



TOWN OF FAIRFAX
STAFF REPORT
June 3, 2015

TO: Mayor and Town Council

FROM: Michele Gardner, Town Clerk

SUBJECT: Adoption of a Resolution Opposing the Trans-Pacific Partnership (TPP) and Any "FastTrack" Ratification Process, Expressing Concerns About Elements of the TPP, and Supporting Fair Trade Practices that Protect Jobs, Workers, the Environment, Public Health, and the Free and Open Internet

RECOMMENDATION

Adopt the resolution.

DISCUSSION

Councilmember Lacques requested that this item be added to the agenda for the Council's consideration.

ATTACHMENT

Resolution

RESOLUTION 15 - ___

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX OPPOSING THE TRANS-PACIFIC PARTNERSHIP (TPP) AND ANY "FASTRACK" RATIFICATION PROCESS, EXPRESSING CONCERNS ABOUT ELEMENTS OF THE TPP, AND SUPPORTING FAIR TRADE PRACTICES THAT PROTECT JOBS, WORKERS, THE ENVIRONMENT, PUBLIC HEALTH, AND THE FREE AND OPEN INTERNET

WHEREAS, trade officials from the United States and eleven Pacific Rim nations--Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam--are engaged in closed door, top-secret negotiations to sign a Trans-Pacific Partnership Agreement (TPP); and

WHEREAS, the TPP is the largest trade agreement in history, involving more than 40 percent of the world's Gross Domestic Product; and

WHEREAS, despite its unprecedented breadth and scope, the TPP has been negotiated entirely in secret; and

WHEREAS, Members of Congress have been denied access to view the text of the TPP unless they have a security clearance; and

WHEREAS, unlike Members of Congress, over 500 corporate lobbyists have been appointed "trade advisors" with full access to the text of the agreement and have been involved in negotiating the TPP, and among these corporate "trade advisors" are executives from Verizon, WalMart, Halliburton, Hewlett-Packard, the Almond Board of California, American Petroleum Institute, Archer Daniels Midland, AT&T, Boeing, Cargill, Chevron, Clorox, DuPont, Dow Agro-Sciences, Ford Motor Company, General Electric Company, IBM, Johnson & Johnson, Proctor & Gamble and Pratt-Whitney, to name just a few; and

WHEREAS, most information regarding the top-secret content of the TPP has been available only because it has been leaked to outlets such as wikileaks.org; and

WHEREAS, the "Investment Chapter" from the TPP would set up an unaccountable supranational court to allow multinational corporations to sue for monetary damages against states or municipalities that enact laws to protect the environment, labor rights, or public safety under the guise such laws impair trade, under the guise that such laws might undermine a multinational corporation's expected future profits, and/or hurt its business; and

WHEREAS, any such "damages" awarded to protect corporate investment "expectations" would be paid for by the taxpayers and citizens of the state or municipality being sued; and

WHEREAS, such a tribunal would allow corporations to usurp local sovereignty and self-rule, with the threat of financially-crippling claims against states and jurisdictions which enact laws designed to protect the environment, labor rights or public safety, and would require taxpayers to foot the bill for any "expected future profits" claimed by a multinational corporation; and

WHEREAS, the USTR states that the TPP will cover all aspects of commercial relations among the member countries, including policy matters related to intellectual property, labor, human rights, agriculture, natural resources, the environment, government procurement, financial services, healthcare, telecommunications, and energy; and

WHEREAS, many economists have shown that free trade agreements like the North American Free Trade Agreement (NAFTA) and the Global Agreement on Tariffs and Trade (GATT) have already resulted in the erosion of domestic jobs, environmental, workplace, and public health standards both in the United States and abroad; and

WHEREAS, the growing trade deficits exacerbated by NAFTA and GATT displaced nearly 700,000 jobs, and trade deficits with China since China's accession to the World Trade Organization have resulted in the loss of 3.2 million jobs, more than 2 million of them in manufacturing; and

WHEREAS, the off-shoring of manufacturing and service jobs deprives local, state, and federal governments of sorely needed revenues, jeopardizing the livelihoods of millions of federal, state, county, and municipal employees and construction workers whose jobs depend upon infrastructure building, repair, and maintenance; and

WHEREAS, the Town of Fairfax strongly supports international fair trade practices and agreements that foster economic growth and technological innovation along with high standards for workers, the environment, free speech, privacy rights, and protection of whistleblowers; and

WHEREAS, the May 2014 draft of the Intellectual Property Chapter of the TPP has raised concerns among digital civil liberties groups that it would extend restrictive intellectual property laws that would limit Internet users' freedom of speech, create new threats for journalists and whistleblowers, and stifle technological innovation; and

WHEREAS, the January 2015 draft of the Investment Chapter of the TPP includes "Investor-State Dispute Settlement" provisions that could give multinational corporations excessive power to undermine national and local authority to create reasonable rules and regulations, including those related to environmental safeguards, future climate policy, food safety standards, balanced copyright rules, public health protections including tobacco control measures and access to affordable medicines, and specific protections for American jobs; and

WHEREAS, NAFTA and all but two of the U.S. trade deals have followed it include special legal rights for foreign investors, known as "investor-to-state dispute settlement" or ISDS, that allow foreign—but not domestic—firms to skip state and federal courts to challenge state laws, regulations, and administrative and judicial decisions in private international tribunals; and

WHEREAS, foreign investors have already used NAFTA's ISDS provisions to challenge local building permits, bans on toxic chemicals, and the decisions of state courts, and to chill proposed legislation on tobacco control; and

WHEREAS, the Obama administration has already convinced the Senate to approve "Fast Track authority" to give the president the authority to negotiate a TPP agreement that Congress would only be able to approve or disapprove but not amend or filibuster; and

WHEREAS, traditional Fast Track authority has effectively shut state and local governments out of the process, limiting our ability to influence the discussions to ensure Fairfax can participate in the benefits of trade; and

WHEREAS, traditional Fast Track authority does not provide citizens with adequate time to read and form opinions about the typically thousand-page trade deals before Congress is required to vote; and

WHEREAS, concerns about the lack of transparency about proposed elements of the TPP and the usurpation of sovereignty and democracy in the name of protecting multinational corporate profits have motivated a broad coalition of labor, environmental, civil liberties, public health, and technology organizations to oppose Fast Track authorization of the TPP;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Town Council of the Town of Fairfax urges Fairfax's representatives in the United States Congress to oppose "Fast Track" Trade Promotion Authority for the Trans-Pacific Partnership (TPP); and

BE IT FURTHER RESOLVED, that the Town Council expresses its concerns about provisions of the Intellectual Property Chapter of the TPP that could limit Internet users' freedom of speech and right to privacy, create new threats for journalists and whistleblowers, and stifle technological innovation; and expresses its opposition to provisions of the Investment Chapter of the TPP related to "Investor-State Dispute Settlement" provisions; and

BE IT FURTHER RESOLVED, that the Town Council strongly supports fair trade practices and agreements that:

- protect jobs, workers, public health, and the environment, including enforceable labor, public health, and environmental standards to improve the quality of life in all signatory countries; and
- maintain the integrity and sovereignty of our judicial system, promote free speech, privacy rights, and protection of whistleblowers; and
- prevent multinational corporations from being granted excessive power to undermine national and local governmental authority to create reasonable rules and regulations; and
- protect and promote traditional state prerogatives and authority under our federal system, including providing opt-in rights for states with respect to procurement and service sector commitments; and
- advance trade rules that provides balanced, inclusive benefits across states and communities; and
- reform failed trade policies that have cost American jobs, devastated manufacturing communities, and impinged on traditional state powers; and

BE IT FURTHER RESOLVED, that the Town Council urges our Congressional delegation to vote to reject the Trans-Pacific Partnership Agreement, based on the provisions of the TPP which have been leaked and/or disclosed to date, the utter secrecy with which the TPP is being negotiated, and the "Fast-track" prohibition against Congressional debate or amendment of the TPP; and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Fairfax is directed to transmit copies of this resolution to Fairfax’s representatives in the United States Congress.

The foregoing Resolution was duly passed and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 3rd day of June 2015 by the following vote to wit:

AYES:

NOES:

ABSENT:

Barbara Coler, Mayor

Attest:

Michele Gardner, Town Clerk