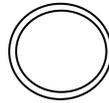


## Trans-Pacific Partnership U.S. SOVEREIGNTY

The Trans-Pacific Partnership (TPP) was concluded under the auspices of the *Bipartisan Congressional Trade Priorities and Accountability Act of 2015* (TPA 2015). This Act requires that U.S. sovereignty be fully protected under any trade agreement that the U.S. government signs. Under this law, no trading partner or dispute settlement panel can force the United States, or any state or locality of the United States, to change its laws or regulations.

In addition, TPP ensures that the United States may take whatever measures necessary to ensure national security as well exercise its sovereign right to determine and maintain its own requirements to protect the environment, human health, and safety.



### **Only Congressional Action Can Change U.S. Laws**

TPA 2015 contains strong new protections to protect U.S. sovereignty because it confirms that trade agreements have no direct effect and that the Executive Branch cannot unilaterally change U.S. law. Only with Congressional approval can provisions of a trade agreement be enacted to change existing U.S. law, including for TPP. TPA 2015 also ensures that U.S. law will prevail in the event that there is a conflict between an existing U.S. law and a trade agreement entered into under TPA 2015. In addition, it provides that no provision of a trade agreement can prevent the U.S. Congress or a state or locality from amending or modifying its own laws after the trade agreement is adopted. So no provision of TPP will automatically become U.S. law unless a specific law is enacted or changed to bring the United States into conformity with the agreement.

These protections also extend to the outcomes of investor state dispute settlement (ISDS) arbitrations. ISDS cases occur when an individual investor or non-profit or business investor seeks a monetary remedy before an arbitral panel if it believes that that a TPP government has violated the terms of the TPP agreement. In those cases where a report, including findings and recommendations, is issued by a dispute settlement panel convened under trade agreements (such as TPP) entered into under TPA 2015, the report can have no binding effect on the laws of the United States or any state or locality. This protection ensures that the U.S. government will maintain its right to enact laws that will continue to protect American health, safety, and public interest.

## **U.S. Sovereignty Is Protected During the Life of the Agreement**

At each step of the way towards TPP's entry into force, there are protections built in to protect U.S. sovereignty. For example, even after Congress votes to approve TPP, there is a requirement that TPP cannot enter into force until the President can certify to the Congress that other TPP governments have taken all measures necessary to comply with TPP and will therefore be in compliance with TPP once it enters into force. In fact, even prior to the expected vote on TPP, members of Congress have demanded that the President provide information on implementation plans for TPP member countries. Members of Congress have made it clear that they will carefully scrutinize these plans and the efforts that these countries undertake as the agreement moves closer to entering into force.

Finally, once the agreement is in force, any changes to be made to the agreement require the unanimous consent of all of the TPP parties, including the United States. USTR has stated that no TPP amendments will apply to the United States without U.S. agreement based on our domestic procedures, including Congressional consultation and approval of those amendments. This includes the decision to add any new countries – they can join TPP only if there is unanimous agreement among all of the existing TPP members, including the United States, that this should happen. Further, USTR has clearly stated that addition of any new TPP members would require Congressional notification before entering into negotiations with a potential entrant, Congressional notification of intent to sign, consultation with Congress throughout the process, and final Congressional approval of admitting the new entrant to the TPP.