

112TH CONGRESS  
1ST SESSION

# H. R. 2813

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

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 2011

Mr. WELCH introduced the following bill; which was referred to the Committee on Ways and Means

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## 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.—

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

1 (A) by striking “Additional U.S. Note”  
2 and inserting “Additional U.S. Notes”;

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

6 (C) by adding at the end the following new  
7 note:

8 “2. The aggregate quantity of casein, caseinates, milk  
9 protein concentrate, and other casein derivatives entered  
10 under subheadings 3501.10.15, 3501.10.65, and  
11 3501.90.65 in any calendar year shall not exceed 110 per-  
12 cent of the average quantity of such articles imported into  
13 the United States during the preceding 3 calendar years,  
14 as determined by the Secretary of Agriculture. Articles  
15 originating in a country with which the United States has  
16 a free trade agreement in force shall not be permitted or  
17 included under this quantitative limitation and no such ar-  
18 ticle shall be classifiable therein.”.

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

1 gree of indentation as the article description for sub-  
 2 heading 3502.20.00:

3501.10	Casein:			
	Milk protein concentrate:			
3501.10.05	Described in general note 15 to the tariff schedule and entered pursuant to its provisions .....	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, MX, SG) 0.2¢/kg (AU)	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, CL, E, IL, J, JO, SG) 0.2¢/kg (AU)	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 to the tariff schedule and entered pursuant to its provisions .....	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, MX, SG) 0.2¢/kg (AU)	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, CL, E, IL, J, JO, SG) 0.2¢/kg (AU)	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, CL, E, IL, J, JO, MX) 3% (SG) 4.5% (AU)	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, CL, E, IL, J, JO, MX, SG) 0.2¢/kg (AU)	30%
	Other: .....			
3501.90.55	Described in general note 15 to the tariff schedule and entered pursuant to its provisions .....	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, MX, SG) 0.2¢/kg (AU)	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, CL, E, IL, J, JO, SG) 0.2¢/kg (AU)	12.1¢/kg
3501.90.70	Other .....	\$2.16/kg	Free (MX)	\$2.81/kg

3 (b) MILK PROTEIN CONCENTRATES.—

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

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

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

9           “27. The aggregate quantity of milk protein con-  
10          centrates entered under subheading 0404.90.15 in any  
11          calendar year shall not exceed 110 percent of the average  
12          quantity of such articles imported into the United States  
13          during the preceding 3 calendar years, as determined by  
14          the Secretary of Agriculture. Articles originating in a  
15          country with which the United States has a free trade  
16          agreement in force shall not be permitted or included  
17          under this quantitative limitation and no such article shall  
18          be classifiable therein.”.

19           (2) RATES FOR CERTAIN MILK PROTEIN CON-  
20          CENTRATES.—Chapter 4 of the Harmonized Tariff  
21          Schedule of the United States is amended by strik-  
22          ing subheadings 0404.90 through 0404.90.10 and  
23          inserting the following new subheadings, with the ar-  
24          ticle description for subheading 0404.90 having the  
25          same degree of indentation as the article description

1 for subheading 0404.10 and with the article descrip-  
 2 tions for subheadings 0404.90.05, 0404.90.15, and  
 3 0404.90.20 having the same degree of indentation as  
 4 the article description for subheading 0405.20.40:

“0404.90	Other:				
	Milk protein concentrates:				
0404.90.05	Described in general note 15 to the tariff schedule and entered pursuant to its provisions .....	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, MX, SG) 0.2¢/kg (AU)		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, CL, E, IL, J, JO, SG) 0.2¢/kg (AU)		12¢/kg
0404.90.20	Other .....	\$1.56/kg	Free (MX)		\$2.02/kg

5 (c) EFFECTIVE DATE.—

6 (1) IN GENERAL.—The amendments made by  
 7 this section apply to—

8 (A) goods entered, or withdrawn from  
 9 warehouse for consumption, on or after the first  
 10 day of the first month after the date that is 90  
 11 days after the date of the enactment of this  
 12 Act; or

13 (B) if the President notifies Congress that  
 14 the international obligations of the United  
 15 States require the President to enter into nego-  
 16 tiations pursuant to an existing trade agree-  
 17 ment under section 3(a)(1), goods entered, or  
 18 withdrawn from warehouse for consumption, on  
 19 or after the first day of the first month after

1 the date that is 150 days after the date of the  
2 enactment of this Act.

3 (2) TRANSITIONAL PROVISIONS.—

4 (A) CHAPTER 35.—Notwithstanding Addi-  
5 tional U.S. note 2 to chapter 35 of the Har-  
6 monized Tariff Schedule of the United States  
7 (as added by subsection (a)(1)(C) of this sec-  
8 tion), in the case of any calendar year that in-  
9 cludes the effective date described in paragraph  
10 (1), the aggregate amount of casein, caseinates,  
11 milk protein concentrate, and other casein de-  
12 rivatives entered under subheadings  
13 3501.10.15, 3501.10.65, and 3501.90.65 shall  
14 not exceed an amount equal to—

15 (i) 110 percent of the average quan-  
16 tity of such articles imported into the  
17 United States during the preceding 3 cal-  
18 endar years, as determined by the Sec-  
19 retary of Agriculture; multiplied by

20 (ii) the quotient of—

21 (I) the number of calendar days  
22 remaining in such calendar year be-  
23 ginning with such effective date; di-  
24 vided by

25 (II) 365 days.

1 (B) CHAPTER 4.—Notwithstanding Addi-  
2 tional U.S. note 27 to chapter 4 of the Har-  
3 monized Tariff Schedule of the United States  
4 (as added by subsection (b)(1)(B) of this sec-  
5 tion), in the case of any calendar year that in-  
6 cludes the effective date described in paragraph  
7 (1), the aggregate amount of milk protein con-  
8 centrates entered under subheading 0404.90.15  
9 shall not exceed an amount equal to—

10 (i) 110 percent of the average quan-  
11 tity of such articles imported into the  
12 United States during the preceding 3 cal-  
13 endar years, as determined by the Sec-  
14 retary of Agriculture; multiplied by

15 (ii) the quotient of—

16 (I) the number of calendar days  
17 remaining in such calendar year be-  
18 ginning with such effective date; di-  
19 vided by

20 (II) 365 days.

21 **SEC. 3. COMPENSATION AUTHORITY.**

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

24 (1) may enter into a trade agreement, or enter  
25 into negotiations pursuant to an existing trade

1 agreement, with any foreign country or instrumen-  
2 tality for the purpose of granting new concessions as  
3 compensation in order to maintain the general level  
4 of reciprocal and mutually advantageous concessions;  
5 and

6 (2) may proclaim such modification or continu-  
7 ance of any general rate of duty, or such continu-  
8 ance of duty-free or excise treatment, or any quan-  
9 titative limitation, as the President determines to be  
10 required or appropriate to carry out any such agree-  
11 ment.

12 (b) LIMITATIONS.—

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

17 (2) SPECIAL RULE FOR CERTAIN DUTY REDUC-  
18 TIONS.—If the general rate of duty in effect is an  
19 intermediate stage under an agreement in effect be-  
20 fore August 6, 2002, under section 1102(a) of the  
21 Omnibus Trade and Competitiveness Act of 1988 or  
22 under an agreement entered into under section 2103  
23 (a) or (b) of the Bipartisan Trade Promotion Au-  
24 thority Act of 2002, the proclamation made pursu-  
25 ant to subsection (a) may provide for the reduction



1 of each general rate of duty at each such stage by  
2 not more than 30 percent of such general rate of  
3 duty, and may provide for a final general rate of  
4 duty which is not less than 70 percent of the general  
5 rate of duty proclaimed as the final stage under  
6 such agreement.

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

13 (A) the difference between such limitation  
14 and the next lower whole number, or

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

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