111TH CONGRESS 1ST SESSION

H. R. 1309

To codify the definition of terms used in subheading 1604.14 of the Harmonized Tariff Schedule of the United States, relating to tuna products.

IN THE HOUSE OF REPRESENTATIVES

March 4, 2009

Mrs. Napolitano (for herself and Mr. Bilbray) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To codify the definition of terms used in subheading 1604.14 of the Harmonized Tariff Schedule of the United States, relating to tuna products.

- 1 Be it enacted by the Senate and House of Representa2 tives of the United States of America in Congress assembled,
 3 SECTION 1. FINDINGS.
 4 (1) Tuna fish canning is a vital industry to the
 5 United States.
 6 (2) To promote United States production, Congress has imposed higher tariffs on shelf-stable, re-
- tail ready tuna fish products than on raw or intermediate fish products.

- 1 (3) According to the original intent of Con-2 gress, the term "in airtight containers", as con-3 tained in subheading 1604.14 of the Harmonized 4 Tariff Schedule of the United States, has only cov-5 ered products in packages that are not permeable to 6 air and that are presented as a finished product for 7 consumption in shelf-stable containers (cans, glass 8 jars, and foil pouches).
- 9 (4) Congress seeks to codify the terms "in air10 tight containers" and "in bulk or in immediate con11 tainers weighing with their contents over 6.8 kg
 12 each", as provided for in subheading 1604.14 of the
 13 Harmonized Tariff Schedule of the United States, to
 14 reflect existing practice and promote public health
 15 and safety.

16 SEC. 2. DEFINITIONS.

- 17 (a) Definitions.—The Additional U.S. Notes to
- 18 chapter 16 of the Harmonized Tariff Schedule of the
- 19 United States are amended by adding at the end the fol-
- 20 lowing:
- 21 "4. For purposes of subheading 1604.14, the term
- 22 'in airtight containers' means containers that—
- 23 "(a) are heat sealed, and none of the contents
- have been pinched in the seal; and

- 1 "(b) have an oxygen transmission rate of less
- 2 than 1 ml per square meter in 24 hours in a dry
- 3 state at 20° Celsius.
- 4 "5. For purposes of subheading 1604.14, the term
- 5 'in bulk or in immediate containers weighing with their
- 6 contents over 6.8 kg each' includes product that is shipped
- 7 in plastic bags that are not airtight, or similar inter-
- 8 mediate containers, that are stacked in layers and placed
- 9 on pallets, or similar bulk containers, as long as the entire
- 10 pallet, or similar bulk container, with their contents weigh
- 11 over 6.8 kg.".
- 12 (b) Effective Date.—The amendment made by
- 13 subsection (a) applies to goods entered, or withdrawn from
- 14 warehouse for consumption, on or after the 15th day after
- 15 the date of the enactment of this Act.

 \bigcirc