

109TH CONGRESS
2D SESSION

S. _____

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

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

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;

8 (2) Japan prohibited imports of beef from the
9 United States during the period beginning December

1 2003 and ending December 2005, after a single case
2 of Bovine Spongiform Encephalopathy (BSE, or
3 “mad cow disease”) was found in a Canadian-born
4 animal in Washington State;

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

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

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

22 (6) the United States has taken substantive
23 corrective actions to ensure that United States beef
24 exports to Japan are in full compliance with the
25 terms of the agreement, fully disclosed the actions

1 taken to the Government of Japan, and allowed Jap-
2 anese officials the opportunity to review those ac-
3 tions and personally inspect and determine the eligi-
4 bility of all United States beef processing plants cer-
5 tified for the export of beef to Japan;

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

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

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

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, not later than August 31, 2006, the United

1 States Trade Representative shall submit to Congress a
2 certification described in subsection (b).

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

8 (c) ADDITIONAL TARIFFS.—

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

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

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

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