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How a Trump Trade Pact Won Over Democrats

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In the final days of negotiations over President Trump's new North American trade deal, Robert Lighthizer, the top trade negotiator, made one more attempt to pressure House Democrats to get on board with the pact. He called Speaker Nancy Pelosi on Saturday saying he had booked a flight to Mexico to sign the revised trade agreement.

"Go ahead — go to Mexico," Ms. Pelosi told Mr. Lighthizer, she later recounted in a private meeting with her caucus. "Visit the lovely anthropological museum and have a nice meal." In other words: You won't be signing a deal yet. Mr. Lighthizer canceled his flight, she said.

On Thursday, after months of haggling and significant revisions to satisfy Democrats' demands, the House overwhelmingly approved the United States-Mexico-Canada Agreement by 385 to 41. The vote, coming one day after the House voted to impeach the president, was a rare feat of bipartisanship that gave Mr. Trump his biggest trade victory to date and gave Democrats a more progressive deal than any previously negotiated by their own party.

The agreement, also known as the U.S.M.C.A., was the product of an unlikely partnership between Mr. Lighthizer and Ms. Pelosi, whose caucus wielded enormous power given the need for congressional approval. Veering between cooperation and brinkmanship, the pair negotiated a deal that fulfills Mr. Trump's pledge to rewrite the North American Free Trade Agreement while also satisfying nearly every Democratic priority, including strengthening environmental protection and labor standards.

Interviews with two dozen lawmakers, aides and current and former administration officials provide a window into how a Trump trade agreement won support from labor leaders and Democratic lawmakers like Rosa DeLauro of Connecticut and Jan Schakowsky of Illinois, who had not voted for a trade deal in more than two decades in Congress. It is expected to be considered for a vote early next year in the Senate, where lawmakers like Sherrod Brown, Democrat of Ohio, who has not voted for a trade agreement in 25 years, say they will support it.

Against complaints from Republican free traders and the U.S. Chamber of Commerce, Mr. Lighthizer negotiated a deal that beefed up Mexican labor unions, raised barriers to incentivize car manufacturing in North America and eliminated a NAFTA provision that allowed corporations to sue governments, changes that reflected Mr. Trump's populist approach to trade while also pleasing congressional Democrats.

Mexican industry representatives and Republican lawmakers have grumbled about supporting what is now, in the words of Senator John Thune of South Dakota, the No. 2 Republican in the Senate, "a take-it-or-leave-it proposition."

“I’ve been critical of the negotiated agreement, and now I think it’s gotten worse,” said Senator Patrick J. Toomey, Republican of Pennsylvania and a noted free trader.

Mr. Lighthizer, a veteran Republican lawyer who worked on trade issues in the Reagan administration, began laying the groundwork for winning Democratic support in 2017 and 2018, during months of grueling negotiations with Canada and Mexico. He worked closely with labor leaders like Richard L. Trumka, the head of the A.F.L.-C.I.O., and insisted that Mr. Trump’s trade policy shared common ground with the Democrats in its focus on protecting American industry and workers.

While Democrats liked some features of what the United States, Mexico and Canada had signed in November 2018, they still found it lacking and knew it would not pass muster with labor unions. It gave away too much to multinational corporations and had too few labor and environmental protections, they said.

Also troublesome to Ms. Pelosi and others was that it remained unclear whether the U.S.M.C.A.’s rules could be fully enforced.

Democrats also faced a political problem: They would have to make enough changes to claim the deal as their own, not a Trump-approved rewrite of the much derided NAFTA. When the negotiations began this year, it was unclear whether the administration could ever make enough changes to win Democrat support.

Throughout the spring, Mr. Lighthizer visited Capitol Hill to discuss the deal with Democrats. In June, Ms. Pelosi selected nine lawmakers to negotiate with him and his staff on labor, pharmaceutical, environmental and enforcement provisions — the four tenets Democrats had agreed to coalesce their demands around.

Over Clif bars, pistachios, Cheez-Its, fruit gummies and microwave popcorn — consumed so frequently that staff complained about the crinkling of bags and snack debris on important papers — lawmakers and aides sparred with Mr. Lighthizer and his staff for six months, often meeting weekly.

Representative Richard Neal ahead of a vote on the United States-Mexico-Canada Agreement on Thursday in Washington. Credit...Anna MoneyMaker/The New York Times

Led by Representative Richard E. Neal, Democrat of Massachusetts and the chairman of the Ways and Means Committee, the group included representatives from across the ideological spectrum.

Representatives Suzanne Bonamici of Oregon and Jimmy Gomez of California had never voted on a trade deal. Representatives Mike Thompson of California, John B. Larson of Connecticut, Terri A. Sewell of Alabama and Earl Blumenauer of Oregon were policy buffs from trade-dependent districts.

Some wondered if it would ever be possible to win support from Ms. DeLauro or Ms. Schakowsky, who shared Mr. Trump’s view that prior trade deals had destroyed American jobs.

Mr. Gomez peppered the discussion with expletives, and sent the working group’s staff inspirational Rocky Balboa memes.

Ms. DeLauro, armed with a binder stuffed with paper and decades of work with labor, frequently tore into Mr. Lighthizer's proposals for enforcement. But then she and Mr. Lighthizer would blow a kiss at each other as they departed.

Sometimes, Mr. Lighthizer and Mr. Neal would leave the gatherings to quietly confer.

"Reassurance," Mr. Neal said of the consultations. "There could be no leaks — it was just the two of us — so I think that element of trust was built."

While negotiations were centered in the House, Senate Democrats made a key demand on labor provisions, telling Mr. Lighthizer the deal would need to include much stricter measures to ensure workers received better treatment in Mexican factories that ship products to American stores. Improving labor conditions in Mexico was seen as critical to ending one of the chief complaints about NAFTA — that it incentivized companies to send jobs to Mexican factories, where workers were paid less and did not enjoy the protection of strong unions.

Mr. Brown and Senator Ron Wyden of Oregon proposed a system that would allow factory workers to personally report violations of labor standards, like plant managers discouraging union organizing, and set up a process to quickly adjudicate their claims. Mr. Lighthizer, Mr. Gomez, Mr. Neal and Ms. Pelosi and her staff, in conversation with Mr. Trumka, worked to refine the proposal into something that would be acceptable to the Mexican government.

Mr. Lighthizer fought against the changes to pharmaceutical protections, but he was personally sympathetic to the Democratic demands on labor and enforcement, seeing them as aligned with Trump administration goals. However, he argued that some of the Democrats' proposals, like sending American inspectors into Mexican factories, would be viewed as a violation of Mexico's sovereignty and could sink the agreement.

"We talked a lot," Mr. Brown said, "but he wasn't buying any of the things we were selling to him."

By late spring, Trump administration officials were beginning to lose patience with the pace of negotiations, arguing that Democrats were stalling and that Ms. Pelosi never intended to bring the pact to a vote.

Vice President Mike Pence began a nationwide tour to whip up public support for the U.S.M.C.A. in an effort to pressure moderate Democrats to approve it.

A critical moment, Mr. Neal said, came the Friday before lawmakers were set to leave for a monthlong August recess. As those in the room put away their papers and pencils, Mr. Neal turned to Mr. Lighthizer and said, "Bob, nothing soured the American people on trade like the lack of enforcement."

Mr. Lighthizer responded that successive administrations had avoided enforcing agreements because they did not want to anger certain interest groups or other countries. "I'm going to get them mad," Mr. Lighthizer added.

That exchange, for Mr. Neal and others in the room, was evidence that Mr. Lighthizer would work with them on tough enforcement provisions and defend them once a deal was struck.

But it was still unclear whether a compromise could be made that would bridge the disparate interests of labor unions and Mexico.

Mr. Lighthizer began negotiations with Mexican officials on the final language for labor enforcement with Jesús Seade, the lead Mexican negotiator, trying in turn to assuage concerns in the Mexican government and private sector.

Labor unions remained unconvinced. On Nov. 18, Mr. Trumka told union members that there was “still more work to be done.” Four days later, Mr. Trump told “Fox and Friends” that he believed Ms. Pelosi would never support the U.S.M.C.A., and that Mr. Trumka “plays her like a fiddle.”

As lawmakers prepared to leave for the Thanksgiving break, Ms. Pelosi, Mr. Neal and Mr. Lighthizer huddled in Ms. Pelosi’s ceremonial offices off the House floor.

The meeting, which some suspected could be a closing moment for the negotiations, dissolved: Ms. Pelosi felt the administration had still not provided enough details on a labor-monitoring system, and her last-minute demand to scrap provisions shielding internet companies from legal liability for user-generated content frustrated Mr. Lighthizer.

Concerned that a deal was slipping away, Mr. Lighthizer began calling individual Democrats to take the temperature of Ms. Pelosi’s rank and file. Representative Ron Kind, Democrat of Wisconsin and a recipient of one of the calls, described it as “more of a buck-up, encouraging conversation.”

“It feels like there’s darkness descending on the talks,” Mr. Kind said in an interview. “Ambassador Lighthizer was looking for a little bit of feedback from the caucus.”

In a flurry of calls through the Thanksgiving break and into the following weekend, negotiators worked out their final issues. Mr. Trumka, who was on a deer-hunting trip, called in from a mountaintop where he could get cell reception.

Last Monday, Ms. Pelosi’s office informed Mr. Lighthizer that a news conference would happen the next morning. The two sides had a deal.

“We ate their lunch,” a triumphant Ms. Pelosi told her caucus on Tuesday, ahead of the news conference.

This new bipartisan consensus on trade — which may end up shaping policy for years to come — has not pleased everyone.

In a sign of how far the changes went, the Pass USMCA Coalition, which represented a range of industries including pharmaceuticals, said it had withdrawn its support for the pact.

The libertarian Cato Institute slammed the agreement as the “protectionist love child of the labor left and the nationalist right.”

Some Republicans, including Mr. Trump, have complained that Democrats are now claiming credit for an agreement negotiated by Mr. Lighthizer and his deputies.

“The great USMCA Trade Deal (Mexico & Canada) has been sitting on Nancy Pelosi’s desk for 8 months, she doesn’t even know what it says, & today, after passing by a wide margin in the House, Pelosi tried to take credit for it,” the president said Thursday evening on Twitter.

Confidants of Mr. Lighthizer’s said he understood that getting the Democrats on board would require that they felt ownership of the deal.

“It was always my plan that this should be a Trump trade policy,” Mr. Lighthizer said Sunday on “Face the Nation,” adding, “A Trump trade policy is going to get a lot of Democratic support.”

On Thursday, before the House vote, Mr. Lighthizer again strolled through the Capitol’s marble halls, chatting with House Democrats and shaking hands. As Mr. Neal walked by, Mr. Lighthizer stopped for one last huddle.

“Thanks, Bob,” Mr. Neal said as he walked away. “Great job.”