



## 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/](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)):

Cases or containers (provided for in subheading 4202.92.90 and not including goods described in heading 9902.01.81), specially shaped or fitted for, and with labeling, logo or other descriptive information on the exterior of the case or container (including the zipper pull), indicating its intention to be used for, electronic drawing toys or electronic games of heading 9503 or 9504, or educational toys or devices of heading 8543

(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.)

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

The subject products are cases or containers for electronic toys or electronic games, except those covered by an existing duty suspension in heading 9902.01.81 (applicable to cases for photo transparency reels for hand-held viewing toys). The cases and containers reportedly are specifically designed for transporting, storing, and protecting particular games or toys; contain permanent or durable internal fittings shaped to hold the specific toys; and have printed information or tags on them indicating the names of the toys for which they are designed. The cases are typically made of a soft, man-made fiber such as nylon. China is the primary import source for the subject cases and containers.

## IV. Estimated effect on customs revenue

Subject product HTS subheading(s)	4202.92.90				
Item	2013	2014	2015	2016	2017
Col.1-general rate of duty or percentage point reduction (%)	17.6	17.6	17.6	17.6	17.6
Estimated value of <i>dutiable</i> imports (\$)	2,200,000	2,200,000	2,200,000	2,200,000	2,200,000
Customs revenue loss (\$)	387,200	387,200	387,200	387,200	387,200

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

H.R. 5489 and S. 3045 are companion bills which specify that the language "(including the zipper pull)" should be inserted after "exterior of the case or container" in the article description of heading 9902.11.90. That phrase should present no issues for Customs or importers. While S. 2562 covers the same products (classified under heading 9902.11.90), it does not

seek to change the article description by adding the language "including the zipper pull."

The use of "educational" to describe the relevant toys and devices of heading 8543 may continue to present interpretive problems in implementation for Customs, because it is a term not defined in the HTS; as an extension provision, however, the heading has now acquired some established practice from Customs.

## **VI. Continuation**

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## 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	Bensussen Deutsch & Associates (Interested entity) Jay Fox	425-205-2776	No	No	No
2	American Manufacturing Trade Action Coalition (AMTAC) Sara Beatty	202-452-0866	No	No	No
3	Disney Consumer Products Mike Castellano	202-222-4750	No	No	No
4	Hasbro, Inc. Kathrin Belliveau	401-808-7945	No	No	No
5	Sandler, Travis & Rosenberg, P.A. on behalf of Leap Frog Enterprises, Inc. Ned Steiner	202-730-4970	No	No	No
6	National Council of Textile Organizations Mike Hubbard	704-215-4540	No	No	No
7	National Textile Association David Trumbull	617-542-8220	No	No	No
8	S.E.A.M.S. Sarah Friedman	803-772-5861	No	No	No
9	Target Toni Dembski-Brandl	612-696-2573	No	No	No
10	Travel Goods Association Nate Herman	703-797-9062	No	No	No
11	Wal-Mart Lisa Schimmelpfenning	479-273-8811	No	No	No

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5489

To modify and extend the suspension of duty on certain cases or containers used for electronic drawing toys, electronic games, or educational toys or devices.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2012

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

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## A BILL

To modify and extend the suspension of duty on certain cases or containers used for electronic drawing toys, electronic games, or educational toys or devices.

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 CASES OR CONTAINERS USED FOR**  
4 **ELECTRONIC DRAWING TOYS, ELECTRONIC**  
5 **GAMES, OR EDUCATIONAL TOYS OR DEVICES.**

6 (a) IN GENERAL.—Heading 9902.11.90 of the Har-  
7 monized Tariff Schedule of the United States (relating to  
8 certain cases or containers to be used for electronic draw-

1 ing toys, electronic games, or educational toys or devices)  
2 is amended—

3           (1) in the article description, by inserting “(in-  
4           cluding the zipper pull)” after “exterior of the case  
5           or container”; and

6           (2) by striking the date in the effective period  
7           column, and inserting “12/31/2016”.

8           (b) **EFFECTIVE DATE.**—The amendments made by  
9           subsection (a) apply to goods entered, or withdrawn from  
10          warehouse for consumption, on or after the 15th day after  
11          the date of the enactment of this Act.

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