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Reporters' Memo on Today's Congressional News Conference on TPP

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Public Citizen's Global Trade Watch

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Democrats' Congressional Campaign Chair, Senior Party Members Warn Obama: Don't Rush into a TPP Deal in Singapore

*They Vow to Block Any Pact Without Enforceable Labor and Environmental Standards,
Currency Disciplines or that Includes Patent or Copyright Extensions*

Senior Democratic members of Congress said Thursday the still-secret Trans-Pacific Partnership (TPP) trade pact is dead on arrival in Congress if it doesn't meet their demands to protect American workers and punish currency manipulation as well as provide enforceable labor and environmental standards, in addition to meeting other conditions.

During a Thursday news conference call, Democratic Congressional Campaign Committee Chair Steve Israel (D-N.Y.), Steering and Policy Committee Chair Rosa DeLauro (D-Conn.), Education and Workforce Ranking member George Miller (D-Cal.), Ways and Means member Earl Blumenauer (D-Ore.) and a leading congressional expert on high tech issues Rep. Zoe Lofgren (D-Cal.) said that the TPP so far excludes many of the provisions that are necessary for it to pass in Congress.

The U.S. Trade representative will join trade ministers from the other 11 Pacific Rim nations at a meeting this weekend in Singapore to try to hash out a final deal after four years of TPP negotiations. The Obama administration has insisted that the TPP must be completed this year. Opposition to the expansive pact is growing in many of the nations involved in the talks.

"My bottom line this weekend [when] our trade representatives will join trade ministers from other TPP countries to try and make a final deal: a good deal is more important than a final deal," said Israel, who noted his opposition to any TPP ban on Buy American procurement preferences.

DeLauro said currency manipulation must be addressed in TPP, or any deal made in Singapore would fail in Congress. Limits on access to affordable medicines, she said, would also undermine support for the deal. Lofgren said that efforts to implement expansive new copyright protections through the "backdoor" of TPP could derail the pact. She noted that a recently leaked TPP chapter in intellectual property included aspects of the "Stop Online Piracy Act" (SOPA) that Congress pulled after mass public opposition.

Miller said that TPP must require countries to provide the labor rights of the ILO Conventions, with failure to do so subject to trade sanctions, or it would fail in Congress. Blumenauer noted the same for a TPP that does not include enforceable environmental standards, including bans on trade in endangered species, rules

to prevent overfishing and enforcement of TPP nations' obligations in Multilateral Environmental Agreements.

Link for recording of news conference:

<http://www.conferenceplayback.com/stream/66218019/74193201.mp3>

Excerpts from Recording of the Representatives' Comments at Today's Press Conference

Rep. Rosa DeLauro (D-CT): We all know next week the trade ministers from the 12 nations will meet in Singapore. Their goal is the announcing of a deal on the TPP free trade agreement, a deal on an agreement that we know still has outstanding many of the core demands that have been made by the Congress and the U.S. public.... Several of our TPP partners have a history of or are currently manipulating their exchange rates to promote their exports, which is why including currency discipline in the agreement is critical, which will allow us to level that playing field for American workers. The Congress has been very vocal, our colleague Mike Michaud has led a bipartisan effort in the House, that received more than half of all House members, with 230 signed a letter urging the administration to include currency disciplines in the agreement. A similar letter in the Senate was signed by 60 senators. So not doing something on currency in this agreement would be a slap in the face to Congress.... There appears to be no discussion about currency manipulation, and like labor, environmental standards, intellectual property chapter, among other things- it threatens to limit access to affordable medicines – that remain undecided going into Singapore to this gathering next week.... It is Congress that has a final say on whether a trade deal is approved. Any deal that does not meet the Congress's prerogative such as insistence that such a deal includes disciplines against currency cheating will not pass in Congress. In other words, any deal announced as final next week is far from it.

Rep. George Miller (D-CA): I'm deeply concerned about the question of labor protections and what role labor and labor rights are going to play in the trade that is envisioned to expand between these countries and the United States.... it's become pretty clear from just reports in the media and other sources that this is a fundamental area of disagreement on the question of whether or not those labor rights will be enforced and what are those labor rights? Are they going to recognize the ILO's core conventions? Will they recognize enforceable labor rights at all, as President Bush did in 2007? And, if they're not, then this is very bad news for American workers, for American businesses, trying to compete. And that's why many of us have raised this question of Fast Track... we just went through the labor action plan for Colombia, great on paper, but not very good on the ground for the workers in Colombia. There's already been some suggestion that now they're working on a labor action plan for the TPP. These countries are much more hostile to labor than even Colombia. Colombia at least had some recognition of labor unions and rights as part of their history... So we are terribly concerned when you think about the basic ILO core labor standards and you think about Vietnam, which absolutely does not recognize the right of workers to organize, and how does that play into it?... I'm encouraged that almost 200 members of the House on both sides of the aisle expressed their concern about support for TPA [Fast Track] so that Congress can have an opportunity to look at and deal with this labor agreement There's a huge amount of worldwide trade; a very significant portion of trade across the Pacific.

Rep. Zoe Lofgren (D- CA): I just wanted to address the leaked IP chapter of the TPP because we've

expressed concern in the past that these trade agreements really are at the expense of consumer rights and fair use in the public domain. In fact I wrote to the USTR about these issues in September of 2012 and it doesn't look like they've been resolved. First, the leaked TPP text would apparently export new copyright terms to signatory countries rather than allowing the copyright term to be determined by each country. We are trying to press for a current copyright term of life plus 70 years. I mean we're talking about a couple of centuries in terms. Mexico is talking about 100 years, I personally think that's too long, but the TPP would lock that in for all signatory countries. Second, it looks like there would be new restrictions on limitations and exceptions to copyright such as what we in the U.S. enjoy as fair use. I believe that fair use in the digital age is absolutely crucial to creativity, education, social commentary, free speech, and yet it appears that the signatories would confine copyright limitations to certain special cases. This could lead to an abuse by rights holders, it is not innocuous and would be at odds with the First Amendment of the United States. Third, the leaked TPP provides extensive provisions on technical protection measures such as DRM to prevent copying or modifying copyrighted work. This is something which has come to the public's attention here in the United States when the librarian said you couldn't unlock your cellphone! We're trying to change it, this provision looks like it would lock in really backward provisions of law. In closing, this is backdooring through a trade agreement that which could not be obtained in the Congress. I think we all remember SOPA, the Stop Online Piracy Act. Millions of Americans shut the phone system down in the United States. It looks like there are some elements of SOPA that are being inserted in this trade agreement and I don't think the American people are going to put up with it.

Rep. Earl Blumenauer (D-OR): From my vantage point, if we're not going to deal with the environmental provisions that we included in what was known as the May 10th agreement established soon after Democrats took control of Congress, it's unacceptable for me and I suspect it's going to be unacceptable for many of my colleagues in the House and the Senate... We should not let the Trans-Pacific Partnership slide by without building on the previous progress in the environmental chapter. We need to work to make sure that the environmental chapter is binding and subject to dispute settlement... And the U.S. needs to make sure that it contains strong marine conservation provisions, particularly because these are the countries, who will be a party to this agreement, that represent over a third of the global catch.... It needs to have robust and legally enforceable prohibitions on the trade in illegally harvested timber and wood products.... We want to make sure that this agreement prevents the trade in endangered wildlife and plants... One of the keys to doing this will be our multilateral environmental agreements, these MEAs. Because in addition to requiring that the signatory countries uphold their own environmental laws, I think it's important to ensure that countries are committed to upholding any MEA to which they are a party. This gives us additional leverage and establishes a floor.... I think that the USTR and these other countries should be on notice that we are not interested in accepting anything less. Many of these countries including Peru already have trade agreements with the U.S. that contain May 10th environmental provisions and I hope as I say, this is the floor as we move forward...

Rep. Steve Israel (D-NY): I've been a longstanding supporter of free trade and I also understand that free trade has to be fair. And the only way you're going to get free and fair trade is if Congress is able to assert oversight in review of trade agreements; there's got to be checks and balances and I'm very concerned that TPP does not currently provide those checks and balances. That's why I joined 160 of my Democratic House colleagues in sending a letter to the President calling for a new process to replace the old era Fast Track. 20th century Fast Track just does not work for 21st century agreements. We've got to find a process that provides a

robust role for Congress on the front end of developing U.S. trade agreements, so the agreements can get wide support in Congress. One of the issues that I have is that current TPP chapters, like those that ban the use of Buy American procurement, I've been a leader on this issue because you can't rebuild our economy without pushing American made goods. I want to see Buy America supported and sustained and the only way to do that is if Congress has an opportunity to review and verify and the process has to be transparent. My bottom line this weekend, our trade representatives will join trade ministers from other TPP countries to try and make a final deal, a good deal is more important than a final deal. And the only deal that I can support is one that has verifiable standards that Congress can oversee and monitor. I'm going to be continuing to lead the fight on a process that ensures that.