

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. 2441 (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)):

Windsock-type decoys with silhouette heads, each having an internal frame to maintain body shape and presented with spring steel stake system (provided for in subheading 9507.90.80).

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:

Windsock-type decoys are used by hunters to attract birds. Better quality decoys also may be used as yard decorations. Hunters' decoys have different designs and markings to attract a variety of birds, including snow geese, Canadian geese, mallard ducks, and pigeons. Quality and technology vary, with the simplest being little more than a printed plastic bag attached to a stake. The stake is inserted into the ground, and the bag inflates with a breeze. The plastic bag has the appearance of the back of a goose or other bird. Rudimentary windsock decoys are usually sold in large quantities (several dozen or more per purchase) with a retail price averaging less than \$1.00 per unit. Decoy quality is enhanced by adding a plastic head (sometimes sold separately) to the stake that is inserted into the ground. Because of the internal frame and the nature of the support system used in the proponent's windsock decoys, which are covered by a patent,⁴ the decoy head always points into the wind. The patent holder, Sillo Socks (Omaha, NB), has contracted out production to a single supplier in China. Acquisition Services (Wichita, KS) is the only licensed U.S. importer.

¹ Industry analyst preparing report: Ralph Watkins (202-205-3492); 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 U.S. Patent No. 7,028,429.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 9507.90.80:

| | 2010 | 2011 | 2012 | 2013 | 2014 |
|--|-----------|-----------|-----------|-----------|-----------|
| Col. 1-General rate of duty | 9% | 9% | 9% | 9% | 9% |
| Estimated value <i>dutiable</i> imports ^a | \$500,000 | \$500,000 | \$500,000 | \$500,000 | \$500,000 |
| Customs revenue loss ^b | \$45,000 | \$45,000 | \$45,000 | \$45,000 | \$45,000 |

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) Larry Self, 316-722-9801 | 02/17/2010 | No | No | No |

Technical comments:⁵

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 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. 2441

To suspend temporarily the duty on certain windsock type decoys.

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 windsock type decoys.

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 WINDSOCK TYPE DECOYS.**

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

| | | | | | | | |
|---|------------|--|------|-----------|-----------|-------------------------|----|
| “ | 9902.01.00 | Windsock type decoys with silhouette heads, internal framed body to maintain shape in low winds, and spring steel stake system for wind induced movement (provided for in subheading 9507.90.80) | Free | No change | No change | On or before 12/31/2011 | ”. |
|---|------------|--|------|-----------|-----------|-------------------------|----|

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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