MEMORANDUM ON PROPOSED TARIFF LEGISLATION of the 109th Congress

[Date approved: December 20, 2005]

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 (109th Congress only): None.


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. X 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.
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.

Estimated effect on customs revenue:

<table>
<thead>
<tr>
<th>HTS subheading: 6911.10.52</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td>Col. 1-General rate of duty of duty</td>
</tr>
<tr>
<td>Estimated value of dutiable imports</td>
</tr>
<tr>
<td>Customs revenue loss</td>
</tr>
</tbody>
</table>

Source of estimated dutiable import data: Industry estimates.

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

<table>
<thead>
<tr>
<th>Name of firm/organization</th>
<th>Date contacted</th>
<th>US production of same or competitive product claimed?</th>
<th>Submission attached?</th>
<th>Opposition noted?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Bradford Group (Proponent) Joel Platt, 847-581-8351</td>
<td>10/24/2005</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Bryan China Beverley Lombard, 724-658-3739</td>
<td>10/28/2005</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Maxwell China Rich DeChellis, 724-436-6819</td>
<td>10/28/2005</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Technical comments:

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.

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3 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.
To suspend temporarily the duty on certain cups, with or without saucers, of porcelain or china.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2005

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

A BILL

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

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. CERTAIN CUPS, WITH OR WITHOUT SAUCERS,

OF PORCELAIN OR CHINA.

(a) In General.—Subchapter II of chapter 99 of

the Harmonized Tariff Schedule of the United States is

amended by inserting in numerical sequence the following

new heading:
(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.