

108TH CONGRESS
1ST SESSION

H. R. 3620

To provide duty-free treatment for certain tuna.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2003

Mr. NEAL of Massachusetts introduced the following bill; which was referred
to the Committee on Ways and Means

A BILL

To provide duty-free treatment for certain tuna.

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. SHORT TITLE.**

4 This Act may be cited as the “Fair Trade in Pouch
5 Tuna Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) a strong relationship between the United
9 States and the member nations of the Association of
10 Southeast Asian Nations (ASEAN) is a force for
11 stability and development in the Southeast Asian re-

1 gion and international trade is a critical element of
2 this relationship;

3 (2) many of the ASEAN nations are important
4 friends and allies in the ongoing fight against world
5 terrorism;

6 (3) ASEAN nations provide a large portion of
7 the processed tuna imported into the United States;

8 (4) such imports are subject to tariffs, whereas
9 tuna in airtight pouches imported from the bene-
10 ficiary countries of the Andean Trade Promotion
11 and Drug Eradication Act (Andean) are not;

12 (5) as a result, tuna in airtight pouches im-
13 ported from ASEAN member nations is placed at a
14 competitive disadvantage that has harmed the econo-
15 mies of these nations and that will ultimately harm
16 consumers in the United States; and

17 (6) eliminating tariffs on pouch tuna imported
18 from the ASEAN countries in a quantity equal to
19 the quantity imported from Andean countries will re-
20 store fair trade in the pouch tuna market and will
21 benefit United States consumers and the economies
22 of the ASEAN nations.

1 **SEC. 3. MODIFICATION OF DUTY TREATMENT FOR CERTAIN**
 2 **TUNA.**

3 (a) IN GENERAL.—Subchapter II of chapter 99 of
 4 the Harmonized Tariff Schedule of the United States is
 5 amended by inserting in numerical sequence the following
 6 new heading:

“	9902.16.04	Tuna in foil or other flexible containers weighing with their contents not more than 6.8 kg each (provided for in subheading 1604.30.91)	No change	Free, if the product of a country listed in U.S. Note 17 to this subchapter and in the quan- tity provided for in such Note.	No change	On or before 12/31/2006	”.
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7 (b) ASEAN COUNTRIES.—The U.S. Notes to sub-
 8 chapter II of chapter 99 of the Harmonized Tariff Sched-
 9 ule of the United States are amended by adding at the
 10 end the following:

11 “17. For purposes of heading 9902.16.04:

12 “(a) Products of the following countries are eli-
 13 gible to enter at the special rate of duty set forth
 14 in such subheading: Brunei, Cambodia, Indonesia,
 15 Laos, Malaysia, Philippines, Singapore, Thailand,
 16 and Vietnam.

17 “(b) The aggregate quantity of tuna entered
 18 under subheading 9902.16.04 during any calendar

1 year shall be limited to the quantity of tuna entered
2 free of duty from an ATPDEA beneficiary country
3 (as defined in section 204(b)(6)) of the Andean
4 Trade Preference Act (19 U.S.C. 3202(b)(6)) and
5 designated in Note 11(d) of this Schedule) during
6 the preceding calendar year pursuant to section
7 204(b)(4) of the Andean Trade Preference Act (19
8 U.S.C. 3202(b)(4)).

9 “(c) The products of a country listed under
10 subsection (a) shall be eligible to enter at the special
11 rate of duty set forth in such subheading only if—

12 “(1) the processing of the products is carried
13 out entirely in that country;

14 “(2) the harvesting of the tuna complies with
15 the International Dolphin Consortium Program im-
16 plemented under title III of the Marine Mammal
17 Protection Act of 1972 (16 U.S.C. 1411 et seq.);
18 and

19 “(3) that country provides and enforces inter-
20 nationally recognized worker rights and environ-
21 mental protections.”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section apply to goods entered, or withdrawn from

- 1 warehouse, for consumption on or after the 15th day after
- 2 the date of enactment of this Act.

