

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 111th Congress ¹**

[Date approved: March 25, 2010]²

Bill No. and sponsor: S. 2271 (Mrs. Dianne Feinstein of California).

Proponent name,³ location: Mattel, Inc., El Segundo, CA.

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)):

Image projectors capable of projecting images onto a ceiling or wall, the foregoing each imported with audio player and designed to soothe or entertain infants (provided for in subheading 9008.30.00) .

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:

Infant projection soothers attach to baby cribs and project soothing or entertaining images onto the ceiling or wall. These devices may also play pleasant sounding music, such as lullabies or nature sounds, intended to placate restless infants. These products are primarily imported from China.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading: 9008.30.00

	2010	2011	2012	2013	2014
Col. 1-General rate of duty					
Col. 1-General rate of duty	4.6%	4.6%	4.6%	4.6%	4.6%
Estimated value <i>dutiable</i> imports ^a	\$5,200,000	\$5,200,000	\$5,200,000	\$5,200,000	\$5,200,000
Customs revenue loss ^b	\$239,200	\$239,200	\$239,200	\$239,200	\$239,200

a/ Dutiable import estimates were provided by industry sources.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

¹ Industry analyst preparing report: Mihir Torsekar (202-205-3350); 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 sponsor/proponent identified ten additional beneficiaries of this bill. USITC staff sent inquiries to the additional beneficiaries and received responses from one, which submitted a written representation that it would benefit from this bill.

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)	
Mattel, Inc. (Proponent) Corinne Murat, corinne.murat@mattel.com	12/14/2009	No	No	No
Bed Bath and Beyond, Inc. Sarah Gregory, 908-855-4575	12/22/2009	No	No	No
Buy Buy Baby, Inc. Sarah Gregory, 908-855-4575	12/22/2009	No	No	No
HoMedics, Inc. Ron Ferber, 248-863-3000	12/30/2009	No	No	No
Schylling Toys Jim Leonard, jim@schylling.com Mary Lipman, mary@schylling.com	12/30/2009	No	No	No
Sears Brands, LLC Sheryl Press-Bigalis, 800-349-4358	12/30/2009	No	No	No
Target Brands, Inc. Toni Dembski, toni.dembski-grandl@target.com	12/22/2009	No	No	No
Tomy Corporation Mike Kingsbury, mike@teammkm.com	12/30/2009	No	No	No
Toys-R-Us (Geoffrey, LLC) Joel Tennenberg, joel.tennenberg@toysrus.com	12/22/2009	No	No	No
Toy Industry Association Barry Levy, mbarrylevy@spcblaw.com	12/14/2009	No	No	No
Wal-mart Stores, Inc. Anita Fendall, anita.fendall@wal-mart.com	12/30/2009	No	No	No

Technical comments:⁴

It is suggested that the language of the proposed article description be amended to read as shown on page 1, based on input from the proponent. However, there remain two aspects of the article description that could present interpretive issues for Customs and Border Protection officials. First, the language does not specify whether the subject goods' audio players use stored media or inserted media to accomplish their function. Second, the nature of what might be "designed to soothe or entertain infants" is not easy to specify.

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. 2271

To suspend temporarily the duty on certain infant products.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

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

A BILL

To suspend temporarily the duty on certain infant products.

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 INFANT PRODUCTS.**

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	Image projectors (provided for in subheading 9008.30.00) capable of projecting images onto a ceiling or wall, with audio player, designed to sooth or entertain infants)	Free	No change	No change	On or before 12/31/2011	”.
---	------------	--	------	-----------	-----------	-------------------------	----

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies to articles entered, or withdrawn
3 from warehouse for consumption, on or after the 15th day
4 after the date of the enactment of this Act.

○