



## 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/](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 containers holding 3.4 kg or less (provided for in subheading 2001.90.20)

(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. Imports of this tariff line can be sold directly to consumers, repackaged, or marketed towards restaurants and institutions. U.S. imports of this product come from Spain, Turkey, Morocco, and others.

**IV. Estimated effect on customs revenue**

Subject product HTS subheading(s)	2001.90.20				
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 (\$)	4,500,000	4,900,000	5,400,000	5,800,000	6,200,000
Customs revenue loss (\$)	360,000	392,000	432,000	464,000	496,000

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	World Finer Foods Barbara Harloe	973-338-0300 x129	No	No	No
3	Borges USA Marie Staley	559-498-2919	No	No	No
4	H & J Trading Company John Wollenweber	952-552-0220	No	No	No
5	Rema Foods David Rockwood	201-947-1000 x129	No	No	No
6	Overseas Food Trading Ltd. Riccardo Moresco	201-585-8730	No	No	No
7	California League of Food Processors Rob Neenan	916-640-8150	No	No	No
8	Food Match Inc. Norah Burton	212-239-6923	No	No	No
9	Tee Pee Olives, Inc. Joseph Fairchild	914-925-0450	No	No	No
10	Victoria Fine Foods Jerry Aquilina	718-927-3000	No	No	No
11	Vigo Importing Tony Alessi	813-884-3491	No	No	No

112TH CONGRESS  
2D SESSION

# H. R. 5272

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2012

Mr. PASCRELL 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 capers, prepared or preserved by vinegar or acetic acid, in containers holding 3.4 kg or less.

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 CONTAINERS**  
5 **HOLDING 3.4 KG OR LESS.**

6 (a) IN GENERAL.—Heading 9902.10.26 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 containers holding 3.4 kg or less) is amended by strik-

1 ing the date in the effective period column and inserting  
2 “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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