

HOUSE CONCURRENT RESOLUTION NO. 3040

Introduced by

Representatives Kerzman, Boucher, Froelich

Senator Krauter

1 A concurrent resolution urging the United States Trade Representative to negotiate changes in  
2 provisions of the North America Free Trade Agreement which appear to impose liability upon  
3 governing bodies in this country for enforcing a law or rule that protects the health, safety, and  
4 welfare of the citizens of this country and North Dakota.

5 **WHEREAS**, the investor-to-state provisions of international trade agreements, such as  
6 the North American Free Trade Agreement grant a foreign corporation the ability to sue the  
7 federal, state, or a local government if the corporation contends that law or rule impairs the  
8 ability of the corporation to make a profit; and

9 **WHEREAS**, the ability of the federal government and state and local governments to  
10 adopt and enforce laws and rules is essential to protect the health, safety, and welfare of  
11 citizens; and

12 **WHEREAS**, a complaint has been filed under the North American Free Trade  
13 Agreement by Canadian Cattlemen for Free Trade against the United States Department of  
14 Agriculture for loss of profits under rules that prevent Canadian cattle from being imported into  
15 the United States because of the threat of mad cow disease; and

16 **WHEREAS**, three nonelected officials serve as an arbitration tribunal in the  
17 investor-to-state cases from which no appeals are permitted; and

18 **WHEREAS**, monetary awards from the investor-to-state cases significantly impact the  
19 taxpayers of this country; and

20 **WHEREAS**, the fear of investor-to-state lawsuits may dissuade passage and  
21 enforcement of laws and implementation of rules that are made in the public interest; and

22 **WHEREAS**, proposed and future agreements could expand investor-to-state provisions  
23 such as those in the North American Free Trade Agreement and the Central America Free  
24 Trade Agreement;

1           **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**  
2   **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

3           That the Sixtieth Legislative Assembly urges the United States Trade Representative to  
4 negotiate changes in provisions of the North America Free Trade Agreement which appear to  
5 impose liability upon governing bodies in this country for enforcing a law or rule that protects the  
6 health, safety, and welfare of the citizens of this country and North Dakota; and

7           **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this  
8 resolution to the President of the United States, the United States Trade Representative, the  
9 United States Secretary of Agriculture, and to each member of the North Dakota Congressional  
10 Delegation.