

U.S. Senate passes North America trade deal, Canada still to approve

WASHINGTON (Reuters) - The U.S. Senate on Thursday approved a revamp of the 26-year-old North American Free Trade Agreement that includes tougher rules on labor and automotive content but leaves \$1.2 trillion in annual U.S.-Mexico-Canada trade flows largely unchanged.

The legislation to implement the U.S.-Mexico-Canada Agreement passed on an 89-10 bipartisan vote, sending the measure to President Donald Trump for him to sign into law.

The Democratic-controlled U.S. House of Representatives passed the legislation on Dec. 19 after hammering out changes to ensure better enforcement of labor rights and tighter environmental rules during months of often contentious negotiations with the Trump administration.

The Senate vote came a day after Trump signed a long-awaited Phase 1 trade deal with China, and shortly before the Senate formally began the impeachment trial of Trump on charges that he abused his power.

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U.S. Treasury Secretary Steven Mnuchin said Trump's efforts to rebalance U.S. ties with its major trading partners were bearing fruit, and boosting U.S. economic growth.

"This historic agreement not only modernizes and rebalances our trade relationship with Canada and Mexico, but it promotes economic growth, creates jobs, and provides crucial certainty for farmers, workers and manufacturers," he said in a statement.

On Wednesday, Mnuchin told Fox News that interim trade deal with China and passage of USMCA would boost growth of the U.S. gross domestic product by 50 to 75 basis points.

Mexican President Andres Manuel Lopez Obrador on Thursday called the deal's approval good news for the Mexican economy, and predicted it would jump start new investments.



FILE PHOTO: Flags of the U.S., Canada and Mexico fly next to each other in Detroit, Michigan, U.S. August 29, 2018. REUTERS/Rebecca Cook

Canada still needs to approve the deal before it can take effect and replace NAFTA. It was signed by the leaders of the United States, Mexico and Canada in September 2018.

Trump made renegotiating NAFTA a centerpiece of his 2016 election campaign, calling it "the worst trade deal ever made" and blaming it for the loss of thousands of American factory jobs to low-wage Mexico.

He had threatened to cancel NAFTA outright unless Congress acted to approve the replacement deal, sparking uncertainty among business owners and putting a damper on new investment.

The AFL-CIO union federation, which represents some 12.5 million workers across the United States, estimates that some 851,700 U.S. jobs were lost to Mexico because of NAFTA.

Mexico was \$80.7 billion in 2018, compared with a \$1.7 billion surplus in 1993, thanks in part to U.S. companies moving manufacturing operations south of the border.

But NAFTA also quadrupled trade among the United States, Canada and Mexico, sending it to \$1.2 trillion a year by 2017, and knitting together supply chains across the continent. Industry groups hailed the trade agreement and said it would provide sorely needed certainty to revive

The U.S. goods trade deficit with



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House articles of impeachment of President Trump await U.S. House Speaker Pelosi’s signature before engrossment ceremony at the U.S. Capitol in Washington

WASHINGTON — The Supreme Court agreed Friday to decide if states should be able to collect taxes on internet sales, which would generate billions in revenue for local governments, but also raise the cost of online shopping for consumers.

Just over a quarter-century ago, the court ruled that a state could not force mail order catalog companies to collect sales taxes unless they had a physical presence in the state. Led by South Dakota, 36 states want the court to take another look at the issue, arguing that the 1992 decision was issued “before Amazon was even selling books out of Jeff Bezos’s garage.”

Part of the court’s logic was that it would be too difficult for mail order companies to compute the widely varying tax rates among, and even within, the 50 states.

But lawyers for South Dakota said that’s no longer an issue in the digital age. “Advances in computing have made it easy for retailers to collect different states’ sales taxes,” they wrote in a court brief.

Internet companies “can instantly tailor their marketing and overnight delivery of hundreds of thousands of products to individual customers based on their IP addresses. These companies can surely calculate sales tax from a zip code,” the state said.



U.S. Supreme Court Building in Washington, D.C

The states also said the current ban on internet sales taxes puts brick-and-mortar retailers, who have to collect sales taxes, at a disadvantage. Congress has considered a plan to allow states to collect taxes on purchases made by their residents through out-of-state companies, but no legislation has passed.

Lawyers for the states said they’re losing nearly \$34 billion a year because of the physical presence rule, though estimates from the federal Government Accountability Office said the figure is much smaller.

The case came to the Supreme Court after South Dakota passed an Internet tax law in 2016. Hoping to launch a legal battle that would lead the Supreme Court to reconsider its 1992 decision, the state sued out-of-state Internet retailers. Bound by the earlier ruling, the South Dakota supreme court ruled against the state

In response, the internet companies said col-

Supreme Court Agrees To Consider Internet Sales Taxes

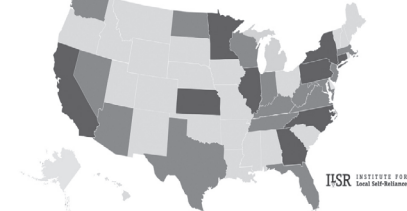
Compiled And Edited By John T. Robbins, Southern Daily Editor



Online sales reach their peak during Christmas holidays. The Supreme Court could rule that these internet sales could be subject to sales tax.

lecting taxes is vastly more complicated and expensive than it was in 1992, because the number of local taxing entities has more than doubled.

States Where Amazon Collects Sales Taxes (as of February 2019)



In the green states, Amazon has a warehouse or other facility and thus is subject to collecting sales tax by virtue of its physical presence. Amazon also has a warehouse in South Carolina, but an agreement with the state allows it to continue shipping to state residents without collecting sales taxes from them until 2020.

Amazon collects sales tax in the blue states, because they have adopted Affiliated Nexus Laws, which count the retailer's in-state sales affiliates as a physical presence. In four of these states — California, Connecticut, Kansas, and Pennsylvania — Amazon also has warehouses and thus would be subject to collecting sales tax anyway. Several other states — Arkansas, Illinois, Maine, Michigan, Missouri, Rhode Island, and Vermont — have adopted Affiliated Nexus Laws, but Amazon does not collect sales tax in those states, because either it has tried to or in-state sales affiliates in order to escape the law's requirements, or the law is not yet in effect.

They noted that Amazon, the nation’s largest online retailer, now collects sales taxes for purchases made in every state, even though it has a physical presence in only a few. That’s proof that “the ‘problem’ of uncollected taxes,” the retailers involved in the case said in their court brief, “has proven to be largely self-correcting.”

They urged the Supreme Court to stay out of the fight while Congress is considering what to do. The court will hear the case this spring. While Amazon is not affected by the suit, other online retailers including Overstock.com, home goods company Wayfair and electronics retailer Newegg, are part of the case. Overstock.com said in a statement Friday that it “looks forward to the opportunity to con-

vince the Supreme Court to confirm its prior rulings protecting the free flow of interstate commerce from overreaching state tax laws.”

The National Retail Federation, which represents both internet and brick-and-mortar sellers, said Friday it welcomed the Supreme Court’s decision to take the case.

“Unfortunately, antiquated sales tax collection rules have resulted in an uneven playing field that’s making it harder for Main Street retailers to compete in today’s digital economy. This is a basic question about fairness, which all of our members deserve whether they’re selling in stores or online,” federation president Matthew Shay said in a statement. (Courtesy <https://www.nbcnews.com/politics>)

Related

U.S. Supreme Court to Review Bid to Collect Internet Sales Tax

The U.S. Supreme Court will consider freeing state and local governments to collect billions of dollars in sales taxes from online retailers, agreeing to revisit a 26-year-old ruling that has made much of the internet a tax-free zone.

Heeding calls from traditional retailers and dozens of states, the justices said they’ll hear South Dakota’s contention that the 1992 ruling is obsolete in the e-commerce era and should be overturned.

State and local governments could have col-

lected up to \$13 billion more in 2017 if they’d been allowed to require sales tax payments from online merchants and other remote sellers, according to a report from the Government Accountability Office, Congress’s nonpartisan audit and research agency. Other estimates are even higher. All but five states impose sales taxes.

Online retailers Wayfair Inc., Overstock.com Inc. and Newegg Inc. are opposing South Dakota in the court fight. Each collects sales taxes from customers in only some states.

The case will also affect Amazon.com Inc., though the biggest online retailer isn’t directly involved. When selling its own inventory, Amazon charges sales tax in every state that imposes one, but about half of its sales involve goods owned by third-party merchants. For those items, the company says it’s up to the sellers to collect any taxes, and many don’t.

The court probably will hear arguments in April with a ruling by the end of its nine-month term in late June.



‘Physical Presence’

The high court’s 1992 Quill v. North Dakota ruling, which involved a mail-order company, said retailers can be forced to collect taxes only in states where the company has a “physical presence.” The court invoked the so-called dormant commerce clause, a judge-created legal doctrine that bars states from interfering with interstate commerce unless authorized by Congress.

South Dakota passed its law in 2016 with an eye toward overturning the Quill decision. It requires retailers with more than \$100,000 in annual sales in the state to pay a 4.5 percent tax on purchases. Soon after enacting the law, the state filed suit and asked the courts to declare the measure constitutional.

“States’ inability to effectively collect sales tax from internet sellers imposes crushing harm on state treasuries and brick-and-mortar retailers alike,” South Dakota said in its Supreme Court appeal.

Wayfair, Overstock and Newegg said the court should reject the appeal and leave it to Congress to set the rules for online taxes.

Expressing Doubts

“If Quill is overruled, the burdens will fall primarily on small and medium-size companies whose access to a national market will be stifled,” the companies argued. “Congress can address this issue in a balanced and comprehensive manner through legislation.”

Those supporting South Dakota at the high court include 35 other states, as well as lawmakers who say they’ve been trying for years to get Congress to address the issue.

Overturning Quill would mean “leveling the playing field for businesses who are employing people on Main Street,” Senator Heidi Heitkamp, a North Dakota Democrat, said in an interview. Heitkamp was North Dakota’s tax commissioner during its unsuccessful fight for taxing power in the Quill case.



The National Retail Federation, which represents both brick-and-mortar and Internet-only sellers, said it was encouraged by the court’s decision to get involved. “We are hopeful it will lead to a positive outcome that reflects the realities of 21st century commerce,” the trade group’s president, Matthew Shay, said in a statement.

Three current justices -- Clarence Thomas, Neil Gorsuch and Anthony Kennedy -- have expressed doubts about Quill. Kennedy said in 2015 that Quill had produced a “startling revenue shortfall” in many states, as well as “unfairness” to local retailers and their customers. “A case questionable even when decided, Quill now harms states to a degree far greater than could have been anticipated earlier,” Kennedy wrote. “It should be left in place only if a powerful showing can be made that its rationale is still correct.”

Gorsuch, the newest Supreme Court justice, suggested skepticism about Quill as an appeals court judge. And Thomas has said he would jettison the entire dormant commerce clause, saying “it has no basis in the Constitution and has proved unworkable in practice.”

Amazon backs a nationwide approach that would relieve retailers from dealing with a patchwork of state laws. Amazon once relied on the Quill ruling and didn’t collect sales tax at all; the company gradually changed its position as it built warehouses all over the country, giving it a greater physical presence in multiple states. The case is South Dakota v. Wayfair, 17-494. The case is South Dakota v. Wayfair. (Courtesy <https://www.bloomberg.com/news/articles>)



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Would Be A First For The U.S.
California Could Create Its Own Prescription Drug Label



Compiled And Edited By John T. Robbins, Southern Daily Editor

California could become the first state to make its own prescription drugs under a proposal announced last Thursday by Governor Gavin Newsom. The effort could “take the power out of the hands of greedy pharmaceutical companies,” Newsom said.

The Democratic governor wants the nation’s most populous state to contract with generic drug companies to make medications on its behalf so it could sell them to its nearly 40 million residents. The goal is to lower prices by increasing competition in the generic drug market, Newsom said.

Pharmaceutical costs continue to rise, with prices on 411 drugs increasing an average of 5% at year start, according to GoodRx, which tracks the cost of more than 3,500 drugs. Of the drugs that have seen rising prices, 407 were brand-name products and four were generic. As pharmaceutical costs have risen in recent years, more Americans are struggling to pay for medications, with 1 in 10 skipping doses because of cost.

Newsom’s proposal would create a single market for drug pricing in California, with companies having to bid to sell their

medicine at a uniform price. One expert said that piece would have the bigger impact.



California Governor Gavin Newsom wants California to contract with generic drug companies to make medications on behalf of its 40 million residents.

“Other countries control or negotiate the price of drugs, and if there is one state that could do it, it’s California, which is the size of a country,” said Larry Levitt, executive vice president of health policy for the Kaiser Family Foundation. “A drug company could walk away from Rhode Island. It’s much harder to walk away from California.”

Lawmakers would have to approve the proposal before they could become law. A legislative leader in charge of reviewing the plan gave a tentative endorse-

ment Thursday.

“If Costco can have a Kirkland brand, why can’t California have our own generic brand?” said Democratic Assemblyman Joaquin Arambula, an emergency room doctor from Fresno who chairs the House Budget Subcommittee on Health and Human Services. “I really do think there is quite a bit of merit in having us produce the medications.”

Priscilla VanderVeer, vice president of the Pharmaceutical Research and Manufacturers of America, which represents brand-name drug companies, said she’s waiting for more details from Newsom before commenting.

A representative from the Association for Accessible Medicines, which represents generic drug manufacturers, did not respond to a request for comment.



Budget proposal

The drug plan is part of Newsom’s budget proposal, which he must present to lawmakers by Friday. The state could have as much as a \$7 billion surplus this year, according to the nonpartisan Legislative Analyst’s Office.

Newsom’s office did not say how much the drug proposal would cost, prompting criticism from some Republican lawmakers who said the state should not compete with private companies.

“When the state runs it, it costs more money,” said Republican Assemblyman Devon Mathis, who’s also on the health subcommittee. “The money is coming out of families’ pockets paying all those crazy taxes.”

California law requires drug companies to report any price increases to the state. Generic drugs saw a three-year median increase of 37.6%, according to a report from the Office of Statewide Health Planning and Development. That analysis was based on the list prices of the

drugs and did not include discounts or rebates.



But the report doesn’t include generic drugs that decreased in price because companies are not required to report that. Nationally, generic drug prices have been decreasing overall, according to a report that AARP produced with the University of Minnesota.

Insulin prices

Supporters say California’s generic drug label could help lower the cost of a common drug that has steadily increased in price — insulin for diabetes patients. Three drug companies control most of the market for insulin.

“Consumers would directly benefit if California contracted on its own to manufacture much-needed generic medications like insulin — a drug that has been around for a century yet the price has gone up over tenfold in the last few decades,” said Anthony Wright, executive director of Health Access California.



Prescription drug prices are too high. I’m proposing that California become the first state in the nation to establish its own generic drug label.

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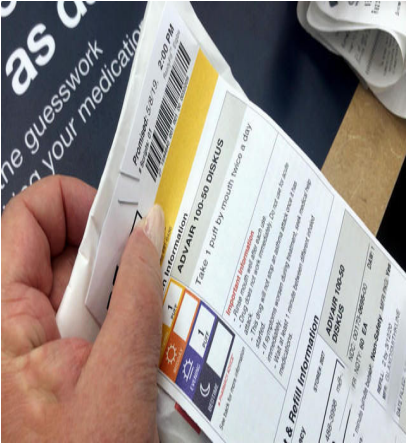
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Taking a play from Elizabeth Warren, California could become the first state to establish its own generic drug label, the better to cut health care costs. calmatters.org

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Jon Roth, CEO of the California Pharmacists Association, said the state might be surprised, however, at how much it ends up charging for its own generic drugs because of factors beyond its control, including raw material shortages and disruptions in the supply chain.

“There are other factors in the actual manufacturing that the state may not be able to escape,” he said.

While most Americans get generic prescriptions, they only account for a small part of the total drug spending in the U.S. That’s because unlike the name-brand drug market, generics are very competitive, said Jeff Joyce, chairman of the Department of Pharmaceutical and Health Economics at USC’s School of Pharmacy.



California could create its own drug label being the first state to do so.

“What he is proposing to do would help in specific cases, but it’s not a panacea by any means,” Joyce said.

The proposal is another step in Newsom’s effort to overhaul California’s prescription drug market. Last year, in one of his first acts in office, Newsom ordered the state to take over the Medicaid program’s prescription drug benefits, which affects 13 million people. (Courtesy cbsnews.com)

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