TRADE UPDATE
Food & Agriculture

September 21, 2021

HIGHLIGHTS

- **Biden Transition**: President Biden intends to nominate Elaine Trevino to serve as chief agricultural negotiator at the Office of the U.S. Trade Representative. Ms. Trevino presently serves as the president of the Almond Alliance of California and previously was Deputy Secretary at the California Department of Food and Agriculture. She is the last Deputy USTR nominee (see Trade Nominee Tracker on last page).

- **U.S. – China**: China formally submits a request to join the CPTPP after months of speculation. Several Democratic Senators proposed legislation to limit use of materials within free-trade regions from outside non-market economies.

- **USMCA**: Observers and USMCA stakeholders are assessing the Canadian Pacific and Kansas City Southern (KCS) rail merger announced last week after months of a bidding war for KCS. If approved, the merger would create a unified 20,000 track of rail services from Canada to Mexico.

- **U.S. – U.K.**: Anne-Marie Trevelyan, the former international development minister, was named the U.K.’s Secretary of State for International Trade, replacing Liz Truss. Trevelyan steps into a robust trade portfolio as the U.K. pursues new trade deals, including joining CPTPP. Separately, House Speaker Nancy Pelosi warned that if Brexit tensions between Britain and the EU damage peace in Northern Ireland it would scuttle prospects for a U.S. – UK trade deal.

- **Section 301**: Chinese officials are urging the Biden Administration not to pursue a new U.S. Section 301 investigation into China’s subsidy practices, a move that would further strain trade ties they contend.

- **WTO**: WTO Director-General Ngozi Okonjo-Iweala will visit Washington and New York to meet with key officials endeavoring to ensure a positive outcome at the 12th ministerial conference (MC12) has large gaps in many remaining negotiating areas, including fisheries subsidies.

**Quote**: “To be frank, the difficulties and uncertainties in China-U.S. trade and business cooperation are not from the Chinese side.” *(Qin Gang, Chinese Ambassador to the United States)*

**USMCA**

- Kansas City Southern has finalized its choice as an acquisition partner after months of negotiation with two rival companies, bringing an anticipated merger one step closer to the creation of the first U.S.-Mexico-Canada railway network. After U.S. regulators blocked the Canadian National (CN) Railway acquisition deal of Kansas City Southern, the rival of CN Railway, Canadian Pacific (CP) Railway, finalized an acquisition deal with Kansas City Southern (KCS), and CN Railway has officially dropped out of the bidding. The finalized deal would create a unified 20,000 track of railways that executives from both companies say would streamline transportation and cut costs for manufacturers and other groups. CP Railway’s Executive Vice President and Chief Marketing Officer John Brooks discussed in March the prospects for agricultural exports “a game-changer in terms of what this combination is going to do.” Brooks continued to say that the acquisition “gives our corn, our beans, our wheat or canola and unlocks them in terms of new growth opportunities.”

- Recently President Biden and Mexican President López Obrador agreed to relaunch the U.S.-Mexico High-Level Economic Dialogue (HLED) in recognition of our broad strategic economic relationship. The announcement followed the first meeting of the U.S.-Mexico high-level economic dialogue in four years, where both countries agreed yesterday to create a Bilateral Supply Chain Working Group in order to build a more secure and mutually beneficial supply chain. “Together, we intend to build supply chain resiliency,
guard against disruptions and seek to promote competitiveness by reducing vulnerabilities,” according to a joint statement.

- No significant updates on the USMCA complaint by U.S. energy company Talos Energy Inc. filed under the USMCA over the Mexican government’s move to give authority over a major oil field to a state-controlled Petróleos Mexicanos (PEMEX). According to Talos, the Mexican Energy Ministry (SENER) failed to demonstrate that it considered “the principles of economy, competitiveness, efficiency, legality, transparency, best practices of the industry and the best use of hydrocarbons,” as required under Mexican regulations in making its decision. The Talos’ complaint constitutes the first step under USMCA’s investment chapter requesting consultations though does not presently form the establishment of a dispute panel.

- Mexico and Canada earlier requested consultations with the U.S. over the interpretation and application of USMCA auto rules of origin, which stipulate 75% North American content is required for a vehicle receiving designation of originating from North America. Mexico and Canada disagree over the U.S. interpretations of the new rule. They cite differing methodologies to measure the exact percentage of the regional value content of the vehicles, potentially leading to confusion between the countries and among auto companies. Luz María de la Mora Sánchez, Under Secretary for Foreign Trade in Mexico’s Economy Secretariat, said that the dispute “is not only about Mexico.” “This is about the three countries, because the three of us are integrated and we produce together. So whatever happens to one company in one country will affect the rest.” De la Mora emphasized that Mexico will “work very hard” to seek an understanding via the process with the U.S. but didn’t rule out the possibility of a dispute panel.

**China Trade**

- Last week, Senators Bob Casey, Sherrod Brown, and Elizabeth Warren introduced the “Market Economy Sourcing Act,” an amendment to the now-expired Trade Promotion Authority, that aims to curb the use of imported materials from non-market economies from future free trade agreements. Sen. Bob Casey says that “This legislation would establish a supplemental rule of origin—used to determine if products are eligible for duty-free or reduced duties under free trade agreement rules—to limit the content from non-market economies that can be included in FTA qualifying goods.” The bill would specifically target so-called “roll up” rules, which in effect allow content from a third party outside a free-trade region to count as originating from the region, letting outside content qualify for preferential treatment. The senators cited China as the main reason for introducing the legislation, saying that content qualifying for preferential treatment should not have components originating from China. The senators also called for support from USTR Katherine Tai, with Bob Casey stating that “I believe USTR Tai can take this type of action on her own authority. I hope Ambassador Tai will consider incorporating both strong rules of origin and supplemental rules of origin related to content from non-market economies in any future trade agreement.”

- China formally applied to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) last week, according to its Ministry of Commerce. Wang Wentao, China’s Minister of Commerce, said China submitted a formal application to join CPTPP to New Zealand’s Minister of Trade and Export Growth, Damien O’Connor, following a meeting between the two ministers on “follow-up work” related to China’s formal application for membership, the Chinese government said in a statement. New Zealand is the depositary for CPTPP.

- Removing bilateral tariffs by the U.S. and China remains a “top priority” according to the American Chamber of Commerce in China. In a poll conducted by AmCham China, nearly half of surveyed member companies said the removal of U.S. and Chinese tariffs by the end of the year is a priority. The survey, released last week, with responses from 125 member companies, found that 47 percent of respondents listed the “removal of bilateral tariffs” as a top priority, while a meeting between President Biden and Chinese President Xi Jinping was a top priority for 38 percent of participants. AmCham China Chairman Greg Gilligan noted that “As the pandemic continues well into its second year, the priorities for our
member companies remain consistent.” “The state of the overall [U.S.-China relationship is as important as ever to the business community, with members prioritizing concrete results and actions as a way to restore trust between the two countries.”

**Phase One Agreement**

- According to analysis by the Peterson Institute for International Economics, China’s purchases for all products (agriculture, energy, and manufactured goods) under the phase one agreement are an estimated 64-69% of the target based on the most recent data. Through July of this year, China has purchased $62.2 billion in U.S. goods compared with the target of $97.1 billion needed to meet the 2021 purchase commitment level, based on U.S. export data.

**US-China phase one tracker: China’s purchases of US goods in 2021**

US exports and China’s imports of all goods covered by the phase one deal as of July 2021

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<tr>
<th>Month</th>
<th>US Exports and China’s Imports of All Covered Goods, Billions USD</th>
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<tr>
<td>Jan-March</td>
<td>69% of target (Chinese Imports)</td>
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<tr>
<td>April-June</td>
<td>64% of target (US Exports)</td>
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<td>July</td>
<td>2021 Purchase commitment (total, Chinese imports) $207.4 billion, 2021 Purchase commitment (total, US exports) $193.3 billion</td>
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<td>July Target, Chinese Imports: $114.1 billion</td>
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<td>July Target, US Exports: $97.4 billion</td>
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**Section 301**

- Chinese officials are urging the Biden Administration not to pursue a new U.S. Section 301 investigation into China’s subsidy practices, a move that would further strain trade ties. Chinese Ambassador to the U.S. Qin Gang said, “To be frank, the difficulties and uncertainties in China-U.S. trade and business cooperation are not from the Chinese side.” “We want to do more business with you, but the problem is how can we be allowed to do business as usual? I hope that the U.S. side will meet with China halfway, follow the principles of mutual respect, equality and mutual benefit and make earnest efforts to improve China-U.S. relations.” Qin’s remarks were made during a virtual meeting with the U.S.-China Business Council last week. He highlighted the phase one trade deal and that “China has been faithfully implementing the agreement despite the pandemic and has made positive progress in enhancing [intellectual property rights] protection and expanding market access of agricultural products and the financial sector,” as illustrative of China’s commitment to improving the bilateral trade relationship. In contrast he noted the U.S. has put “more than 900 Chinese entities on various lists of restrictions. This has directly affected Chinese companies' ability and willingness to purchase from the US and has had a negative impact on the implementation of the agreement.”

- Several recent reports indicate that USTR and the Biden administration are reviewing new avenues to combat China’s unfair trade practices, including a section 301 investigation. According to one report, Tai and other administration officials are meeting to discuss China trade issues, such as a new 301
investigation, the phase one deal, different enforcement actions and a general path forward for the U.S. tariffs on China.

- Separately, the Biden administration remains silent on whether it will reinstate a section 301 inclusion process amidst growing calls from business groups seeking relief from China’s retaliatory tariffs, an action prompted by the Trump administration’s section 301 tariffs in 2018 on nearly $370 billion of goods from China.

COVID-19 Developments

- The FAO reported food prices continue to rise, approaching record levels. Adjusted for inflation and annualized, costs are already higher now than for almost any time in the past six decades, according to the United Nations’ Food and Agriculture Organization.

![Grocery Bills](image)

*Source: UN’s FAO*

*Real food price index, annualized and adjusted to inflation* 

Bloomberg

Section 232 Investigations

- Leading into the bilateral Trade Technology Council (TTC) meetings with the EU, the U.S. reportedly submitted its offer to replace section 232 tariffs on the EU with a tariff-rate quota. The two sides may discuss the offer at the meeting in Pittsburgh, which is expected to include both sides’ principals on trade. According to reports, the U.S. has submitted an initial offer to the EU to resolve a three-year dispute over steel imported from the EU paving the way for a solution by a year-end deadline.
- Both sides will discuss the issue at the inaugural meeting of the U.S.-EU TTC on Sept. 29 in Pittsburgh, where State Secretary Antony Blinken, Commerce Secretary Gina Raimondo, and U.S. Trade Representative Katherine Tai will host European Commission Executive Vice Presidents Margrethe Vestager and Valdis Dombrovskis, another person said.
- As reported earlier, Senator Jerry Moran (R-KS) is urging the Biden Administration to repeal the tariffs imposed by the Trump administration on Chinese goods. The senator contended in a letter to Commerce Secretary Raimondo and U.S. Trade Representative Tai that the tariffs created a situation where “steel prices have risen by nearly 400 percent.” He stated that even after three years of the tariffs being in place, domestic supply of steel has not increased to meet with demand, which has resulted in “costing my state (Kansas) jobs and economic growth opportunities.” He stressed that in line with the large infrastructure deal, it is important that American manufacturers have access to cheaper steel. A failure to bring down prices “will diminish the impact of the infrastructure investments by shrinking the number of projects that can be completed.”
The Biden Administration signaled it may consider the opportunity to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). Responding to the recent announcement that China has officially submitted a bid to formally join the CPTPP, Jen Psaki, White House press secretary, said the administration is examining a “range of options” when asked if the U.S. would join the CPTPP. “Trade is not the only one,” she said. “We’re going to continue to work with other countries in the region on economic partnerships and relationships, and if there’s an opportunity to negotiate, then that could be a discussion we could be a part of.” She noted that President Biden has been clear that “we have to join with the 40 percent of the world that we had with us for the deal and make sure environmentalists and labor are at the table, so obviously there’d be a lot of steps to be taken in order for that to be a viable option.” The U.S. is “obviously not there at this point,” she added. “I was just conveying we don’t see trade as the only path forward.”

Earlier in the year, several lawmakers called on the Biden administration to join CPTPP, arguing that the previous White House made a huge mistake in pulling out of the trade pact. Tom Carper (D-Del) and John Cornyn (R-Texas) penned an opinion piece in the Washington Post contending the U.S. should take a leadership role in the Asia Pacific region, especially with China intending to join the CPTPP. “Compromises are made in any trade deal, and the TPP was no different,” the senators wrote. “But to even have a shot at writing the rules, you need a seat at the table. Right now, the United States is waiting in the hallway.”

Anne-Marie Trevelyan, the former International Development Minister, has become the new Secretary of State for International Trade, replacing Liz Truss who has been promoted to the role of Foreign Secretary, the U.K. announced last week. Trevelyan will lead the Department for International Trade (DIT) as it pursues new free trade agreements and promotes U.K. exports. “Ms. Trevelyan is joining at a pivotal time. With the UK’s trade policy capability now firmly established, we need to move into a new phase in which we will look to build on our undoubted strengths and grow the UK’s share of world trade, as well as the number of U.K. businesses who trade internationally,” the U.K. government said in a statement.

Trevelyan was the last head of the Department for International Development (DFID) before it was merged with the Foreign and Commonwealth Office (FCO). After leaving the Cabinet following the merger, she was appointed Minister for Business, Energy and Clean Growth at the Department of Business, Energy and Industrial Strategy (BEIS). Truss was promoted to Secretary of State for Foreign, Commonwealth, and Development Affairs by Prime Minister Boris Johnson from her former role leading the DIT.

Trevelyan will inherit several ongoing U.K. trade agreement pursuits, including a bid to join the CPTTP. Earlier former U.K. trade secretary Liz Truss stated during an interview with the Financial Times that the U.K. aims to complete negotiations to join the CPTTP by the end of 2022, and that the U.S. could be persuaded to rejoin the bloc. Truss expressed that a shift of the Biden Administration towards rejoining the CPTTP could signal a willingness towards U.S.-U.K. trade negotiations. She spoke of the U.S. rejoining the CPTTP, noting that, “The United States was one of the initial parties in the Trans-Pacific Partnership, and the new administration has not indicated they want to join it. But who knows what might happen in the future.”

Ambassador Katherine Tai extended a congratulations to her new U.K. counterpart twitter, writing, “I look forward to our engagement as we continue to deepen the important US-UK trade relationship.” Ambassador Tai and Secretary Trevelyan are scheduled to meet virtually Monday.

Separately, Nancy Pelosi last week warned there will be no trade deal between the U.K. and U.S. if Brexit tensions between Britain and the EU damage peace in Northern Ireland. Pelosi told the Chatham House think tank during a visit to London that her comment was “not a threat, it’s a prediction.” Pelosi also met
UK Prime Minister Boris Johnson in Downing Street, just days before the prime minister is set to meet U.S. President Joe Biden in the White House. Ambassador Katherine Tai continues to reiterate that USTR is assessing the progress of previous negotiating rounds under bilateral trade talks with the U.K. and Kenya that started under the Trump Administration.

**U.S. – EU Trade**

- The Biden administration announced a new agriculture productivity coalition to counter the EU farm to fork initiative. USDA Secretary Tom Vilsack indicated that the U.S. is starting a new “coalition for productivity growth,” which will launch at the at the United Nations Food Systems Summit this week. Brazil has expressed interest in joining the coalition, and other prime candidates to join the coalition include Canada, Mexico and other South American countries. The coalition for productivity growth seeks to foster support and enhanced application of innovative technologies in food and agriculture production. The U.S. and some countries have raised concerns with the EU’s farm to fork strategy, which targets deep cuts in the use of pesticides and fertilizer, which could lead to a drop in output and increased food prices, according to many food and agriculture stakeholders.

- EU officials are warning that the upcoming US-European Union Trade and Technology Council (TTC) meetings should not become an anti-China forum or used as a platform for confronting China's trade practices. EU officials have been identifying areas in which the council can produce real results, David Ringrose, deputy director general at the European Commission’s Directorate-General for Communications Networks, Content and Technology, said during a Sept. 15 Commission meeting. EU officials contend the U.S., and the EU should target deliverables in the areas of semiconductors and standards-setting at the first council meeting, some issues -- including a digital Privacy Shield framework successor as well as foreign policy discussions on China -- are not on the agenda for the council.

- The first meeting for the newly create TTC will be held in Pittsburg, PA on September 29th, the White House announced earlier. Secretary of State Antony Blinken, Secretary of Commerce Gina Raimondo and Ambassador Katherine Tai will host European Commission Executive Vice Presidents Margrethe Vestager and Valdis Dombrovskis. Ten working groups have been established under the TTC to address issues including technology standards cooperation, supply chain security, climate and green technology, ICT security and competitiveness, data governance and technology platforms, the misuse of technology threatening security and human rights, export controls, investment screening, global trade challenges, and access to, and use of, digital technologies by small and medium enterprises. The TTC was created with the aim of expanding and deepening trade and transatlantic investment ties and updating the rules of the road for the 21st century economy.

**U.S. – Kenya Trade**

- While the Biden Administration continues its review of the Kenyan FTA negotiations made under the Trump Administration, many business groups and lawmakers are complaining about a lack of clarity from the current administration. Scott Eisner, president of the U.S.-Africa Business Center at the U.S. Chamber of Commerce discussed that while the U.S. and Kenya are “keeping the channels open” during the review, the length and lack of clarity throughout the review has sparked concern of a “drift” occurring between the two countries. Eisner says that the Biden Administration, while still not giving any indication on its conclusion of the review, is giving “encouragement that the technical teams continue some sort of conversation.”

- As noted earlier, seven Republican senators, led by Senator Jim Inhofe, sent a letter to Ambassador Tai to prioritize the resumption of negotiations towards a bilateral free trade agreement with Kenya. The August 20th letter cited many benefits for a potential U.S.-Kenya FTA. First, the senators cited how the agreement would further relationships in Africa, building upon relationships already developed through AGOA, as well as help serve as a model for FTAs with other African countries. Second, there are numerous economic opportunities that could come with opening trade with Kenya, a nation that has an average GDP growth of 5.8 percent. Finally, the senators discussed how closer African ties would strengthen U.S. security interests.
in the region. The senators' stated “A U.S.-Kenya FTA presents substantial long-term benefits for the United States, Kenya and the Horn of Africa.”

- Started under the Trump administration, U.S.– Kenya talks are indefinitely paused as Biden administration reviews progress on the two rounds of trade negotiations with Kenya in 2020. USTR Katherine Tai earlier indicated she is reviewing the negotiations to “ensure that any agreement aligns with the Biden-Harris Administration’s Build Back Better agenda,” according to a USTR statement. Earlier USDA Secretary Vilsack expressed his optimism that the Biden Administration will move forward with the Kenya trade talks although he did not specify a time frame.

**Biden Transition**

- President Biden intends to nominate Elaine Trevino, to serve as Chief Agricultural Negotiator at the Office of USTR the White House said last Monday. Ms. Trevino presently serves as the president of the Almond Alliance of California, a trade association that “advocates on regulatory and legislative issues in areas of international trade, food safety, water quality and availability, crop protection, air quality, worker safety, supply chain and feed quality,” the White House said in the announcement. Trevino is a former deputy secretary at the California Department of Food and Agriculture, where she was responsible for the oversight of international export and trade programs. She also is a member of the Agriculture Department’s Agriculture Policy Advisory Committee. The White House statement noted, “As the leader of an organization that advocates for California’s leading agricultural export, Elaine understands tariff and nontariff barriers to trade and the importance of maintaining America’s strong trade agreements and global positioning.” The statement added that Trevino has experience addressing retaliatory tariffs, technical sanitary and phytosanitary barriers as well as port congestion and supply chain disruptions.

- Ambassador Tai lauded the selection of Trevino and her robust agriculture background in a tweet.

> **Ambassador Katherine Tai @AmbassadorTai · 17h**
>
> Very excited about POTUS’ nomination of Elaine Trevino for Chief Agricultural Negotiator. A strong domestic agriculture industry increases our global competitiveness - I am thrilled for her to join our team & look forward to all she will do for farmers and agriculture workers.

- The announcement of the Chief Agricultural Negotiator completes nominations for all USTR deputy-level positions, with each at various stages in the confirmation process (See Trade Nominee Tracker on last page). Farthest along are nominees Sarah Bianchi and Jayme White, who have cleared the Senate Finance committee vote, but await a full Senate confirmation. The two other deputies, Marla Pagán and Christopher Wilson, ambassador to the World Trade Organization and chief intellectual property negotiator, respectively, await scheduling of their hearing before the Senate Finance Committee.

- In the same White House press release, President Bident announced another key trade nominee, Marisa Lago for undersecretary of Commerce for international trade. Before her stint at the Treasury Department, she served as president of the Empire State Development Corporation, where she was responsible for construction of Brooklyn Bridge Park and the renovation of the Javits Center. Ms. Lago is director of the New York City Department of City Planning. She previously served in the Obama administration as the U.S. Department of the Treasury’s assistant secretary for international markets and development, where she oversaw development activities for the World Bank. Lago also spent five years as the global head of compliance for Citigroup’s investment bank, and, before that, she headed the Office of International Affairs at the Securities and Exchange Commission.
WTO

- Negotiations over fishery subsidies remain a key hurdle in WTO talks, with multiple members still far apart from finding common ground. The fisheries talks restarted in early September after an August break, with a focus on trying to improve the text leading up to the 12th ministerial conference (MC12). The key challenge in the current negotiation focuses on carveouts and exemptions on limitations of harmful fisheries subsidies based around sustainability and developing country assistance. These carveouts illustrate drastically different views between WTO members, with the U.S. criticizing sustainability exemptions as likely to end up as a large loophole, developing countries such as India insisting they need broad special and differential treatment, and the EU highlighting the merits that some subsidies can incentivize sustainability. Countries involved in the talks have said they want a deal finalized before MC12 on November 29th.

- WTO Director-General Ngozi Okonjo-Iweala will visit Washington and New York to meet with key officials hoping to ensure a positive outcome at the 12th ministerial conference (MC12) in Geneva, as large gaps in remain in several negotiating areas. With less than three months until MC12, WTO members and leadership are increasingly attempting to manage expectations for modest outcomes. The uncertainty of the global pandemic, which remains uncontained in many countries and new surges of COVID variants may complicate the planned in-person MC12 meetings in Geneva, Switzerland during Nov. 30th thru December 3rd. The primary outcome WTO leaders are expecting will revolve around fishery subsidies, responding to the pandemic and mitigating its impact on global trade, and agriculture subsidies and transparency, according to reports.

- As noted above, the WTO has decided to hold their ministerial conference (MC12) in-person, formally sending a letter inviting representatives to Geneva with some restrictions. According to the letter, each country's delegation size will be limited to just four representatives, and each meeting will only be able to include two of those four representatives. The current details surrounding the meeting could still change though depending on how the COVID-19 pandemic evolves.

Ag Economy Barometer

- The Ag Economy Barometer index ticked up modestly in August after previous months of sharp decline. The August index rose 4 points, reaching an index of 138, well below the high of early 2021. Producers’ optimism in August improved modestly as farmers indicated they expect profitability this year to be better than a year earlier. Farmer concerns with rising input costs continue to weigh on views of farm profitability, despite higher prices for many crops.
## Status Report

### Biden Trade & Agriculture Nominees

#### U.S. Trade Representative
- **Katherine Tai**
  - U.S. Trade Representative
- **Maria Luiza Pagan**
  - Deputy U.S. Trade Representative and Representative of the U.S. to the World Trade Organization, Geneva

#### Department of Commerce
- **Gina Raimondo**
  - Secretary, Department of Commerce
- **Don Graves**
  - Deputy Secretary, Department of Commerce
- **Thea Kendall**
  - Assistant Secretary for Export Administration
- **Arun Venkataraman**
  - Assistant Secretary for Global Markets and Director General for the United States and Foreign Commercial Service
- **Marisa Lago**
  - Undersecretary for International Trade

#### Department of Agriculture
- **Tom Vilsack**
  - Secretary, Department of Agriculture
- **Jewel H. Bronaugh**
  - Deputy Secretary, Department of Agriculture
- **Robert Bonnie**
  - Undersecretary for Farm Production and Conservation
- **Chavinda Jacobs Young**
  - Undersecretary for Research, Education and Economics
- **No Nominee**
  - Undersecretary of Trade and Foreign Agricultural Affairs

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<th>Announced</th>
<th>At the Senate Hearing</th>
<th>Committee Vote</th>
<th>Confirmation</th>
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**CRA Corn Recovery Association**