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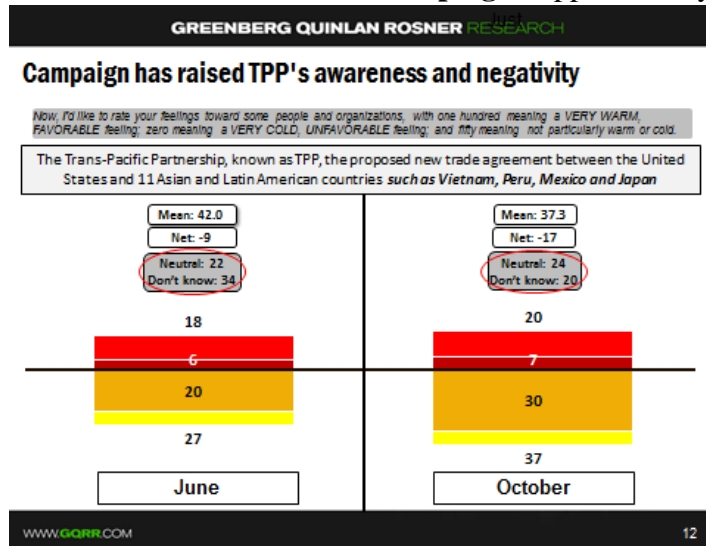
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Memo to Reporters: Quick Facts for Election Night Coverage

The Trade Debate: Election Outcomes Affected, Public Views Increasingly Negative, Imminent Lame-Duck Fight Over TPP Is First Salvo in Election 2018

- **The trade debate’s political power is spotlighted by close battles in Ohio and Michigan.** Trade is key as both presidential candidates seek support from white working-class voters. The issue’s salience also is shown by the improbable GOP down-ticket announcements of opposition to the Trans-Pacific Partnership (TPP). Those who supported Fast Track for the TPP in 2015 but switched to TPP opposition include former U.S. Trade Representative and now U.S. Sen. Rob Portman (R-Ohio), Sen. Pat Toomey (R-Pa.), and Sen. Richard Burr (R-N.C.) as well as [15 GOP House members](#), most of whom face difficult reelection races.
- **A new poll finds opposition to the TPP and shows that negative views of past pacts grew over the course of the 2016 campaign.** Opposition by both presidential candidates in the



general election campaign has raised public awareness about the TPP and this translated into increased opposition and more intense opposition. Just since June, those saying that they did not know enough about the TPP to have an opinion decreased by 14 percent while opposition rose by 10 percent. The scale of change starts with Democrats, speeds up with independents and becomes a torrent with Republicans, according to the national [poll](#) by Greenberg, Quinlan and Rosner (GQR) released Nov. 3, 2016. “TPP’s

proponents are losing the public debate,” [said](#) GQR President Stan Greenberg. “The results are dramatic across the board. The more the issue is debated, the more opinion moves against TPP.” Significant majorities of all demographics also think trade agreements cost American jobs.

- **It’s a rough road for the TPP: 68 percent of GOP voters and 60 percent of all voters would punish a member of Congress supporting TPP in the lame-duck session; Democrats see the TPP as a stain on Obama’s legacy.** The GQT poll found fully 68 percent of Republicans

saying they are less likely to support a member of Congress voting for the TPP, 34 percent with intensity. While this sentiment is strongest among Republicans, it spans the political spectrum. Overall, six out of 10 voters are ready to punish a “yes” vote on the TPP, and 28 percent say they are much less likely to vote for that member. This includes majorities of all segments of the “rising electorate,” millennials, minorities and unmarried women. A plurality of Democrats views the TPP as a potential stain on President Barack Obama’s legacy.

- **House GOP election outcomes will be key as House Speaker Paul Ryan decides whether to bring the TPP to a vote in the lame-duck session with GOP voters strongly against and the GOP’s high-donor base demanding action.** With an eye to conservative GOP threats to withhold support for his speakership and a possible 2020 presidential run, Ryan’s decision is complicated. Whether the TPP will get a lame-duck vote is his call. Beyond whether he can muster the votes of representatives who weathered the wrath of trade voters in this cycle and worry about the 2018 primaries lies the longer-term implications of his even trying to do so with the GOP voter base so intensely against the pact.
- **If Hillary Clinton is elected, TPP passage in the lame-duck session would be disastrous – dumping on her the final decision about whether to implement it, to the detriment of her own first-term priorities.** Approval of the TPP in the lame-duck session would NOT make it go away, but rather dump it like political toxic waste all over Clinton’s first term. Congressional passage of the TPP does not automatically implement it, but rather shifts back onto the president the ultimate decision about whether and when to do so. The TPP (Article 30.5) requires a specific form of notice be given to the other countries for the pact to go into effect. And every U.S. trade pact implementing bill for decades has included a provision (Sec. 101) that requires a president to certify to Congress that the other countries involved not only have approved the agreement, but also have made the changes in their laws and practices required to comply with it *before* sending that notice. That process often takes several years. Managing it would create terrible internal Democratic Party frictions and consume enormous political capital and staff time.
- **Underlying the 2016 transpartisan trade revolt is the reality that only nine of the TPP’s 30 chapters pertain to trade – the rest provide new rights and powers to corporations.** The TPP covers 40 percent of the global economy, yet it was **negotiated in secret with hundreds of corporate advisers while the public was locked out.** This *Washington Post* [infographic](#) shows what industries had the most influence. The key provisions in the TPP grant new rights to **thousands of multinational corporations to sue the U.S. government before a panel of three corporate lawyers.** These lawyers can award the corporations unlimited sums to be paid by America’s taxpayers, including for the loss of expected future profits, if they conclude that a U.S. federal, state or local law, regulation or court ruling violates new rights granted to the corporations in the TPP. Decisions are not subject to appeal. The U.S. has avoided liability under this Investor-State Dispute Settlement (ISDS) system because past pacts have covered few foreign investors here. The TPP would [newly empower more than 10,000 subsidiaries](#) of Japanese, Australian and other TPP nation firms operating here to attack U.S. policies. This is an issue that both Clinton and vice presidential nominee Tim Kaine highlighted as a basis for their opposition to the TPP. But the pact has many other protectionist elements that provide special protections for specific industries involved in the talks. **Doctors Without Borders** [calls the TPP “the worst trade pact ever for access to medicines and biomedical research and development”](#) because it requires countries to extend special monopoly protections to pharmaceutical firms that limit the competition that brings down medicine prices.

Lori Wallach, Expert on Trade Politics and Policy, Available for Election Coverage, Pre-Show Prep

How Did Voters' Shifting Attitudes, Candidates' Focus on Trade Impact the Election?
How Is President Obama's Push to Pass the TPP in a Lame-Duck Session Affected?
What Does This Election's Trans-Partisan Trade Revolt Mean for the President-Elect?
What Does Recent Polling Tell Us About Americans' Views Post-Election?

WHO: **Lori Wallach** is a veteran of 25 years of congressional trade battles and an internationally recognized expert on trade agreements. Wallach, dubbed "[the Trade Debate's Guerrilla Warrior](#)" by *National Journal*, combines a lawyer's expertise in the actual terms of agreements with insights from the front lines of the current battle over the Trans-Pacific Partnership (TPP). Recognized in this year's [Politico's 50](#) for her role in the roiling trade debate, her specialty is translating arcane trade issues into accessible information. A lawyer who has worked in television news and on political campaigns, Wallach is well informed about how the trade debate has influenced this monumental election and what this means for the next president as well as the lay of the land for President Barack Obama and House Speaker Paul Ryan as the TPP heads to a congressional showdown in the imminent lame-duck session of Congress.

More about Lori:

<http://www.politico.com/magazine/politico50/2016#ixzz4P0NMOu7V>

<http://www.citizen.org/Page.aspx?pid=3250#lori>

http://www.nytimes.com/2015/04/28/business/trans-pacific-partnership-puts-harvard-law-school-rivals-on-opposite-sides-again.html?_r=0