucus.

Indeed, for a prospective TPP agreement to be a success politically and policywise, it cannot merely mirror past U.S. agreements. This includes those negotiated with Peru, Colombia, Panama and Korea, which were modified in 2007 on the basis of initial reforms agreed to by some congressional

Democrats and the Bush administration. Those initial reforms represented the end of the Bush trade agenda, not the starting point for a new Obama trade agreement model. Indeed, a majority of House Democrats voted against the Peru FTA. However, specific improvements made to some of those pacts' terms in 2007 with respect to labor and environmental standards and patent rules related to medicines are a starting point from which a prospective TPP agreement must achieve more progress. A prospective TPP must also address the significant problems with the foreign investor, procurement, services, agriculture, and food and product safety terms in past trade agreements that were not subject to initial reform in 2007.

Special Considerations of Relevance for U.S. Involvement in the TPP Process

In addition to the overarching issues with respect to establishment of a new Obama administration trade agreement model, the TPP presents several unique problems.

1. To start with, Vietnam and Brunei are simply not appropriate partners for a U.S. trade pact, given the lack of democracy and observance of basic workers' and other human rights in those countries; limitations on full democratic rights in Singapore are also problematic.⁹

Vietnam is known for its violation of internationally recognized labor rights. The State Department has noted that “Workers are not free to join or form unions of their choosing. The Communist Party of Vietnam (CPV) controls the single trade union, the VGCL, an umbrella organization that approves and manages a range of subsidiary labor unions organized according to location and industry.”¹⁰ Moreover, according to the annual State Department Human Rights report, the government of Vietnam has “continued its crackdown on dissent, arresting a number of political activists and disrupting nascent opposition organizations, causing several political dissidents to flee the country.”¹¹

The State Department also has cited Brunei for “arbitrary detention; limits on freedom of speech, press, assembly, and association; restrictions on religious freedom; discrimination against women; restricted labor rights; and exploitation of foreign workers.”¹² In particular, the State Department reported that newspaper publishers can be prosecuted for publishing anything that challenges the “Malay Muslim Monarchy concept,” which promotes “Islam as the state religion [and] monarchical rule as the sole acceptable governing system.”¹³

As well, the TPP should include a democracy clause that would require parties to the agreement to have democratic forms of government. Several of our prospective TPP FTA partners are members of the Commonwealth (an association of former British colonies), whose charter includes the following democracy clause: We believe in... the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives.” Zimbabwe had its Commonwealth benefits suspended in 2002 when the Mugabe regime used targeted violence to ensure its reelection.¹⁴ In contrast, when the democratically elected Honduran government was overthrown in a 2009 coup, the benefits of CAFTA, which has no democracy clause, stayed in effect for the coup regime.¹⁵

2. The very form a possible TPP agreement could take remains unclear and the situation is extremely complex, with interconnected policy and political challenges. First, the United States, Australia, Vietnam, and Peru all have sought to join negotiations on the expansion of an *existing* pact – the aforementioned Trans-Pacific Strategic Economic Partnership Agreement, also known as

the P-4. The four P-4 countries consciously designed it to bring in new partners over time. However, this 2006 pact between Brunei, Chile, New Zealand, and Singapore reflects a past trade pact model that many congressional Democrats have opposed.

Environmental and labor concerns are relegated to side letters (the Environmental “Cooperation Agreement” and the labor “Memorandum of Understanding”) that are unenforceable. In comments filed on the January 2009 USTR notice on TPP, the AFL-CIO singled out the labor provisions of the P-4 as being inadequate: “The Labor Memorandum of Understanding (MOU) negotiated between the P-4 countries as part of the Trans Pacific Strategic Economic Partnership Agreement should not serve as a model labor chapter for the TPPFTA negotiations. The obligations in the MOU are very weak and there is no enforcement mechanism.”¹⁶ (Labor unions in New Zealand were also wary of the original P-4.¹⁷)

The pact also covers trade in goods, services, customs procedures, intellectual property, import safeguards, procurement, sanitary and phytosanitary measures, dispute settlement, technical barriers to trade, and competition policy. The United States should not accede to the existing P-4 text, which does not reflect President Obama’s campaign commitments to trade reform¹⁸ or the position of many congressional Democrats.

The outstanding issues in the TPP – financial services and investment – are among the most controversial among Democrats. A majority of Democrats opposed the 2007 U.S.-Peru FTA in part because it failed to remedy problems with foreign investor rights and their private enforcement that had led many Democrats to oppose NAFTA and CAFTA in earlier years. Congress and the Obama administration have yet to discuss how to proceed on this issue, which candidate Obama identified as a matter requiring reform. The Bush administration’s engagement on the TPP financial service issues predated the trend towards reregulation that followed the global financial crisis. The lessons of the crisis call into question the prudence of establishing new constraints on financial regulatory policy within a trade agreement. The United States should not sign onto additional financial services and investment disciplines that replicate past FTAs’ failures in this area.

Third, there are 11 other existing trade agreements between the various proposed TPP partners that create what has been called a “spaghetti bowl” of differing rules.

| Agreements among TPP Negotiating Partners | | |
|--|---------------------|-------------------------|
| Agreement | Signing date | Entry into force |
| U.S.-Peru Free Trade Agreement | April 12, 2006 | February 1, 2009 |
| U.S.-Chile Free Trade Agreement | June 6, 2003 | January 1, 2004 |
| U.S.-Singapore Free Trade Agreement (USSFTA) | May 6, 2003 | January 1, 2004 |
| Australia-U.S. Free Trade Agreement (AUSFTA) | May 18, 2004 | January 1, 2005 |
| Singapore-Australia Free Trade Agreement (SAFTA) | February 17, 2003 | July 28, 2003 |
| Australia and New Zealand Closer Economic Relations | | January 1, 1983 |
| Australia-Chile Free Trade Agreement | July 30, 2008 | March 6, 2009 |
| ASEAN-Australia-New Zealand FTA (AANZFTA) (includes Brunei, Burma, Malaysia, the Philippines, Singapore and Vietnam) | February 27, 2009 | January 1, 2010 |
| Agreement between New Zealand and Singapore on a Closer Economic Partnership (ANZSCEP) | November 14, 2000 | January 1, 2001 |
| Peru-Singapore Free Trade Agreement (PeSFTA) | May 29, 2008 | August 1, 2009 |
| Peru-Chile Free Trade Agreement | August 22, 2006 | March 1, 2009 |

The United States has FTAs with four of the prospective TPP countries – Australia, Chile, Peru and Singapore – that have varying terms. TPP negotiations should be used to build off of the initial reforms made in 2007 with respect to labor, environmental and medicine patent rules. They should also be used to address the outstanding issues identified – not only by congressional Democrats, but by President Obama during his campaign – as targets for future reform that were not addressed in the 2007 process. These issues include:

Elimination of extraordinary foreign-investor privileges and private enforcement system that promote offshoring, attacks on domestic environmental, health and safety polices: During U.S. FTA negotiations, Australia rejected the Bush administration’s demands that the FTA’s foreign investor provisions have private investor-state enforcement. Thus, the U.S.-Australia FTA alone among the four includes this important reform – the elimination of extrajudicial private enforcement of trade pact investor rules – which many congressional Democrats have demanded.

Past FTAs have included substantive terms that provide foreign investors with special rights and privileges. Past FTA investment provisions also allowed private investors and corporations to directly enforce the special FTA foreign investor rights and privileges by skirting domestic courts to sue governments in foreign tribunals to demand cash compensation. The FTA investor rights terms create incentives for U.S. firms to offshore their U.S. production to foreign jurisdictions, where they can operate under privileged FTA foreign investor status, rather than be forced to deal with that country’s regulations and courts.

All four U.S. pacts with prospective TPP partners contain the substantive foreign investor terms that many congressional Democrats have opposed. The U.S. FTAs with Australia, Chile and Singapore do not even include changes made in the CAFTA text that were intended to remedy some of NAFTA’s foreign investor provision problems – changes that did not satisfy most congressional Democrats (only 15 of whom supported CAFTA).

As described in the TRADE Act, in future U.S. FTAs, the language defining the types of foreign investment subject to investor-state enforcement for expropriation and minimum standard of treatment must be limited to real property. The language in future FTAs also must explicitly limit takings compensation challenges only to government actions that terminate all value of an investment – permanently – to comply with the no-greater-rights standard. The definition of the minimum standard of treatment in trade pact foreign investor rules must be clarified to ensure that no new substantive rights are granted, but rather basic due process treatment. The TRADE Act also specifies that investment provisions in future pacts shall “allow each country that is a party to the trade agreement to place prudential restrictions on speculative capital to reduce global financial instability and trade volatility,” and requires a general exception that reads:

“Notwithstanding any other provision of this agreement, a provision of law that is nondiscriminatory on its face and relates to domestic health, consumer safety, the environment, labor rights, worker health and safety, economic equity, consumer access, the provision of goods or services, or investment, shall not be subject to challenge under the dispute resolution mechanism established under this agreement, unless the primary purpose of the law is to discriminate with respect to market access.”

These positions also reflect President Obama’s campaign commitments, when he said:

“With regards to provisions in several FTAs that give foreign investors the right to sue governments directly in foreign tribunals, I will ensure that foreign investor rights are strictly limited and will fully exempt any law or regulation written to protect public safety or promote the public interest. And I will never agree to granting foreign investors any rights in the U.S. greater than those of Americans.”¹⁹

Procurement: As described in detail in the TRADE Act, future FTAs must not include rules that limit the use of Buy American and Buy Local policies. Also, language must be added to future FTAs explicitly stating that the technical specification rules and the supplier qualification rules in no way limit government actions regarding prevailing-wage, living-wage, renewable-source or recycled-content requirements, and that such measures do not violate either the FTAs’ procurement or investment rules. The language in past FTAs subjects many common pro-environmental and pro-labor procurement policies to challenge.

Imported food must meet U.S. safety standards: As described in detail in the TRADE Act, in all future U.S. trade pacts, the right to send food and products into the United States must be conditioned on meeting U.S. safety and inspection standards. In contrast, NAFTA, CAFTA and the Bush FTAs contain language requiring the United States to accept imported food that does not meet our domestic safety standards and limiting import inspection of food and products. During the 2008 campaign, President Obama said: “As president, I will make sure that any goods coming into America meet American safety standards.”²⁰

Mandatory service-sector privatization and deregulation: As described in detail in the TRADE Act, U.S. trade pacts must not limit domestic policy regarding health, energy, and other essential services. Bush’s Peru FTA, for instance, locked in Peru’s failed social security privatization. President Obama also campaigned on preserving these rights from trade pact challenge.²¹

Financial services deregulation. The Bush administration’s template for financial services chapters in FTAs also contains many serious problems that replicate (and in some cases expand) upon problems in NAFTA and the World Trade Organization’s (WTO’s) financial services terms, which require certain forms of deregulation for any financial service that is covered by the pacts. Among the problems that should be addressed are:

- Delinking the agreements’ market access terms from deregulation terms. Currently, whole categories of regulation are prohibited with respect to any sector under the pacts’ jurisdiction. This includes terms that forbid “firewalls” limiting the spread of risk between financial sectors, bans of risky products and modes and means of supplying a financial service, and restrictions on countries’ ability to control destabilizing capital inflows and flight.
- As well, past FTAs contain specific constraints on permissible domestic regulation with respect to licensing of financial services, technical standards, professional standards and more.
- Moreover, the standard prudential measures language included in U.S. trade and investment pacts should be amended to ensure that all measures that countries consider prudential are protected from trade-pact challenge.

Zeroing out of staple food tariffs: Provisions requiring FTA partners to zero out tariffs on their subsistence food crops must be removed to ensure food security. Exceptions must be added for staples foods, and real safeguard mechanisms added against surges and dumping. President Obama

acknowledged this problem during the campaign, saying NAFTA “devastated a much less efficient Mexican farming system” and “those are millions of people in Mexico who are displaced. Many of whom now are moving up to the United States, contributing to the immigration concerns that people are feeling.”²²

Completing the May 2007 improvements to environmental and labor standards: Only the Peru FTA includes certain initial reforms to labor, environmental and access to medicine patent rules that resulted from a 2007 deal between some congressional Democrats and the Bush administration.

The past U.S. FTAs’ grant of monopoly control (“data exclusivity”) for drug-test data must be eliminated in the TPP and future pacts. The May 2007 deal made some progress in this area, but further changes are required to ensure that FTAs do not undermine nations’ ability to access affordable medicines. The 2001 WTO Declaration on the Trade-Related Intellectual Property Rights (TRIPS) Agreement and Public Health created flexibilities for countries to be guaranteed such access – a declaration that the 2002 Fast Track legislation required future FTAs to respect. (The Bush FTAs nonetheless violated this standard.)

Improvements made to the Bush FTAs’ labor and environmental terms in 2007 have unfortunately proved inadequate, as shown by the Peru FTA. That FTA (with the improved FTA labor/environmental language) was implemented in 2009 without Peru improving its labor law to meet International Labor Organization (ILO) standards as required, and after Peru rolled back environmental protections existing prior to the FTA’s signing. As will undoubtedly be detailed in comments filed by labor and environmental organizations, improved labor and environmental standards must be added to all U.S. FTAs’ core texts. Signatories must enforce core ILO standards as set forth in the ILO Conventions and Multilateral Environmental Agreements (MEAs), with a requirement that the failure to do so or the weakening of such laws must be made an FTA violation and these terms must be enforced equally to commercial terms. This would bring human rights matters that directly affect production costs on parity with FTA treatment of patents and other rent-seeking protections unrelated to trade.

In contrast, under the reforms made in 2007, the Bush FTAs require countries only to implement the vague terms set forth in the ILO Declaration on Fundamental Principles and Rights at Work, and they explicitly do not refer to the ILO Conventions, with their associated jurisprudence and protections. The labor standards of a prospective TPP agreement must require signatories to enforce the core ILO standards, as set forth in the ILO Conventions. Requiring in the TPP that countries implement in their domestic law the ILO Convention standards will be a historic accomplishment for international worker rights. Indeed, all future U.S. trade agreements must include a requirement that countries implement in their domestic law the ILO Convention standards. They must also include provisions stating that the failure to enforce or the weakening of such policies would constitute a violation of a trade pact provision, for which the consequences will be just as stringent as commercial violations

A majority of House Democrats opposed the Peru deal, calling for reforms to investment, procurement, service-sector, agriculture, and imported food safety rules and additional reforms to labor and environmental terms. However, the Australia, Chile and Singapore FTAs contain the outdated terms on labor and environmental standards and intellectual property that were the basis of the Peru FTA’s renegotiation in 2007.

In summary, the Obama administration should use the TPP process as an opportunity to replace the pre-existing pacts with Australia, Chile, Peru and Singapore with provisions that represent the new approach enumerated in the TRADE Act. A goal of the TPP talks must be to obtain greater improvements, building on the progress of past U.S. improvements on environmental and labor standards and access to medicines patent rules. A new pact should also replicate the Australia FTA's important exclusion of investor-state private enforcement, while reforming the substantive foreign investment rules. This is necessary to ensure that foreign investors within the United States have no greater rights than offered under the Constitution, as interpreted by the Supreme Court. And, any prospective TPP must ensure that rules with respect to import safety, procurement, financial and other service sector regulation, and food security are protected from trade pact challenge, as outlined above.

3. If a prospective TPP is to be designed as a “docking agreement,” then it must include accession rules that set criteria for future potential partners, and provide for approval by each existing country through its normal trade agreement ratification processes with respect to new entrants. The P-4 was envisioned as a “docking agreement” that other countries could join after the agreement went into force. Current discussions of the TPP by the other prospective partner countries and the USTR suggest that this will also be a goal for a TPP agreement. In that case, it is critical that the agreement preserve Congress' constitutional authority with respect to trade policy. To do so, any initial TPP must set forth readiness criteria for future entrants, so that Congress can have a role in deciding prospective U.S. trade partners. The TRADE Act sets forth useful readiness criteria with respect to the economic prospects a future trade partner might represent and basic democracy, human and labor rights and other criteria all U.S. trade partners should meet. Also, any TPP agreement text must provide for each existing signatory to approve new countries' accession.

Conclusion

Among congressional Democrats and Democratic base groups, there are strong expectations that the TPP negotiations be used to break away from the Bush trade agenda and to create a new American trade agreement model. *That the Bush administration initiated the TPP talks creates a special imperative on the Obama administration to create a new approach to the TPP, in cooperation with Congress and interested Democratic constituencies.* If the TPP were seen as a continuation of the same Bush trade agenda, the political implications could be dire.

Congressional Democrats and their constituents have been clear in their demand for a new trade model that implements the trade reform commitment made by President Obama during his campaign.²³ This includes *building upon the labor and environmental standards reforms and access to medicines patent rules improvements included in the text of the Peru FTA.* In addition, the TPP must provide for substantive reforms to investment rules on top of the Australia FTA's standard of not including private investor-state enforcement of foreign investor privileges.

A majority of House Democrats, chairs, and subcommittee chairs have sponsored the TRADE Act, which provides specific guidance with respect to what provisions U.S. trade agreements must and must not include.²⁴ In its comments on the January 2009 docket, the AFL-CIO warned against negotiating the TPP without changing the fundamentals of the trade agreement negotiating framework, stating that the United States “cannot negotiate new free trade agreements using the current trade template.”²⁵

The comments of House Rules Committee Chair Louise Slaughter (D-N.Y.) in response to the December 2009 TPP announcement captured the sentiments of many congressional Democrats and their constituents: “I don’t plan to support any new trade agreements until this Administration finally announces a clear statement of policies and goals with respect to trade.... We’ve been eagerly awaiting some guidance from the White House all year. Until this Administration starts to make sound investments in creating opportunities for American workers we should not be pursuing new trade packages that will hurt U.S. manufacturing. Administration officials need to start from scratch and work on a trade agreement that follows the principles of the Reciprocal Market Access Act and the TRADE Act and protects American jobs.”²⁶

In closing, the TPP negotiation process, being the first trade agreement negotiations entered into by the Obama administration, has become the venue in which the administration must formally create and then implement a new U.S. trade agreement model. The process by which the U.S. approach to the TPP is established will determine whether the administration will follow through with its commitments to new transparency and inclusiveness in U.S. trade policymaking.

ENDNOTES

¹ See <http://www.citizen.org/documents/ObamaTradeCampaignStatementsFINAL.pdf> for a summary of the specific changes to the North American Free Trade Agreement (NAFTA) model the president described or <http://www.citizenstrade.org/hope.php> to review specific written commitments in full.

² Office of the U.S. Trade Representative, “United States to Negotiate Participation in Trans-Pacific Strategic Economic Partnership,” Fact Sheet. September 2008. Available at:

http://ustraderep.gov/assets/World_Regions/Southeast_Asia_Pacific/Trans-Pacific_Partnership_Agreement/Fact_Sheets/asset_upload_file602_15133.pdf

³ On September 2008, President Bush’s U.S. Trade Representative (USTR) Susan Schwab notified Congress that the United States would expand its participation beyond the two sectoral issues and start negotiations to become a full member of the agreement, which was identified as the Trans-Pacific Partnership (TPP) (“Letter from Susan C. Schwab to the Hon. Nancy Pelosi, Speaker, U.S. House of Reps.,” Sept. 22, 2008. Available at:

[http://ustraderep.gov/assets/World_Regions/Southeast_Asia_Pacific/Trans-Pacific_Partnership_Agreement/Other_Documents_\(Letters,_etc\)/asset_upload_file775_15142.pdf](http://ustraderep.gov/assets/World_Regions/Southeast_Asia_Pacific/Trans-Pacific_Partnership_Agreement/Other_Documents_(Letters,_etc)/asset_upload_file775_15142.pdf)). The Bush USTR sent a second TPP notice to Congress in December 2008, expanding the list of partners to include Australia, Vietnam, and Peru. (“Letter from Susan C. Schwab to the Honorable Nancy Pelosi, Speaker, U.S. House of Representatives”, December 30, 2008. Available at:

[http://ustraderep.gov/assets/World_Regions/Southeast_Asia_Pacific/Trans-Pacific_Partnership_Agreement/Other_Documents_\(Letters,_etc\)/asset_upload_file152_15321.pdf](http://ustraderep.gov/assets/World_Regions/Southeast_Asia_Pacific/Trans-Pacific_Partnership_Agreement/Other_Documents_(Letters,_etc)/asset_upload_file152_15321.pdf))

⁴ Office of the U.S. Trade Representative, “Request for Comments and Notice of Public Hearing: Proposed Trans-Pacific Partnership Free Trade Agreement,” Fed. Reg., (Vol. 74, No. 15), Jan. 26, 2009.

<http://www.thefederalregister.com/d.p/2009-01-26-E9-1515>

⁵ “U.S. Delays TPP Talks to Allow Obama Cabinet Members to Take Office,” *Inside U.S. Trade*, Feb. 24, 2009.

⁶ USTR, “The President’s Trade Policy Agenda,” Feb. 27, 2009, at 3. Available at:

http://www.ustr.gov/sites/default/files/uploads/reports/2009/asset_upload_file810_15401.pdf

⁷ Central Intelligence Agency, “The World Factbook 2009,” Available at: <https://www.cia.gov/library/publications/the-world-factbook/index.html>

⁸ “U.S. Seeks Services Deal With P4 As Possible First Step To New FTA,” *Inside U.S. Trade*, Feb. 8, 2008.

⁹ As the U.S. State Department reported, “the People’s Action Party (PAP), in power since 1959, overwhelmingly dominates politics. ... the PAP placed formidable obstacles in the path of political opponents. ... The government has broad powers to limit citizens’ rights and to handicap political opposition, which it used. Caning is an allowable punishment for numerous offenses. The following human rights problems also were reported: preventive detention, executive influence over the judiciary, infringement of citizens’ privacy rights, restriction of speech and press freedom and the practice of self-censorship by journalists, restriction of freedoms of assembly and association, limited restriction of freedom of religion, and some trafficking in persons.” (U.S. State Department, “Country Report on Human Rights Practices: Singapore,” February 2009. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119056.htm>)

¹⁰ U.S. State Department, “Country Report on Human Rights Practices: Vietnam,” March 2008. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2007/100543.htm>

¹¹ Ibid.

¹² U.S. State Department, “Country Report on Human Rights Practices: Brunei,” February 2009. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119034.htm>

¹³ Ibid.

¹⁴ “UK welcomes Zimbabwe decision,” *BBC News*, March 19, 2002. Available at: http://news.bbc.co.uk/2/hi/uk_news/politics/1882262.stm

¹⁵ U.S. State Department, “Senior State Department Officials on Honduras,” Conference Call Transcript, Aug. 25, 2009. Available at: <http://www.state.gov/r/pa/prs/ps/2009/aug/128373.htm>

¹⁶ AFL-CIO, “Testimony Regarding the Proposed United States - Trans-Pacific Partnership Free Trade Agreement,” Feb. 25, 2009.

¹⁷ New Zealand Council of Trade Unions, “Submission of the New Zealand Council of Trade Unions to the Ministry of Foreign Affairs and Trade on P4 Negotiations with the United States,” Dec. 8, 2008. Available at : <http://nznotforsale.files.wordpress.com/2009/02/ctu-submission-on-us-and-trans-pacific-fta-dec-2008.pdf>

¹⁸ Public Citizen, “Selected Campaign Statements by President Barack Obama on U.S. Trade and Globalization Policy,” 2008. Available at: <http://www.citizen.org/documents/ObamaTradeCampaignStatementsFINAL.pdf>

¹⁹ Response to a Pennsylvania Fair Trade Coalition questionnaire, April 2, 2008. Available at http://www.citizen.org/documents/PA_Fair_Trade_Coalition_Obama.pdf.

²⁰ Letter to the Iowa Fair Trade Campaign, December 26, 2007.

²¹ “I do not support trade efforts that undermine important federal, state and local policies and long-time practices that have been designed and implemented to benefit American families. As such, before expanding GATS to other domestic sectors, I believe we must have a thorough assessment of how such a move would affect the existing practices and goals of U.S. federal, state and local governments.” See Response to a Pennsylvania Fair Trade Coalition questionnaire, April 2, 2008.

²² Obama for America Campaign, “Fact Check on Fortune Article,” June 18, 2008. Available at: http://factcheck.barackobama.com/factcheck/2008/06/18/fact_check_on_fortune_intervie.php

²³ Trade Reform, Accountability, Development, and Employment Act of 2009, H.R 3012, 111th Congress (2009). Available at: <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR03012:@@D&summ2=m&>

²⁴ Trade Reform, Accountability, Development, and Employment Act of 2009, H.R 3012, 111th Congress (2009).

²⁵ AFL-CIO, “Testimony Regarding the Proposed United States - Trans-Pacific Partnership Free Trade Agreement,” Feb. 25, 2009.

²⁶ The Office of Representative Louise Slaughter, “Slaughter Says New TPP Trade Talks are Premature,” Press Release, Dec. 15, 2009. Available at:

http://www.louise.house.gov/index.php?option=com_content&view=article&id=1436:slaughter-says-new-tpp-trade-talks-are-premature&catid=41:press-releases&Itemid=109