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SENATE JOINT MEMORIAL 8011

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State of Washington                      63rd Legislature                      2014 Regular Session

By Senators Chase, Hasegawa, Conway, McAuliffe, Cleveland, Keiser, McCoy, and Eide

Read first time 01/17/14. Referred to Committee on Trade & Economic Development.

1            TO THE HONORABLE BARACK OBAMA, PRESIDENT OF THE UNITED STATES, AND  
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4 UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE UNITED STATES TRADE  
5 REPRESENTATIVE:

6            We, your Memorialists, the Senate and House of Representatives of  
7 the State of Washington, in legislative session assembled, respectfully  
8 represent and petition as follows:

9            WHEREAS, The state of Washington strongly supports international  
10 trade when fair rules of trade are in place and seeks to be an active  
11 participant in the global economy, and the state seeks to maximize the  
12 benefits and minimize any negative effects of international trade; and

13            WHEREAS, Existing trade agreements have effects that extend  
14 significantly beyond the bounds of traditional trade matters, such as  
15 tariffs and quotas, and can undermine Washington's regulatory authority  
16 and constitutionally guaranteed authority to protect the public health,  
17 safety, and welfare; and

18            WHEREAS, A succession of federal trade negotiators from both  
19 political parties over the years have failed to operate in a  
20 transparent manner and have failed to meaningfully consult with the

1 state on the far-reaching effect of trade agreements on state and local  
2 laws, even when obligating the state to comply with the terms of these  
3 agreements; and

4 WHEREAS, Article II, section 2 of the United States Constitution  
5 empowers the president of the United States "... by and with the Advice  
6 and Consent of the Senate, to make Treaties, provided two thirds of  
7 Senators present concur..."; and

8 WHEREAS, The trade promotion authority implemented by the United  
9 States congress and the president of the United States with regard to  
10 international trade and investment treaties and agreements entered into  
11 over the past several years, commonly known as fast-track negotiating  
12 authority, does not adequately provide for the constitutionally  
13 required review and approval of treaties; and

14 WHEREAS, The United States trade representative, at the direction  
15 of the president of the United States, is currently negotiating or  
16 planning to enter into negotiations for several multilateral trade and  
17 investment treaties, including the trans-pacific partnership agreement  
18 and the transatlantic trade and investment partnership; and

19 WHEREAS, Proposals are under consideration to review these and  
20 future trade and investment agreements pursuant to a fast-track model;  
21 and

22 WHEREAS, The current process of consultation with states by the  
23 federal government on trade policy fails to provide a way for states to  
24 meaningfully participate in the development of trade policy, despite  
25 the fact that trade rules could undermine state sovereignty; and

26 WHEREAS, Under current trade rules, states have not had channels  
27 for meaningful communication with the United States trade  
28 representative, as both the intergovernmental policy advisory committee  
29 on trade and the state point of contact system have proven insufficient  
30 to allow input from states, and states do not always seem to be  
31 considered as a partner in government; and

32 WHEREAS, The president of the United States, the United States  
33 trade representative, and the Washington congressional delegation will  
34 have a role in shaping future trade policy legislation;

35 NOW, THEREFORE, Your Memorialists respectfully pray that future  
36 trade policy includes reforms to improve the process of consultation  
37 between both the executive branch and congress and the federal  
38 government and the states, that the fast-track model of consultation

1 and approval of international treaties and agreements be rejected with  
2 respect to pending agreements and agreements not yet under negotiation,  
3 and that the president of the United States, the United States congress  
4 and the United States trade representative seek a meaningful  
5 consultation system that provides transparency, promotes information  
6 sharing, allows for timely, frequent, and meaningful consultations,  
7 provides state-level trade data analysis, provides legal analysis for  
8 states on the effects of trade on state laws, increases public  
9 participation, allows congress to meet its constitutional requirements  
10 for treaty review and approval, and acknowledges and respects each  
11 state's sovereignty.

12 BE IT RESOLVED, That copies of this Memorial be immediately  
13 transmitted to the Honorable Barack Obama, President of the United  
14 States, the United States Trade Representative, the President of the  
15 United States Senate, the Speaker of the House of Representatives, and  
16 each member of Congress from the State of Washington.

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