

109TH CONGRESS
1ST SESSION

S. 599

To provide duty-free treatment for certain tuna.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2005

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

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 2005”.

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) many nations in the ASEAN region were di-
7 rectly impacted by the December 26, 2004, earth-
8 quake off the west coast of Northern Sumatra, Indo-
9 nesia, which unleashed a devastating tsunami that
10 killed more than 160,000 people and resulted in un-
11 told economic damage;

12 (4) even though a robust international relief ef-
13 fort has been launched, all measures, large and
14 small, that impact this region should be considered
15 as part of that relief effort;

16 (5) ASEAN nations provide a large portion of
17 the processed tuna imported into the United States;

18 (6) such imports are subject to tariffs whereas
19 tuna in airtight pouches imported from the bene-
20 ficiary countries of the Andean Trade Promotion
21 and Drug Eradication Act (Andean) are not;

22 (7) as a result, tuna in airtight pouches im-
23 ported from ASEAN member nations is placed at a
24 competitive disadvantage that has harmed the econo-

1 mies of these nations and that will ultimately harm
 2 consumers in the United States; and

3 (8) eliminating tariffs on pouch tuna imported
 4 from the ASEAN countries in a quantity equal to
 5 the quantity imported from Andean countries will re-
 6 store fair trade in the pouch tuna market and will
 7 benefit United States consumers and the economies
 8 of the ASEAN nations.

9 **SEC. 3. MODIFICATION OF DUTY TREATMENT FOR CERTAIN**
 10 **TUNA.**

11 (a) IN GENERAL.—Subchapter II of chapter 99 of
 12 the Harmonized Tariff Schedule of the United States is
 13 amended by inserting in numerical sequence the following
 14 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 18 to this subchapter and in the quantity provided for in such Note	No change	On or before 12/31/2008	”.
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15 (b) ASEAN COUNTRIES.—The U.S. Notes to sub-
 16 chapter II of chapter 99 of the Harmonized Tariff Sched-
 17 ule of the United States are amended by adding at the
 18 end the following:

19 “18. For purposes of heading 9902.16.04:

1 “(a) Products of the following countries are eli-
2 gible to enter at the special rate of duty set forth
3 in such subheading: Brunei, Cambodia, Indonesia,
4 Laos, Malaysia, Philippines, Singapore, Thailand,
5 and Vietnam. The special rate of duty does not
6 apply to the Union of Myanmar.

7 “(b) The aggregate quantity of tuna entered
8 under subheading 9902.16.04 during any calendar
9 year shall be limited to the quantity of tuna entered
10 free of duty from an ATPDEA beneficiary country
11 (as defined in section 204(b)(6)) of the Andean
12 Trade Preference Act (19 U.S.C. 3202(b)(6)) and
13 designated in Note 11(d) of this Schedule) during
14 the preceding calendar year pursuant to section
15 204(b)(4) of the Andean Trade Preference Act (19
16 U.S.C. 3202(b)(4)).

17 “(c) The products of a country listed under
18 subsection (a) shall be eligible to enter at the special
19 rate of duty set forth in such subheading only if
20 such country provides and enforces internationally
21 recognized worker rights and environmental protec-
22 tions.”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 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.

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