

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress¹**

[Date approved: August 24, 2006]²

Bill No. and sponsor: S. 3109 (Mr. Sam Brownback of Kansas).

Proponent name, location: Mommy's Helper, Wichita, KS.

Other bills on product (109th 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)):

Contoured padded children's potty seats, of plastics (provided for in subheading 3922.20.00).

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:

The covered product is a contoured padded plastic potty seat designed for children of toilet training age. It consists primarily of a polyfoam padded cushion, heat sealed between a sandwich of polyvinyl chloride (PVC); some hardboard and polypropylene may also be included in the product. The potty seat is designed to be mounted on top of an adult lavatory toilet seat in the horizontal position. These seats are typically known as reducers, which are potty seat configurations designed to fit the anatomy of young children. The proponent imports this product, known as Contured Cushie-Tushie™ potty seat, from China in boxed form ready for retail display. There are other domestic importers of various types of contoured cushioned potty seats from China and Israel may be a source for other importers.

¹ Industry analyst preparing report: Ray Cantrell (202-205-3362); Tariff Affairs contact: Jan Summers (202-205-2605).

² Access to an electronic copy of this memorandum is available at http://usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm.

Estimated effect on customs revenue:

HTS subheading: 3922.20.00					
	2006	2007	2008	2009	2010
Col. 1-General rate of duty 1/	6.3%	6.3%	6.3%	6.3%	6.3%
Estimated value <i>dutiable</i> imports	\$8,000,000	\$8,800,000	\$9,600,000	\$10,200,000	\$11,000,000
Customs revenue loss	\$504,000	\$554,400	\$604,800	\$642,600	\$693,000

Source of estimated dutiable import data: Commission and industry estimates.

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)		
Mommy's Helper (Proponent) Mr. Martin Park, 316-684-2229	07/15/2006	No	No	No
Bayer Corporation Ms. Karen Niedermeyer, 412-777-2058	07/19/2006	No	No	No
Boon, Inc. Mr. Andrew Douglas, 480-456-0224	07/21/2006	No	No	No
Bemis Manufacturing Company Ms. Lisa Herman, Ms. Sheryl Heimryl (Import Specialist, 920-467-4621	07/21/2006	No	No	No
Carmichael International Service Ms. Carol Robertson, 213-353-0800	07/20/2006	No	No	No
Dorel Juvenile Group Rosemary Robinson, 812-372-0141 Viny D'Alleva, 781-364-3100; 364-3900	07/20/2006	No	No	No
Ginsey Industries Mr. Keith Haber, 856-933-1300 khaber@ginsey.com	07/19/2006	Yes	Yes	Yes
Graco Children's Products, Inc Ms. Marsha Dawson, 610-884-8000	07/20/2006	No	No	No
Juvenile Products Manufacturers Association Mr. Mike Dwyer, 856-638-0420	07/18/2006	No	No	No
Juvenile Solutions Ms. Pamela Neckameyer, 818-778-0858	07/20/2006	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
LANXESS Corporation Ms. Jamie Schaeffer, 412-809-3666	07/19/2006	No	No	No
Potty Training Concepts Ms. Narmin Parpia, 713-817-1998	07/18/2006	No	No	No
PRIMO® Ms. Paulette Zazzara, 973-926-5900	07/21/2006	Yes	Yes	Yes
Retail Industries Leaders Association Ms. Lori Denim, 703-600-2012	07/20/2006	No	No	No
Target Stores Ms. Susan Flack, 202-822-6288 Ms. Toni Dembski, 612-696-2573	07/18/2006	Yes	No	No
Toys "R" US, Inc. Chris (service specialist), 800-869-7787	07/20/2006	No	No	No
Wal-Mart Stores, Inc. Mr. Tres Bailey, 202-737-2806 Mr. Mark Haney, 202-216-9307	07/18/2006	No	No	No

Technical comments:³

It is suggested that the article description be modified as shown on page 1. We defer to Customs regarding the appropriate tariff classification of the goods but have suggested a different reference for this provision based on Customs Rulings M83046 and L83440 (specifying HTS subheading 3922.20.00, applicable to lavatory seats and covers of plastics, or subheading 3922.90.00, other lavatory pans, bidets, flushing cisterns and similar articles of plastics, respectively). Each rate line carries a 6.3 percent general rate of duty.⁴

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 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.

⁴ Staff correspondence with Ms. Joan Mazzola, National Import Specialist, U.S. Customs and Border Protection, New York, NY, July 20, 2006.

109TH CONGRESS
2^D SESSION

S. 3109

To suspend temporarily the duty on contoured padded infant potty seats.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2006

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 contoured padded infant potty seats.

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. CONTOURED PADDED INFANT POTTY SEATS.**

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:

“	9902.39.24	Contoured padded infant potty seats (provided for in subheading 3924.90.55)	Free	No change	No change	On or before 12/31/2009	”.
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8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) applies to goods entered, or withdrawn from

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- 1 warehouse for consumption, on or after the 15th day after
- 2 the date of the enactment of this Act.

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