

107TH CONGRESS  
1ST SESSION

# S. 1636

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

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 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 Taiwan, 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-Taiwan  
5        Free Trade Agreement Act of 2001”.

6        **SEC. 2. FINDINGS.**

7        Congress makes the following findings:

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

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

7           (3) It is inappropriate to encourage trade by re-  
8 laxing domestic environmental laws or domestic  
9 labor laws.

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

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

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

22           (1) National treatment and market access for  
23 agricultural and industrial products.

24           (2) Rules for determining which goods originate  
25 in the territory of the United States and Taiwan.

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

4           (4) Science-based, nondiscriminatory sanitary,  
5           phytosanitary, and technical standards, including  
6           voluntary standards.

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

10          (6) Government procurement procedures.

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

13          (8) National treatment and market access for  
14          traded services, including consumption of services  
15          abroad, cross-border provision of services, rights of  
16          establishment of commercial presence, and the move-  
17          ment of natural persons.

18          (9) Protection of intellectual property.

19          (10) Transparency of legal and regulatory re-  
20          gimes.

21          (11) Measures to promote electronic commerce.

22          (12) Trade-related environmental measures,  
23          and the potential for both favorable and adverse en-  
24          vironmental impacts.

1           (13) Adherence to internationally recognized  
2           core labor standards.

3 **SEC. 4. NEGOTIATION OF A FREE TRADE AGREEMENT WITH**  
4                                   **TAIWAN.**

5           Subject to section 5, the President is authorized to  
6 enter into an agreement with Taiwan consistent with the  
7 policy described in section 3, and the provisions of section  
8 151(c) of the Trade Act of 1974 (19 U.S.C. 219 1(c))  
9 shall apply with respect to a bill to implement such agree-  
10 ment.

11 **SEC. 5. INTRODUCTION AND FAST TRACK CONSIDERATION**  
12                                   **OF IMPLEMENTING BILL.**

13           (a) INTRODUCTION IN HOUSE OF REPRESENTATIVES  
14 AND SENATE.—Whenever the President submits to Con-  
15 gress a bill to implement a trade agreement described in  
16 section 4, the bill shall be introduced (by request) in the  
17 House of Representatives and in the Senate as described  
18 in section 151(c) of the Trade Act of 1974 (19 U.S.C.  
19 2191(c)).

20           (b) PERMISSIBLE CONTENT IN IMPLEMENTING LEG-  
21 ISLATION.—A bill to implement a trade agreement de-  
22 scribed in section 4 shall contain provisions that are nec-  
23 essary to implement the trade agreement, and shall in-  
24 clude trade-related labor and environmental protection  
25 standards, but may not include amendments to title VII

1 of the Tariff Act of 1930, title II of the Trade Act of  
2 1974, or any antitrust law of the United States.

3 (c) APPLICABILITY OF FAST TRACK PROCEDURES.—

4 Section 151 of the Trade Act of 1974 (19 U.S.C. 2191)  
5 is amended—

6 (1) in subsection (b)(1), by inserting “section 5  
7 of the United States-Taiwan Free Trade Agreement  
8 Act of 2001,” after “the Omnibus Trade and Com-  
9 petitiveness Act of 1988,”; and

10 (2) in subsection (c)(1), by inserting “or under  
11 section 5 of the United States-Taiwan Free Trade  
12 Agreement Act of 2001,” after “the Uruguay Round  
13 Agreements Act,”.

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