

106TH CONGRESS  
1ST SESSION

# H. R. 1361

To bar the imposition of increased tariffs or other retaliatory measures against the products of the European Union in response to the banana regime of the European Union.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1999

Ms. WATERS (for herself, Mrs. MEEK of Florida, Ms. KAPTUR, Mr. BONIOR, Mrs. MALONEY of New York, Mr. DEFazio, Mr. PAYNE, Mr. FATTAH, Ms. BROWN of Florida, Mr. CLYBURN, Ms. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. OWENS, and Mr. TOWNS) introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To bar the imposition of increased tariffs or other retaliatory measures against the products of the European Union in response to the banana regime of the European Union.

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. FINDINGS.**

4       The Congress makes the following findings:

5           (1) The United States Trade Representative  
6       announced on March 3, 1999, a decision to impose  
7       contingent liability for 100 percent duties and begin

1 withholding liquidation on imports of selected prod-  
2 ucts from the European Union in response to alleged  
3 harm caused by the banana regime of the European  
4 Union.

5 (2) The United States does not export bananas,  
6 and no jobs in the United States have been lost as  
7 a result of the banana regime.

8 (3) The Caribbean countries that benefit from  
9 the banana regime of the European Union comprise  
10 less than 10 percent of the European market.

11 (4) Chiquita Brands is the only company that  
12 claims to have been harmed by the banana regime,  
13 and Chiquita Brands' market share in Europe is  
14 nevertheless much larger than that of the Caribbean  
15 countries that benefit from the banana regime.

16 (5) The sanctions being imposed will affect a  
17 wide variety of imports enjoyed by consumers in the  
18 United States, including certain swine meats,  
19 cheeses, sweet biscuits, bath preparations, candles,  
20 handbags with plastic surfaces, paperboard, cash-  
21 mere sweaters and vests, cotton bed linen, lead-acid  
22 storage batteries, and electrothermic coffee and tea  
23 makers.

24 (6) Consumers who purchase these products  
25 could face significantly higher prices or shortages,

1 and the companies that import these products could  
2 face significant revenue losses and possible job losses  
3 as well.

4 (7) The European Union is likely to retaliate  
5 for these sanctions, placing prohibitive duties on an  
6 unknown variety of United States exports and caus-  
7 ing a trade war.

8 (8) Retaliatory sanctions on United States ex-  
9 ports could threaten the viability of numerous  
10 United States businesses and put countless Ameri-  
11 cans out of work.

12 (9) Most of the countries that benefit from the  
13 banana regime are small Caribbean democracies,  
14 and banana exports are vital to their economic, so-  
15 cial, and political stability.

16 (10) Without a viable banana industry, thou-  
17 sands of Caribbean farmers would have no means of  
18 support for their families.

19 (11) Displaced banana farmers in the Carib-  
20 bean region could turn to the production of illegal  
21 drugs as an alternative means of economic support,  
22 causing an increase in illegal drug trafficking into  
23 the United States.

24 (12) Displaced banana farmers in the Carib-  
25 bean region could also attempt to emigrate to the

1 United States themselves, causing a surge in illegal  
2 immigration.

3 (13) The stability of the Caribbean region is  
4 vital to the national interests of the United States.

5 **SEC. 2. BARRING OF ACTION BY UNITED STATES IN RE-**  
6 **SPONSE TO EU BANANA REGIME.**

7 (a) BARRING OF ACTION.—Subject to subsection (b),  
8 the United States Trade Representative, the United States  
9 Customs Service, and any other officer or agency of the  
10 United States—

11 (1) may not take any action to implement the  
12 decision of the Office of the Trade Representative  
13 announced on March 3, 1999, to withhold liquida-  
14 tion on imports valued at over \$500,000,000 of se-  
15 lected products of the European Union, and shall re-  
16 fund any bond or deposit given or duties paid by any  
17 importer before the enactment of this Act pursuant  
18 to such decision; and

19 (2) may not take any action to otherwise im-  
20 pose increased tariffs on, or impose other retaliatory  
21 measures against, products of the European Union  
22 in response to the banana regime of the European  
23 Union that is the subject of dispute proceedings, as  
24 of March 1, 1999, before the World Trade Organiza-  
25 tion, and shall refund any duties paid by any im-

1       porter before the enactment of this Act pursuant to  
2       any such action.

3       (b) REVOCATION OF RETALIATORY SANCTIONS BY  
4 EU.—If, before the enactment of this Act, the European  
5 Union imposes any increased tariffs on, or imposes other  
6 retaliatory measures against, products of the United  
7 States in response to the decision referred to in subsection  
8 (a)(1) or in reponse to any increased tariffs on, or other  
9 retaliatory measures against, products of the European  
10 Union imposed by the United States in response to the  
11 banana regime of the European Union described in sub-  
12 section (a)(2), then subsection (a) shall take effect only  
13 upon the certification by the President that the European  
14 Union has revoked such tariffs or other measures.

○