

Public Law 99-47
99th Congress

An Act

June 11, 1985
[H.R. 2268]

To approve and implement the Free Trade Area Agreement between the United States and Israel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States-
Israel
Free Trade Area
Implementation
Act of 1985.
19 USC 2112
note.
Commerce
and trade.
19 USC 2112
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Israel Free Trade Area Implementation Act of 1985".

SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to approve and implement the agreement on the establishment of a free trade area between the United States and Israel negotiated under the authority of section 102 of the Trade Act of 1974;
- (2) to strengthen and develop the economic relations between the United States and Israel for their mutual benefit; and
- (3) to establish free trade between the two nations through the removal of trade barriers.

19 USC 2112.

19 USC 2112
note.

SEC. 3. APPROVAL OF A FREE TRADE AREA AGREEMENT.

Pursuant to sections 102 and 151 of the Trade Act of 1974 (19 U.S.C. 2112; 2191), the Congress approves—

- (1) the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (hereinafter in this Act referred to as "the Agreement") entered into on April 22, 1985, and submitted to the Congress on April 29, 1985, and
- (2) the statement of administrative action proposed to implement the Agreement that was submitted to the Congress on April 29, 1985.

19 USC 2112
note.

SEC. 4. PROCLAMATION AUTHORITY.

(a) TARIFF MODIFICATIONS.—Except as provided in subsection (c), the President may proclaim—

- (1) such modifications or continuance of any existing duty,
 - (2) such continuance of existing duty-free or excise treatment,
- or

(3) such additional duties,
as the President determines to be required or appropriate to carry out the schedule of duty reductions with respect to Israel set forth in annex 1 of the Agreement.

(b) ADDITIONAL TARIFF MODIFICATION AUTHORITY.—Except as provided in subsection (c), whenever the President determines that it is necessary to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the Agreement, the President may proclaim—

(1) such withdrawal, suspension, modification, or continuance of any duty,

(2) such continuance of existing duty-free or excise treatment, or

(3) such additional duties,

as the President determines to be required or appropriate to carry out the Agreement.

(c) **EXCEPTION TO AUTHORITY.**—No modification of any duty imposed on any article provided for in paragraph (4) of annex 1 of the Agreement that may be proclaimed under subsection (a) or (b) shall take effect prior to January 1, 1995.

SEC. 5. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES LAW.

(a) **UNITED STATES STATUTES TO PREVAIL IN CONFLICT.**—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is in conflict with—

(1) title IV of the Trade and Tariff Act of 1984, or

(2) any other statute of the United States,

shall be given effect under the laws of the United States.

(b) **IMPLEMENTING REGULATIONS.**—Regulations that are necessary or appropriate to carry out actions proposed in any statement of proposed administrative action submitted to the Congress under section 102 of the Trade Act of 1974 (19 U.S.C. 2112) in order to implement the Agreement shall be prescribed. Initial regulations to carry out such action shall be issued within one year after the date of the entry into force of the Agreement.

(c) **CHANGES IN STATUTES TO IMPLEMENT A REQUIREMENT, AMENDMENT, OR RECOMMENDATION.**—

(1) Except as otherwise provided in paragraph (2), the provisions of section 3(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2504(c)) shall apply with respect to the Agreement and—

(A) no requirement of, amendment to, or recommendation under the Agreement shall be implemented under United States law, and

(B) no amendment, repeal, or enactment of a statute of the United States to implement any such requirement, amendment, or recommendation shall enter into force with respect to the United States,

unless there has been compliance with the provisions of section 3(c) of the Trade Agreements Act of 1979.

(2) The provisions of section 3(c)(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2504(c)(4)) shall apply to any bill implementing any requirement of, amendment to, or recommendation made under the Agreement that reduces or eliminates any duty imposed on any article provided for in paragraph (4) of Annex 1 of the Agreement only if—

(A) any reduction of such duty provided in such bill—

(i) takes effect after December 31, 1989, and

(ii) takes effect gradually over the period that begins on January 1, 1990, and ends on December 31, 1994,

(B) any elimination of such duty provided in such bill does not take effect prior to January 1, 1995, and

(C) the consultations required under section 3(c)(1) of such Act occur at least ninety days prior to the date on which such bill is submitted to the Congress under section 3(c) of such Act.

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98 Stat. 3013.

(d) **PRIVATE REMEDIES NOT CREATED.**—Neither the entry into force of the Agreement with respect to the United States, nor the enactment of this Act, shall be construed as creating any private right of action or remedy for which provision is not explicitly made under this Act or under the laws of the United States.

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SEC. 6. TERMINATION.

The provisions of section 125(a) of the Trade Act of 1974 (19 U.S.C. 2135(a)) shall not apply to the Agreement.

SEC. 7. LOWERED THRESHOLD FOR GOVERNMENT PROCUREMENT UNDER TRADE AGREEMENTS ACT OF 1979 IN THE CASE OF CERTAIN ISRAELI PRODUCTS.

Paragraph (4) of section 308 of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)) is amended by inserting after subparagraph (B) the following new subparagraph:

“(C) **LOWERED THRESHOLD FOR CERTAIN PRODUCTS AS A CONSEQUENCE OF UNITED STATES-ISRAEL FREE TRADE AREA PROVISIONS.**—The term ‘eligible product’ includes a product or service of Israel having a contract value of \$50,000 or more which would be covered for procurement by the United States under the Agreement on Government Procurement as in effect on the date on which the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel enters into force, but for the SDR 150,000 threshold provided for in article I(1)(b) of the Agreement on Government Procurement.”.

SEC. 8. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO THE TRADE AND TARIFF ACT OF 1984.—

98 Stat. 3015.

(1) Subsection (a) of section 402 of the Trade and Tariff Act of 1984 (19 U.S.C. 2112, note) is amended—

(A) by striking out that portion of paragraph (1) that precedes subparagraph (A) and inserting in lieu thereof: “The reduction or elimination of any duty imposed on any article by the United States provided for in a trade agreement entered into with Israel under section 102(b)(1) of the Trade Act of 1974 shall apply only if—”; and

98 Stat. 3013.
19 USC 2112.

(B) by striking out “be an eligible Israeli article” in paragraph (2) and inserting in lieu thereof “meet the requirements of paragraph 1(A)”.

98 Stat. 3016.
19 USC 2112
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(2) Subsection (e) of section 404 of the Trade and Tariff Act of 1984 is amended—

(A) by striking out “vegetable provided for in” in paragraph (2) and inserting in lieu thereof “fresh or chilled vegetables provided for in items 135.03 through 138.46 of”;

(B) by striking out “edible nut or fruit provided for in schedule 1, part 9,” in paragraph (4) and inserting in lieu thereof “fresh fruit provided for in items 146.10, 146.20, 146.30, 146.50 through 146.62, 146.90, 146.91, 147.03 through 147.44, 147.50 through 149.21, and 149.50”, and

(C) by inserting “juice” after “citrus fruit” in paragraph (6).

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(3) Section 406 of the Trade and Tariff Act of 1984 is redesignated as section 405.

(b) AMENDMENTS TO THE TRADE ACT OF 1974.—

(1) Paragraph (3) of section 102(b) of the Trade Act of 1974 (19 U.S.C. 2112(b)(3)) is amended by inserting "that provides for the elimination or reduction of any duty imposed by the United States" after "such other country".

98 Stat. 3013.

(2) Title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) is amended by inserting "or Presidential proclamation" after "Executive order" each place it appears therein.

Approved June 11, 1985.

LEGISLATIVE HISTORY—H.R. 2268 (S. 1114):

HOUSE REPORT No. 99-64 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 131 (1985):

May 7, considered and passed House.

May 23, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 21, No. 24 (1985):

June 11, Presidential statement.