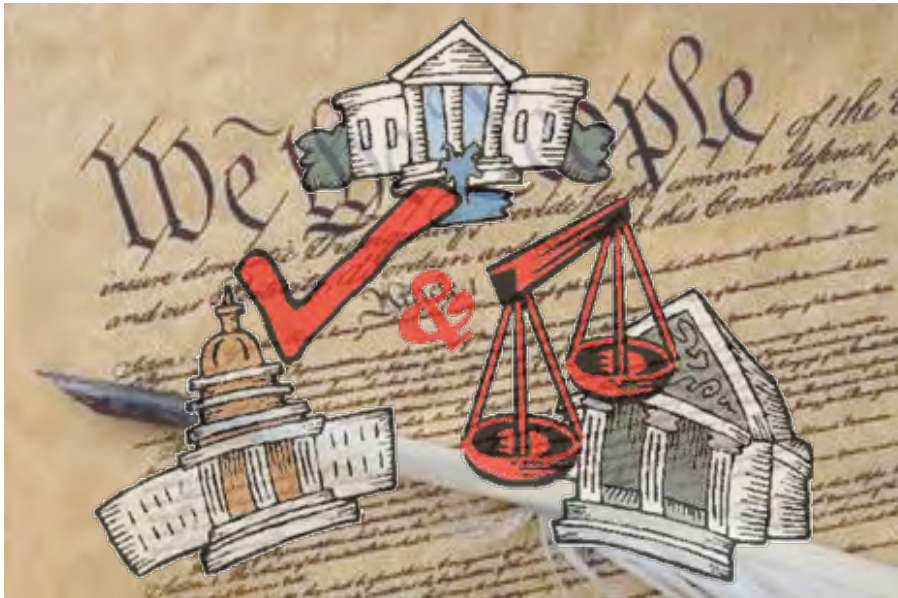


Fast Track Trade Authority: Usurping the Constitution



Congress should debate trade bills under the REGULAR ORDER, not Fast Track.

What are the Problems?

- Choice of countries to negotiate with is delegated to President.
- The President negotiates the actual agreement while prohibiting Congress' ability to be involved with negotiating. Congress lists "negotiating objectives, but they are not binding, not enforceable, and are oft ignored by the executive branch negotiators.
- Enabling executive branch signature before Congress votes on the pact.
- Enabling the executive branch to write implementing legislation without Congressional input.
- Allows only 45 days for House committees to discharge the President-written legislation.
- Requires a House floor vote 15 days after the bill is discharged from committees.
- Allows only 20 hours of debate in each House.
- Forbids any amendments to the President's implementing bill.
- Eliminates several floor procedures, including Senate unanimous consent, normal debate and cloture rules, and the Senate filibuster.
- Requires only a simple majority vote in each House for enactment, violating the Article II treaty clause.

The Constitution

Article I, Section 8: "The Congress shall have power... to regulate commerce with foreign nations," among other duties and responsibilities.

Trade Authority

Congress has instructed the Executive Branch throughout U.S. history regarding trade negotiations via bills constituting "trade authority." "Fast Track" is the sixth historical version of trade authority and gives away the most. It sunsetted in 2007, thus it is not in force today.

Trade Promotion Authority is being sought by President Obama as a means to railroad new trade agreements through congress on an up or down vote. Congress should debate trade bills under the "**regular order,**" not unique Fast Track procedures.

Overturning Non-Trade Laws

Over 80% of modern "trade" agreements are about topics other than tariffs and quotas. Unelected trade officials negotiate changes other federal, state and local laws. Examples include financial regulation, copyrights, patents, immigration, food safety, energy policy, labor and government procurement.

By delegating authority in one lump sum, a large swaths of Congress' constitutional authority is turned over to trade negotiators who then negotiate non-trade policies. Those non-trade provisions often include those Congress previously rejected or overrule those previously approved.

Passage embeds these changes in U.S. law into a treaty that requires the 100 percent approval of all other signatory nations before Congress can revoke or change their content.

The President's Use of the Authority

The President has taken over Congress' constitutional trade regulation role. The Executive determines what countries to negotiate with and what is negotiated with little or no legislative participation.

