



NEW YORK STATE SENATOR

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It couldn't happen in Brownsville, could it?

JESSE HAMILTON January 8, 2016

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On Wednesday, TransCanada – the company seeking to build the Keystone XL pipeline – announced a suit against the U.S. government under the terms of the NAFTA agreement. This suit makes me think of Brownsville, because this is exactly the sort of suit that TPP will allow. TPP lets international companies sue the U.S. government over federal, state and local laws, rules or regulatory decisions that the corporations allege undermine their investment expectations. This will undermine our local democracy and our local laws that protect the environment, public health, and our communities.

You might ask, Huh? What's TPP?

TPP and NAFTA are both far-reaching trade pacts that allow companies to sue the U.S. government at international trade panels over conflicts between American laws and foreign corporate interests. TPP stands for Trans-Pacific Partnership, and it is often described as a “trade” agreement. In fact, it will radically transform many things from copyrights to labor laws.

What's important to me is that I will be able to make laws and policies that are best for my constituents. Say there is a pipeline that a Chilean company wants to build in Brownsville, but after careful consideration, we decide the benefits do not merit the health impacts.

Under TPP, that Chilean company could sue over New York's refusal to allow the pipeline and demand monetary damages. The case would not end up in the United States Supreme Court, but will be taken out of the U.S. court system. Instead, the complaint would be heard by a panel made up of international trade lawyers that often also represent some of the same international corporate entities that wrote TPP. The deck would be stacked against us.

TPP sounds like some obscure and complex policy debate. But the TransCanada suit shows that it will have real impact on our neighborhoods. To prevent this kind of corporate giveaway, we need to prevent the TPP from going into effect at all; Congress must reject the TPP in the upcoming vote. TPP will not only undercut the congressional authority to write laws—it will undermine the ability of state legislators and even city councils to do their job.

I was elected to represent my constituents. I cannot sit back while my ability to write laws is threatened by TPP.