

104TH CONGRESS
1ST SESSION

H. R. 1626

To provide for the adjustment in the rate of duty for tomatoes imported from Mexico to take into account changes in the value of Mexican currency with respect to the United States dollar, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1995

Mr. FOLEY introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the adjustment in the rate of duty for tomatoes imported from Mexico to take into account changes in the value of Mexican currency with respect to the United States dollar, 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. ADJUSTMENT OF THE RATE OF DUTY ON CER-**
4 **TAIN TOMATO IMPORTS.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, in the case of agricultural products described
7 in subheadings 9906.07.01 through 9906.07.08 of the

1 Harmonized Tariff Schedule of the United States that are
2 products of Mexico, the rate of duty on such products en-
3 tered, or withdrawn from warehouse for consumption—

4 (1) during the 3-month period beginning 5 days
5 after the date of the enactment of this Act, shall be
6 the rate equal to the column 1 rate of such duty
7 multiplied by the percentage determined by divid-
8 ing—

9 (A) the value of the currency of Mexico
10 (stated in United States dollars) on January 1,
11 1994, by

12 (B) the value of the currency of Mexico
13 (stated in United States dollars) on the date of
14 the enactment of this Act; and

15 (2) during each 3-month period thereafter, shall
16 be the rate equal to the column 1 rate of such duty
17 multiplied by the percentage determined by divid-
18 ing—

19 (A) the value of the currency of Mexico
20 (stated in United States dollars) on the first
21 day of the preceding 3-month period, by

22 (B) the value of the currency of Mexico
23 (stated in United States dollars) on the last day
24 of the preceding 3-month period.

1 (b) CALCULATION OF 3-MONTH PERIODS.—For pur-
2 poses of subsection (a), references to the “preceding 3-
3 month period” refer to the 3-month period ending 5 days
4 before the beginning of the 3-month period for which a
5 rate of duty is calculated under subsection (a).

6 **SEC. 2. APPLICABILITY.**

7 Section 1 applies with respect to goods entered, or
8 withdrawn from warehouse for consumption, on or after
9 the 5th day after the date of the enactment of this Act.

10 **SEC. 3. ACTION BY SECRETARY OF AGRICULTURE.**

11 (a) DETERMINATION OF HARM; REMEDIES.—The
12 Secretary of Agriculture shall determine, not later than
13 3 months after the date of the enactment of this Act, the
14 nature and extent of the harm to the domestic winter to-
15 mato industry as a result of the devaluation in the Mexi-
16 can peso that began in December 1994, and the Secretary
17 shall, immediately upon making such determination, exer-
18 cise the authorities the Secretary has to remedy such
19 harm.

20 (b) REPORT TO CONGRESS.—The Secretary of Agri-
21 culture shall, not later than 6 months after the date of
22 the enactment of this Act, report to the Congress on the
23 determination under subsection (a) and any action taken
24 pursuant to that determination.

1 **SEC. 4. AUTHORITY FOR IMPORT RESTRICTIONS.**

2 (a) AUTHORITY TO IMPOSE RESTRICTIONS.—Section
3 8e of the Agricultural Adjustment Act (7 U.S.C. 608e–
4 1) is amended—

5 (1) in subsection (a) by inserting “containers,”
6 after “size,” each place it appears; and

7 (2) by striking subsections (c) and (d).

8 (b) IMPOSITION OF REGULATORY REQUIREMENTS.—
9 For purposes of applying section 8e of the Agricultural
10 Adjustment Act, imports of tomatoes from Mexico shall
11 be prohibited that do not meet the specific requirements
12 with respect to grade, size, and containers set forth in sec-
13 tion 960.323 of title 7, Code of Federal Regulations, for
14 such period as such requirements, and any modifications
15 thereto, are in effect.

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