Parsing Kamala Harris' Trade And Foreign Policy Views

By Stacy Swanson

Presumptive Democratic presidential nominee Joe Biden has announced his selection of Sen. Kamala Harris, D-Calif., as his running mate. Biden noted that he asked Harris to continue to ask the tough questions and never back down from a challenge, as well as "be the last voice in the room" before important decisions are made.

He further spotlighted Harris' efforts to look out for the overlooked and undervalued, including those parents who are awake in the early hours worried about providing for their families. This touched on Harris' "3 a.m. Agenda," which she campaigned on in 2019 to focus "on solutions that will have a direct and immediate effect on people's lives, paychecks, and health care."



Stacy Swanson

A native of California, Harris was born in Oakland to immigrant parents from India and Jamaica. She graduated from Howard University in Washington, D.C., and earned a law degree from the University of California, Hastings College of the Law in San Francisco. Prior to being elected to Congress in 2016, Harris served as attorney general of the state of California from 2011 to 2017.

Since joining the U.S. Congress in 2017, Harris has in some instances served as a bridge between Democratic colleagues advancing progressive and moderate policies. While Harris can be perceived as liberal on some matters, she tracks more mainstream Democrat on other issues. Like Biden, she has adopted some progressive tenets.

Harris has made immigration, equal pay and environmental justice core planks of her policy proposals and will likely continue to prioritize these domestic-focused matters during the campaign with Biden and during her tenure, if elected. Despite having a seat on the Senate Intelligence Committee, as a first-term U.S. senator, Harris' trade and foreign policy positions remain somewhat opaque.

Notably, foreign policy has never been a primary interest of Harris. Her interest in international trade is instead driven by her domestic interests, such as addressing the needs of middle-class Americans and workers' rights.

Biden, on the other hand, is fascinated and equally steeped in foreign affairs. He is surrounded by a cadre of experienced foreign policy experts. Harris is therefore likely to follow Biden and his team's lead on such matters.

In broad terms, the tone of American foreign policy is expected to change under a Biden-Harris administration. Diplomacy would return to the forefront of working with allies and when addressing adversaries. Past statements from campaigns and throughout Harris' time in Congress, nevertheless, provide insight into where she falls on some key trade and foreign policy matters.

During her Senate campaigning, Harris was confronted with taking a public position on a major trade initiative of the Obama administration — the Trans-Pacific Partnership. She initially declined to take a firm stance on it, saying in 2015: "We want to strike a balance that allows America's economy to prosper, and that's going to be about our workers and our

businesses."

After Rep. Loretta Sanchez, D.-Calif., a staunch TPP critic, challenged Harris for the Senate seat in California's so-called top-two primary process, Harris came out in opposition to the trade pact, stating it did not adequately protect U.S. workers or the environment. Harris cited in particular concerns with infringement on California's environmental laws.

The TPP became moot after President Donald Trump's election, when he withdrew the U.S. from the pact. Should a Biden-Harris victory materialize in November, she will likely recalibrate her public position since Biden has already indicated his administration would support the Comprehensive and Progressive Trans-Pacific Partnership, the successor to the TPP.

With California environmental laws as a benchmark, Harris has carried this high standard forward in her approach to trade policy. She was among a handful of senators that opposed the U.S.-Mexico-Canada Agreement, even after it was modified to include additional labor and environmental enforcement provisions following negotiations between House Democrats and the Trump administration.

Biden voiced support for congressional approval of the deal that replaced the North American Free Trade Agreement, an agreement that eventually secured overwhelming bipartisan support in both chambers of Congress. In voting against the USMCA, Harris stated the agreement would:

set the [environmental] standards for decades, and I believe Californians and all Americans deserve better and more immediate action. For these reasons, I oppose this deal.

Should Democrats secure the White House and/or the Senate in November, while continuing to hold the House, any future trade agreements during their tenure would likely include enhanced environmental protections, climate change and labor rights provisions, and enforcement mechanisms. This will also include close oversight of existing trade agreements' enforcement mechanism, such as the labor and environmental provisions included in the USMCA.

Importantly, a potential Democratic-controlled 117th Congress will be able to set negotiating parameters, given Trade Promotion Authority — also known as fast-track authority — must be reauthorized by the before it lapses in July 2021.

This has the potential to impact the direction of ongoing trade agreement negotiations with the European Union, Kenya and the United Kingdom — toward which Biden has been lukewarm, instead favoring that the U.S. and U.K. join the Comprehensive and Progressive Trans-Pacific Partnership. Democratic lawmakers have expressed reservations toward Kenya, citing potential conflicts with regional integration of Africa under its African Continental Free Trade Area agreement. Whether Harris will have an active role in trade policy if Biden wins the election, of course, remains to be seen.

During her 2019 presidential campaign, Harris sought to differentiate herself as a nonprotectionist Democrat, saying:

We need to export American products, not American jobs. And to do that, we have to have a meaningful trade policy.

Harris has also said that the Trump administration's so-called trade taxes — or tariffs — are taking \$1.4 billion "out of working people's pockets every month."

She has criticized Trump's proclivity to announce trade policy via Twitter. In a 2019 interview with CNN's Jake Tapper, Harris said of U.S. trade policy:

I believe very strongly that we have to have policies that understand that, as it relates to the issue of trade, as it relates to the issue of various countries, including China, ... that we have to supply and equip the American worker with the skills and the resources that they need to thrive, not only survive, but thrive.

Regarding climate change, Harris said, "[W]e need to do a better job in terms of thinking about the priorities that should be more apparent now perhaps than they were there, which are issues like climate, the climate crisis, and what we need to do to build into these trade agreements."

Harris was an early supporter of the progressives' Green New Deal, which seeks to reduce carbon emissions and create jobs by spending more on renewable energy. After the Senate voted down Massachusetts Democratic Sen. Edward Markey's Green New Deal resolution in March 2019, Harris said:

Climate change is an existential threat, and confronting it requires bold action. ... Combatting this crisis first requires the Republican majority to stop denying science and finally admit that climate change is real and humans are the dominant cause.

In July, Harris introduced the Environmental Justice for All Act, companion legislation to a measure introduced earlier in the House by Rep. A. Donald McEachin, D-Va., and Rep. Raul Grijalva, D-Ariz. The bill would give communities of color tools to address environmental disparities, including by engaging government decision-making processes, such as federal permitting decisions for infrastructure projects, the creation of climate resiliency plans and the transition to clean energy.

As part of a Biden administration, she will likely continue to push for the adoption of environmental justice policies, through legislation and regulatory policy changes.

Like Biden, Harris has voiced support for reinvigorating American leadership in the world, which both believe has eroded during the Trump administration. As a senator, she stated, "our country is strongest when we stand together with our allies and when we rally the world to act instead of simply acting alone."

She more recently campaigned for preventing military conflicts overseas by leveraging the "power of smart diplomacy." Presumably, Harris would support the U.S. taking a more active role at multilateral fora, including the United Nations, the World Trade Organization and the World Health Organization.

Further U.S. engagement, however, does not necessarily mean abandoning some reform efforts initiated by the Trump administration, particularly with respect to the WTO — where Democratic lawmakers have supported reform efforts — and possibly the WHO, especially in light of the COVID-19 pandemic.

As a proponent of addressing climate change, Harris also likely supports the U.S. rejoining the 2015 Paris Agreement — another agreement that Trump withdrew the country from in

2017. Biden has already stated he would have the U.S. rejoin the agreement "on day one and lead a major diplomatic push to raise the ambitions of countries' climate targets."

Given her climate change platform and California origin, Harris is also expected to continue to support policies that favor electric cars over gas-powered cars in the U.S. She has opposed the Trump administration's efforts to reverse the Obama-era fuel efficiency standards.

During a 2019 town hall, Harris stated she would push to have basically zero-emission vehicles only by 2045, however her climate plan as a then-presidential contender called for requiring 100% of vehicles be zero-emission as soon as 2035. A Biden administration would likely move quickly to undo the Trump administration's efforts to weaken the Obama administration's fuel efficiency standards.

Harris is also expected to consider mobility, automation — both in manufacturing and artificial intelligence — and other transportation innovations via the lens of her California roots and her days as a prosecutor, especially related legal concerns and the need to retrain potentially displaced American workers.

In September 2019, Harris joined 10 other Democratic senators in sending a letter to U.S. Trade Representative Robert Lighthizer, urging him against going forward with any trade negotiations with Brazil. The senators expressed environmental concerns, saying President Jair Bolsonaro of Brazil needs to enforce fully his country's environmental laws and regulations to protect the Amazon forest from continued illegal deforestation.

Lawmakers also urged Lighthizer to resolve the ongoing trade war with China, observing disrupted global trade patterns have driven China to rely increasingly on Brazil for beef and soybeans, which has in turn resulted in Brazil clearing more of the Amazon forest for agriculture. While Brazil has aspirations for a free trade agreement with the U.S., should Democrats secure the White House this fall, trade talks would shift to a focus on environmental and labor provisions, with strong enforcement mechanisms.

From her time on the Senate Intelligence Committee, Harris recognizes some foreign countries' policies do not align with U.S. interests. She has said of the People's Republic of China:

They steal our products, including our intellectual property. They dump substandard products into our economy. They need to be held accountable.

However, Harris opposes unilateral action against China, expressing a preference for working with allies to address issues with China, including "the threat that it presents to our economy, the threat it presents to American workers and American industries." She has also previously acknowledged China could possibly help address concerns about climate change, as well as North Korea.

Meanwhile, despite having connections to India, Harris has not been vocal about ongoing trade talks or trade concerns with respect to that Asian-Pacific country. Upon Biden's announcement, social media in India warmly welcomed his running-mate selection.

With roots to the region, Harris will likely support continuing the Trump administration's Indo-Pacific strategy. There is general recognition in both parties of the need to bolster U.S. engagement in this strategically important region, providing a counterbalance to China's increasing influence.

Harris' hawkish tendencies extend to some other national security matters. With respect to Russia, Harris has repeatedly labeled the country as an adversary. She has also been vocal on alleged Russian propaganda and influence campaigns. In 2019, Harris expressed the belief that Russia used racism and long-standing racial divisions to disrupt the 2016 U.S. presidential election.

Harris believes race is a national security issue, observing Russia sought to undermine the country's "strongest pillar of democracy." She explained:

And one of the almost intangible strengths of America is we can hold ourselves out as a democracy, as flawed though we may be, it gives us the authority to walk in rooms and actually talk about human rights, talk about civil rights, talk about concepts of freedom.

Harris has also noted the U.S.' vulnerability to cyber threats.

While the Trump administration has been criticized for not being tough enough on Russia, expect a Biden-Harris administration, if elected, to maintain a firm posture toward the country, while not ruling out a search for common ground to move talks forward. A Democratic-led White House would still pursue a more aggressive approach than the Trump administration in addressing Russia's perceived transgressions, including with respect to sovereign territory intrusions, such as those in Ukraine and the Caucasus.

Furthermore, unlike Trump's recent suggestion to allow Russia to join the Group of Seven leading industrial nations, a Biden-Harris White House would likely sustain only the current membership of the G-7.

Notably, Harris has broken with progressive Democrats with respect to their increased criticism of the Israeli government. Harris takes a moderate position. She supports a two-state solution and Israel's right to defend itself from Hamas attacks from Gaza.

Harris has also expressed support for the U.S. rejoining the Iran nuclear agreement, if the U.S. can verify Iran is complying with strict requirements detailed in the Joint Comprehensive Plan of Action.

As Biden's running mate, Harris will undoubtedly advocate in support of his policies and platforms during the campaign. She will be firm in implementing Biden's policies, including on trade, foreign policy and national security matters.

As my colleague former Rep. Joe Crowley, D-N.Y., has observed of a potential Democratic administration:

The Biden-Harris Team will re-engage with America's allies around the world - strategically, militarily and economically. That means trade as well.

While the Trump administration has based its trade policy on addressing trade deficits with trading partners, this will not be the sole case should a Biden-Harris ticket win in November — a team that favors a return to diplomacy in trade and foreign policy matters.

Facing the prospect of a potential Biden-Harris administration, businesses nonetheless will

need to be prepare to address social justice themes. These include addressing diversity in hiring and pay disparity; environmental concerns, including climate change, with respect to their operations in the U.S. and overseas; and a potential increase in the corporate tax rate, from 21% to 28 %, to finance domestic priorities that include the overlooked and underserved.

Stacy A. Swanson is a public policy adviser at Squire Patton Boggs LLP.

The opinions expressed are those of the author(s) and do not necessarily reflect the views of the firm, its clients or Portfolio Media Inc., or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.