

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 110<sup>th</sup> Congress<sup>1</sup>**

[Date approved: October 7, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 5014 (Ms. Ellen Tauscher of California).

**Proponent name, location:** Various canned seafood distributors nationwide.<sup>3</sup>

**Other bills on product (110<sup>th</sup> Congress only):** None.

**Nature of bill:** Extension of temporary duty suspension through December 31, 2011.

**Retroactive effect:** None.

**Suggested article description(s) for enactment (including appropriate HTS subheading(s)):**

Oysters (other than smoked), prepared or preserved (provided for in subheading 1605.90.50).

**Check one:**     Same as that in bill as introduced  
                   Different from that in bill as introduced

**Product information, including uses/applications and source(s) of imports:**

The subheading covers oysters, prepared or preserved (except smoked oysters), thereby referring to those generally shipped in oil, vinegar, marinades, or other substances in airtight containers or in frozen, breaded form in any type of containers. According to the Explanatory Notes to the Harmonized System for this subheading, as issued by the World Customs Organization, these processed products may be boiled, steamed, grilled or otherwise cooked. Dutiable U.S. imports under this subheading in 2007 totaled 2.49 million kilograms, valued at \$8.6 million, compared with a 2004-06 annual average of 2.52 million kilograms, valued at \$8.5 million. The principal sources of U.S. imports of this product include Korea (accounting for about \$6.7 million), China (\$1.7 million), and Japan (\$213,000). U.S. production of canned oysters in 2006, as reported by the U.S. Department of Commerce, totaled just over 472,000 kilograms, valued at \$415,000 (about 5 percent of total supply).

<sup>1</sup> Industry analyst preparing report: Roger Corey (202-205-3327); Tariff Affairs contact: Jan Summers (202-205-2605).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://usitc.gov/tata/hts/other/rel\\_doc/bill\\_reports/index.htm](http://usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm)

<sup>3</sup> The sponsor did not identify an individual proponent of the bill or any additional beneficiaries.

**Estimated effect on customs revenue:**

<b>HTS subheading: 1605.90.50</b>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty (AVE)	4.7%	4.7%	4.7%	4.7%	4.7%
Estimated value <i>dutiable</i> imports	\$8,607,000	\$8,607,000	\$8,607,000	\$8,607,000	\$8,607,000
Customs revenue loss <sup>1/</sup>	\$0	\$404,529	\$404,529	\$404,529	\$404,529

<sup>1/</sup> There is an existing duty suspension under HTS heading 9902.23.07 that expires on December 31, 2009. Therefore, there will be no customs revenue loss related to this bill for 2009. Source of estimated dutiable import data: Official U.S. Government statistics.

**Contacts with domestic firms/organizations (including the proponent):**

Name of firm/organization	Date contacted	US production of same or competitive product claimed?	Submission attached?	Opposition noted?
		(Yes/No)		
National Fisheries Institute Government Affairs Office, McLean, VA 703-752-8880	April 1, 2008	No	No	No
Economics and Statistics Division, NOAA Fisheries, U.S. Department of Commerce, Silver Spring, MD Steve Koplin, 301-713-2328	April 1 & 29, 2008	Yes	No	No
Bumble Bee Foods Jeff Pike, Sher & Blackwell, Washington, DC, 202-463-2511	April 28, 2008	No	No	No

**Technical comments:<sup>4</sup>**

None.

<sup>4</sup> The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

110TH CONGRESS  
2D SESSION

# H. R. 5014

To extend the temporary suspension of duty on oysters (other than smoked), prepared or preserved.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2008

Mrs. TAUSCHER introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To extend the temporary suspension of duty on oysters (other than smoked), prepared or preserved.

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. OYSTERS (OTHER THAN SMOKED), PREPARED**

4 **OR PRESERVED.**

5 (a) IN GENERAL.—Heading 9902.23.07 of the Har-  
6 monized Tariff Schedule of the United States (relating to  
7 oysters (other than smoked), prepared or preserved) is  
8 amended by striking the date in the effective period col-  
9 umn and inserting “12/31/2011”.

1       (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) applies to goods entered, or withdrawn from  
3 warehouse for consumption, on or after the 15th day after  
4 the date of the enactment of this Act.

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