

## 2015-K597

LEGISLATIVE RESOLUTION declaring the State of New York a "TPP-Free Zone" and urging Congress not to grant President Obama "fast-track" authority over, or permission to sign, the Trans-Pacific Partnership free trade agreement

WHEREAS, The Trans-Pacific Partnership (TPP) is a free trade agreement currently being negotiated between the United States, Canada, Australia, Chile, Mexico, Malaysia, Peru, Singapore, Vietnam, Brunei, New Zealand, and Japan; and

WHEREAS, Together these nations contribute 40% of the world's Gross Domestic Product, and one third of the world's trade; and

WHEREAS, The Office of the United States Trade Representative, through the terms of TPP, is seeking to eliminate both tariff and non-tariff "barriers to goods and services trade and investment" among the twelve participating nations; and

WHEREAS, It has been reported that the agreement would include provisions concerning financial regulations, environmental protection, prescription drug pricing and food sanitation standards, the adoption of which could negatively affect the public's health, safety and welfare, and require a overhaul of America's domestic legal system; and

WHEREAS, The exact terms of this proposed agreement have not been disclosed to the public, with most known details having been ascertained through unapproved 'leaks' from stakeholders; and

WHEREAS, Article II, Section 2 of the United States Constitution empowers the President of the United States "by and with the advice and consent on the Senate, to make treaties, provided two thirds of Senators present concur"; and

WHEREAS, While some members of Congress have been able to view certain sections of the negotiation text from the TPP, they have been prohibited

from sharing what they saw with the public or with their staffers; and  
WHEREAS, President Obama has pressed Congress to provide "trade promotion authority", or "fast track" authority, which would allow Congress only an up-or-down vote on the agreement once it has been negotiated by the executive branch with the other nations; and

WHEREAS, If Congress were to grant President Obama "fast track" authority, then discussions surrounding the TPP agreement could be made with inadequate transparency and public review; and

WHEREAS, Congress would be unable to enact substantive changes to the agreement if it only exercises its oversight powers after the negotiations have been completed; and

WHEREAS, There are concerns that the TPP's investor-state dispute settlement clauses, which were 'leaked' in 2012, could grant international corporations the right to sue the federal government for damages if environmental, worker protection, food safety, or other local, state or federal regulatory safeguards do not guarantee their ability to profit from their investments; and

WHEREAS, Over 500 employees of the same corporations maintain positions on U.S. Trade Representative advisory panels, which allows them to act as advisors to the drafting of the TPP; and

WHEREAS, The corporate advisors' apparent conflict of interest could ultimately result in a trade agreement that undermines the regulatory and legal systems that keep everyday residents of New York State safe and healthy; and

WHEREAS, As the negotiations currently stand, there are concerns that the passage of the TPP would ban "Buy American" and "Buy Local" efforts by U.S. industries, which could put goods and services created and based in New York State at a competitive disadvantage; and

WHEREAS, Neither the National League of Cities nor the U.S. Conference of Mayors has been included in TPP negotiations, making it difficult to know whether New York State's quality of life or financial and legal

interests are being considered; and

WHEREAS, Some constituencies and public policy advocates, such as the Economic Policy Institute, have expressed concern that over the last twenty years, the domestic economy has been hurt and upwards of one million American jobs have been lost as a result of agreements such as TPP, in part, because partnering nations have cheaper labor workforces and less rigorous environmental regulations, providing incentive for American companies to outsource and offshore American jobs; and

WHEREAS, Several other American municipal governments, such as the Berkeley, California City Council and the Dane County, Wisconsin Board of Supervisors, have expressed their opposition to the TPP by declaring themselves "TPP-Free Zones," in which the TPP's regulations will not be respected, to the maximum extent allowable by federal and state law; and WHEREAS, Resolutions from the City Council of Madison, Wisconsin and the City Council of Los Angeles, California have also declared their opposition to the TPP; and

WHEREAS, These local governments have recognized the harm that passage of the TPP can create and as a result have shown commendable leadership by opposing a treaty that would do a disservice to their citizens, as well as to New Yorkers; now, therefore, be it

RESOLVED, That this Legislative Body pause in its deliberations to declare the State of New York a "TPP-Free Zone" and urging Congress not to grant President Obama "fast-track" authority over, or permission to sign, the Trans-Pacific Partnership free trade agreement; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to Congress.