

# United States Senate

WASHINGTON, DC 20510-0104

June 5, 2015

President Barack Obama  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear President Obama:

On May 6th of this year, I sent you a letter (enclosed) regarding your request for Congress to grant you fast-track executive authority. Under fast-track, Congress transfers its authority to the executive and agrees to give up several of its most basic powers. These concessions include: the power to write legislation, the power to amend legislation, the power to fully consider legislation on the floor, the power to keep debate open until Senate cloture is invoked, and the constitutional requirement that treaties receive a two-thirds vote.

The latter is especially important since, having been to the closed room to review the secret text of the Trans-Pacific Partnership, it is clear it more closely resembles a treaty than a trade deal. In other words, through fast-track, Congress would be pre-clearing a political and economic union before a word of that arrangement has been made available to a single private citizen.

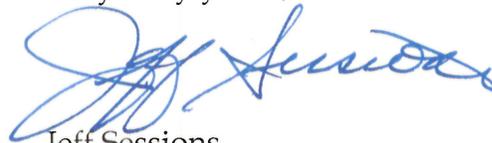
The letter, which received no reply, asked several fundamental questions Congress ought to have answered before even considering whether to grant the executive such broad new powers. Among those, I asked that you make public the section of the TPP that creates a new transnational governance structure known as the Trans-Pacific Partnership Commission. The details of this new governance commission are extremely broad and have the hallmarks of a nascent European Union, with many similarities.

Reviewing the secret text, plus the secret guidance document that accompanies it, reveals that this new transnational commission - chartered with a "Living Agreement" clause - would have the authority to amend the agreement after its adoption, to add new members, and to issue regulations impacting labor, immigration, environmental, and commercial policy. Under this new commission, the Sultan of Brunei would have an equal vote to that of the United States.

The implications of this new Pacific Union are extraordinary and ought to be discussed in full, in public, before Congress even contemplates fast-tracking its creation and pre-surrendering its power to apply the constitutional two-thirds treaty vote. In effect, to adopt fast-track is to agree to remove the constitutional protections against the creation of global governance structures before those structures are even made public.

I would therefore ask that you provide to me the legal and constitutional basis for keeping this information from the public and explain why I cannot share the details of what I have read with the American people. Congress should not even consider fast-tracking the transfer of sovereign power to a transnational structure before the details of that new structure are made fully available for public review.

Very truly yours,



Jeff Sessions  
United States Senator

JS:ph

United States Senate  
WASHINGTON, DC 20510-0104

May 6, 2015

The Honorable Barack Obama  
President  
The White House  
Washington, DC 20500

Dear Mr. President:

You have asked Congress to approve fast-track legislation (Trade Promotion Authority) that would allow international trade and regulatory agreements to be expedited through Congress for the next six years without amendment. Fast-track, which proponents hope to adopt within days, would also ensure that these agreements—none of which have yet been made public—could pass with a simple majority vote, rather than the 67 votes applied to treaties or the 60 votes applied to important legislative matters.

The first international trade and regulatory agreement that would be expedited under “fast-track” is the Trans-Pacific Partnership, or TPP. This is one of the largest international compacts in the history of the United States. Yet, this agreement will be kept a closely-guarded secret until *after* Congress agrees to yield its institutional powers and provide the Administration with a guaranteed “fast-track” to adoption.

The U.S. ran a record \$51.4 billion trade deficit in March, the highest-level recorded in six years. This is especially concerning since assurances were made from the Administration that the recent South Korea free trade deal would “increase exports of American goods by \$10 billion to \$11 billion.” But, in fact, American domestic exports to Korea increased by only \$0.8 billion, an increase of 1.8 percent, while imports from Korea increased \$12.6 billion, an increase of 22.5 percent. Our trade deficit with Korea increased \$11.8 billion between 2011 and 2014, an increase of 80.4 percent, nearly doubling in the three years since the deal was ratified.

Overall, we have already lost more than 2.1 million manufacturing jobs to the Asian Pacific region since 2001.

Former Nucor Steel Chairman Daniel DiMicco argues that we have not been engaged in free trade but in “unilateral trade disarmament and enablement of foreign mercantilism.”

Due to the enormity of what is at stake, I believe it is essential Congress have answers to the following questions before any vote is scheduled on "fast-track" authority.

1. **Regarding the "Living Agreement":** There is a "living agreement" provision in TPP that allows the agreement to be changed after adoption—in effect, vesting TPP countries with a sweeping new form of global governance authority. TPP calls this new global authority the "Trans-Pacific Partnership Commission." These measures are unprecedented. While I and other lawmakers have been able to view this provision in secret, I believe it must be made public before any vote is scheduled on TPA, due to the extraordinary implications. I call on you today to make that section of TPP public for the American people to see and review.
2. **Regarding trade deficits:** Will TPP increase or reduce our cumulative trade deficit with TPP countries overall, and with Japan and Vietnam specifically?
3. **Regarding jobs and wages:** Will TPP increase or reduce the total number of manufacturing jobs in the United States generally, and American auto-manufacturing jobs specifically, accounting for jobs lost to increased imports? Will average hourly wages for U.S. workers, including in the automobile industry, go up or down and by how much?
4. **Regarding China:** Can TPP member countries add new countries, including China, to the agreement without future Congressional approval?
5. **Regarding foreign workers:** TPA is a six-year authority. Can you state unconditionally that no agreement or executive action throughout the lifetime of TPA will alter the number, duration, availability, expiration enforcement, rules, or processing time of guest worker, business, visitor, nonimmigrant, or immigrant visas to the United States?

Thank you for your responses to these questions. Congress has an obligation to defend the legitimate interests of U.S. workers, and the rights of all Americans as citizens of a sovereign Republic.

Very truly yours,



Jeff Sessions  
U.S. Senator