

107TH CONGRESS  
1ST SESSION

# S. 944

To authorize the negotiation of a Free Trade Agreement with the Republic of Korea, and to provide for expedited congressional consideration of such an agreement.

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## IN THE SENATE OF THE UNITED STATES

MAY 23, 2001

Mr. BAUCUS introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To authorize the negotiation of a Free Trade Agreement with the Republic of Korea, and to provide for expedited congressional consideration of such an agreement.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “United States-Republic  
5       of Korea Free Trade Agreement Act of 2001”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) Economic growth in the United States has  
2           been considerably enhanced by bilateral agreements  
3           to lower barriers for United States exports.

4           (2) Increased trade and economic growth are  
5           not ends in themselves. Trade and economic growth  
6           should encourage sustainable development, raise liv-  
7           ing standards, promote higher labor standards, and  
8           enhance the welfare and quality of life of all citizens  
9           of the United States and the Republic of Korea.

10          (3) It is inappropriate to encourage trade by re-  
11          laxing domestic environmental laws or domestic  
12          labor laws.

13          (4) Countries that open their domestic markets,  
14          remove barriers to foreign direct investment, and  
15          promote free enterprise, empower their citizens to al-  
16          leviate poverty and maintain social and environ-  
17          mental values.

18          (5) The Republic of Korea has participated  
19          fully in World Trade Organization programs and  
20          policies that promote open trade.

21          (6) At the 1996 World Trade Organization  
22          Ministerial in Singapore, the Republic of Korea re-  
23          affirmed its commitment to internationally recog-  
24          nized core labor standards.

1 **SEC. 3. UNITED STATES POLICY WITH RESPECT TO TRADE.**

2 It is the policy of the United States to seek the elimi-  
3 nation of tariff and nontariff barriers in order to achieve  
4 more open market access, on a reciprocal basis, to inter-  
5 nationally traded goods and service, through bilateral free  
6 trade agreements with like-minded countries. Such agree-  
7 ments should address the following:

8 (1) National treatment and market access for  
9 agricultural and industrial products.

10 (2) Rules for determining which goods originate  
11 in the territory of the United States and the Repub-  
12 lic of Korea.

13 (3) Customs procedures that facilitate trade  
14 and collection of trade statistics, while ensuring the  
15 validity of claims for preferential treatment.

16 (4) Science-based, nondiscriminatory sanitary,  
17 phytosanitary, and technical standards, including  
18 voluntary standards.

19 (5) Safeguard provisions for industries that  
20 have sustained, or are threatened with, serious eco-  
21 nomic injury from import surges.

22 (6) Government procurement procedures.

23 (7) National treatment and rights of establish-  
24 ment for foreign direct investors.

25 (8) National treatment and market access for  
26 traded services, including consumption of services

1       abroad, cross-border provision of services, rights of  
 2       establishment of commercial presence, and the move-  
 3       ment of natural persons.

4               (9) Protection of intellectual property.

5               (10) Transparency of legal and regulatory re-  
 6       gimes.

7               (11) Measures to promote electronic commerce.

8               (12) Trade-related environmental measures,  
 9       and the potential for both favorable and adverse en-  
 10      vironmental impacts.

11              (13) Adherence to internationally recognized  
 12      core labor standards.

13   **SEC. 4. NEGOTIATION OF A FREE TRADE AGREEMENT WITH**  
 14                               **THE REPUBLIC OF KOREA.**

15       Subject to section 5, the President is authorized to  
 16   enter into an agreement with the Republic of Korea con-  
 17   sistent with the policy described in section 3, and the pro-  
 18   visions of section 151(c) of the Trade Act of 1974 (19  
 19   U.S.C. 2191(c)) shall apply with respect to a bill to imple-  
 20   ment such agreement.

21   **SEC. 5. INTRODUCTION AND FAST TRACK CONSIDERATION**  
 22                               **OF IMPLEMENTING BILL.**

23       (a) INTRODUCTION IN HOUSE OF REPRESENTATIVES  
 24   AND SENATE.—Whenever the President submits to Con-  
 25   gress a bill to implement a trade agreement described in

1 section 4, the bill shall be introduced (by request) in the  
 2 House of Representatives and in the Senate as described  
 3 in section 151(c) of the Trade Act of 1974 (19 U.S.C.  
 4 2191(c)).

5 (b) PERMISSIBLE CONTENT IN IMPLEMENTING LEG-  
 6 ISLATION.—A bill to implement a trade agreement de-  
 7 scribed in section 4 shall contain provisions that are nec-  
 8 essary to implement the trade agreement, and shall in-  
 9 clude trade-related labor and environmental protection  
 10 standards, but may not include amendments to title VII  
 11 of the Tariff Act of 1930, title II of the Trade Act of  
 12 1974, or any antitrust law of the United States.

13 (c) APPLICABILITY OF FAST TRACK PROCEDURES.—  
 14 Section 151 of the Trade Act of 1974 (19 U.S.C. 2191)  
 15 is amended—

16 (1) in subsection (b)(1), by inserting “section 5  
 17 of the United States-Republic of Korea Free Trade  
 18 Agreement Act of 2001,” after “the Omnibus Trade  
 19 and Competitiveness Act of 1988,”; and

20 (2) in subsection (c)(1), by inserting “or under  
 21 section 5 of the United States-Republic of Korea  
 22 Free Trade Agreement Act of 2001,” after “the  
 23 Uruguay Round Agreements Act,”.

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