

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 111th Congress¹**

[Date approved: February 23, 2010]²

Bill No. and sponsor: S. 1995 (Ms. Amy Klobuchar of Minnesota).

Proponent name,³ location: Target Corp., Minneapolis, MN.

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)):

Mechanical appliances for the dispersal of lotion or soap, each imported with a reservoir of plastics or metal, the foregoing which are hand-operated, portable and not designed to be affixed to a wall, countertop or cabinet (provided for in subheading 8424.89.00).

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 subject products are portable devices for the dispersal of lotion or soap from an associated reservoir. These liquids are dispersed typically by a hand-operated piston pump that creates a vacuum to move the lotion or soap up a tube in the plastic or metal reservoir and through a dispersal aperture. The portable nature of the products limits them principally to consumer applications. Portable appliances for the dispersal of soaps and lotions may also be filled with lotions or soaps, including medicinal preparations, at the time of importation; such appliances seem likely to be treated as the ordinary containers of the contents put up for retail sale, and in such cases they would not be classifiable in chapter 84. Parts of these products, including separately imported pumps without the reservoir, may be classified under HTS subheading 8424.90.90, with a general duty rate of free. There are similar portable dispersal mechanisms for lotion or soap with reservoirs made of glass or ceramics, but these are not included in the product description in the bill. The principal sources of U.S. imports of the subject products are China, Germany, Japan, Taiwan, and Korea.

¹ Industry analyst preparing report: Dennis Fravel (202-205-3404); 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 proponent did not identify any additional beneficiaries of this bill.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 8424.89.00:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	1.8%	1.8%	1.8%	1.8%	1.8%
Estimated value <i>dutiable</i> imports ^a	\$27,000,000	\$27,000,000	\$27,000,000	\$27,000,000	\$27,000,000
Customs revenue loss ^b	\$486,000	\$486,000	\$486,000	\$486,000	\$486,000

a/ Dutiable import estimates were based on U.S. Government statistics and Commission estimates.

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)	
Target Corp. (Proponent) Susan Flack, 202-863-7265 Marguerite Trossevin, 202-251-6170	12/01/2009 12/02/2009	No	No	No
Interdesign, Inc. Marlise Nott, 440-248-0178, ext. 367	12/01/2009	No	No	No
SPI-The Plastics Industry Trade Association Neal Pratt, 202-974-5200	11/25/2009	No	No	No

Technical comments:⁴

It is suggested that the article description of the proposed heading be worded as shown on page 1. However, the provision would likely present some interpretive problems. Customs and Border Protection may have difficulty distinguishing those appliances designed to disperse lotions and soaps from those designed for other liquids. There may also be a question as to what constitutes a “lotion” or a “soap” given that certain medicines may be prepared in the form of lotions, while it is uncertain whether sanitizing agents would be included. Depending upon Customs’ interpretation of the heading, its scope and thus potential imports and revenue loss estimates may vary.

⁴ 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. 1995

To suspend temporarily the duty on certain soap and lotion pumps.

IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 2009

Ms. KLOBUCHAR introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To suspend temporarily the duty on certain soap and lotion pumps.

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 SOAP AND LOTION PUMPS.**

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	Plastic or metal hand-operated, portable lotion or soap pumps not designed to be affixed to a wall, countertop or cabinet (provided for in sub-heading 8424.89.00)	Free	No change	No change	On or before 12/31/2011	”.
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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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