

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: October 4, 2006]<sup>2</sup>

**Bill No. and sponsor:** S. 3479 (Mr. Sam Brownback of Kansas).

**Proponent name, location:** Spirit AeroSystems, Inc., Wichita, KS.

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

**Nature of bill:** Temporary duty suspension through December 31, 2009.

**Retroactive effect:** None.

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

Seals of textile material or fabric covering or reinforcing a core of rubber or silicone, the foregoing designed for use in airplanes (provided for in subheading 5911.90.00).

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

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

The subject seals have a core of rubber or silicone covered with, or reinforced with, a textile fabric or other textile material; for tariff purposes, a good must be “of textiles” to fall into subheading 5911.90.00. There are other pending bills concerning various types of fabric-covered seals for use in aircraft (S. 3097-3105 and 3110); this bill seems intended to cover other fabric-covered seals classifiable in subheading 5911.90.00, a residual or “basket” tariff category for nonenumerated textile products and articles for technical uses. Seals of this subheading may be used in various types of machinery, apparatus, equipment, or instruments or as tools or parts of tools. The primary sources of goods imported under this tariff subheading are China, Japan, and Mexico.

<sup>1</sup> Industry analyst preparing report: Don Sussman (202-205-3331); Tariff Affairs contact: Jan Summers (202-205-3605).

<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).

**Estimated effect on customs revenue:**

The proponent is unable to provide additional technical information that could be used to describe the subject goods specifically, or to supply separate estimated import and revenue loss data.<sup>3</sup> The import data set forth in this table therefore represent the dutiable value of imports reported for the subheading covered by HTS subheading 5911.90.00. To the extent that the goods of interest to the proponent represent a subset of total imports entered under this subheading, the data below overstate imports and revenue loss.

<b>HTS subheading: 5911.90.00</b>					
	2006	2007	2008	2009	2010
<del>Col. 1-General rate of duty</del>					
Col. 1-General rate of duty	3.8%	3.8%	3.8%	3.8%	3.8%
Estimated value <i>dutiable</i> imports	\$76,094,144	\$76,094,144	\$76,094,144	\$76,094,144	\$76,094,144
Customs revenue loss 1/	\$2,891,577	\$2,891,577	\$2,891,577	\$2,891,577	\$2,891,577

1/ Actual revenue loss is likely to be less than the total shown.

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

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Spirit AeroSystems, Inc. (Proponent) Dave Adams, 316-523-4312	08/30/2006	No	No	No
Aloma Shim and Manufacturing Fred Grove Jr, 412-828-8660	08/30/2006	No	No	No
AMP Custom Rubber John Petrizzo, 888-888-2714	08/30/2006	No	No	No
Fluid Sealing Association Pete Petrunich, 864-234-6626	08/30/2006	No	No	No
Glen Raven Technical Fabrics Carl Wallace, 336-227-6211	08/07/2006	No	No	No
Industrial Fabrics Association International Kathy Mattson, 651-222-2508	08/23/2006	No	No	No
LaFavorite Industries, Inc. Dave Parmele, 973-279-1266	08/30/2006	No	No	No

<sup>3</sup> Commission staff phone conversation with proponent, July 18, 2006.

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Lauren Manufacturing Abigale Erb, 800-683-0676	08/30/2006	No	No	No
Mueller Die Cut Solutions Byron Bassett, 704-588-3900	08/30/2006	No	No	No
National Council of Textile Organizations Missy Branson, 202-822-8026 Mike Hubbard, 704-824-3522	08/24/2006	No	No	No
Reeves Brothers, Inc. Robin Yomans, 864-576-1210	08/30/2006	No	No	No
Shuford Mills Becky Lane, 828-328-2141	08/07/2006	No	No	No
Unifi, Inc. Jane Johnson, 336-294-4410	08/08/2006	No	No	No
UTEX Industries, Inc. Marketing manager, fax 800-359-9229	08/30/2006	No	No	No

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

To clarify the scope of the proposed provision and to track more closely the scope of the permanent tariff category, it is suggested that the article description be modified as shown on page 1. We note that, as drafted, the scope of this proposed heading would overlap and subsume the aggregate coverage of S. 3097-3105 and 3110; even our suggested modified description would overlap these pending bills. If any or all of those bills is enacted, the article description in this should be modified—especially if any of those bills is rejected and its coverage is intended to remain dutiable. If it is desired that all such seals for airplane use should receive duty-free entry, then it is possible that the other bills could be withdrawn and only this bill move forward, with any technical modifications deemed appropriate. At this time, we cannot suggest accurately the language needed to avoid overlap or other problems, but we are available to consult on technical drafting matters.

<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.

109TH CONGRESS  
2D SESSION

# S. 3479

To suspend temporarily the duty on numerous other seals made of rubber or silicone, and covered with, or reinforced with, a fabric material.

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IN THE SENATE OF THE UNITED STATES

JUNE 8, 2006

Mr. BROWNBACK introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To suspend temporarily the duty on numerous other seals made of rubber or silicone, and covered with, or reinforced with, a fabric material.

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. NUMEROUS OTHER SEALS MADE OF RUBBER**  
4 **OR SILICONE, AND COVERED WITH, OR REIN-**  
5 **FORCED WITH, A FABRIC MATERIAL.**

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

“	9902.59.11	Numerous other seals made of rubber or silicone, and covered with, or reinforced with, a fabric material (provided for in subheading 5911.90.00) .....	Free	No change	No change	On or before 12/31/2009	”.
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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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