



The Congressional Trade Priorities Act of 2014 (i.e. “Fast Track”) Will Harm our Environment

On January 9th, Senate Finance Committee Chairman Max Baucus (D-MT) and House Ways and Means Committee Chairman Dave Camp (R-MI) introduced the Congressional Trade Priorities Act of 2014, legislation that would grant “fast track” for trade deals including the [Trans-Pacific Partnership \(TPP\)](#) and the [Transatlantic Trade and Investment Partnership \(TTIP\)](#).

Fast track was originally created under President Nixon and first passed in 1974, at a time when trade pacts focused on traditional trade issues such as cutting tariffs and lifting quotas. It was last approved in 2002 and expired in 2007. The Camp-Baucus bill maintains all of the fundamental components of the 2002 fast-track bill that the Sierra Club opposed. Like the 2002 version, if the Camp-Baucus bill were approved by Congress the president would be able to send already signed trade pacts to Congress—whether or not the pacts meet the standards included in the fast-track bill—for a straight up-or-down vote with no amendments and limited floor debate.

The Sierra Club opposes fast track—an outdated and inappropriate mechanism for trade pacts as expansive as the TPP and TTIP. As Michael Brune, Executive Director of the Sierra Club [said](#) of the Camp-Baucus bill: “This legislation strips Congress of its defining democratic characteristic—its check-and-balance structure. If Congress is not able to fully debate and, if necessary, amend the language of these all-encompassing trade pacts, the environment, our climate, and our families could suffer as a result.” Below is an analysis of key parts of HR 3830 and S 1900 and their implications for our democracy and environment.

Camp-Baucus Fast-Track Process Strips Congress of its Ability to Ensure Trade Pacts Protect Communities, Environment and is an Attack on our Democracy

- The Camp-Baucus bill allows the president to unilaterally select trade negotiating partners and commence trade negotiations after giving Congress 90 days of notice. The bill provides no mechanism for Congress to veto a president’s decision to enter into negotiations on a trade pact that would be subject to expedited floor procedures, nor does it give Congress a meaningful role in selecting or rejecting trading partners (Sec. 5(a)).
- The president would unilaterally control the contents of an agreement. As with the 2002 fast-track bill, congressional negotiating objectives in the Camp-Baucus bill are not enforceable. The Executive Branch is granted the right to sign a trade pact *before* Congress votes on it—whether or not the negotiating objectives have been met (Sec. 3(b)(3)).
- After the president signs a trade agreement, it then is authorized to write legislation that would implement the pact and change U.S. laws that “the President considers would be required in order to bring the United States into compliance with the agreement” (Sec. 6 (a)(1)(B)) and (Sec. 6 (a)(1)(C)).

- After the president signs the agreement and drafts legislation to implement the pact, the president would submit the implementing legislation and a signed, finalized trade agreement to Congress. Like the 2002 fast-track bill, the House would be required to vote on the legislation within 60 session days, and the Senate would be required to vote on the agreement within 90 days (Sec. 3 (b)(3)).
- The bill would forbid amendments and permit only 20 hours of debate in both the House and the Senate. Voting, including in the Senate, would be by simple majority (Sec. 3 (b)(3)).

Camp-Baucus Fast-Track Bill Contains Weak and Flawed Negotiating Objectives

- The Camp-Baucus bill includes completely unenforceable negotiating objectives (Sec. 3(b)(3)).
- The environmental negotiating objectives in the Camp-Baucus bill are not at all sufficient to protect the environment. The negotiating objectives call on the United States to ensure that environmental obligations are subject to the same dispute settlement procedures as other enforceable obligations in the agreement (Sec.2(b)(10)(H)) and to uphold commitments made under a set of seven multilateral environmental agreements (Sec.2(b)(10)(A)(i). However, once again, the legislation allows the Executive Branch to finalize and sign a trade pact even if these negotiating objectives have not been met. In addition, key negotiating objectives that would help ensure that natural resources are protected, such as a ban on trade in illegally harvested timber, wildlife, and fish, are completely omitted.
- The Camp-Baucus bill maintains a number of deeply problematic negotiating objectives, including ones that would preserve the dangerous system by which foreign investors could sue foreign governments over laws and policies that corporations allege reduce their profits (Sec.2(b)(4)).
- The Camp-Baucus bill does nothing to address key concerns that the Sierra Club has about trade pacts, including their potential to expand natural gas exports and hydraulic fracturing, or fracking, across the United States; to subject environmental and climate policies to attack by foreign corporations; and to put increasing stress on scarce natural resources.

Camp-Baucus Fast-Track Bill Does Not Increase Transparency in Trade Agreements

- The Camp-Baucus bill simply formalizes the past practices of the United States Trade Representative (USTR) and leaves to the discretion of USTR how it will provide text access to Members of Congress if a member requests access (Sec. 4(a)(1)(B)).
- The Camp-Baucus bill limits access to confidential trade agreement proposals and draft texts for congressional staff with the necessary security clearances to only committee staff, excluding personal staff with clearances (Sec. 4(a)(3)(B)(ii)).
- The Camp-Baucus bill does nothing to improve transparency of trade negotiation processes to the public.

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