

(3) such information as may be submitted under section 2805 of this title by representatives of the wine and grape products industries in the United States, as well as other sources. (Pub. L. 98-573, title IX, §904, Oct. 30, 1984, 98 Stat. 3048.)

Editorial Notes

REFERENCES IN TEXT

Section 854(a) of the Trade Agreements Act of 1979, referred to in subsec. (b)(1), is section 854(a) of Pub. L. 96-39, title VIII, July 26, 1979, 93 Stat. 294, which is set out as a note under section 2135 of this title.

§ 2804. Actions to reduce or eliminate tariff and nontariff barriers affecting United States wine

(a) Consultations with major wine trading countries

The President shall direct the Trade Representative to enter into consultations with each major wine trading country to seek a reduction or elimination of that country's tariff barriers and nontariff barriers to (or other distortions of) trade in United States wine.

(b) Reports to Congress on actions taken to expand export opportunities

(1) the¹ President shall notify each of the Committees regarding the extent and effect of the efforts undertaken since the submission of the report required under section 854(a) of the Trade Agreements Act of 1979 [19 U.S.C. 2135 note], and during the 12-month period beginning on October 30, 1984, to expand opportunities in each major wine trading country for exports of United States wine. Such notification, which shall be in the form of a separate written report (that must be submitted within 30 days after the close of that 12-month period) for each major wine trading country, shall include—

(A) a description of each act, policy, and practice (and of its legal basis and operation) in that country that constitutes a tariff barrier or nontariff barrier to (or other distortion of) trade in United States wine (and that description shall be based upon an updating of the report that was submitted to the Congress under section 854(a) of the Trade Agreements Act of 1979);

(B) an assessment of the extent to which each such act, policy, or practice is subject to international agreements to which the United States is a party;

(C) information with respect to any action taken, or proposed to be taken, under existing authority to eliminate or reduce each such act, policy, or practice, including, but not limited to—

(i) any action under the Trade Act of 1974 [19 U.S.C. 2101 et seq.], and

(ii) any negotiation or consultation with any foreign government;

(D) if action referred to in subparagraph (C) was not taken, an explanation of the reasons therefore;² and

(E) recommendations to the Congress of any additional legislative authority or other action which the President believes is necessary and appropriate to obtain the elimination or reduction of foreign tariff barriers or nontariff barriers to (or other distortions of) trade in United States wine.

(2) The reports required under paragraph (1) shall be developed and coordinated by the Trade Representative through the interagency trade organization established by section 1872(a) of this title.

(c) Enforcement of rights

If the President, after taking into account information and advice received under subsections (a) and (b), section 2805 of this title or from other sources, determines that action is appropriate to respond to any act, policy, or practice of a major wine trading country constitutes a tariff barrier or nontariff barrier to (or other distortion of) trade in United States wine and—

(1) is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement; or

(2) is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce;

the President, shall take all appropriate and feasible action under the Trade Act of 1974 [19 U.S.C. 2101 et seq.] to enforce the rights of the United States under any such trade agreement or to obtain the elimination of such act, policy, or practice.

(Pub. L. 98-573, title IX, §905, Oct. 30, 1984, 98 Stat. 3049.)

Editorial Notes

REFERENCES IN TEXT

Section 854(a) of the Trade Agreements Act of 1979, referred to in subsec. (b)(1), is section 854(a) of Pub. L. 96-39, title VIII, July 26, 1979, 93 Stat. 294, which is set out as a note under section 2135 of this title.

The Trade Act of 1974, referred to in subsections (b)(1)(C)(i) and (c), is Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, as amended, which is classified principally to chapter 12 (§2101 et seq.) of this title. For complete classification of this Act to the Code, see References in Text note set out under section 2101 of this title and Tables.

Statutory Notes and Related Subsidiaries

REPORTS ON NEGOTIATIONS TO ELIMINATE WINE TRADE BARRIERS

Pub. L. 100-418, title I, §1125, Aug. 23, 1988, 102 Stat. 1147, provided that before the close of the 13-month period beginning on Aug. 23, 1988, the President was to update each report submitted to Congress under this section and submit the updated report to Congress, with specified information included.

[Functions of the President under section 1125 of Pub. L. 100-418 delegated to the United States Trade Representative, see section 1-201 of Ex. Ord. No. 12661, Dec. 27, 1988, 54 F.R. 779, set out as a note under section 2901 of this title.]

§ 2805. Required consultations

The Trade Representative shall consult with the Committees and with representatives of the wine and grape products industries in the United States—

¹ So in original. Probably should be capitalized.

² So in original. Probably should be "therefor;".