
SENATE JOINT MEMORIAL 8003

State of Washington 64th Legislature 2015 Regular Session

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

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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