

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1922

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

OCTOBER 26, 2005

Mr. CONRAD (for himself, Mr. ROBERTS, Mr. BAUCUS, Mr. THUNE, Mr. JOHNSON, Mr. BROWNBACK, Mr. DORGAN, Mr. BURNS, Mr. SALAZAR, Mr. TALENT, Mr. BOND, Mr. ENZI, Mr. THOMAS, Mrs. LINCOLN, Mr. CRAPO, Mr. CORNYN, Mr. CRAIG, Mr. COLEMAN, Mr. ALLARD, Mr. REID, and Mr. CHAMBLISS) introduced the following bill; which was read twice and referred to the Committee on Finance

---

## 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 makes the following findings:

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.

1           (2) Japan has prohibited imports of beef from  
2 the United States since December, 2003, when a  
3 single case of Bovine Spongiform Encephalopathy  
4 (BSE, or “mad cow disease”) was found in a Cana-  
5 dian-born animal in Washington State.

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

12           (4) The United States and the Government of  
13 Japan concluded an understanding on October 23,  
14 2004, that established a process that was supposed  
15 to lead to a resumption of United States beef ex-  
16 ports to Japan.

17           (5) Notwithstanding Japan’s commitment in  
18 this agreement, Japan’s membership in the OIE,  
19 and Japan’s commitment under the Agreement on  
20 the Application of Sanitary and Phytosanitary Meas-  
21 ures of the World Trade Organization to apply sani-  
22 tary and phytosanitary measures only to the extent  
23 necessary to protect human, animal, and plant  
24 health, based on scientific principles, Japan con-

1 continues to maintain an unjustified ban on imports of  
2 United States beef.

3 (6) Japan's continued violation of the spirit and  
4 letter of its World Trade Organization commitments  
5 has resulted in the cumulative economic loss to the  
6 United States beef industry of approximately  
7 \$6,300,000,000 and current annual economic trade  
8 losses of \$3,140,000,000 per year.

9 (7) United States officials and officials of the  
10 Government of Japan have recently indicated that  
11 Japan could complete the regulatory process to allow  
12 a resumption of United States beef exports to Japan  
13 by the end of 2005.

14 **SEC. 2. NEGOTIATIONS AND CERTIFICATION REGARDING**  
15 **UNITED STATES BEEF EXPORTS TO JAPAN.**

16 (a) IN GENERAL.—Notwithstanding any other provi-  
17 sion of law, the United States Trade Representative shall,  
18 not later than December 15, 2005, submit to the Congress  
19 a certification described in subsection (b).

20 (b) CERTIFICATION.—The certification described in  
21 this subsection means a certification by the United States  
22 Trade Representative to the Congress that Japan is no  
23 longer prohibiting the importation of beef from the United  
24 States.

25 (c) ADDITIONAL TARIFFS.—

1           (1) IN GENERAL.—If the certification described  
2           in subsection (b) is not made, the Secretary of the  
3           Treasury shall, not later than December 31, 2005,  
4           impose additional tariffs on selected articles that are  
5           the growth, product, or manufacture of Japan and  
6           that enter the customs territory of the United  
7           States, in addition to any other duty that would oth-  
8           erwise apply to such article. Such additional tariffs  
9           shall be applied to such articles in an amount suffi-  
10          cient, in the aggregate, to result in additional tariffs  
11          being imposed on imports of articles from Japan in  
12          an amount equal to \$3,140,000,000 annually.

13           (2) DURATION.—The additional tariffs imposed  
14          by this section shall terminate on the date that a  
15          certification described in subsection (b) is submitted  
16          to the Congress.

17          (d) NEGOTIATIONS.—Beginning on the date of enact-  
18          ment of this Act, the Secretary of Agriculture, in consulta-  
19          tion with the United States Trade Representative, shall  
20          begin negotiations with Japan to ensure that Japan  
21          adopts a process that leads to the elimination of its prohi-  
22          bition on imports of beef from the United States.

○