



MEMORANDUM ON PROPOSED TARIFF LEGISLATION of the 112th Congress

Date approved

I. Background

Bill number:

Sponsor name:

Sponsor state:

Interested entity:

Name

City

State

Other bills on product (112th Congress only):

Nature of bill:

Expiration date:

Current or previous chapter 99 heading:

Retroactive date:

CAS number (if applicable):

Industry analyst:

Telephone:

Tariff Affairs contact:

Telephone:

Note:

1. Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.
2. In regard to the country(ies) of origin listed in section III, this report focuses on dutiable imports and does not take into account any tariff preference programs or special rates of duty.

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

Nightlights with bases or housings of plastics (provided for in subheading 9405.40.80)

Description above compared with bill as introduced:

- Same
 Different (see Technical Comments section)

III. Other product information, including uses/applications and source(s) of imports

This duty suspension bill is intended to cover lighting fixtures, with housings or bodies made from plastics, that are determined by Customs to be nightlights.

China is the dominant supplier of miscellaneous electrical lighting of plastics. China accounted for 85 percent (\$1.1 billion) of total U.S. imports under HTS subheading 9405.40.80 (a broader category than is covered by the bill) and 90 percent of dutiable imports in 2011.

IV. Estimated effect on customs revenue

Subject product HTS subheading(s)	9405.40.80				
Item	2013	2014	2015	2016	2017
Col.1-general rate of duty (%)	3.9	3.9	3.9	3.9	3.9
Estimated value of <i>dutiable</i> imports (\$)	2,550,000	2,680,000	2,850,000	2,950,000	3,100,000
Customs revenue loss (\$)	99,450	104,520	111,150	115,050	120,900

Note: Customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ. Regarding the HTS subheading listed in the article description of the bill, the Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only U.S. Customs and Border Protection is authorized to issue a binding ruling on this matter. The Commission believes that Customs should be consulted prior to enactment of the bill.

Dutiable imports were based on (more than one may apply):

- Official statistics of the U.S. Department of Commerce
 Provided by industry sources
 Industry information
 Commission estimates

Duty reduction notes:

- This bill is not a duty reduction
 This bill is a temporary duty reduction. Rates are shown below.

Col.1-general duty rate (%) Temporary rate (%) Percentage point reduction (%)

V. Technical comments

We suggest that the article description be modified as shown in section II, above. It is not possible to provide an accurate estimate of claims for retroactive treatment under this bill because the covered product is not separately identified in the HTS or in official trade data. Moreover, Customs officials would need to apply the proposed article description to each shipment for which such treatment is claimed and decide if the goods concerned are covered by the proposed heading.

VI. Continuation

If enacted, the tariff relief provided for in this bill would be available to any entity that imports the product that is covered by the bill.

VII. Contacts with domestic firms/organizations

	# Firm/organization and contact name	Telephone number	Claims same or competing product made in the United States	Submission attached	Opposition noted
1	Leviton Manufacturing Company, Inc. (Interested entity) Christopher Schodowski	619-205-8607	No	No	No
2	Philips Solid-State Lighting Michelle DeMoor	202-962-8551	No	No	No

112TH CONGRESS
1ST SESSION

H. R. 2039

To suspend temporarily the duty on nightlights of plastic.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

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

A BILL

To suspend temporarily the duty on nightlights of plastic.

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 NIGHTLIGHTS OF PLASTIC.**

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 headings:

“	9902.07.01	Nightlights of plastic base material (provided for in subheading 9405.40.80) ...	Free	No change	No change	On or before 12/31/2013	”.
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8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) applies to articles entered, or withdrawn

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

3 (c) RETROACTIVE APPLICATION.—Notwithstanding
4 section 514 of the Tariff Act of 1930 (19 U.S.C. 1514)
5 or any other provision of law, upon proper request filed
6 with U.S. Customs and Border Protection before the 90th
7 day after the date of the enactment of this Act, any entry,
8 or withdrawal from warehouse for consumption, of any ar-
9 ticle—

10 (1) that was made on or after January 1, 2011,
11 and before the 15th day after the date of the enact-
12 ment of this Act, and

13 (2) with respect to which there would have been
14 no duty if the amendment made by subsection (a)
15 applied to such entry or withdrawal,
16 shall be liquidated or reliquidated as if such amendment
17 applied to such entry or withdrawal.

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