

106TH CONGRESS
1ST SESSION

S. 19

To restore an economic safety net for agricultural producers, to increase market transparency in agricultural markets domestically and abroad, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. DASCHLE (for himself, Mr. HARKIN, Mr. DORGAN, Mr. JOHNSON, Mr. KERREY, Mr. BAUCUS, Mr. DURBIN, Mr. KENNEDY, Mr. EDWARDS, Mr. WELLSTONE, Mr. CONRAD, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To restore an economic safety net for agricultural producers, to increase market transparency in agricultural markets domestically and abroad, 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. SHORT TITLE.**

4 This Act may be cited as the “Agricultural Safety
5 Net and Market Competitiveness Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) over the past 2 years, family farmers and
2 ranchers have experienced rapid and severe declines
3 in crop and livestock prices;

4 (2) these prices are being experienced across all
5 agricultural commodities and are projected to re-
6 main at current low levels indefinitely;

7 (3) these prices are a product of economic and
8 weather-related events over which domestic agricul-
9 tural producers have no control and that they could
10 not have anticipated;

11 (4) in particular, due to increasing concentra-
12 tion throughout the agricultural industry, market
13 signals that are fundamental to fair and free com-
14 petition and on which agricultural producers nec-
15 essarily rely in order to know what and when to
16 produce are being severely obscured and distorted;
17 and

18 (5) these market conditions are disproportion-
19 ately affecting smaller operations, which make up
20 the majority of farms and ranches across the United
21 States, and are threatening the economic stability of
22 rural communities in many States.

23 (b) PURPOSES.—The purposes of this Act are—

24 (1) to restore an economic safety net for agri-
25 cultural producers so that the producers and the

1 rural communities of which they are a part can en-
2 dure the conditions described in subsection (a) and
3 remain healthy, strong, and productive;

4 (2) to increase price transparency in agricul-
5 tural markets domestically and abroad in order to
6 revitalize competitive forces in the domestic market-
7 place for agricultural producers; and

8 (3) to ensure that domestic agricultural produc-
9 ers have a fair opportunity to compete in foreign
10 markets.

11 **SEC. 3. COUNTERCYCLICAL AGRICULTURAL INCOME LOSS**
12 **PROTECTION.**

13 It is the sense of Congress that strategies should be
14 considered for offsetting extreme levels of income loss by
15 agricultural producers resulting from economic and weath-
16 er-related events that cannot be controlled or anticipated.

17 **SEC. 4. CROP INSURANCE AVAILABILITY AND AFFORD-**
18 **ABILITY.**

19 It is the sense of Congress that the crop insurance
20 program established under the Federal Crop Insurance
21 Act (7 U.S.C. 1501 et seq.) should be modified to—

22 (1) increase the number of agricultural com-
23 modities that are eligible for coverage;

24 (2) increase access to crop insurance products;

1 (3) increase the affordability of crop insurance
2 products;

3 (4) protect against multiyear disasters through
4 existing and new crop insurance products; and

5 (5) promote new strategies to manage producer
6 risk.

7 **SEC. 5. CROP INSURANCE COVERAGE FOR LIVESTOCK.**

8 (a) IN GENERAL.—Section 518 of the Federal Crop
9 Insurance Act (7 U.S.C. 1518) is amended by striking “or
10 any other agricultural commodity, excluding livestock
11 and” and inserting “livestock, or any other agricultural
12 commodity, excluding”.

13 (b) REVENUE INSURANCE PILOT PROGRAM.—Sec-
14 tion 508(h)(9)(A) of the Federal Crop Insurance Act (7
15 U.S.C. 1508(h)(9)(A)) is amended by inserting “live-
16 stock,” after “soybeans,”.

17 **SEC. 6. PILOT PROGRAM ON LIVESTOCK MARKET REPORT-**
18 **ING.**

19 (a) IN GENERAL.—The Agricultural Marketing Act
20 of 1946 is amended by inserting after section 203 (7
21 U.S.C. 1622) the following:

22 **“SEC. 203A. PILOT PROGRAM ON LIVESTOCK MARKET RE-**
23 **PORTING.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) LIVESTOCK.—The term ‘livestock’ means
2 cattle, sheep, and hogs, whether live or dead.

3 “(2) LIVESTOCK PRODUCT.—The term ‘live-
4 stock product’ means boxed beef, boxed lamb, and
5 any value-added product derived from pork.

6 “(3) PACKER.—The term ‘packer’ has the
7 meaning given the term in section 201 of the Pack-
8 ers and Stockyards Act, 1921 (7 U.S.C. 191).

9 “(4) SECRETARY.—The term ‘Secretary’ means
10 the Secretary of Agriculture.

11 “(b) MANDATORY REPORTING PILOT PROGRAM.—

12 “(1) IN GENERAL.—Subject to paragraph (7),
13 the Secretary shall conduct a 3-year pilot program
14 under which the Secretary shall require each packer
15 to report to the Secretary (or a person designated by
16 the Secretary), in such manner as the Secretary
17 shall require, such information relating to prices,
18 volume, and the terms of sale for the procurement
19 of domestic and imported livestock and livestock
20 products as the Secretary determines is appropriate.

21 “(2) ADMINISTRATION.—In carrying out para-
22 graph (1), the Secretary shall require packers to—

23 “(A) separately report domestic and im-
24 ported livestock and livestock products; and

1 “(B) report the information required to be
2 reported under paragraph (1) the next business
3 day or as soon as practicable after the procure-
4 ment of the livestock or livestock product.

5 “(3) NONCOMPLIANCE.—It shall be unlawful
6 for any packer to knowingly fail or refuse to provide
7 to the Secretary information required to be reported
8 under paragraph (1).

9 “(4) VERIFICATION.—The Secretary may take
10 such actions as are necessary to verify the accuracy
11 of the information required to be reported under
12 paragraph (1), regardless of the source of the infor-
13 mation.

14 “(5) CEASE AND DESIST AND CIVIL PEN-
15 ALTY.—

16 “(A) IN GENERAL.—If the Secretary has
17 reason to believe that a packer is violating
18 paragraph (1) (including regulations promul-
19 gated under paragraph (1)), the Secretary,
20 after notice and opportunity for hearing, may
21 issue an order to cease and desist from continu-
22 ing the violation and assess a civil penalty of
23 not more than \$10,000 for each violation.

24 “(B) FACTORS.—In determining the
25 amount of a civil penalty to be assessed under

1 subparagraph (A), the Secretary shall consider
2 the gravity of the offense, the size of the busi-
3 ness involved, and the effect of the penalty on
4 the ability of the packer to continue in business.

5 “(6) REFERRAL TO ATTORNEY GENERAL.—If,
6 after expiration of the period for appeal or after the
7 affirmance of a civil penalty assessed under para-
8 graph (5), the packer against whom the civil penalty
9 is assessed fails to pay the civil penalty, the Sec-
10 retary may refer the matter to the Attorney General,
11 who may recover the amount of the civil penalty in
12 a civil action in United States district court.

13 “(7) APPLICATION.—This subsection shall
14 apply only to the class of the largest packers (by vol-
15 ume) that are engaged in the business of buying,
16 manufacturing, preparing, or marketing at least 80
17 percent of the volume of each type of livestock and
18 livestock product that is bought, manufactured, pre-
19 pared, or marketed in the United States, as deter-
20 mined by the Secretary.

21 “(c) VOLUNTARY REPORTING.—The Secretary shall
22 encourage voluntary reporting by packers that are not
23 subjected to a mandatory reporting requirement under
24 subsection (b).

1 “(d) AVAILABILITY OF INFORMATION.—The Sec-
2 retary shall make information received under this section
3 available to the public only in a form that ensures that—

4 “(1) the identity of the packer submitting a re-
5 port is not disclosed; and

6 “(2) the confidentiality of proprietary business
7 information is otherwise protected.

8 “(e) EFFECT ON OTHER LAWS.—Nothing in this sec-
9 tion restricts or modifies the authority of the Secretary
10 to collect voluntary reports in accordance with other provi-
11 sions of law.”.

12 (b) CONFORMING AMENDMENT.—Section 416 of the
13 Packers and Stockyards Act, 1921 (7 U.S.C. 229a) (as
14 added by section 1127(a) of division A of Public Law 105–
15 277) is repealed.

16 (c) REGULATIONS.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of enactment of this Act, the Sec-
19 retary of Agriculture shall promulgate such regula-
20 tions as are necessary to implement the amendment
21 made by subsection (a). The promulgation of the
22 regulations shall be made without regard to—

23 (A) the notice and comment provisions of
24 section 553 of title 5, United States Code;

1 (B) the Statement of Policy of the Sec-
2 retary of Agriculture effective July 24, 1971
3 (36 Fed. Reg. 13804), relating to notices of
4 proposed rulemaking and public participation in
5 rulemaking; and

6 (C) chapter 35 of title 44, United States
7 Code (commonly known as the “Paperwork Re-
8 duction Act”).

9 (2) CONGRESSIONAL REVIEW OF AGENCY RULE-
10 MAKING.—In carrying out this subsection, the Sec-
11 retary shall use the authority provided under section
12 808(2) of title 5, United States Code.

13 **SEC. 7. LABELING OF IMPORTED MEAT AND MEAT FOOD**
14 **PRODUCTS.**

15 (a) DEFINITIONS.—Section 1 of the Federal Meat In-
16 spection Act (21 U.S.C. 601) is amended by adding at
17 the end the following:

18 “(w) BEEF.—The term ‘beef’ means meat pro-
19 duced from cattle (including veal).

20 “(x) IMPORTED BEEF.—The term ‘imported
21 beef’ means beef that is not United States beef,
22 whether or not the beef is graded with a quality
23 grade issued by the Secretary.

24 “(y) IMPORTED LAMB.—The term ‘imported
25 lamb’ means lamb that is not United States lamb,

1 whether or not the lamb is graded with a quality
2 grade issued by the Secretary.

3 “(z) IMPORTED PORK.—The term ‘imported
4 pork’ means pork that is not United States pork.

5 “(aa) LAMB.—The term ‘lamb’ means meat,
6 other than mutton, produced from sheep.

7 “(bb) PORK.—The term ‘pork’ means meat pro-
8 duced from hogs.

9 “(cc) UNITED STATES BEEF.—The term
10 ‘United States beef’ means beef produced from cat-
11 tle born, fed, and slaughtered in the United States.

12 “(dd) UNITED STATES LAMB.—The term
13 ‘United States lamb’ means lamb produced from
14 sheep born, fed, and slaughtered in the United
15 States.

16 “(ee) UNITED STATES PORK.—The term
17 ‘United States pork’ means pork produced from
18 hogs born, fed, and slaughtered in the United
19 States.”.

20 (b) MISBRANDING.—Section 1(n) of the Federal
21 Meat Inspection Act (21 U.S.C. 601(n)) is amended—

22 (1) in paragraph (11), by striking “or” at the
23 end;

24 (2) in paragraph (12), by striking the period at
25 the end and inserting a semicolon; and

1 (3) by adding at the end the following:

2 “(13)(A) if it is imported beef, imported lamb,
3 or imported pork offered for retail sale as muscle
4 cuts of beef, lamb, or pork and does not bear a label
5 that identifies its country of origin;

6 “(B) if it is United States beef, United States
7 lamb, or United States pork offered for retail sale as
8 muscle cuts of beef, lamb, or pork, and does not
9 bear a label that identifies its country of origin; or

10 “(C) if it is United States or imported ground
11 beef, ground lamb, ground pork, or other processed
12 beef, lamb, or pork product and is not accompanied
13 by labeling that identifies it as United States beef,
14 United States lamb, United States pork, imported
15 beef, imported lamb, imported pork, or other des-
16 ignation that identifies the content of United States
17 beef, imported beef, United States lamb, imported
18 lamb, United States pork, and imported pork con-
19 tained in the product, as determined by the Sec-
20 retary; or

21 “(14) if it is imported beef or imported lamb
22 and bears a label that indicates a quality grade
23 issued by the Secretary.”.

1 (c) LABELING.—Section 7 of the Federal Meat In-
2 spection Act (21 U.S.C. 607) is amended by adding at
3 the end the following:

4 “(g) MANDATORY LABELING.—The Secretary shall
5 provide by regulation that the following offered for retail
6 sale bear a label that identifies its country of origin:

7 “(1) Muscle cuts of United States beef, United
8 States lamb, United States pork, imported beef, im-
9 ported lamb, and imported pork.

10 “(2) Ground beef, ground lamb, ground pork,
11 and other processed beef, lamb, or pork product
12 made from imported beef, imported lamb, or im-
13 ported pork.

14 “(h) AUDIT VERIFICATION SYSTEM FOR UNITED
15 STATES AND IMPORTED MUSCLE CUTS OF BEEF, LAMB,
16 AND PORK.—The Secretary may require by regulation
17 that any person that prepares, stores, handles, or distrib-
18 utes muscle cuts of United States beef, imported beef,
19 United States lamb, imported lamb, United States pork,
20 or imported pork for retail sale maintain a verifiable rec-
21 ordkeeping audit trail that will permit the Secretary to
22 ensure compliance with the regulations promulgated under
23 subsection (g).”.

24 (d) REGULATIONS.—Not later than 1 year after the
25 date of enactment of this Act, the Secretary of Agriculture

1 shall promulgate final regulations to carry out the amend-
2 ments made by this section.

3 (e) EFFECTIVE DATE.—The amendments made by
4 this section take effect 60 days after the date on which
5 final regulations are promulgated under subsection (d).

6 **SEC. 8. INTERAGENCY CONCENTRATION TASK FORCE.**

7 (a) IN GENERAL.—The President shall establish an
8 interagency task force to investigate—

9 (1) alleged anticompetitive practices in the meat
10 packing industry; and

11 (2) the effects on rural communities and the
12 public of increasing concentration in many sectors
13 of—

14 (A) the agricultural industry, including the
15 meat packing and processing, grain distribution
16 and marketing, and biotechnology industries;
17 and

18 (B) industries that have a direct impact on
19 agriculture, including retail sales and transpor-
20 tation.

21 (b) REPORT.—Not later than 180 days after the date
22 of enactment of this Act, the task force shall submit a
23 report to Congress that describes the results of the inves-
24 tigation.

1 **SEC. 9. STUDY OF LINK BETWEEN CREDIT AND CON-**
2 **CENTRATION AMONG HANDLERS AND PROC-**
3 **ESSORS.**

4 (a) **IN GENERAL.**—The President shall conduct a
5 study to determine whether public and private lending
6 practices have contributed to, or are contributing to, con-
7 centration among persons that produce, handle, or process
8 agricultural commodities.

9 (b) **CREDIT ELIGIBILITY REQUIREMENTS.**—In con-
10 ducting the study, the President shall analyze the appro-
11 priateness of public and private credit eligibility require-
12 ments for—

13 (1) beginning farmers and ranchers; and

14 (2) farmers and ranchers who use, or intend to
15 use, alternative farm and ranch management sys-
16 tems, in contrast to large scale, capital intensive, or
17 subsidized systems.

18 (c) **REPORT.**—Not later than 120 days after the date
19 of enactment of this Act, the President shall submit to
20 Congress a report that—

21 (1) describes the results of the study; and

22 (2) makes any recommendations that are nec-
23 essary to improve the availability of credit to meet
24 the diverse needs of farmers and ranchers.

1 **SEC. 10. STUDY OF ENFORCEMENT OF PROHIBITION ON**
2 **ANTICOMPETITIVE PRACTICES BY PACKERS**
3 **AND STOCKYARDS.**

4 (a) IN GENERAL.—The Comptroller General of the
5 United States shall conduct a study of what kinds of prac-
6 tices or activities described in section 202 of the Packers
7 and Stockyards Act, 1921 (7 U.S.C. 192), would warrant
8 intervention by the Secretary of Agriculture to prevent
9 anticompetitive practices.

10 (b) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, the Comptroller General shall
12 submit a report to Congress that describes the results of
13 the study.

14 **SEC. 11. REPORTING OF CONTRACTS BY PACKERS AND**
15 **STOCKYARDS.**

16 Section 401 of the Packers and Stockyards Act, 1921
17 (7 U.S.C. 221), is amended—

18 (1) by designating the first and second sen-
19 tences as subsections (a) and (c), respectively;

20 (2) by striking “SEC. 401. (a) Every” and in-
21 serting the following:

22 **“SEC. 401. ACCOUNTS AND RECORDS OF BUSINESS.**

23 **“(a) IN GENERAL.—Each”;**

24 (3) by inserting after subsection (a) (as so des-
25 ignated) the following:

26 **“(b) CONTRACTS.—**

1 “(1) IN GENERAL.—Each packer, live poultry
2 dealer, stockyard owner, market agency, and dealer
3 shall submit to the Secretary a copy of each contract
4 involving a transaction described in subsection (a).

5 “(2) PUBLIC AVAILABILITY.—The Secretary
6 shall make each contract submitted under paragraph
7 (1) available to the public in a manner that pre-
8 serves the confidentiality of the parties to the con-
9 tract.”; and

10 (4) in subsection (c) (as so designated)—

11 (A) by striking “(e) Whenever” and insert-
12 ing the following:

13 “(c) PENALTY.—If”; and

14 (B) by striking “and memoranda” each
15 place it appears and inserting “memoranda,
16 and contracts”.

17 **SEC. 12. VALUE-ADDED ENTERPRISES AND NEW MARKETS.**

18 It is the sense of Congress that the Secretary of Agri-
19 culture should identify and provide opportunities, re-
20 sources, and economic incentives for agricultural produc-
21 ers to expand participation in value-added processing (in-
22 cluding renewable, biobased products), cooperative enter-
23 prises, and improved marketing and financial management
24 techniques.

1 **SEC. 13. MARKET ACCESS IDENTIFICATION FOR CERTAIN**
2 **AGRICULTURAL PRODUCTS (SPECIAL 301).**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “United States Agricultural Products Market Access Act
5 of 1998”.

6 (b) **PURPOSES.**—The purposes of this section are—

7 (1) to reduce or eliminate foreign unfair trade
8 practices and to remove constraints on fair and open
9 trade in agricultural products;

10 (2) to ensure fair and equitable market access
11 for exports of United States agricultural products;
12 and

13 (3) to promote free and fair trade in agricul-
14 tural products.

15 (c) **IDENTIFICATION OF COUNTRIES THAT DENY**
16 **MARKET ACCESS.**—

17 (1) **IDENTIFICATION REQUIRED.**—Chapter 8 of
18 title I of the Trade Act of 1974 is amended by add-
19 ing at the end the following:

20 **“SEC. 183. IDENTIFICATION OF COUNTRIES THAT DENY**
21 **MARKET ACCESS FOR AGRICULTURAL PROD-**
22 **UCTS.**

23 “(a) **IN GENERAL.**—Not later than the date that is
24 30 days after the date on which the annual report is re-
25 quired to be submitted to Congressional committees under
26 section 181(b), the United States Trade Representative

1 (hereafter in this section referred to as the ‘Trade Rep-
2 resentative’) shall identify—

3 “(1) those foreign countries that—

4 “(A) deny fair and equitable market access
5 to United States agricultural products, or

6 “(B) apply unjustified sanitary or
7 phytosanitary standards to agricultural prod-
8 ucts imported from the United States; and

9 “(2) those foreign countries identified under
10 paragraph (1) that are determined by the Trade
11 Representative to be priority foreign countries.

12 “(b) SPECIAL RULES FOR IDENTIFICATION.—

13 “(1) CRITERIA.—In identifying priority foreign
14 countries under subsection (a)(2), the Trade Rep-
15 resentative shall only identify those foreign
16 countries—

17 “(A) that engage in or have the most oner-
18 ous or egregious acts, policies, or practices that
19 deny fair and equitable market access to United
20 States agricultural products,

21 “(B) whose acts, policies, or practices de-
22 scribed in subparagraph (A) have the greatest
23 adverse impact (actual or potential) on the rel-
24 evant United States products, and

25 “(C) that are not—

1 “(i) entering into good faith negotia-
2 tions, or

3 “(ii) making significant progress in
4 bilateral or multilateral negotiations,
5 to provide fair and equitable market access to
6 United States agricultural products.

7 “(2) CONSULTATION AND CONSIDERATION RE-
8 QUIREMENTS.—In identifying priority foreign coun-
9 tries under subsection (a)(2), the Trade Representa-
10 tive shall—

11 “(A) consult with the Secretary of Agri-
12 culture and other appropriate officers of the
13 Federal Government, and

14 “(B) take into account information from
15 such sources as may be available to the Trade
16 Representative and such information as may be
17 submitted to the Trade Representative by inter-
18 ested persons, including information contained
19 in reports submitted under section 181(b) and
20 petitions submitted under section 302.

21 “(3) FACTUAL BASIS REQUIREMENT.—The
22 Trade Representative may identify a foreign country
23 under subsection (a)(1) only if the Trade Represent-
24 ative finds that there is a factual basis for the denial
25 of fair and equitable market access as a result of the

1 violation of international law or agreement, or the
2 existence of barriers, referred to in subsection (d).

3 “(4) CONSIDERATION OF HISTORICAL FAC-
4 TORS.—In identifying foreign countries under para-
5 graphs (1) and (2) of subsection (a), the Trade Rep-
6 resentative shall take into account—

7 “(A) the history of agricultural trade rela-
8 tions with the foreign country, including any
9 previous identification under subsection (a)(2),
10 and

11 “(B) the history of efforts of the United
12 States, and the response of the foreign country,
13 to achieve fair and equitable market access for
14 United States agricultural products.

15 “(c) REVOCATIONS AND ADDITIONAL IDENTIFICA-
16 TIONS.—

17 “(1) AUTHORITY TO ACT AT ANY TIME.—If in-
18 formation available to the Trade Representative indi-
19 cates that such action is appropriate, the Trade
20 Representative may at any time—

21 “(A) revoke the identification of any for-
22 eign country as a priority foreign country under
23 this section, or

24 “(B) identify any foreign country as a pri-
25 ority foreign country under this section.

1 “(2) REVOCATION REPORTS.—The Trade Rep-
2 representative shall include in the semiannual report
3 submitted to the Congress under section 309(3) a
4 detailed explanation of the reasons for the revocation
5 under paragraph (1) of the identification of any for-
6 eign country as a priority foreign country under this
7 section.

8 “(d) DEFINITION AND SPECIAL RULE.—For pur-
9 poses of this section:

10 “(1) AGRICULTURAL PRODUCTS.—The term
11 ‘agricultural products’ includes forest products, fish,
12 and seafood products.

13 “(2) FAIR AND EQUITABLE MARKET ACCESS.—
14 A foreign country denies fair and equitable market
15 access if the foreign country effectively denies access
16 to a market for a product through the use of laws,
17 procedures, practices, or regulations which—

18 “(A) violate provisions of international law
19 or international agreements to which both the
20 United States and the foreign country are par-
21 ties, or

22 “(B) constitute discriminatory nontariff
23 trade barriers.

24 “(e) PUBLICATION.—The Trade Representative shall
25 publish in the Federal Register a list of foreign countries

1 identified under subsection (a) and shall make such revi-
2 sions to the list as may be required by reason of the action
3 under subsection (c).

4 “(f) ANNUAL REPORT.—The Trade Representative
5 shall, not later than the date by which countries are identi-
6 fied under subsection (a), transmit to the Committee on
7 Ways and Means and the Committee on Agriculture of the
8 House of Representatives and the Committee on Finance
9 and the Committee on Agriculture, Nutrition, and For-
10 estry of the Senate, a report on the actions taken under
11 this section during the 12 months preceding such report,
12 and the reasons for such actions, including a description
13 of progress made in achieving fair and equitable market
14 access for United States agricultural products.”.

15 (2) CLERICAL AMENDMENT.—The table of con-
16 tents for the Trade Act of 1974 is amended by in-
17 serting after the item relating to section 182 the fol-
18 lowing:

“Sec. 183. Identification of countries that deny market access for agricultural
products.”.

19 (d) INVESTIGATIONS.—

20 (1) INVESTIGATION REQUIRED.—Subparagraph
21 (A) of section 302(b)(2) of the Trade Act of 1974
22 (19 U.S.C. 2412(b)(2)) is amended by inserting “or
23 183(a)(2)” after “section 182(a)(2)” in the matter
24 preceding clause (i).

1 (2) CONFORMING AMENDMENTS.—

2 (A) Subparagraph (D) of section 302(b)(2)
 3 of such Act is amended by inserting “concern-
 4 ing intellectual property rights that is” after
 5 “any investigation”.

6 (B) Subparagraph (B) of section 304(a)(3)
 7 of such Act is amended—

8 (i) by striking “or” at the end of
 9 clause (ii),

10 (ii) by inserting “or” at the end of
 11 clause (iii), and

12 (iii) by inserting immediately after
 13 clause (iii) the following new clause:

14 “(iv) the foreign country involved in
 15 the investigation is making substantial
 16 progress in drafting or implementing legis-
 17 lative or administrative measures that will
 18 provide fair and equitable market access to
 19 United States agricultural products,”.

20 **SEC. 14. MANDATORY NEGOTIATING GOALS FOR THE 1999**
 21 **WTO TALKS ON AGRICULTURE AND OTHER**
 22 **AGRICULTURE-RELATED NEGOTIATIONS**
 23 **GOALS.**

24 (a) STATEMENT OF PURPOSE.—The purpose of this
 25 section is to achieve through trade agreements economic

1 growth, increased farm income, and full employment in
2 the United States agriculture sector.

3 (b) GOALS OF THE UNITED STATES IN AGRICUL-
4 TURAL TRADE NEGOTIATIONS.—The agricultural trade
5 negotiating objectives of the United States with respect
6 to bilateral and multilateral negotiations (including World
7 Trade Organization negotiations) include—

8 (1) increasing opportunities for United States
9 exports of agricultural products by eliminating tariff
10 and non-tariff barriers to trade, including the elimi-
11 nation of—

12 (A) restrictive or trade-distorting import
13 and export practices that impact perishable or
14 cyclical products;

15 (B) unjustified restrictions or commercial
16 requirements affecting new technologies, includ-
17 ing biotechnology;

18 (C) unjustified sanitary or phytosanitary
19 restrictions;

20 (D) other unjustified technical barriers to
21 trade; and

22 (E) restrictive rules in the administration
23 of tariff-rate quotas;

24 (2) leveling the playing field for United States
25 producers of agricultural products by limiting per

1 unit domestic production supports to levels that are
2 no greater than those available in the United States;

3 (3) ending the practice of export dumping by
4 eliminating all trade distorting export subsidies and
5 disciplining entities that sell agricultural products in
6 foreign markets at prices below domestic market
7 prices or at prices below the full costs of acquiring
8 and delivering the agricultural products to foreign
9 markets; and

10 (4) encouraging government policies that avoid
11 price-depressing surpluses.

12 **SEC. 15. CONSULTATION WITH CONGRESSIONAL COMMIT-**
13 **TEES.**

14 (a) CONSULTATION BEFORE INITIAL NEGOTIA-
15 TIONS.—Before the United States Trade Representative
16 initiates negotiations to reduce United States tariffs on
17 agricultural products, the United States Trade Represent-
18 ative shall consult with the Committee on Agriculture, Nu-
19 trition, and Forestry of the Senate and the Committee on
20 Agriculture of the House of Representatives concerning
21 the tariff reductions. The consultations shall include an
22 assessment of—

23 (1) the impact of any tariff reduction on the
24 United States industry producing the product for
25 which the tariff reduction is proposed; and

1 (2) whether an adjustment period should be
2 provided to the industry.

3 (b) CONSULTATION BEFORE AGREEMENT INI-
4 TIALED.—Not less than 48 hours before initialing an
5 agreement relating to agricultural trade, the United States
6 Trade Representative shall consult closely with the Com-
7 mittee on Agriculture, Nutrition, and Forestry of the Sen-
8 ate and the Committee on Agriculture of the House of
9 Representatives regarding—

10 (1) the details of the agreement;

11 (2) the potential impact of the agreement on
12 domestic agricultural producers; and

13 (3) any changes in United States law necessary
14 to implement the agreement.

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