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Trade Promotion Authority and Fast-Track Negotiating Authority for Trade Agreements: Major Votes

Carolyn C. Smith
Information Research Specialist
Knowledge Services Group

Summary

This report profiles significant legislation, from 1974 to the present, concerning presidential trade promotion authority (also referred to as TPA) for trade agreements. TPA was previously known as fast-track trade negotiating authority for the President. This report identifies significant bills and resolutions that had floor votes. Also included is a list of floor votes on implementing legislation for trade agreements, from 1979 to the present; these bills were passed under expedited procedures by Congress and signed by the President. For further discussions of TPA or fast-track legislative activity, the report lists CRS reports and Internet resources. This report will be updated as legislation warrants.

Legislative Background Information

Fast-track is an expedited procedure for congressional consideration of international trade agreements. This process is tied to the President's authority to enter into trade agreements to reduce U.S. tariff and non-tariff barriers with other countries. The fast-track authority provides that Congress will consider trade agreements within mandatory deadlines, with a limitation on debate, and without amendment, as long as the President meets prescribed requirements set out by law. The statutory provisions for "trade agreement negotiating authority" are in the *United States Code*, at 19 U.S.C. 2902, 2903, 2904, and 2906.

The Reciprocal Trade Agreements Act of 1934 (P.L. 73-316) established a policy under which Congress delegated authority to the President to negotiate reciprocal reductions of tariff barriers. The Trade Act of 1974 (P.L. 93-618) required more extensive consultations between Congress and the President during trade negotiations. This act also provided a new mechanism for expediting the consideration of trade agreements, which came to be known as fast-track. **Table 1** shows how Congress authorized and extended fast-track authority several times in different sessions. Fast-track negotiating authority expired in 1994. In subsequent sessions of Congress, there were several legislative

proposals to reauthorize fast-track authority, but these bills did not pass. In the 105th Congress, H.R. 2621 was defeated in a House vote on September 25, 1998.

In the 107th Congress, several legislative proposals on trade promotion authority (TPA) were considered. On December 6, 2001, the Bipartisan Trade Promotion Authority Act of 2001 (H.R. 3005) passed the House, with a vote of 215 to 214. Another trade bill, H.R. 3009, was introduced as the Andean Trade Preference Act; this bill passed the House with a voice vote on November 16, 2001. H.R. 3009 was amended several times in the Senate in 2002, to include additional trade issues. The Senate approved H.R. 3009, which included TPA provisions, on May 23, 2002. On June 26, 2002, the House agreed to the Senate-passed bill with its own changes pursuant to H.Res. 450. Following negotiations of House and Senate conferees regarding provisions in H.R. 3009, the House agreed to the conference report for H.R. 3009 on July 27, 2002, and the Senate agreed to the conference report on August 1, 2002. The President signed H.R. 3009, as P.L. 107-210, the Trade Act of 2002, on August 6, 2002.

This **major piece of trade legislation** includes provisions for the Andean Trade Preferences Act, the Trade Adjustment Assistance Program, and the Generalized System of Preferences program. The TPA provisions are found in P.L. 107-210; Title XXI is the Bipartisan Trade Promotion Authority Act of 2002. The TPA provisions in this legislation cover trade agreements entered into force before June 1, 2005, with a possible two-year extension. More detailed information on P.L. 107-210 can be found in the “Resources for Additional Information,” at the end of this report.

In **Table 1**, some of the listed bills focus solely on fast-track trade negotiating authority or TPA. Other bills are **major landmarks of trade legislation**, of which fast-track is only one of many trade provisions. These major trade acts, listed in boldface, include the Trade Act of 1974, the Trade Agreements Act of 1979, the Trade and Tariff Act of 1984, the Omnibus Trade and Competitiveness Act of 1988, and the Trade Act of 2002.

Table 1. Votes in Legislation Authorizing or Extending Fast-Track Negotiating Authority for Trade Agreements

Congress	Bill and Title	Description and Comments	Votes
93 rd	H.R. 10710 Trade Act of 1974 (P.L. 93-618, enacted Jan. 3, 1975)	Trade reform, including provisions in Title I for “negotiating and other authority” for trade agreements.	Passed House Dec. 11, 1973 (272-140). Passed Senate Dec. 13, 1974 (77-4). Conference Report passed Senate Dec. 20, 1974 (72-4).
96 th	H.R. 4537 Trade Agreements Act of 1979 (P.L. 96-39, enacted July 26, 1979)	Implemented trade agreements negotiated by the United States in the Tokyo Round of the General Agreement on Tariffs and Trade (GATT). Extended for an additional 8 years (until Jan. 3, 1988), the President’s authority to negotiate trade agreements, under expedited procedures.	Passed House July 11, 1979 (395-7). Passed Senate July 23, 1979 (90-4).

Congress	Bill and Title	Description and Comments	Votes
98 th	H.R. 3398 Trade and Tariff Act of 1984 (P.L. 98-573, enacted Oct. 30, 1984)	Included Section 401 (for the negotiation of a free trade agreement with Israel) and Section 404 (a provision on fast-track procedures for perishable articles).	Passed House June 28, 1983 (368-43). Passed Senate Sept. 20, 1984 (96-0). Conference Report passed House Oct. 9, 1984 (386-1).
	Related bill: H.R. 5377	U.S. Israel Free Trade Area	Passed House Oct. 3, 1984 (416-6). Text of bill was inserted into H.R. 3398.
100 th	H.R. 4848 Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418, enacted Aug. 23, 1988)	Comprehensive trade legislation including section 1102, providing authority for the President to enter into reciprocal bilateral and multilateral trade agreements. See H.R. 3 below.	Passed House July 13, 1988 (376-45). Passed Senate Aug. 3, 1988 (85-11).
	Related bill: H.R. 3	Omnibus Trade and Competitiveness Act of 1987. Provisions concerning trade agreement authority were reintroduced into H.R. 4848, which was enacted as P.L. 100-418.	Passed House Apr. 30, 1987 (290-137). Passed Senate July 21, 1987 (71-27). Conference Report passed House Apr. 21, 1988 (312-107). Conference Report passed Senate Apr. 27, 1988 (63-36). Vetoed by President, May 24, 1988. Motion to override veto passed House, May 24, 1988 (308-113). Motion to override veto failed to pass in Senate, June 8, 1988 (61-37).
	S. 1420	Omnibus Trade and Competitiveness Act of 1987	Several cloture motions on amendments in 1987.
102 nd	H.Res. 101	Resolution disapproving the extension of fast-track procedures to implement trade agreements entered into after May 31, 1991, and by May 31, 1993.	Failed House May 23, 1991 (192-231).
	H.Res. 146	Resolution concerning U.S. objectives of future trade agreements.	Passed House May 23, 1991 (329-85).
102 nd	S.Res. 78	Resolution disapproving a two-year extension of fast-track procedures under the Omnibus Trade and Competitiveness Act of 1988.	Failed Senate May 24, 1991 (36-59).
103 rd	H.R. 1876 Uruguay Round of Multilateral Trade Negotiations (P.L. 103-49, enacted July 2, 1993)	Amended the Omnibus Trade and Competitiveness Act of 1988 to extend fast-track procedures for Uruguay Round trade agreements entered into before April 16, 1994.	Passed House June 22, 1993 (295-126). Passed Senate June 30, 1993 (76-16).
105 th	H.R. 2621	Reciprocal Trade Agreement Authorities Act of 1997.	Failed House Sept. 25, 1998 (180-243). Failed to extend the trade authority procedures with respect to reciprocal trade agreements.

Congress	Bill and Title	Description and Comments	Votes
107 th	H.R. 3005	Bipartisan Trade Promotion Authority Act of 2001.	Passed House Dec. 6, 2001 (215-214).
	H.R. 3009 Trade Act of 2002 (P.L. 107-210, enacted Aug. 6, 2002)	Title XXI is the Bipartisan Trade Promotion Authority Act of 2002. Other provisions in this major trade bill include the Andean Trade Preference Act, the Trade Adjustment Assistance program, and the Generalized System of Preferences program.	Passed House Nov. 16, 2001 (voice vote). Passed Senate with an amendment May 23, 2002 (66-30). Adoption of the rule (H.Res. 450) to expand the scope of the conference committee. Adopted in the House June 26, 2002 (216-215). House adopted conference report July 27, 2002 (215-212). Senate adopted conference report Aug. 1, 2002 (64-34).

Congress has applied fast-track legislative procedures to approve several bilateral and multilateral trade agreements. **Table 2** lists the uses of fast-track procedures in the implementation of trade agreements from 1979 to the present. The table does not include the implementing legislation for the U.S.-Jordan Free Trade Agreement (H.R. 2603 enacted as P.L. 107-43 on September 28, 2001); Congress did not consider this bill under fast-track procedures.

In the 108th Congress, implementing legislation for free trade agreements was passed under fast-track procedures on four separate bills:

- H.R. 2738, the United States-Chile Free Trade Agreement Implementation Act, was signed on September 3, 2003 (P.L. 108-77).
- On the same day, H.R. 2739, the United States-Singapore Free Trade Agreement Implementation Act, was signed into law (P.L. 108-78).
- H.R. 4759, the United States-Australia Free Trade Agreement Act, was signed by the President on August 3, 2004 (P.L. 108-296).
- On August 17, 2004, H.R. 4842, the United States-Morocco Free Trade Agreement Implementation Act, was signed into law (P.L. 108-286).

In the 109th Congress, implementing legislation for two free trade agreements was passed under fast-track procedures on two separate bills:

- H.R. 3045, the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (also referred to as CAFTA, CAFTA-DR, or DR-CAFTA), was signed by the President on August 2, 2005 (P.L. 109-53).
- H.R. 4340, the United States-Bahrain Free Trade Agreement Implementation Act, was signed into law on January 11, 2006.

There are trade agreements pending that might require congressional approval in the second session of the 109th Congress.

Table 2. Votes for Bills Using Fast-Track Procedures in the Implementation of Trade Agreements

Congress	Bill and Title	Description and Comments	Votes
96 th	Trade Agreements Act of 1979 (P.L. 96-39, H.R. 4537, enacted July 26, 1979)	Approved and implemented the trade agreements negotiated by the United States, in the Tokyo Round of multilateral trade negotiation, within the framework of the GATT. Fast-track trade authority stemmed from the Trade Act of 1974.	Passed House July 11, 1979 (395-7). Passed Senate July 23, 1979 (90-4).
99 th	United States-Israel Free Trade Area Implementation Act of 1985 (P.L. 99-47, H.R. 2268, enacted June 11, 1985)	Approved and implemented the free trade area between the United States and Israel, under the Trade and Tariff Act of 1984.	Passed House May 7, 1985 (422-0). Passed Senate May 23, 1985 (voice vote).
100 th	United States-Canada Free Trade Agreement Implementation Act of 1988 (P.L. 100-449, H.R. 5090, enacted Sept. 28, 1988)	Approved and implemented the free trade agreement between the United States and Canada, under the Trade and Tariff Act of 1984.	Passed House Aug. 9, 1988 (366-40). Passed Senate Sept. 19, 1988 (83-9).
103 rd	North American Free Trade Agreement Implementation Act (P.L. 103-182, H.R. 3450, enacted Dec. 8, 1993)	Approved and implemented the North American Free Trade Agreement (NAFTA) between the United States, Canada, and Mexico, under the Omnibus Trade and Competitiveness Act of 1988.	Passed House Nov. 17, 1993 (288-146). Passed Senate Nov. 20, 1993 (61-38).
	Uruguay Round Agreements Act (P.L. 103-465, H.R. 5110, enacted Dec. 8, 1994)	Approved and implemented the trade agreements concluded in the Uruguay Round of multilateral trade negotiations, under the Omnibus Trade and Competitiveness Act of 1988.	Passed House Nov. 29, 1994 (288-146). Passed Senate Dec. 1, 1994 (76-24).
108 th	United States-Chile Free Trade Agreement Implementation Act (P.L. 108-77, H.R. 2738, enacted Sept. 3, 2003)	Approved and implemented the free trade agreement between the United States and Chile.	Passed House July 24, 2003 (270-156). Passed Senate July 31, 2003 (65-32).
108 th	United States-Singapore Free Trade Agreement Implementation Act (P.L. 108-78, H.R. 2739, enacted Sept. 3, 2003)	Approved and implemented the free trade agreement between the United States and Singapore.	Passed House July 24, 2003 (272-155). Passed Senate July 31, 2003 (66-32).
	United States-Australia Free Trade Agreement Implementation Act (P.L. 108-286, H.R. 4759, enacted Aug. 3, 2004)	Approved and implemented the free trade agreement between the United States and Australia.	Passed House July 14, 2004 (314-109). Passed Senate July 15, 2004 (80-16).

Congress	Bill and Title	Description and Comments	Votes
	United States-Morocco Free Trade Agreement Implementation Act (P.L. 108-302, H.R. 4842, enacted Aug. 17, 2004)	Approved and implemented the free trade agreement between the United States and Morocco.	Passed House July 22, 2004 (323-99). Passed Senate July 22, 2004 (unanimous consent, no recorded vote).
109th	Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (P.L. 109-53, H.R. 3045, enacted Aug. 2, 2005)	Approved and implemented the free trade agreement between the United States and the Dominican Republic, Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua. The Constitution requires trade agreements as revenue measures to originate in the House.	Passed House July 28, 2005 (217-215). Passed Senate July 28, 2005 (55-45). Related bill: S. 1307, passed Senate June 30, 2005 (54-45), with no further congressional action.
	United States-Bahrain Free Trade Agreement Implementation Act (P.L. 109-169, H.R. 4340, enacted Jan. 11, 2006)	Approved and implemented the free trade agreement between the United States and Bahrain.	Passed House December 7, 2005 (327-95). Passed Senate December 13, 2005 (unanimous consent, no recorded vote).

Resources for Additional Information

CRS Report RL31844. *Trade Promotion Authority (Fast-Track Authority for Trade Agreements): Background and Developments in the 107th Congress*, by Lenore Sek.

CRS Issue Brief IB10123. *Trade Negotiations During the 109th Congress*, by Ian Fergusson.

CRS Report RL31870. *The Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR)*, by J. F. Hornbeck.

CRS Report 97-896. *Why Certain Trade Agreements Are Approved as Congressional-Executive Agreements Rather Than as Treaties*, by Jeanne Grimmett.

CRS Report RL31356. *Free Trade Agreements: Impact on U.S. Trade and Implications for U.S. Trade Policy*, by William H. Cooper.

Office of the United States Trade Representative website at [<http://www.ustr.gov>]. This site has a section on "Trade Agreements," with information on multilateral and bilateral trade agreements and negotiations. Keyword searches for information on Trade Promotion Authority (TPA) and other trade issues are possible on this site. crsphgwg