

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 109<sup>th</sup> Congress<sup>1</sup>**

[Date approved: December 20, 2005]<sup>2</sup>

**Bill No. and sponsor:** H.R. 3113 (Mr. Mark S. Kirk of Illinois).

**Proponent name, location:** The Bradford Group, Chicago, IL.

**Other bills on product (109<sup>th</sup> Congress only):** None.

**Nature of bill:** Temporary duty suspension through December 31, 2008.

**Retroactive effect:** None.

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

Cups valued over \$8 but not over \$29 per dozen, with or without saucers valued over \$5.25 but not over \$18.75 per dozen, the foregoing of porcelain or china, put up for mail order retail sale, and with each cup or cup and saucer combination weighing not over 1.36 kg together with retail packaging (provided for in subheading 6911.10.52).

**Check one:**      Same as that in bill as introduced.  
                   Different from that in bill as introduced (see Technical comments section).

**Product information, including uses/applications and sources of imports:**

These articles are pre-packaged ceramic ware goods that are available for mail order retail sale and are delivered directly to the consumer by mail, often as part of a series of limited edition items. The products are decorated with artwork, and many are unique in shape and thus need to be designed, tooled, and cast. The products also tend to have difficult and unusual glaze and attachment applications, including special color glazes, sponge painting, porcelain bows attached, etc. The subject goods are imported from China.

<sup>1</sup> Industry analyst preparing report: Vincent DeSapio (202-205-3435); Tariff Affairs contact: Jan Summers (202-205-2605).

<sup>2</sup> 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)

**Estimated effect on customs revenue:**

<b>HTS subheading: 6911.10.52</b>					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty	8.0%	8.0%	8.0%	8.0%	8.0%
Estimated value <i>dutiable</i> imports	\$100,000	\$100,000	\$150,000	\$150,000	\$150,000
Customs revenue loss	\$8,000	\$8,000	\$12,000	\$12,000	\$12,000

Source of estimated dutiable import data: Industry estimates.

**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?
The Bradford Group (Proponent) Joel Platt, 847-581-8351	10/24/2005	No	No	No
Bryan China Beverley Lombard, 724-658-3739	10/28/2005	No	No	No
Maxwell China Rich DeChellis, 724-436-6819	10/28/2005	No	No	No

**Technical comments:<sup>3</sup>**

It is suggested that the proposed heading track more closely the language of the pertinent portion of the permanent tariff subheading, 6911.10.52, to give additional guidance on the scope of the duty suspension. We note that the expression “put up for mail order retail sale” would require interpretation, and we are willing to work with Customs and the proponent if additional clarification is considered desirable.

<sup>3</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 US Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the US Customs Service should be consulted prior to enactment of the bill.

109TH CONGRESS  
1ST SESSION

# H. R. 3113

To suspend temporarily the duty on certain cups, with or without saucers,  
of porcelain or china.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2005

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

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## A BILL

To suspend temporarily the duty on certain cups, with or  
without saucers, of porcelain or china.

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. CERTAIN CUPS, WITH OR WITHOUT SAUCERS,**

4 **OF PORCELAIN OR CHINA.**

5 (a) IN GENERAL.—Subchapter II of chapter 99 of  
6 the Harmonized Tariff Schedule of the United States is  
7 amended by inserting in numerical sequence the following  
8 new heading:

“	9902.09.55	Cups, with or without saucers, of porcelain or china, whether or not put up in sets, put up for mail order retail sale, and each weighing not over 1.36 kg together with their retail packaging (provided for in sub-heading 6911.10.52) .....	Free	No change	No change	On or before 12/31/2008	”.
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1           (b) **EFFECTIVE DATE.**—The amendment made by  
2 subsection (a) applies to articles entered, or withdrawn  
3 from warehouse for consumption, on or after the 15th day  
4 after the date of the enactment of this Act.

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