

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 111th Congress¹**

[Date approved: May 24, 2010]²

Bill No. and sponsor: S. 2442 (Mr. Sam Brownback of Kansas).

Proponent name,³ location: Acquisition Services LLC, Wichita, KS.

Other bills on product (111th Congress only): None.

Nature of bill: Temporary duty suspension through December 31, 2011.

Retroactive effect: None.

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

Windsocks with silhouette heads and fabric bodies of textile materials, each having an internal frame to maintain body shape and presented with spring steel stake system (provided for in subheading 6307.90.98).

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 source(s) of imports:

According to the proponent, the subject product is a "windsock" type device with an outer fabric cover of textile materials. The cover is printed in specific designs and has an internal support structure that allows the product to maintain its three-dimensional shape if the wind is not blowing. A metal stake system is included to secure the product to the ground and permit it to move with the wind. The product is available in various shapes and may depict animals, fish, flowers, mascots, or other designs. Depending on the design and color printing, the subject products can be used as hunting decoys, decorative lawn ornaments, or predator prevention devices. For example, the windsock body may be shaped like a hawk or owl to keep birds or squirrels away from gardens or houses. According to the proponent, this product is primarily imported from China.⁴

¹ Industry analyst preparing report: Don Sussman (202-205-3331); Tariff Affairs contact: Jan Summers (202-205-2605).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.

³ The sponsor/proponent did not identify any additional beneficiaries of this bill.

⁴ The proponent's Internet site represents foreign manufacturers who produce items for small businesses or inventors.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 6307.90.98:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	7%	7%	7%	7%	7%
Estimated value <i>dutiable</i> imports ^a	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000
Customs revenue loss ^b	\$84,000	\$84,000	\$84,000	\$84,000	\$84,000

a/ Dutiable import estimates were provided by industry sources.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

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)	
Acquisition Services LLC (Proponent) ⁵ Larry Self, 303-327-3509	03/10/2010	No	No	No

Technical comments:⁶

It is suggested that the article description of the proposed heading be amended to read as shown on page 1, to follow normal HTS usage more closely.

⁵ The proponent maintains that it is the only U.S. importer of windsocks with internal frames and that there is no U.S. production of ornamental windsocks.

⁶ 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.

111TH CONGRESS
1ST SESSION

S. 2442

To suspend temporarily the duty on certain yard ornaments depicting school mascots.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

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

A BILL

To suspend temporarily the duty on certain yard ornaments depicting school mascots.

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 YARD ORNAMENTS DEPICTING**
4 **SCHOOL MASCOTS.**

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:

“	9902.01.00	Yard ornaments depicting school mascots, with silhouette heads, fabric body to catch wind with internal frame to maintain body shape in low winds, and spring steel stake system for wind induced movement (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2011	”.
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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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