

103^D CONGRESS
1ST SESSION

S. 324

To improve monitoring of the domestic uses made of certain foreign grain after importation, to use the export enhancement program to promote the export of wheat to Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4 (legislative day, JANUARY 5), 1993

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

A BILL

To improve monitoring of the domestic uses made of certain foreign grain after importation, to use the export enhancement program to promote the export of wheat to Mexico, 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 “Fair Trade in Grain
5 Act of 1993”.

6 **SEC. 2. MONITORING OF DOMESTIC USES MADE OF CER-**
7 **TAIN FOREIGN GRAIN AFTER IMPORTATION.**

8 (a) DEFINITIONS.—As used in this section:

1 (1) ENTRY.—The term “entry” means the
2 entry into, or the withdrawal from warehouse for
3 consumption in, the customs territory of the United
4 States.

5 (2) FOREIGN GRAIN.—The term “foreign
6 grain” means any of the following, if a product of
7 any foreign country or instrumentality:

8 (A) Wheat provided for in heading 1001 of
9 the Harmonized Tariff Schedule of the United
10 States.

11 (B) Barley provided for in heading
12 1003.00 of such Schedule.

13 (C) Oats provided for in heading
14 1004.00.00 of such Schedule.

15 (b) CERTIFICATION REQUIREMENTS REGARDING
16 FOREIGN GRAIN.—

17 (1) END-USE CERTIFICATE.—An end-use cer-
18 tificate that meets the requirements of subsection (c)
19 shall be included in the documentation covering the
20 entry of any foreign grain.

21 (2) QUARTERLY REPORTS.—A consignee of im-
22 ported foreign grain shall submit to the Secretary of
23 Agriculture a quarterly report that certifies—

1 (A) what percentage of the foreign grain
2 covered by an end-use certificate was used by
3 the consignee during the quarter; and

4 (B) that the grain referred to in paragraph
5 (1) was used by the consignee for the purpose
6 stated in the end-use certificate.

7 (c) END-USE CERTIFICATE AND QUARTERLY RE-
8 PORT CONTENT.—The end-use certificates and quarterly
9 reports required under subsection (b) shall be in such
10 form, and require such information, as the Secretary of
11 Agriculture considers necessary or appropriate to carry
12 out the purposes of this section, including—

13 (1) in the case of the end-use certificate—

14 (A) the name and address of the importer
15 of record of the foreign grain covered by the
16 certificate;

17 (B) the name and address of the consignee
18 of the grain;

19 (C) the identification of the country of ori-
20 gin of the grain;

21 (D) a description by class and quantity of
22 the grain;

23 (E) a specification of the purpose for
24 which the consignee will use the grain; and

1 (F) the identification of the transporter of
2 the grain from the port of entry to the process-
3 ing facility of the consignee; and

4 (2) in the case of the quarterly report—

5 (A) the information referred to in subpara-
6 graphs (A) and (B) of paragraph (1);

7 (B) the identification of the end-use certifi-
8 cates currently held by the consignee;

9 (C) a statement of the quantity of the for-
10 eign grain covered by each of the end-use cer-
11 tificates identified under subparagraph (B) that
12 was used during the quarter;

13 (D) a statement of the use made during
14 the quarter by the consignee of each quantity
15 referred to in subparagraph (C); and

16 (E) a statement of the quantity of wheat,
17 barley, and oats that have been exported by the
18 consignee during the quarter.

19 (d) REGULATIONS.—The Secretary of Agriculture
20 shall prescribe such requirements regarding the prepara-
21 tion and submission of the quarterly reports required
22 under subsection (b)(2) as may be necessary or appro-
23 priate to carry out this section.

24 (e) PENALTIES.—

1 (1) CUSTOMS PENALTIES.—End-use certificates
2 required under this section shall be treated as any
3 other customs documentation for purposes of apply-
4 ing the customs laws that prohibit the entry, or the
5 attempt to enter, merchandise by fraud, gross neg-
6 ligence, or negligence.

7 (2) CIVIL PENALTIES.—Any person who know-
8 ingly violates any requirement prescribed by the Sec-
9 retary of Agriculture to carry out this section is
10 punishable by a civil penalty in an amount not to ex-
11 ceed \$10,000.

12 (f) ENTRY PROHIBITED UNLESS END-USE CERTIFI-
13 CATE PRESENTED.—The Commissioner of Customs may
14 not permit the entry of foreign grain unless the importer
15 of record presents at the time of entry of the grain an
16 end-use certificate that complies with the applicable re-
17 quirements of subsection (c).

18 **SEC. 3. USE OF EXPORT ENHANCEMENT PROGRAM TO PRO-**

19 **MOTE WHEAT EXPORTS TO MEXICO.**

20 Section 301(b) of the Agricultural Trade Act of 1978
21 (7 U.S.C. 5651(b)) is amended by adding at the end the
22 following new paragraph:

23 “(9) PROMOTION OF WHEAT EXPORTS TO MEX-
24 ICO.—In carrying out the program established under
25 this section, the Secretary shall provide agricultural

1 commodities or cash payments, or both, to promote
2 the export of wheat to Mexico.”.

3 **SEC. 4. INITIATION OF INVESTIGATION WITH RESPECT TO**
4 **CANADIAN WHEAT SUBSIDIES.**

5 Not later than 30 days after the date of the enact-
6 ment of this Act, the administering authority shall initiate
7 a countervailing duty investigation and an antidumping
8 duty investigation under title VII of the Tariff Act of 1930
9 (19 U.S.C. 1671 et seq.) with respect to the subsidies pro-
10 vided by Canada in connection with the exportation of
11 wheat to the United States.

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