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**STATEMENT IN SUPPORT OF FATCA REPEAL AND  
AGAINST UNAUTHORIZED INTERNATIONAL AGREEMENTS**

WHEREAS, in March 2010 a Democrat-controlled Congress enacted the Foreign Account Tax Compliance Act (FATCA) without stand-alone floor debate or amendment in either the Senate or the House of Representatives and without a cost/benefit study;

WHEREAS, FATCA requires foreign financial institutions to enter into an agreement with the IRS to identify their U.S. account holders and to disclose the account holders' names, taxpayer identifications, addresses, and the accounts' balances, receipts, and withdrawals (very often in violation of foreign privacy laws) without probable cause or any evidence of wrongdoing;

WHEREAS, FATCA's primary mechanism for enforcing compliance by foreign financial institutions is a punitive withholding levy on U.S.-sourced payments, which creates a strong incentive for foreign financial institutions to divest (or not invest) in U.S. assets, resulting in capital flight that hurts the U.S. economy and costs American jobs;

WHEREAS, FATCA not only violates Constitutional protections, such as privacy, probable cause, due process, presumption of innocence, and no excessive punishment of 7.6 million overseas American citizens and 12.6 million foreign nationals with legal U.S. resident permits (Green Cards), but also presumes they are all "FAT CAT" tax cheats who need to prove their innocence to the IRS in the name of catching tax evaders;

WHEREAS, FATCA has resulted in Americans who are living and working overseas finding themselves, and their companies, shut out from access to banks, insurance, loans, and investment opportunities, as many foreign financial service providers have concluded that doing business with Americans is simply too much trouble, contributing to the record number of Americans who are renouncing their U.S. citizenship;

WHEREAS, the Obama Administration has scorned the U.S. Senate's constitutional authority to provide or withhold its advice and consent to the ratification of treaties by the use of non-treaty "intergovernmental agreements" between the Treasury Department and foreign governments for the enforcement of FATCA, which agreements are not authorized in FATCA or any other statute; on the 4<sup>th</sup> Amendment due to FATCA's requirement of foreign financial institutions to disclose overseas U.S. account holders' private financial information without probable cause; and on the 8<sup>th</sup> Amendment due to FATCA's punitive 30% withholding penalty for non-compliance;

WHEREAS, FATCA's worldwide implementation has been assisted by the Organization for Economic Cooperation and Development (OECD) to pave the way for OECD's global FATCA, known as "GATCA," and what OECD's central planners call a new "global standard" of indiscriminate financial abrogation of personal privacy by governments, known as "Automatic Exchange of Information" (AEOI) modeled on FATCA;

WHEREAS, because the Obama Administration supports OECD's GATCA initiative and there is considerable overlap between FATCA and GATCA, the OECD considers unauthorized FATCA intergovernmental agreements a "[catalyst](#)" for its AEOI model, so that as early as 2015 American domestic financial institutions may have to start reporting account data to foreign governments pursuant to per OECD's "[AEOI: Status of Commitments](#)" document as well as under "reciprocal exchange" with governments that have signed unauthorized FATCA intergovernmental agreements;

WHEREAS, the implementation of GATCA, whether under the FATCA intergovernmental agreements or OECD's AEOI, would trample on the constitutional rights and privacy of 320 million Americans, and impose crushing compliance costs on U.S. domestic financial institutions, which would be passed on to American consumers and taxpayers;

WHEREAS, because FATCA includes not a single provision targeting actual tax evasion activity but relies exclusively on indiscriminate "fishing expedition" data collection, the costs and harm inflicted by FATCA cannot be justified as a legitimate tool for combating offshore tax evasion; in 2013 even the IRS's own in-house [Taxpayer Advocate Service](#) reported to Congress that "FATCA-related costs equal or exceed projected FATCA revenue"; and

WHEREAS, in 2014 the Republican National Committee unanimously adopted a [Resolution](#) urging FATCA's repeal; and in 2015 the Republican National Committee unanimously adopted a [Resolution](#) calling for (1) an investigation of the U.S. Treasury's Department's authority in implementing GATCA in America under FATCA intergovernmental agreements, (2) cutting FATCA enforcement funding, and specifically withhold all funding for negotiation and implementation of OECD's Common Reporting Standards in FATCA intergovernmental agreements, and (3) reforming the formula for U.S. representation in the OECD:

**As a candidate for the 2016 Republican nomination for President of the United States, I HEREBY STATE THE FOLLOWING:**

**I endorse the 2014 and 2015 Resolutions of the Republican National Committee calling for FATCA's repeal and for the other measures described in such Resolutions to mitigate the damage caused by FATCA pending its repeal; as president I will use my constitutional authority in accordance with such Resolutions.**

Signature and date: \_\_\_\_\_