

108TH CONGRESS  
1ST SESSION

# S. 1739

To provide duty-free treatment for certain tuna.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2003

Mr. KERRY (for himself and Mr. KENNEDY) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## 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 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 quantity 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. The term does not include the Union  
 17 of Myanmar.

18 “(b) The aggregate quantity of tuna entered  
 19 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) EFFECTIVE DATE.—The amendments made by  
10 this section apply to goods entered, or withdrawn from  
11 warehouse, for consumption on or after the 15th day after  
12 the date of enactment of this Act.

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