

109TH CONGRESS
1ST SESSION

S. 1417

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

IN THE SENATE OF THE UNITED STATES

JULY 18, 2005

Mr. CRAIG (for himself, Mrs. CLINTON, Mr. DAYTON, Mr. DOMENICI, Mr. JOHNSON, and Mr. SPECTER) 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. SHORT TITLE.**

4 This Act may be cited as the “Milk Import Tariff
5 Equity Act”.

6 **SEC. 2. IMPOSITION OF TARIFF-RATE QUOTAS ON CERTAIN**

7 **CASEIN AND MILK CONCENTRATES.**

8 (a) CASEIN AND CASEIN PRODUCTS.—

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

4 (A) in note 1, by striking “subheading
5 3501.10.10” and inserting “subheadings
6 3501.10.05, 3501.10.15, and 3501.10.20”; and

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

9 “2. The aggregate quantity of casein, caseinates, milk
10 protein concentrate, and other casein derivatives entered
11 under subheadings 3501.10.15, 3501.10.65, and
12 3501.90.65 in any calendar year shall not exceed
13 55,477,000 kilograms. Articles the product of Mexico shall
14 not be permitted or included under this quantitative limi-
15 tation and no such article shall be classifiable therein.”.

16 (2) RATES FOR CERTAIN CASEINS, CASEINATES,
17 AND OTHER DERIVATIVES AND GLUES.—Chapter 35
18 of the Harmonized Tariff Schedule of the United
19 States is amended by striking subheadings 3501.10
20 through 3501.90.60 and inserting the following new
21 subheadings, with the article descriptions for sub-
22 headings 3501.10 and 3501.90 having the same de-
23 gree of indentation as the article description for sub-
24 heading 3502.20.00:

“	3501.10	Casein:			
		Milk protein concentrate:			
	3501.10.05	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J, JO, MX)	12¢/kg
	3501.10.15	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, JO)	12¢/kg
	3501.10.20	Other	\$2.16/kg	Free (MX)	\$2.81/kg
		Other:			
	3501.10.55	Suitable only for industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food	Free		Free
		Other:			
	3501.10.60	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J, JO, 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, JO)	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) 1.5% (JO)	30%
		Other:			
	3501.90.30	Suitable only 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) 1.5% (JO)	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, JO, 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, JO)	12.1¢/kg
	3501.90.70	Other	\$2.16/kg	Free (MX)	\$2.81/kg
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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

1 (B) by adding at the end the following new
2 note:

3 “27. The aggregate quantity of milk protein con-
4 centrates entered under subheading 0404.90.15 in any
5 calendar year shall not exceed 18,488,000 kilograms. Arti-
6 cles the product of Mexico shall not be permitted or in-
7 cluded under this quantitative limitation and no such arti-
8 cle shall be classifiable therein.”

9 (2) RATES FOR CERTAIN MILK PROTEIN CON-
10 CENTRATES.—Chapter 4 of the Harmonized Tariff
11 Schedule of the United States is amended by strik-
12 ing subheadings 0404.90 through 0404.90.10 and
13 inserting the following new subheadings, with the ar-
14 ticle description for subheading 0404.90 having the
15 same degree of indentation as the article description
16 for subheading 0404.10 and with the article descrip-
17 tions for subheadings 0404.90.05, 0404.90.15, and
18 0404.90.20 having the same degree of indentation as
19 the article description for subheading 0405.20.40:

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

20 (c) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendments made by
2 this section apply to goods entered, or withdrawn
3 from warehouse for consumption, on or after the
4 first day of the first month after the date that is 90
5 days after the date of enactment of this Act.

6 (2) TRANSITIONAL PROVISIONS.—

7 (A) CHAPTER 35.—Notwithstanding the
8 amendments made by subsection (a)(1)(B) of
9 this section, in the case of any calendar year
10 that includes the effective date described in
11 paragraph (1), the aggregate amount of casein,
12 caseinates, milk protein concentrate, and other
13 casein derivatives entered under subheadings
14 3501.10.15, 3501.10.65, and 3501.90.65 shall
15 not exceed an amount equal to 151,992 kilo-
16 grams multiplied by the number of calendar
17 days remaining in such year beginning with
18 such effective date.

19 (B) CHAPTER 4.—Notwithstanding the
20 amendments made by subsection (b)(1)(B) of
21 this section, in the case of any calendar year
22 that includes the effective date described in
23 paragraph (1), the aggregate amount of milk
24 protein concentrates entered under subheading
25 0404.90.15 shall not exceed an amount equal to

1 50,652 kilograms multiplied by the number of
2 calendar days remaining in such year beginning
3 with such effective date.

4 **SEC. 3. COMPENSATION AUTHORITY.**

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

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

12 (2) may proclaim such modification or continu-
13 ance of any general rate of duty, or such continu-
14 ance of duty-free or excise treatment, or any quan-
15 titative limitation, as the President determines to be
16 required or appropriate to carry out any such agree-
17 ment.

18 (b) LIMITATIONS.—

19 (1) IN GENERAL.—No proclamation shall be
20 made pursuant to subsection (a) decreasing any gen-
21 eral rate of duty to a rate which is less than 70 per-
22 cent of the existing general rate of duty.

23 (2) SPECIAL RULE FOR CERTAIN DUTY REDUC-
24 TIONS.—If the general rate of duty in effect is an
25 intermediate stage under an agreement in effect be-

1 fore August 6, 2002, under section 1102(a) of the
2 Omnibus Trade and Competitiveness Act of 1988 or
3 under an agreement entered into under section 2103
4 (a) or (b) of the Bipartisan Trade Promotion Au-
5 thority Act of 2002, the proclamation made pursu-
6 ant to subsection (a) may provide for the reduction
7 of each general rate of duty at each such stage by
8 not more than 30 percent of such general rate of
9 duty, and may provide for a final general rate of
10 duty which is not less than 70 percent of the general
11 rate of duty proclaimed as the final stage under
12 such agreement.

13 (3) ROUNDING.—If the President determines
14 that such action will simplify the computation of the
15 amount of duty computed with respect to an article,
16 the President may exceed the limitations provided in
17 paragraphs (1) and (2) by not more than the lesser
18 of—

19 (A) the difference between such limitation
20 and the next lower whole number, or

21 (B) one-half of 1 percent ad valorem.

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