

107TH CONGRESS
1ST SESSION

S. 935

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

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

A BILL

To authorize the negotiation of a Free Trade Agreement with the Commonwealth of Australia, 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-Com-
5 monwealth of Australia Free Trade Agreement Act of
6 2001”.

7 **SEC. 2. FINDINGS.**

8 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 Commonwealth of Aus-
10 tralia.

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

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

19 (5) The Commonwealth of Australia has par-
20 ticipated fully in World Trade Organization pro-
21 grams and policies that promote open trade.

22 (6) At the 1996 World Trade Organization
23 Ministerial in Singapore, the Commonwealth of Aus-
24 tralia reaffirmed its commitment to internationally
25 recognized 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 Com-
12 monwealth of Australia.

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 **COMMONWEALTH OF AUSTRALIA.**

15 Subject to section 5, the President is authorized to
 16 enter into an agreement with Commonwealth of Australia
 17 consistent with the policy described section 3, and the pro-
 18 visions of section 151(c) of the Trade Act of 1974 (19
 19 U.S.C. 219 1(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-Commonwealth of Australia
 18 Free Trade Agreement Act of 2001,” after “the
 19 Omnibus Trade and Competitiveness Act of 1988,”;
 20 and

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

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