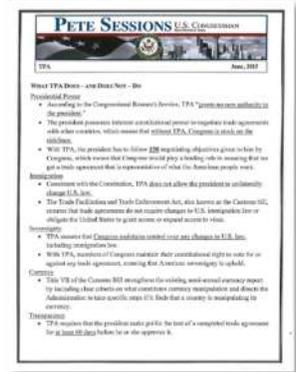


OBAMATRADE (TPA) FACT CHECK

You may have recently received from Pete Sessions the flyer to the right, purporting to “explain” to you the TPA “Fast Track” Authority being provided to Barack Obama, John Boehner and Mitch McConnell.

After reviewing the flyer, we felt it important to tell you what Pete Sessions wasn't telling you about TPA Fast Track Authority, and to clear up some unfortunate and misleading statements made in the flyer.

PLEASE NOTE: As always, do not take anyone’s word for what TPA “Fast Track” means. Research it for yourself. There is plenty of information available online.



WHAT TPA DOES – AND DOES NOT – DO

Presidential Power

- According to the Congressional Research Service, TPA “grants no new authority to the president.”

FACT CHECK: While **TECHNICALLY TRUE**, this is very **MISLEADING**. The TPA does not, itself, provide new authority to the president. What TPA DOES is fast track Obama’s proposed changes to U.S. Law through Congress—without normal procedures, without full opportunity for debate, without opportunity for amendment and by a flat majority vote—abandoning the traditional 60-vote Senate threshold. These “fast track” provisions are expressly provided to change U.S. Law. (See, e.g., Section 3 (b)(3)(B)(ii); Section 5 (b)(2)(C); Section 6 (2)(A)(i); Section 6 (a)(1)(C)).

- The president possesses inherent constitutional power to negotiate trade agreements with other countries, which means that without TPA, Congress is stuck on the sidelines.

FACT CHECK: PARTLY FALSE. While the president does possess inherent power to negotiate with other countries, Congress has inherent power to ratify treaties, and to weigh in and share its opinions on agreements, either as individual members or as a legislative body. Obama can, in theory, make paper agreements with other countries, but Obama cannot rewrite any U.S. Law without Speaker Boehner and Majority Leader McConnell. Rewriting U.S. Law is

in the inherent power of the Congress, and TPA “fast track” makes it much easier for Obama, Boehner and McConnell to rewrite our laws. (See above.)

- With TPA, the president has to follow 150 negotiating objectives given to him by Congress, which means that Congress would play a leading role in ensuring that we get a trade agreement that is representative of what the American people want.

FACT CHECK: PARTLY TRUE, but MISLEADING. While TPA “fast track” provides Congress a formal means of submitting “negotiating objectives,” these objectives are not binding on the President. In theory, complete disregard of all the objectives could cause a proposed agreement to lose “fast track” treatment, but this is nearly impossible as a practical matter. At best, the “objectives” can be considered “negotiating suggestions.” Further, if a proposed trade agreement is truly “what the American people want,” why must it be “fast-tracked” outside of normal procedures?

Immigration

- Consistent with the Constitution, TPA does not allow the president to unilaterally change U.S. law.

FACT CHECK: TECHNICALLY TRUE, but a RED HERRING. TPA “fast track” does provide Obama with a fast track mechanism to change U.S. Law, just not unilaterally. Obama will require the cooperation of John Boehner and Mitch McConnell to do so. (See above)

- The Trade Facilitation and Trade Enforcement Act, also known as the Customs bill, ensures that trade agreements do not require changes to U.S. immigration law or obligate the United States to grant access or expand access to visas.

FACT CHECK: ARGUABLY TRUE, but VERY MISLEADING. The *Trade Facilitation and Trade Enforcement Act* is merely a U.S. Law, subject to change at any time. As noted above, TPA “fast track” expressly provides for expedited treatment of changes to U.S. Law. Further, the AS-YET-SECRET *Trade in Services Agreement* (TISA) is generally believed to be all about immigration.

Sovereignty

- TPA ensures that Congress maintains control over any changes to U.S. law, including immigration law.
- With TPA, members of Congress maintain their constitutional right to vote for or against any trade agreement, ensuring that American sovereignty is upheld.

FACT CHECK: TECHNICALLY TRUE, but MISLEADING. As noted above, Obama's changes to U.S. Law will receive "fast track" treatment, removing the procedural protections in Congress that have protected Americans from many bad bills in the past.

Transparency

- TPA requires that the president make public the text of a completed trade agreement for at least 60 days before he or she approves it.

FACT CHECK: NOT TRUE. TPA does require that the president publish the draft text at least 60 days before he signs a final agreement, but it is not a "completed trade agreement" at the time of publication. There is no provision in TPA to prevent the text from being revised between publication and signature, nor any requirement that Obama republish the text if the language is amended. (See Section 6 (a)(1)(B))

- It also requires that the president submit to the committees of jurisdiction the final, legal text of a trade agreement at least 30 days before the president may submit an implementing bill to Congress.

FACT CHECK: TRUE, but NOT RELEVANT. First, note that the published text (see above) and the "final legal text" are not the same. While there is a requirement that the pre-signing text be published (see above) there is no requirement in TPA that the "final legal text" be made public for 60 days, or even 30 days, before action is taken. The "final legal text" is sent to Congress, not published.