

1 [Resolution Opposing Fast Tracking of the Trans-Pacific Partnership (TPP), Expressing
2 Concerns about Elements of the TPP, and Supporting Fair Trade Practices that Protect Jobs,
3 Workers, the Environment, Public Health, and the Free and Open Internet]

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4 **Resolution urging San Francisco’s representatives in Congress to oppose Trade**
5 **Promotion Authority (“Fast Track Authority”) for the proposed Trans-Pacific**
6 **Partnership Agreement (TPP), expressing concerns about draft elements of the TPP,**
7 **and supporting fair trade practices and agreements that protect jobs, workers, the**
8 **environment, public health, and the free and open Internet to improve the quality of life**
9 **in all signatory countries, maintain the integrity and sovereignty of our judicial system,**
10 **promote free speech, privacy rights, and protection of whistleblowers, and to prevent**
11 **multinational corporations from being granted excessive power to undermine national**
12 **and local governmental authority to create reasonable rules and regulations.**

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

18 WHEREAS, On November 12, 2011, the Office of the United States Trade
19 Representative (USTR) announced that the goal of the TPP is to “enhance trade and
20 investment among the TPP partner countries, promote innovation, economic growth and
21 development, and support the creation and retention of jobs;” and

22 WHEREAS, The USTR states that the TPP will cover all aspects of commercial
23 relations among the member countries, including policy matters related to intellectual

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1 property, labor, human rights, agriculture, natural resources, the environment, government
2 procurement, financial services, healthcare, telecommunications, and energy; and

3 WHEREAS, Many economists argue that free trade agreements like the North
4 American Free Trade Agreement (NAFTA) and the Global Agreement on Tariffs and Trade
5 (GATT) have resulted in the erosion of domestic jobs, environmental, workplace and public
6 health standards here in the United States and abroad; and

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

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

15 WHEREAS, The City and County of San Francisco strongly supports international fair
16 trade practices and agreements that foster economic growth and technological innovation
17 along with high standards for workers, the environment, free speech, privacy rights, and
18 protection of whistleblowers; and

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

23 WHEREAS, The January 2015 draft of the Investment Chapter of the TPP includes
24 "Investor-State Dispute Settlement" provisions that could give multinational corporations
25 excessive power to undermine national and local authority to create reasonable rules and

1 regulations, including those related to environmental safeguards, future climate policy, food
2 safety standards, balanced copyright rules, public health protections including tobacco control
3 measures and access to affordable medicines, and specific protections for American jobs; and

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

9 WHEREAS, Foreign investors have already used NAFTA’s ISDS provisions to
10 challenge local building permits, bans on toxic chemicals, and the decisions of state court,
11 and to chill proposed legislation on tobacco control; and

12 WHEREAS, In 2012, the Obama administration indicated they would request renewal
13 of a Trade Promotion Authority bill (also known as “Fast Track authority”) that would give the
14 president the authority to negotiate a TPP agreement that Congress would only be able to
15 approve or disapprove but not amend or filibuster; and

16 WHEREAS, In 2007, the Board of Supervisors passed Resolution No. 323-07 calling
17 on congress to “safeguard domestic regulatory authority and police space by rejecting any
18 request for renewal of Fast Track Trade Authority, and to create a democratic, inclusive trade
19 negotiating process that includes meaningful consultation with state and local governments
20 and civil society groups;” and

21 WHEREAS, Traditional Fast Track authority has effectively shut state and local
22 governments out of the process, limiting our ability to influence the discussions to ensure San
23 Francisco can participate in the benefits of trade; and

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

4 WHEREAS, In 2010, the Board of Supervisors passed Resolution No. 297-10 calling
5 for U.S. trade leaders to exclude tobacco products from the TPP; and

6 WHEREAS, In November 2013, 151 Democratic members of the House of
7 Representatives, including Congresswoman Jackie Speier, wrote a letter to President Obama
8 expressing their opposition to delegating Congress’s constitutional authority over trade policy
9 through “Fast Track” Trade Promotion Authority; and

10 WHEREAS, Concerns about the lack of transparency about proposed elements of the
11 TPP have motivated a broad coalition of labor, environmental, civil liberties, public health, and
12 technology organizations to oppose Fast Track authorization of the TPP; and

13 WHEREAS, The Senate Finance Committee Chairperson Orrin Hatch announced that
14 the committee would begin deliberations on the “Fast Track” Trade Promotion Authority bill at
15 a hearing on April 16, 2015; now, therefore, be it

16 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
17 urges San Francisco’s representatives in the United States to oppose “Fast Track” Trade
18 Promotion Authority for the Trans-Pacific Partnership (TPP); and, be it

19 FURTHER RESOLVED, That the Board of Supervisors expresses its concerns about
20 provisions of the Intellectual Property Chapter of the TPP that could limit Internet users’
21 freedom of speech and right to privacy, create new threats for journalists and whistleblowers,
22 and stifle technological innovation; and expresses its concerns about provisions of the
23 Investment Chapter of the TPP related to “Investor-State Dispute Settlement” provisions; and,
24 be it

1 FURTHER RESOLVED, That the Board of Supervisors strongly supports fair trade
2 practices and agreements that

3 - protect jobs, workers, public health, and the environment, including enforceable labor,
4 public health, and environmental standards to improve the quality of life in all signatory
5 countries;

6 - maintain the integrity and sovereignty of our judicial system, promote free speech,
7 privacy rights, and protection of whistleblowers;

8 - prevent multinational corporations from being granted excessive power to undermine
9 national and local governmental authority to create reasonable rules and regulations;

10 - protect and promote traditional state prerogatives and authority under our federal
11 system, including providing opt-in rights for states with respect to procurement and service
12 sector commitments;

13 - advance trade rules that provides balanced, inclusive benefits across states and
14 communities; and

15 - reform failed trade policies that have cost American jobs, devastated manufacturing
16 communities, and impinged on traditional state powers; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors urges our Congressional
18 delegation to vote to reject the Trans-Pacific Partnership Agreement unless these principles
19 are adequately addressed; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
21 to transmit copies of this resolution to San Francisco's representatives in the California State
22 legislature and the United States Congress.