



MEMORANDUM ON PROPOSED TARIFF LEGISLATION of the 112th Congress

Date approved

I. Background

Bill number:

Sponsor name:

Sponsor state:

Interested entity:

Name

City

State

Other bills on product (112th Congress only):

Nature of bill:

Expiration date:

Current or previous chapter 99 heading:

Retroactive date:

CAS number (if applicable):

Industry analyst:

Telephone:

Tariff Affairs contact:

Telephone:

Note:

1. Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.
2. In regard to the country(ies) of origin listed in section III, this report focuses on dutiable imports and does not take into account any tariff preference programs or special rates of duty.

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

Capers, prepared or preserved by vinegar or acetic acid, in immediate containers holding more than 3.4 kg (provided for in subheading 2001.90.10)

(If enacted, the tariff relief provided for in this bill would be available to any entity that imports the product that is covered by the bill.)

Description above compared with bill as introduced:

- Same
 Different (see Technical Comments section)

III. Other product information, including uses/applications and source(s) of imports

The subject products are the unopened flower buds of the *Capparis spinosa* plant – a perennial native to the Mediterranean and parts of Western Asia. The buds are dried and then preserved in vinegar, brine, wine, or salt. Capers are widely used in Mediterranean cuisine and are commonly added to dressings and sauces, but can also be used as a garnish for meat and vegetable dishes or as a topping for pizza and salads. Capers imported under this category are either sold food service outlets and institutions or else repackaged into smaller containers for retail sale. U.S. imports of this product come from Turkey, Spain, Syria, Morocco, and others.

IV. Estimated effect on customs revenue

Subject product HTS subheading(s)	2001.90.10				
Item	2013	2014	2015	2016	2017
Col.1-general rate of duty (%) or percentage point reduction	8	8	8	8	8
Estimated value of <i>dutiable</i> imports (\$)	2,400,000	2,700,000	3,000,000	3,300,000	3,600,000
Customs revenue loss (\$)	192,000	216,000	240,000	264,000	288,000

Note: Customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ. Regarding the HTS subheading listed in the article description of the bill, the Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only U.S. Customs and Border Protection is authorized to issue a binding ruling on this matter. The Commission believes that Customs should be consulted prior to enactment of the bill.

Dutiable imports were based on (more than one may apply):

- Official statistics of the U.S. Department of Commerce
 Provided by industry sources
 Industry information
 Commission estimates

Duty reduction notes:

- This bill is not a duty reduction
 This bill is a temporary duty reduction. Rates are shown below.

Col.1-general duty rate (%) Temporary rate (%) Percentage point reduction (%)

V. Technical comments

None

VI. Continuation

Estimated effects on customs revenue -- continued:

The estimation of dutiable imports presented here was derived by estimating a trend based on USITC historic duty collection data for this product.

VII. Contacts with domestic firms/organizations

#	Firm/organization and contact name	Telephone number	Claims same or competing product made in the United States	Submission attached	Opposition noted
1	Association of Food Industries (interested entity) David Olave	202-216-9307	No	No	No
2	H & J Trading Company John Wollenweber	952-552-0220	No	No	No
3	Rema Foods David Rockwood	201-947-1000 x129	No	No	No
4	Schreiber Foods Howard Schreiber	201-327-3535	No	No	No
5	Overseas Food Trading Ltd. Riccardo Moresco	201-585-8730	No	No	No
6	California League of Food Processors Rob Neenan	916-640-8150	No	No	No
7	Food Match Inc. Norah Burton	212-239-6923	No	No	No
8	Tee Pee Olives, Inc. Joseph Fairchild	914-925-0450	No	No	No
9	Orleans Packing Company George Gebelein	617-361-6611	No	No	No
10	Vigo Importing Tony Alessi	813-884-3491	No	No	No

112TH CONGRESS
2D SESSION

H. R. 5275

To extend the temporary suspension of duty on capers, prepared or preserved by vinegar or acetic acid, in immediate containers holding more than 3.4 kg.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2012

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

A BILL

To extend the temporary suspension of duty on capers, prepared or preserved by vinegar or acetic acid, in immediate containers holding more than 3.4 kg.

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. CAPERS, PREPARED OR PRESERVED BY VIN-**
4 **EGAR OR ACETIC ACID, IN IMMEDIATE CON-**
5 **TAINERS HOLDING MORE THAN 3.4 KG.**

6 (a) IN GENERAL.—Heading 9902.10.28 of the Har-
7 monized Tariff Schedule of the United States (relating to
8 capers, prepared or preserved by vinegar or acetic acid,
9 in immediate containers holding more than 3.4 kg) is

1 amended by striking the date in the effective period col-
2 umn and inserting “12/31/2015”.

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

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