

1 [Resolution - Safeguarding State and Local Governance in Trade Resolution]

2
3 **Resolution respectfully urging Congress to safeguard domestic regulatory authority and policy**
4 **space by rejecting any request for renewal of Fast Track Trade Authority, and to create a**
5 **democratic, inclusive trade negotiating process that includes meaningful consultation with state**
6 **and local governments and civil society groups.**
7

8 WHEREAS, Democratic, accountable governance is being undermined by international
9 commercial and trade rules enforced by the World Trade Organization (WTO) and established by the
10 North American Free Trade Agreement (NAFTA), and is further threatened by similar provisions in
11 pending trade agreements with Colombia, Peru, Panama and South Korea; and,
12

13 WHEREAS, Today’s trade agreements have impacts which extend significantly beyond the
14 bounds of traditional trade matters such as tariffs and quotas, and instead grant foreign investors and
15 service providers certain rights and privileges that exceed those granted to U.S. businesses under state
16 and federal law, subject local laws to challenge as “non-tariff barriers to trade” in the binding dispute
17 resolution bodies that accompany the pacts, and place limits on the future policy options of local
18 governments; and,

19 WHEREAS, the current encroachment on state and local governance by international
20 commercial and trade agreements has occurred in no small part because of the secretive and exclusive
21 process by which trade provisions are negotiated; and,

22 WHEREAS, the recent failure of House leadership to consult other members of Congress, state
23 and local policymakers, and key constituency groups before announcing the conclusion of negotiations
24 with the Bush administration on reforms to the aforementioned trade agreements exemplifies this
25 secretive and exclusive process; and,

1 WHEREAS, presidential Fast Track Trade Authority eliminates vital checks and balances
2 established in the U.S. Constitution by broadly delegating Congress' exclusive authority to set the terms
3 of trade over to the executive branch such that the executive branch is empowered to negotiate broad-
4 ranging trade agreements in secret and to sign them prior to Congress voting on the agreements; and,

5 WHEREAS, the ability of the executive branch to negotiate trade agreements in secret and to
6 sign trade agreements prior to Congress' vote of approval means executive branch negotiators are able
7 to ignore congressional negotiating objectives and states' demands, and neither Congress nor the state
8 have any means to enforce any decision regarding what provisions must be contained and what
9 provisions may not be included in any U.S. trade agreement; and,

10 WHEREAS, Fast Track, which was established in 1974 when trade agreements were limited to
11 traditional matters such as tariffs and quotas is now woefully outdated and inappropriate given the
12 diverse range of non-trade issues now included in "trade" agreements that broadly affect federal, state
13 and local non-trade regulatory authority; and,

14 WHEREAS, the current grant of Fast Track expires on June 30, 2007; now, therefore, be it

15 RESOLVED, That the City of San Francisco respectfully calls on Congress to safeguard
16 domestic regulatory authority and policy space by rejecting any request for renewal of Fast Track Trade
17 Authority, and to create a democratic, inclusive trade negotiating process that includes meaningful
18 consultation with state and local governments and civil society groups; and, be it

19 FURTHER RESOLVED, That this new process for developing and implementing trade
20 agreements include an explicit mechanism for obtaining the prior informed consent of state legislatures
21 before states are bound to the non-tariff terms of any trade agreement that affects state and local
22 regulatory authority so as to ensure that the United States Trade Representative respects the decisions
23 made by state and local governments; and, be it

24 FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the
25 Governor, the state legislature, and each member of Congress from the State of California.

Mirkarimi

BOARD OF SUPERVISORS

Page 2
6/21/2007