

State of Vermont

House of Representatives



Montpelier, Vermont

House Resolution

H.R. 26

House resolution relating to the federal “fast track” process of congressional review of international trade

Offered by: Representatives Keenan of St. Albans City, Allard of St. Albans Town, Aswad of Burlington, Atkins of Winooski, Bissonnette of Winooski, Botzow of Pownal, Chen of Mendon, Cheney of Norwich, Condon of Colchester, Consejo of Sheldon, Copeland-Hanzas of Bradford, Donovan of Burlington, Edwards of Brattleboro, Emmons of Springfield, Evans of Essex, Fitzgerald of St. Albans City, Gervais of Enosburg, Godin of Milton, Head of S. Burlington, Heath of Westford, Howard of Rutland City, Howrigan of Fairfield, Hutchinson of Randolph, Kitzmiller of Montpelier, Krawczyk of Bennington, Kupersmith of S. Burlington, Larson of Burlington, Livingston of Manchester, Maier of Middlebury, Malcolm of Pawlet, Manwaring of Wilmington, Marcotte of Coventry, Martin of Springfield, Masland of Thetford, McCormack of Rutland City, McFaun of Barre Town, Milkey of Brattleboro, Minter of Waterbury, Mook of Bennington, Nuovo of Middlebury, Obuchowski of Rockingham, Pearson of Burlington, Perry of Richford, Potter of Clarendon, Shand of Weathersfield, Sharpe of Bristol, Spengler of Colchester, Sweaney of Windsor, Trombley of Grand Isle and Zuckerman of Burlington

Whereas, the state of Vermont benefits greatly from international trade, which is responsible for a greater percentage of its gross state product than is the case for any other state, and

Whereas, to a considerable degree, the state’s success in international trade is tied to the fact that the character, beauty, and environment of the state itself, the Vermont brand, and Vermont products are internationally recognized to be of high quality, and

Whereas, Vermont’s laws, which generations of sensible and independent civic-minded citizen legislators developed, are a major reason why the products produced within the state achieve that quality and why the state itself remains attractive and open to foreign visitors, service providers, and investors alike, and

Whereas, the so-called “fast track” authority for international trade agreements is due to expire on June 30, 2007, and

Whereas, significant and troubling questions have developed with respect to the continuing ability of states to retain their unique character, environmental controls, quality of life, and specialty products, and

Whereas, under “fast track” rules, congressional review of complex trade agreements is restricted to an up-or-down vote, after limited time for legislative consideration, and without possibility of amendments, and

Whereas, the relationship among the states, the federal government, foreign investors, foreign countries, and tribunals consisting of international trade attorneys has evolved during the existence of “fast track” in ways that could not have been anticipated, and that the founders most likely would not have tolerated, and

Whereas, the fast track system governing international trade agreements strains the bounds of our Constitutional framework, and

Whereas, despite the variety of significant impacts that trade and investment agreements have been demonstrated to have on state governance, taxation authority, environmental protection, land use regulation, and many other areas of intense state interest, states and local governments have not yet received assurances that their concerns will be adequately addressed in any “fast track” renewal process, and

Whereas, in the absence of improvements in this Congressional review process, the ironic result may be that international trade agreements that are intended to help states increase their mutually beneficial involvement in international trade may destroy the ability of a state such as Vermont to retain and develop the very laws and individuality that make it attractive to foreign visitors and investors, and that make its products desirable worldwide, now therefore be it

Resolved by the House of Representatives:

That Congress should not extend “fast track” in its current form beyond the current expiration date, and be it further

Resolved: That federal legislation should clarify the negotiating agenda of the United States Trade Representative in a way that establishes a much stronger role for the states, which in turn must be prepared to communicate their concerns to the federal executive branch and to Congress, and be it further

Resolved: That Congress should consider seriously the following requirements in drafting any legislation governing future international trade agreements, including:

(1) The federal government should provide each state better economic data and trade impact-related information together with resources to conduct its own studies regarding the likely effects of a particular trade agreement on the laws, people, businesses, and natural resources of the state;

(2) Each state desiring should have the opportunity for meaningful policy input regarding those provisions trade agreements should include and subjects they should address;

(3) States’ legislative, in addition to gubernatorial, concurrence is essential when the United States Trade Representative asks states if they chose to waive present and future options for self determination in return for the benefits expected from a particular trade agreement;

(4) Federal legislation on trade and agreements entered under this legislative authority should be revised to acknowledge explicitly that facilitating international trade is not the only goal of federal policy, and must be drafted to assure that other important state and local values are accorded due consideration and respect;

(5) Trade agreements should be drafted to limit, to the greatest extent practical, intentionally vague terms that are left to international tribunals to construe, which, experience shows, may adversely and unpredictably affect crucially important state and local laws, including land use and environmental protection statutes;

(6) Trade agreements should include requirements that any dispute resolution procedures give due deference to rational state policy decisions;

(7) “Necessity tests” and other commitments that subordinate state and local decision-making to “least trade restrictive” international standards should be rejected;

(8) Foreign investors should not be empowered to sue the United States directly before international tribunals, a power that is likely to accord them greater substantive rights than United States’ investors;

(9) States should be reimbursed any costs incurred in participating in the United States defense against attacks before international tribunals that are based on state laws; and

(10) As a matter of intergovernmental policy, not to mention federal constitutional law, state and federal court determinations should not be subject to relitigation before international tribunals, and be it further

Resolved: That Congress must retain the ability in any extension of trade promotion authority to review fully and amend any current or future international trade agreements to assure that they comply with substantive Congressional requirements, and be it further

Resolved: That the clerk of the house be directed to send a copy of this resolution to U.S. Trade Representative Ambassador Susan Schwab, to the National Conference of State Legislatures in Washington, D.C., to Governor Douglas, and to the Vermont Congressional Delegation.

Gaye R. Symington
Speaker of the House

Attested to:

Donald G. Milne
Clerk, House of Representatives