

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4101/1dn
JTK:kmg:jf

February 1, 2000

As you know, the validity of a Massachusetts law that is similar to the attached draft has been questioned as infringing on the federal government's exclusive authority to regulate foreign affairs and as violating the international Government Procurement Agreement, a trade agreement administered by the World Trade Organization. The breadth of these agreements has also been questioned in that they may have the effect of transgressing rights of the states and citizens thereof under the U.S. Constitution. Due to litigation on this matter, enforcement of the Massachusetts law has been enjoined. See *National Foreign Trade Council v. Baker*, 26 F. Supp. 2d 287 (D.C., Mass., 1998), affd. 181 F. 3d 38 (1999).

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