

STAND. COM. REP. NO.

1372

Honolulu, Hawaii

MAR 30 2007

RE: S.C.R. No. 109
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committees on Intergovernmental and Military Affairs and Transportation and International Affairs, to which was referred S.C.R. No. 109 entitled:

"SENATE CONCURRENT RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO CREATE A REPLACEMENT FOR THE OUTDATED FAST TRACK TRADE AUTHORITY SYSTEM SO THAT UNITED STATES TRADE AGREEMENTS ARE DEVELOPED AND IMPLEMENTED USING A MORE DEMOCRATIC, INCLUSIVE MECHANISM THAT ENSHRINES THE PRINCIPLES OF FEDERALISM AND STATE SOVEREIGNTY,"

beg leave to report as follows:

The purpose of this measure is to request that the United States Congress create a replacement for the outdated Fast Track Trade Authority system.

Your Committees received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committees find that despite the indisputable fact that international trade agreements have a far-reaching impact on state and local laws, federal government trade negotiators have not respected states' rights by failing to ensure the states' prior informed consent before binding them to conform state law and authority to trade agreement requirements.

Your Committees further find that the Fast Track Trade Authority, which was established by President Richard Nixon when

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trade agreements were limited to traditional matters such as tariffs and quotas, is now woefully outdated and inappropriate given the diverse range of nontrade issues now included in trade agreements that broadly affect federal and state nontrade regulatory authority.

Your Committees further find that the Fast Track Trade Authority eliminates vital checks and balances established in the United States Constitution by broadly delegating Congress' exclusive Constitutional authority to set the terms of trade to the Executive Branch, empowering it to negotiate broad-ranging trade agreements and to sign them before Congress votes on the agreements.

To this end, it is the intent of your Committees to request that the United States Congress create a replacement for the outdated Fast Track Trade Authority by ensuring the prior informed consent of state legislatures before states are bound to the nontariff terms of any trade agreement that affects state regulatory authority, to make certain that the United States Trade Representative respects the decisions made by states.

Your Committees have amended the measure for purposes of clarity.

As affirmed by the records of votes of the members of your Committees on Intergovernmental and Military Affairs and Transportation and International Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 109, as amended herein, and recommend that it be referred to the Committee on Judiciary and Labor, in the form attached hereto as S.C.R. No. 109, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committees on Intergovernmental
and Military Affairs and
Transportation and
International Affairs,



J. KALANI ENGLISH, Chair



LORRAINE R. INOUE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Intergovernmental and Military Affairs
IGM

Bill / Resolution No.:* SCR 109	Committee Referral: IGM/TIA, JDL	Date: 3/30/07
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	/			
TSUTSUI, Shan S. (VC)	/			
HEMMINGS, Fred				/
TOTAL	2			1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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