

107TH CONGRESS
1ST SESSION

S. 847

To impose tariff-rate quotas on certain casein and milk protein concentrates.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2001

Mr. DAYTON (for himself, and Mr. FEINGOLD, Mr. KOHL, Mr. WELLSTONE, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To impose tariff-rate quotas on certain casein and milk protein concentrates.

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. IMPOSITION OF TARIFF-RATE QUOTAS ON CER-**

4 **TAIN CASEIN AND MILK CONCENTRATES.**

5 (a) CASEIN AND CASEIN PRODUCTS.—

6 (1) IN GENERAL.—The Additional U.S. notes to
7 chapter 35 of the Harmonized Tariff Schedule of the
8 United States are amended—

1 (A) in note 1, by striking “subheading
2 3501.10.10” and inserting “subheadings
3 3501.10.05, 3501.10.15, and 3501.10.20”; and

4 (B) by adding at the end the following new
5 note:

6 “2. The aggregate quantity of casein, caseinates, milk
7 protein concentrate, and other casein derivatives entered
8 under subheadings 3501.10.15, 3501.10.65, and
9 3501.90.65 in any calendar year shall not exceed
10 54,051,000 kilograms. Articles the product of Mexico shall
11 not be permitted or included under this quantitative limi-
12 tation and no such article shall be classifiable therein.”.

13 (2) RATES FOR CERTAIN CASEINS, CASEINATES,
14 AND OTHER DERIVATIVES AND GLUES.—Chapter 35
15 of the Harmonized Tariff Schedule of the United
16 States is amended by striking subheadings 3501.10
17 through 3501.90.60, inclusive, and inserting the fol-
18 lowing new subheadings with article descriptions for
19 subheadings 3501.10 and 3501.90 having the same
20 degree of indentation as the article description for
21 subheading 3502.20.00:

3501.10	Casein:			
3501.10.05	Milk protein concentrate: Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J, MX)	12¢/kg
3501.10.15	Described in additional U.S. note 2 to this chapter and entered ac- cording to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J)	12¢/kg
3501.10.20	Other	\$2.16/kg	Free (MX)	\$2.81/kg
	Other:			

3501.10.55	For industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food	Free	Free (A*, CA, E, IL, J, MX)	Free
	Other:			
3501.10.60	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	Free	Free (A*, CA, E, IL, J, MX)	12¢/kg
3501.10.65	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J)	12¢/kg
3501.10.70	Other	\$2.16/kg	Free (MX)	\$2.81/kg
3501.90	Other:			
3501.90.05	Casein glues	6%	Free (A*, CA, E, IL, J, MX)	30%
	Other:			
3501.90.30	For industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food	6%	Free (A*, CA, E, IL, J, MX)	30%
	Other:			
3501.90.55	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J, MX)	12.1¢/kg
3501.90.65	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J)	12.1¢/kg
3501.90.70	Other	\$2.16/kg	Free (MX)	\$2.81/kg

1 (b) MILK PROTEIN CONCENTRATES.—

2 (1) IN GENERAL.—The Additional U.S. notes to
3 chapter 4 of the Harmonized Tariff Schedule of the
4 United States are amended—

5 (A) in note 13, by striking “subheading
6 0404.90.10” and inserting “subheadings
7 0404.90.05, 0404.90.15, and 0404.90.20”; and

8 (B) by adding at the end the following new
9 note:

10 “27. The aggregate quantity of milk protein con-
11 centrates entered under subheading 0404.90.15 in any
12 calendar year shall not exceed 15,818,000 kilograms. Arti-

cles the product of Mexico shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.”.

(2) RATES FOR CERTAIN MILK PROTEIN CONCENTRATES.—Chapter 4 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 0404.90 through 0404.90.10, inclusive, and inserting the following new subheadings with the article description for subheading 0404.90 having the same degree of indentation as the article description for subheading 0405.10 and the article description for subheadings 0404.90.05, 0404.90.15, and 0404.90.20 having the same degree of indentation as the article description for subheading 0405.20.40:

0404.90	Other:				
0404.90.05	Milk protein concentrates: Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J, MX)	12¢/kg	
0404.90.15	Described in additional U.S. note 27 to this chapter and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J)	12¢/kg	
0404.90.20	Other	\$1.56/kg	Free (MX)	\$2.02/kg	”.

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the first day of the first month after the date that is 15 days after the date of enactment of this Act.

1 **SEC. 2. COMPENSATION AUTHORITY.**

2 (a) IN GENERAL.—If the provisions of section 1 re-
3 quire, the President—

4 (1) may enter into a trade agreement with any
5 foreign country or instrumentality for the purpose of
6 granting new concessions as compensation in order
7 to maintain the general level of reciprocal and mutu-
8 ally advantageous concessions; and

9 (2) may proclaim such modification or continu-
10 ance of any existing duty, or such continuance of ex-
11 isting duty-free or excise treatment, as the President
12 determines to be required or appropriate to carry
13 out any such agreement.

14 (b) LIMITATIONS.—

15 (1) IN GENERAL.—No proclamation shall be
16 made pursuant to subsection (a) decreasing any rate
17 of duty to a rate which is less than 70 percent of
18 the existing rate of duty.

19 (2) SPECIAL RULE FOR CERTAIN DUTY REDUC-
20 TIONS.—If the rate of duty in effect at any time is
21 an intermediate stage under section 1102(a) of the
22 Omnibus Trade and Competitiveness Act of 1988,
23 the proclamation made pursuant to subsection (a)
24 may provide for the reduction of each rate of duty
25 at each such stage proclaimed under section 1102(a)
26 by not more than 30 percent of such rate of duty,

1 and may provide for a final rate of duty which is not
2 less than the 70 percent of the rate of duty pro-
3 claimed as the final stage under section 1102(a).

4 (3) ROUNDING.—If the President determines
5 that such action will simplify the computation of the
6 amount of duty computed with respect to an article,
7 the President may exceed the limitations provided in
8 paragraphs (1) and (2) by not more than the lesser
9 of—

10 (A) the difference between such limitation
11 and the next lower whole number, or

12 (B) one-half of one percent ad valorem.

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