

103^D CONGRESS
1ST SESSION

H. R. 1333

To provide for improved consultation between the Secretary of Agriculture and the United States Trade Representative regarding the prohibition or regulation of the importation of fruits and vegetables into the United States.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1993

Mr. THOMAS of California introduced the following bill; which was referred jointly to the Committees on Agriculture and Ways and Means

A BILL

To provide for improved consultation between the Secretary of Agriculture and the United States Trade Representative regarding the prohibition or regulation of the importation of fruits and vegetables into the United States.

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. IMPORT PROHIBITION AND REGULATION AS**
4 **PART OF DOMESTIC MARKETING ORDERS.**

5 (a) CONSULTATION BETWEEN SECRETARY OF AGRI-
6 CULTURE AND TRADE REPRESENTATIVE.—Section 8e of
7 the Agricultural Adjustment Act (7 U.S.C. 608e-1), reen-
8 acted with amendments by the Agricultural Marketing

1 Agreement Act of 1937, is amended by striking sub-
2 sections (c) and (d) and inserting the following new sub-
3 sections:

4 “(c) NOTIFICATION OF PROPOSED PROHIBITIONS
5 AND REGULATIONS.—

6 “(1) NOTIFICATION OF TRADE REPRESENTA-
7 TIVE REQUIRED.—Whenever the Secretary of Agri-
8 culture proposes to issue an import prohibition or
9 regulation under this section with respect to a com-
10 modity, the Secretary shall provide specific notifica-
11 tion to the United States Trade Representative in
12 writing of the content of the proposed import prohi-
13 bition or regulation. The Secretary shall include in
14 the notification a request for the advice of the Unit-
15 ed States Trade Representative regarding whether
16 the application of the grade, size, quality, and matu-
17 rity provisions of the relevant marketing order, or
18 comparable restrictions, to imports is inconsistent
19 with international obligations of the United States
20 under any trade agreement, including the General
21 Agreement on Tariffs and Trade.

22 “(2) ADDITIONAL NOTIFICATION.—The notifi-
23 cation of the United States Trade Representative re-
24 quired under paragraph (1) shall be in addition to
25 any general notice of proposed rule making required

1 under section 553(b) of title 5, United States Code,
2 with respect to a proposed import prohibition or reg-
3 ulation under this section.

4 “(d) FINAL ISSUANCE OF PROHIBITIONS AND REGU-
5 LATIONS.—

6 “(1) NOTIFICATION OF TRADE REPRESENTA-
7 TIVE REQUIRED.—Not later than 10 days before the
8 effective date of an import prohibition or regulation
9 to be issued under this section with respect to a
10 commodity, the Secretary of Agriculture shall pro-
11 vide specific notification to the United States Trade
12 Representative in writing of the content of the im-
13 port prohibition or regulation.

14 “(2) PREVENTION OF OPERATION OF PROHIBI-
15 TION OR REGULATION.—An import prohibition or
16 regulation under this section shall not take effect if,
17 before the end of the 10-day period referred to in
18 paragraph (1) applicable to such prohibition or regu-
19 lation, the United States Trade Representative sub-
20 mits to the Secretary an opinion concluding that the
21 application of the grade, size, quality, and maturity
22 provisions of the relevant marketing order, or com-
23 parable restrictions, to imports is inconsistent with
24 international obligations of the United States under

1 any trade agreement, including the General Agree-
2 ment on Tariffs and Trade.”

3 (b) APPLICATION OF AMENDMENT.—The amendment
4 made by this section shall apply with respect to an import
5 prohibition or regulation that is issued by the Secretary
6 of Agriculture under section 8e of the Agricultural Adjust-
7 ment Act (7 U.S.C. 608e-1), reenacted with amendments
8 by the Agricultural Marketing Agreement Act of 1937, on
9 or after the date of the enactment of this Act.

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