

106TH CONGRESS
1ST SESSION

S. 425

To require the approval of Congress for the imposition of any new unilateral agricultural sanction, or any new unilateral sanction with respect to medicine, medical supplies, or medical equipment, against a foreign country.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 1999

Mr. ASHCROFT (for himself, Mr. BROWNBACK, Mr. BAUCUS, and Mr. KERREY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require the approval of Congress for the imposition of any new unilateral agricultural sanction, or any new unilateral sanction with respect to medicine, medical supplies, or medical equipment, against a foreign country.

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 “Food and Medicine
5 for the World Act of 1999”.

1 **SEC. 2. REQUIREMENT OF CONGRESSIONAL APPROVAL OF**
2 **ANY NEW UNILATERAL AGRICULTURAL SANC-**
3 **TION.**

4 (a) DEFINITIONS.—

5 (1) AGRICULTURAL COMMODITY.—The term
6 “agricultural commodity” has the meaning given the
7 term in section 402 of the Agricultural Trade Devel-
8 opment and Assistance Act of 1954 (7 U.S.C.
9 1732).

10 (2) AGRICULTURAL PROGRAM.—The term “ag-
11 ricultural program” means—

12 (A) any program administered through the
13 Agricultural Trade Development and Assistance
14 Act of 1954 (Public Law 480; 7 U.S.C. 1701
15 et seq.);

16 (B) any program administered through
17 section 416 of the Agricultural Act of 1949 (7
18 U.S.C. 1431);

19 (C) any commercial sale of agricultural
20 commodities or agricultural products, including
21 plant nutrient materials; or

22 (D) any export financing (including credits
23 or credit guarantees) for agricultural commod-
24 ities or agricultural products.

25 (3) NEW UNILATERAL AGRICULTURAL SANC-
26 TION.—The term “new unilateral agricultural sanc-

1 tion” means any prohibition, restriction, or condition
2 on carrying out an agricultural program with respect
3 to a foreign country or foreign entity that is imposed
4 by the United States on or after the date of enact-
5 ment of this Act for reasons of foreign policy or na-
6 tional security, except in a case in which the United
7 States imposes the measure pursuant to a multilat-
8 eral regime and the other member countries of that
9 regime have agreed to impose substantially equiva-
10 lent measures.

11 (4) NEW UNILATERAL SANCTION WITH RE-
12 SPECT TO MEDICINE, MEDICAL SUPPLIES, OR MEDI-
13 CAL EQUIPMENT.—The term “new unilateral sanc-
14 tion with respect to medicine, medical supplies, or
15 medical equipment” means any prohibition, restric-
16 tion, or condition on trade in, or the provision of as-
17 sistance consisting of, medicine, medical supplies, or
18 medical equipment with respect to a foreign country
19 or foreign entity that is imposed by the United
20 States on or after the date of enactment of this Act
21 for reasons of foreign policy or national security, ex-
22 cept in a case in which the United States imposes
23 the measure pursuant to a multilateral regime and
24 the other member countries of that regime have
25 agreed to impose substantially equivalent measures.

1 (5) SESSION DAY OF CONGRESS.—The term
2 “session day of Congress” means any day on which
3 a House of Congress is in session.

4 (b) RESTRICTION.—Notwithstanding any other provi-
5 sion of law and subject to subsection (c), the President
6 may not impose a new unilateral agricultural sanction
7 against a foreign country, or a new unilateral sanction
8 with respect to medicine, medical supplies, or medical
9 equipment against a foreign country, unless—

10 (1) not less than 60 days before the sanction is
11 proposed to be imposed, the President submits a re-
12 port to Congress that—

13 (A) describes the activity proposed to be
14 prohibited, restricted, or conditioned; and

15 (B) describes the actions by the foreign
16 country that justify the sanction; and

17 (2) Congress enacts a joint resolution stating
18 the approval of Congress for the report submitted
19 under paragraph (1).

20 (c) EXCEPTION.—Notwithstanding subsection (b),
21 the President may impose a sanction described in that
22 subsection—

23 (1) against a foreign country with respect to
24 which—

1 (A) Congress has enacted a declaration of
2 war; or

3 (B) the President has proclaimed a state
4 of national emergency; or

5 (2) to the extent that the sanction would pro-
6 hibit, restrict, or condition the provision or use of
7 any commodity, product, medicine, supply, or equip-
8 ment that is controlled on the United States Muni-
9 tions List under section 38 of the Arms Export Con-
10 trol Act or the Commerce Control List under the
11 Export Administration Act of 1979.

12 (d) CONGRESSIONAL PRIORITY PROCEDURES.—

13 (1) JOINT RESOLUTION DEFINED.—For the
14 purpose of subsection (b)(2), “joint resolution”
15 means only a joint resolution introduced within 10
16 session days of Congress after the date on which the
17 report of the President under subsection (b)(1) is re-
18 ceived by Congress, the matter after the resolving
19 clause of which is as follows: “That Congress ap-
20 proves the report of the President pursuant to sec-
21 tion 2(b)(1) of the Food and Medicine for the World
22 Act of 1999, transmitted on _____.”,
23 with the blank completed with the appropriate date.

24 (2) REFERRAL OF REPORT.—The report de-
25 scribed in subsection (b)(1) shall be referred to the

1 appropriate committee or committees of the House
2 of Representatives and to the appropriate committee
3 or committees of the Senate.

4 (3) REFERRAL OF JOINT RESOLUTION TO COM-
5 MITTEE.—A joint resolution introduced in the House
6 of Representatives shall be referred to the Commit-
7 tee on International Relations of the House of Rep-
8 resentatives. A joint resolution introduced in the
9 Senate shall be referred to the Committee on For-
10 eign Relations of the Senate. Such a joint resolution
11 may not be reported before the eighth session day of
12 Congress after its introduction.

13 (4) DISCHARGE FROM COMMITTEE.—If the
14 committee of either House to which a joint resolu-
15 tion is referred has not reported the joint resolution
16 (or an identical joint resolution) at the end of 30
17 session days of Congress after its introduction, the
18 committee shall be discharged from further consider-
19 ation of the joint resolution and the joint resolution
20 shall be placed on the appropriate calendar of the
21 House in which it was introduced.

22 (5) FLOOR CONSIDERATION.—

23 (A) MOTION TO PROCEED.—When the
24 committee to which a joint resolution is referred
25 has reported, or has been deemed to be dis-

1 charged (under paragraph (4)) from further
2 consideration of, a joint resolution, notwith-
3 standing any rule or precedent of the Senate,
4 including Rule 22, it is at any time thereafter
5 in order (even though a previous motion to the
6 same effect has been disagreed to) for any
7 Member of the respective House to move to pro-
8 ceed to the consideration of the joint resolution,
9 and all points of order against the joint resolu-
10 tion (and against consideration of the joint res-
11 olution) are waived. The motion is highly privi-
12 leged in the House of Representatives and is
13 privileged in the Senate and is not debatable.
14 The motion is not subject to amendment, or to
15 a motion to postpone, or to a motion to proceed
16 to the consideration of other business. A motion
17 to reconsider the vote by which the motion is
18 agreed to or disagreed to shall not be in order.
19 If a motion to proceed to the consideration of
20 the joint resolution is agreed to, the joint reso-
21 lution shall remain the unfinished business of
22 the respective House until disposed of.

23 (B) DEBATE ON THE JOINT RESOLU-
24 TION.—Debate on the joint resolution, and on
25 all debatable motions and appeals in connection

1 therewith, shall be limited to not more than ten
2 hours, which shall be divided equally between
3 those favoring and those opposing the joint res-
4 olution. A motion further to limit debate is in
5 order and not debatable. An amendment to, or
6 a motion to postpone, or a motion to proceed to
7 the consideration of other business, or a motion
8 to recommit the joint resolution is not in order.
9 A motion to reconsider the vote by which the
10 joint resolution is agreed to or disagreed to is
11 not in order.

12 (C) VOTE ON FINAL PASSAGE.—Imme-
13 diately following the conclusion of the debate on
14 a joint resolution, and a single quorum call at
15 the conclusion of the debate if requested in ac-
16 cordance with the rules of the appropriate
17 House, the vote on final passage of the joint
18 resolution shall occur.

19 (D) APPEALS OF RULINGS.—Appeals from
20 the decisions of the Chair relating to the appli-
21 cation of the rules of the Senate or the House
22 of Representatives, as the case may be, to the
23 procedure relating to a joint resolution de-
24 scribed in paragraph (1) shall be decided with-
25 out debate.

1 (6) TREATMENT OF OTHER HOUSE'S JOINT
2 RESOLUTION.—If, before the passage by one House
3 of Congress of a joint resolution of that House, that
4 House receives from the other House a joint resolu-
5 tion, then the following procedures shall apply:

6 (A) REFERRAL OF JOINT RESOLUTIONS OF
7 SENDING HOUSE.—The joint resolution of the
8 sending House shall not be referred to a com-
9 mittee in the receiving House.

10 (B) PROCEDURES IN RECEIVING HOUSE.—
11 With respect to a joint resolution of the House
12 receiving the joint resolution—

13 (i) the procedure in that House shall
14 be the same as if no joint resolution had
15 been received from the sending House; but

16 (ii) the vote on final passage shall be
17 on the joint resolution of the sending
18 House.

19 (C) DISPOSITION OF JOINT RESOLUTIONS
20 OF RECEIVING HOUSE.—Upon disposition of the
21 joint resolution received from the other House,
22 it shall no longer be in order to consider the
23 joint resolution originated in the receiving
24 House.

1 (7) PROCEDURES AFTER ACTION BY BOTH THE
2 HOUSE AND SENATE.—If the House receiving a joint
3 resolution from the other House after the receiving
4 House has disposed of a joint resolution originated
5 in that House, the action of the receiving House
6 with regard to the disposition of the joint resolution
7 originated in that House shall be deemed to be the
8 action of the receiving House with regard to the
9 joint resolution originated in the other House.

10 (8) STATUS OF PROCEDURES.—This subsection
11 is enacted by Congress—

12 (A) as an exercise of the rulemaking power
13 of the Senate and House of Representatives, re-
14 spectively, and as such it is deemed a part of
15 the rules of each House, respectively, but appli-
16 cable only with respect to the procedure to be
17 followed in that House in the case of a joint
18 resolution described in paragraph (1), and it
19 supersedes other rules only to the extent that it
20 is inconsistent with such rules; and

21 (B) with full recognition of the constitu-
22 tional right of either House to change the rules
23 (so far as relating to the procedure of that
24 House) at any time, in the same manner and

- 1 to the same extent as in the case of any other
- 2 rule of that House.

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