

## **Preface to the 23rd Edition**

**December 31, 2010**

### **Introduction to the Harmonized Tariff Schedule**

The Harmonized Tariff Schedule of the United States, Annotated for Statistical Reporting Purposes (HTS), is published by the U.S. International Trade Commission pursuant to section 1207 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418; 19 U.S.C. 3007) (Trade Act).<sup>1</sup> The publication contains the legal text of the Harmonized Tariff Schedule, as amended and modified, together with statistical annotations established pursuant to section 484(f) of the Tariff Act of 1930, as amended (19 U.S.C. 1484(f)). Legal instruments and administrative actions affecting the 2011 edition of the HTS are set forth below in the “Changes in the current edition” section. Information about statistical annotations can be found in the final section of the preface.

The legal text of the HTS includes all provisions enacted by Congress or proclaimed by the President. These legal provisions are the General Rules of Interpretation (GRIs); Additional U.S. Rules of Interpretation; General Notes; chapters 1 through 99 (organized into sections I through XXII), section and chapter notes (including additional U.S. notes), headings and subheadings through the 8-digit level (with their numbers, article descriptions, tariff rates, and special tariff programs), Chemical Appendix, Pharmaceutical Appendix, and Intermediate Chemicals for Dyes Appendix. The classification of goods and interpretation of the HTS are the responsibility of U.S. Customs and Border Protection (Customs).

The GRIs, 4- and 6-digit nomenclature categories, and associated notes (not including additional U.S. notes) in chapters 1 through 97 reflect the international nomenclature of the Harmonized Commodity Description and Coding System, pursuant to the Harmonized System Convention, which is administered by the World Customs Organization (WCO). Under the convention, which became effective for the United States as of January 1, 1989, changes to the international nomenclature and certain classification decisions taken by the WCO are reflected in changes to the HTS.

The international nomenclature categories may be subdivided at the 8-digit U.S. rate line level to provide for rates of duty or to make classification distinctions of U.S. interest. Rates of duty in the HTS are established by U.S. legal action. Under the Trade Act, changes in the international nomenclature structure are periodically reflected in the HTS by proclamation, the most recent of which became effective on February 3, 2007 (Presidential Proclamation 8097 of December 29, 2006), following a USITC investigation under section 1205 of the Trade Act; the proclamation annexes were contained in USITC publication No. 3898.

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<sup>1</sup> Section 1207(a) of the Trade Act provides that “[t]he Commission shall compile and publish, at appropriate intervals, and keep up to date the Harmonized Tariff Schedule and related information in the form of printed copy....” Section 1207(b) of the Trade Act provides that the published copy of the HTS “shall contain– (1) the then current Harmonized Tariff Schedule; (2) statistical annotations and related statistical information formulated under section 484(f) of the Tariff Act of 1930 (19 U.S.C. 1484(f)); and (3) such other matters as the Commission considers to be necessary or appropriate to carry out the purposes enumerated in the Preamble to the [Harmonized System] Convention.” Persons attempting to classify goods or to ascertain rates of duty should consult the HTS rather than the USITC’s online trade DataWeb or interactive tariff database on the USITC’s web site. The latter do not contain legal rules, notes, or complete product descriptions, and it may be difficult to determine if provisions of chapter 98 or 99 apply to particular shipments.

The HTS also contains nonlegal statistical elements, namely, the annotations, notes, suffixes, units of quantity and other matters formulated under section 484(f) of the Tariff Act of 1930. The table of contents, footnotes, Schedule C, Schedule D, alphabetical index, and change record are inserted for ease of reference only. The presence or absence of a footnote or the language contained in footnotes has no effect on the legal text or its interpretation, and users are encouraged to consult the preface, the change record, and chapters 98 and 99 to locate any provisions that may apply to specific goods. Procedures for requesting changes in statistical provisions of the HTS are set forth below.

**Note that this edition of the HTS does *not* contain updated rules of origin for all U.S. free trade agreements; such updates must be proclaimed by the President. The rules of origin for the North American Free Trade Agreement, the U.S.-Australia Free Trade Agreement, the U.S.-Chile Free Trade Agreement, the U.S.-Singapore Free Trade Agreement, and the U.S.-Bahrain Free Trade Agreement have been updated.**

Online electronic revisions to the printed HTS are posted to the Commission's web site ([www.usitc.gov](http://www.usitc.gov)) periodically as legal or statistical actions are made effective, along with links to online documents published by other entities that may make changes to the HTS after the last revision posted by the Commission. Large-scale revisions affecting many chapters may also be issued as printed supplements; in some years, there are no supplements.

The entire HTS is posted for each revision, even if changes are not made in all chapters. The change record for each revision should be read in conjunction with the preface's list of legal or statistical bases for the changes in the revision. While each change record in a printed publication contains all changes since the previous printed document, the change record for each revision relates only to that revision.

Since 1989, the year the HTS became effective under the Trade Act, the Commission has published one print edition of the HTS at the beginning of each year. It has also published one printed supplement for each year during 1991-2001, 2003-2006, and 2008-2009; two printed supplements in 1990 and 1994; four in 1989; and none in 2002, 2007, and 2010. The present annual edition of the HTS is the 23rd in the series.

### **Changes in the current edition**

The principal changes in this edition reflect the following instruments and actions:

- (1) Presidential Proclamation 8596 of November 4, 2010: To Adjust the Rules of Origin Under the United States-Bahrain Free Trade Agreement, Implement Modifications to the Caribbean Basin Economic Recovery Act, and for Other Purposes (75 Fed. Reg. 68153), effective November 1, 2010;
- (2) Public Law 111-227, August 11, 2010: The United States Manufacturing Act of 2010, effective August 26, 2010;
- (3) The Office of the United States Trade Representative, Notice and Modification of Action: Canada Compliance with Softwood Lumber Agreement (75 Fed. Reg. 53014), effective September 1, 2010;

- (4) Presidential Proclamation 8539 of June 29, 2010: To Modify Duty-Free Treatment Under the Generalized System of Preferences (75 Fed. Reg. 38905), effective July 1, 2010;
- (5) Presidential Proclamation 8536 of June 12, 2010: To Implement Certain Provisions of the Dominican Republic-Central American-United States Free Trade Agreement With Respect to Costa Rica, and for Other Purposes (75 Fed. Reg. 34311), effective June 15, 2010;
- (6) Presidential Proclamation 8467 of December 23, 2009: To Modify Duty-Free Treatment Under the Generalized System of Preferences, and for Other Purposes (74 Fed. Reg. 69221), for country terminations effective January 1, 2011;
- (7) The stage of duty reduction that becomes effective January 1, 2011, pursuant to Presidential Proclamation 8341 (74 Fed. Reg. 80,289) of January 22, 2009: To Implement the United States-Peru Free Trade Agreement and for Other Purposes;
- (8) The stage of duty reduction that becomes effective January 1, 2011, pursuant to Presidential Proclamation 8332 (73 Fed. Reg. 80289) of December 29, 2008: To Implement the United States-Oman Free Trade Agreement;
- (9) The stage of duty reduction that becomes effective January 1, 2011, pursuant to Presidential Proclamation 8034 (71 Fed. Reg. 38509) of June 30, 2006: To Implement the United States-Bahrain Free Trade Agreement, and for Other Purposes;
- (10) The stage of duty reduction that becomes effective January 1, 2011, pursuant to Presidential Proclamation 7971 (70 Fed. Reg. 76651) of December 27, 2005: To Implement the United States-Morocco Free Trade Agreement;
- (11) The stage of duty reduction that becomes effective January 1, 2011, pursuant to Presidential Proclamation 7857 (69 Fed. Reg. 77135) of December 20, 2004: To Implement the United States-Australia Free Trade Agreement;
- (12) The stage of duty reduction that becomes effective January 1, 2011, pursuant to Presidential Proclamation 7747 (68 Fed. Reg. 39795) of December 30, 2003: To Implement the United States-Singapore Free Trade Agreement;
- (13) The stage of duty reduction that becomes effective January 1, 2011, pursuant to Presidential Proclamation 7746 (68 Fed. Reg. 39795) of December 30, 2003: To Implement the United States-Chile Free Trade Agreement;
- (14) Changes approved by the Committee for Statistical Annotation of Tariff Schedules (formulated pursuant to section 484(f), Tariff Act of 1930, as amended), effective July 1, 2010, November 1, 2010, and January 1, 2011;
- (15) The Bureau of the Census changes in the Notice to Exporters, Schedule C (Classification of Country & Territory Designations for U.S. Import Statistics) and Schedule D (Customs District and Port Codes);
- (16) Corrections of typographical errors in the basic edition and Supplement.

## Statistical reporting under the HTS

The statistical annotations contained in the HTS specify the statistical information that must be supplied on customs entry and withdrawal forms or in electronic filings with respect to articles imported into the customs territory of the United States. Thus, the HTS is designed to enable importers, customs brokers, Customs officers, and other interested persons to determine (1) how to classify an imported article, (2) what rates of duty apply under that classification, and (3) what statistical data must be reported for the article. Except as specified in the Notice to Exporters, HTS codes may be used in place of the reporting codes of Schedule B for reporting exports on the shipper's export declaration or under the program for electronic reporting of exports. The regulations and procedures of Customs and of the Bureau of the Census should also be consulted to ensure that statistical reporting is correct and that all their requirements are met.

Interested parties or their representatives may request changes to the statistical annotations of the HTS or Schedule B for exports. Such requests may be made under Section 484(f) of the Tariff Act of 1930<sup>2</sup> and directed to the Committee for Statistical Annotation of Tariff Schedules. Requests should be submitted no later than April 1 for changes to be effective July 1 the following year, and no later than August 1 for changes to be effective January 1 the following year. Parties should specify if the proposed change relates only to the HTS or Schedule B, or to both. These requests should be submitted to the Committee Chairman at the address below, or by electronic mail to [484f@usitc.gov](mailto:484f@usitc.gov).

Chairman  
The Committee for Statistical Annotation of Tariff Schedules  
United States International Trade Commission  
Washington, D.C. 20436

Such requests should indicate precisely the nature of each desired change. They should provide the exact proposed language to be inserted or deleted (including any relevant units of quantity) and give detailed reasons for the requests. Confidential business information should not be submitted to the Committee. For requests relating to the HTS, the requestor should provide the names of importers and foreign manufacturers (when known) that are associated with the articles in question and should indicate the countries from which the articles are being imported. A proposed statistical category under which three (3) or fewer importers or exporters would likely report shipments generally will not be approved, in order to avoid the disclosure of confidential business information. Questions regarding the drafting or treatment of such requests should be addressed to the Committee, by mail to the Committee Chairman, by telephone at (202)205-2592, or by email to [484f@usitc.gov](mailto:484f@usitc.gov).

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<sup>2</sup>Sec. 484(f) reads as follows:

“(f) Statistical Enumeration.— The Secretary of the Treasury, the Secretary of Commerce, and the United States International Trade Commission are authorized and directed to establish from time to time for statistical purposes an enumeration of articles in such detail as in their judgment may be necessary, comprehending all merchandise imported into the United States and exported from the United States, and shall seek, in conjunction with statistical programs for domestic production and programs for achieving international harmonization of trade statistics, to establish the comparability thereof with such enumeration of articles. All import entries and export declarations shall include or have attached thereto an accurate statement specifying, in terms of such detailed enumeration, the kinds and quantities of all merchandise imported and exported and the value of the total quantity of each kind of article.”