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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

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

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

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

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

WHEREAS, A succession of federal trade negotiators from both political parties over the years have failed to operate in a transparent manner and have failed to meaningfully consult with the state on the far-reaching effect of trade agreements on state and local laws, even when obligating the state to comply with the terms of these agreements; and

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

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

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

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

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

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

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

NOW, THEREFORE, Your Memorialists respectfully pray that future trade policy includes reforms to improve the process of consultation between both the executive branch and congress and the federal government and the states, that the fast-track model of consultation and approval of international treaties and agreements be rejected with respect to pending agreements and agreements not yet under negotiation, and that the president of the United States, the United States congress and the United States trade representative seek a meaningful consultation system that provides transparency, promotes information sharing, allows for timely, frequent, and meaningful consultations, provides state-level trade data analysis, provides legal analysis for states on the effects of trade on state laws, increases public participation, allows congress to meet its constitutional requirements for treaty review and approval, and acknowledges and respects each state's sovereignty.

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