

109TH CONGRESS
2D SESSION

S. 3548

To authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2006

Mr. CONRAD (for himself, Mr. ROBERTS, Mr. BURNS, Mr. BAUCUS, Mr. DORGAN, Mr. BROWNBACK, Mr. SALAZAR, Mr. ALLARD, Mr. JOHNSON, Mr. THUNE, Mrs. LINCOLN, Mr. ENZI, Mr. DAYTON, Mr. THOMAS, Mr. CRAIG, Mr. COLEMAN, and Mr. TALENT) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes.

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. FINDINGS.**

4 Congress finds that—

5 (1) the United States cattle industry produces
6 abundant, safe, and healthful food for consumers in
7 the United States and around the world;

1 (2) Japan prohibited imports of beef from the
2 United States during the period beginning December
3 2003 and ending December 2005, after a single case
4 of Bovine Spongiform Encephalopathy (BSE, or
5 “mad cow disease”) was found in a Canadian-born
6 animal in Washington State;

7 (3) the United States has implemented and
8 maintained a BSE surveillance and safeguard pro-
9 gram that exceeds the internationally recognized
10 standards of the World Organization for Animal
11 Health (OIE) for BSE control, eradication, and test-
12 ing to protect human and animal health;

13 (4) the United States and the Government of
14 Japan concluded an agreement on December 12,
15 2005, that established the conditions under which
16 beef exports to Japan could resume;

17 (5) as a result of errors by a single United
18 States exporter certified to sell beef to Japan and
19 inadequate oversight by the Department of Agri-
20 culture, a single shipment of United States beef was
21 found to be noncompliant with the terms of the
22 agreement resulting in a suspension of all United
23 States beef exports to Japan;

24 (6) the United States has taken substantive
25 corrective actions to ensure that United States beef

1 exports to Japan are in full compliance with the
2 terms of the agreement, fully disclosed the actions
3 taken to the Government of Japan, and allowed Japanese
4 officials the opportunity to review those actions
5 and personally inspect and determine the eligibility
6 of all United States beef processing plants certified
7 for the export of beef to Japan;

8 (7) notwithstanding the membership of Japan
9 in the OIE and the commitment of Japan under the
10 Agreement on the Application of Sanitary and
11 Phytosanitary Measures of the World Trade Organization
12 to apply sanitary and phytosanitary measures
13 only to the extent necessary to protect human, animal,
14 and plant health, based on scientific principles,
15 Japan continues to maintain an unjustified suspension
16 of imports of United States beef; and

17 (8) the continued violation by Japan of the
18 spirit and letter of the World Trade Organization
19 commitments of Japan has resulted in the cumulative
20 economic loss to the United States beef industry
21 of approximately \$6,300,000,000 and current
22 annual economic trade losses of \$3,140,000,000 per
23 year.

1 **SEC. 2. NEGOTIATIONS AND CERTIFICATION REGARDING**
2 **UNITED STATES BEEF EXPORTS TO JAPAN.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, not later than August 31, 2006, the United
5 States Trade Representative shall submit to Congress a
6 certification described in subsection (b).

7 (b) CERTIFICATION.—The certification described in
8 this subsection means a certification by the United States
9 Trade Representative to Congress that Japan is no longer
10 prohibiting the importation of beef from the United
11 States.

12 (c) ADDITIONAL TARIFFS.—

13 (1) IN GENERAL.—If the certification described
14 in subsection (b) is not made, the Secretary of the
15 Treasury shall, not later than September 30, 2006,
16 impose additional tariffs on selected articles that are
17 grown by, the products of, or manufactured by
18 Japan and that enter the customs territory of the
19 United States, in addition to any other duty that
20 would otherwise apply to the articles.

21 (2) AMOUNT.—The additional tariffs shall be
22 applied to the articles in an amount sufficient, in the
23 aggregate, to result in additional tariffs being im-
24 posed on imports of articles from Japan in an
25 amount equal to \$3,140,000,000 annually.

1 (3) DURATION.—The additional tariffs imposed
2 by this section shall terminate on the date that a
3 certification described in subsection (b) is submitted
4 to Congress.

5 (d) NEGOTIATIONS.—Beginning on the date of enact-
6 ment of this Act, the Secretary of Agriculture, in consulta-
7 tion with the United States Trade Representative, shall
8 expedite negotiations with Japan to ensure that Japan
9 adopts a process that leads to the elimination of the prohi-
10 bition by Japan on imports of beef from the United States.

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