

106TH CONGRESS
2D SESSION

S. 2913

To amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to use the export enhancement program to encourage the commercial sale of United States wheat in world markets at competitive prices whenever the importation of Canadian wheat into the United States reaches certain triggers.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2000

Mr. CONRAD introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to use the export enhancement program to encourage the commercial sale of United States wheat in world markets at competitive prices whenever the importation of Canadian wheat into the United States reaches certain triggers.

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 “Export Enhancement
5 Program Trigger Act of 2000”.

1 **SEC. 2. USE OF EXPORT ENHANCEMENT PROGRAM IN RE-**
2 **SPONSE TO IMPORTATION OF CANADIAN**
3 **WHEAT.**

4 Section 301 of the Agricultural Trade Act of 1978
5 (7 U.S.C. 5651) is amended by adding at the end the fol-
6 lowing:

7 “(i) USE OF PROGRAM IN RESPONSE TO IMPORTA-
8 TION OF CANADIAN WHEAT.—

9 “(1) QUARTERLY ESTIMATES.—The Secretary
10 shall make quarterly estimates of the annual quan-
11 tity of durum and nondurum Canadian wheat that
12 will be imported into the United States.

13 “(2) TRIGGERS.—Consistent with the obliga-
14 tions undertaken by the United States that are set
15 forth in the Uruguay Round Agreements, the Sec-
16 retary shall use the program established under this
17 section to encourage the commercial sale of United
18 States wheat in world markets at competitive prices
19 if the Secretary estimates that—

20 “(A) the annual quantity of Canadian
21 durum wheat that will be imported into the
22 United States will exceed 300,000 metric tons;
23 or

24 “(B) the annual quantity of all Canadian
25 wheat that will be imported into the United
26 States will exceed 1,500,000 metric tons.

1 “(3) AMOUNT.—If the Secretary determines
2 that the annual quantity of Canadian wheat that will
3 be imported into the United States exceeds a level
4 established under paragraph (2), the Secretary shall
5 use the program established under this section to en-
6 courage the commercial sale of United States wheat
7 in world markets at competitive prices in a quantity
8 that is equal to at least twice the estimated level of
9 imports of Canadian wheat or durum wheat into the
10 United States.”.

11 **SEC. 3. RESPONSE TO UNFAIR EXPORT COMPETITION BY**
12 **STATE TRADING ENTERPRISES.**

13 Section 302 of the Agricultural Trade Act of 1978
14 (7 U.S.C. 5652) is amended—

15 (1) by redesignating subsection (b) as sub-
16 section (c); and

17 (2) by inserting after subsection (a) the fol-
18 lowing:

19 “(b) RESPONSE TO UNFAIR EXPORT COMPETITION
20 BY STATE TRADING ENTERPRISES.—

21 “(1) IN GENERAL.—Consistent with the obliga-
22 tions undertaken by the United States that are set
23 forth in the Uruguay Round Agreements, if the Sec-
24 retary determines, on the basis of information pro-
25 vided by an affected United States person or other

1 information, that an act, policy, or practice of a
2 state trading enterprise of a foreign country (as
3 those terms are defined in section 1107(a) of the
4 Omnibus Trade and Competitiveness Act of 1988
5 (19 U.S.C. 2906)) burdens or restricts the export of
6 1 or more United States agricultural commodities to
7 1 or more foreign countries by reducing the export
8 of the United States agricultural commodity to the
9 foreign countries or diverting foreign agricultural
10 commodities from the foreign countries into the
11 United States, the Secretary shall use the program
12 established under section 301.

13 “(2) AMOUNT.—In carrying out paragraph (1),
14 the Secretary shall use an amount that is sufficient
15 to ensure that prices received by producers of United
16 States agricultural commodities are not reduced as
17 a result of the act, policy, or practice of the state
18 trading enterprise.

19 “(3) PRICING PRACTICES.—The Secretary shall
20 make the determination described in paragraph (1)
21 if the Secretary determines, on the basis of informa-
22 tion provided by an affected United States person or
23 other information, that the state trading enterprise
24 is engaged in, with respect to an agricultural
25 commodity—

- 1 “(A) predatory pricing;
- 2 “(B) discriminatory pricing;
- 3 “(C) pricing below the cost of production;
- 4 or
- 5 “(D) other pricing practices that are not
- 6 consistent with sound commercial practices con-
- 7 ducted in the ordinary course of trade.”.

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