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**SENATE JOINT MEMORIAL 8003**

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**State of Washington                      64th Legislature                      2015 Regular Session**

**By** Senators Hasegawa, Chase, Kohl-Welles, Keiser, and Conway

Read first time 01/20/15. Referred to Committee on Trade & Economic Development.

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

6            We, your Memorialists, the Senate and House of Representatives of  
7 the State of Washington, in legislative session assembled,  
8 respectfully 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  
12 the benefits and minimize any negative effects of international  
13 trade; and

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

19            WHEREAS, A succession of federal trade negotiators from both  
20 political parties over the years have failed to operate in a  
21 transparent manner and have failed to meaningfully consult with the  
22 state on the far-reaching effect of trade agreements on state and

1 local laws, even when obligating the state to comply with the terms  
2 of these agreements; and

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

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

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

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

21 WHEREAS, The current process of consultation with states by the  
22 federal government on trade policy fails to provide a way for states  
23 to meaningfully participate in the development of trade policy,  
24 despite the fact that trade rules could undermine state sovereignty;  
25 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  
29 committee on trade and the state point of contact system have proven  
30 insufficient to allow input from states, and states do not always  
31 seem to be 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  
34 will 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  
39 and approval of international treaties and agreements be rejected  
40 with respect to pending agreements and agreements not yet under

1 negotiation, and that the president of the United States, the United  
2 States congress and the United States trade representative seek a  
3 meaningful consultation system that provides transparency, promotes  
4 information sharing, allows for timely, frequent, and meaningful  
5 consultations, provides state-level trade data analysis, provides  
6 legal analysis for states on the effects of trade on state laws,  
7 increases public participation, allows congress to meet its  
8 constitutional requirements for treaty review and approval, and  
9 acknowledges and respects each state's sovereignty.

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

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