

111TH CONGRESS  
1ST SESSION

# S. 594

To require a report on invasive agricultural pests and diseases and sanitary and phytosanitary barriers to trade before initiating negotiations to enter into a free trade agreement, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 12, 2009

Mr. CASEY (for himself and Ms. STABENOW) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To require a report on invasive agricultural pests and diseases and sanitary and phytosanitary barriers to trade before initiating negotiations to enter into a free trade agreement, 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 “Agriculture Smart  
5       Trade Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) FREE TRADE AGREEMENT.—The term “free  
2 trade agreement” means a trade agreement entered  
3 into with a foreign country that provides for—

4           (A) the reduction or elimination of duties,  
5 import restrictions, or other barriers to or dis-  
6 tortions of trade between the United States and  
7 the foreign country; or

8           (B) the prohibition of or limitation on the  
9 imposition of such barriers or distortions.

10          (2) INVASIVE AGRICULTURAL PESTS AND DIS-  
11 EASES.—The term “invasive agricultural pests and  
12 diseases” means agricultural pests and diseases, as  
13 determined by the Secretary of Agriculture—

14          (A) that are not native to ecosystems in  
15 the United States; and

16          (B) the introduction of which causes or is  
17 likely to cause economic or environmental harm  
18 or harm to human health.

19          (3) SANITARY AND PHYTOSANITARY MEAS-  
20 URE.—The term “sanitary and phytosanitary meas-  
21 ure” has the meaning given that term in the Agree-  
22 ment on the Application of Sanitary and  
23 Phytosanitary Measures of the World Trade Organi-  
24 zation referred to in section 101(d)(3) of the Uru-

1 guay Round Agreements Act (19 U.S.C.  
2 3511(d)(3)).

3 **SEC. 3. REQUIREMENT FOR REPORTS BEFORE INITIATING**  
4 **NEGOTIATIONS TO ENTER INTO FREE TRADE**  
5 **AGREEMENTS.**

6 (a) IN GENERAL.—Not later than 90 days before the  
7 date on which the President initiates formal negotiations  
8 with a foreign country to enter into a free trade agreement  
9 with that country, the President shall submit to Congress  
10 a report on—

11 (1) invasive agricultural pests or diseases in  
12 that country; and

13 (2) sanitary or phytosanitary measures imposed  
14 by the government of that country on goods im-  
15 ported into that country.

16 (b) CONTENTS OF REPORT.—The report required  
17 under subsection (a) shall include the following:

18 (1) INVASIVE AGRICULTURAL PESTS AND DIS-  
19 EASES.—With respect to any invasive agricultural  
20 pests or diseases in the country with which the  
21 President intends to negotiate a free trade agree-  
22 ment—

23 (A) a list of all invasive agricultural pests  
24 and diseases in that country;

1 (B) a list of agricultural commodities pro-  
2 duced in the United States that might be af-  
3 fected by the introduction of such pests or dis-  
4 eases into the United States; and

5 (C) a plan for preventing the introduction  
6 into the United States of such pests and dis-  
7 eases, including an estimate of—

8 (i) the number of additional inspec-  
9 tors, officials, and other personnel nec-  
10 essary to prevent such introduction and  
11 the ports of entry at which the additional  
12 inspectors, officials, and other personnel  
13 will be needed; and

14 (ii) the total cost of preventing such  
15 introduction.

16 (2) SANITARY AND PHYTOSANITARY MEAS-  
17 URES.—With respect to sanitary or phytosanitary  
18 measures imposed by the government of the country  
19 with which the President intends to negotiate a free  
20 trade agreement on goods imported into that coun-  
21 try—

22 (A) a list of any such sanitary and  
23 phytosanitary measures that may affect the ex-  
24 portation of agricultural commodities from the  
25 United States to that country;

1           (B) an assessment of the status of any pe-  
2           titions filed by the United States with the gov-  
3           ernment of that country requesting that that  
4           country allow the importation into that country  
5           of agricultural commodities produced in the  
6           United States;

7           (C) an estimate of the economic potential  
8           for the exportation of agricultural commodities  
9           produced in the United States to that country  
10          if the free trade agreement enters into force;  
11          and

12          (D) an assessment of the effect of sanitary  
13          and phytosanitary measures imposed or pro-  
14          posed to be imposed by the government of that  
15          country on the economic potential described in  
16          subparagraph (C).

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