

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 110th Congress¹**

[Date approved: September 8, 2008]²

Bill No. and sponsor: H.R. 5355 (Mr. Gary Ackerman of New York).

Proponent name,³ location: Leviton Manufacturing Company, Inc., Little Neck, NY.

Other bills on product (110th 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)):

Fresnel lanterns, ellipsoidal reflector spotlights or floodlights, parabolic aluminized reflector lights, strip lights, scoop lights or followspots, the foregoing of aluminum, suitable for use as theater lighting and designed to be affixed to or installed in walls, ceilings, supporting beams or frameworks of theater stages (provided for in subheading 9405.40.60).

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 goods of interest to the proponents are theatrical lighting fixtures, comprising various instruments each consisting of a metal container to house the components of the instrument and prevent light from spilling in unintended directions. Each one has a lamp (light source), a lens or opening in the housing through which the light can pass, and a reflector behind or around the lamp to direct more light toward the lens. Most theatrical lighting instruments are suspended by a yoke or "trunion arm" fixed to the sides of the instrument. A clamp is used to secure the instrument onto the pipe or batten from which it is hung. Theatrical lighting instruments commonly use tungsten-halogen or quartz-halogen lamps (bulbs).

Theatrical lighting consists of floodlights and spotlights, but various specialized types of lights are also included. Spotlights produce light that is controllable in terms of its direction and the size of the area to be lit, whereas floodlights produce light that cannot be so narrowly directed. Spotlights have a number of uses in addition to performing arts venues. Portable spotlights, which may be hand-held or designed to be mounted on movable stands, are used by professional photographers, museums, art galleries, television

¹ Industry analyst preparing report: Ralph Watkins (202-205-3492); Tariff Affairs contact: Jan Summers (202-205-2605).

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

³ The sponsor/proponent did not identify any additional beneficiaries of this bill. USITC staff identified three additional beneficiaries of this bill that were not identified by the sponsor/proponent, and those beneficiaries submitted written representations that they would benefit from this bill.

studios, and other similar venues where tightly focused light is required. The lighting is also used to provide security-related illumination for buildings and outdoor spaces. Specific types of lighting used in theaters include Fresnel lanterns, ellipsoidal reflector spotlights (ERS), beam projectors, and followspots. The most common types of floodlights include parabolic aluminized reflector (PAR) lights, strip lights, scoop lights, house lights, and work lights.⁴

Theatrical lighting fixtures of aluminum are estimated to account for a small portion of U.S. imports under HTS subheading 9405.40.60. China is the leading supplier of miscellaneous electrical lighting of base metals (other than brass) under HTS subheading 9405.40.60,⁵ accounting for 53 percent (\$388 million) of total U.S. imports and 83 percent of dutiable imports in 2007. Mexico was the second leading supplier, accounting for 28 percent (\$207 million) of total imports and about \$6 million in dutiable imports.⁶

Estimated effect on customs revenue:

HTS subheading: <u>9405.40.60</u>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	6%	6%	6%	6%	6%
Estimated value <i>dutiable</i> import	\$5,250,000	\$5,500,000	\$5,800,000	\$6,100,000	\$6,400,000
Customs revenue loss	\$315,000	\$330,000	\$348,000	\$366,000	\$384,000

Source of estimated dutiable import data: Commission estimates based on discussions with industry representatives concerning the bill as drafted.

⁴ For more information on theatrical lighting and its uses, see “Stage Lighting,” http://en.wikipedia.org/wiki/Stage_lighting, retrieved April 28, 2008, and “Stage Lighting Instrument,” http://en.wikipedia.org/wiki/Stage_lighting_instrument, retrieved April 28, 2008. House lights and work lights operate somewhat differently and often use incandescent lamps, and they have been omitted from the proposed description on page 1 because they cannot be distinguished from similar lights used for many other venues.

⁵ Articles classified in HTS subheading 9405.40.60 include all electric lamps and lighting fittings of base metals other than brass, except ceiling and wall lighting fittings and table, desk, bedside, or floor lamps. It is a much broader category than is covered by this bill and lacks statistical reporting numbers to describe particular types of goods. Given the modifications to the article description proposed on page 1, it is possible that the data included here may slightly understate actual imports and thus the resulting revenue loss.

⁶ Only originating goods of Mexico under the terms of general note 12 are eligible to enter free of duty under the North American Free Trade Agreement.

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)		
Leviton Manufacturing Company, Inc. (Proponent) Christopher Schodowski, 619-205-8600	5/6/2008	Yes	Yes	No
Ace Hardware Corp. Carolann Conner, 630-990-6920	5/7/2008	No	No	No
Acuity Brands Lighting, Inc. Lisa Larkins, 404-853-1400	5/7/2008	No	No	No
Altman Lighting Co., Inc. Brian Altman, 914-476-7987	5/8/2008	No	No	No
American DJ Supply, Inc. Bill Curry, 323-582-2650	5/8/2008	No	No	No
American Tack & Hardware Mary Anne McCarthy, 201-934-3224	5/8/2008	No	No	No
Appleton Electric LLC Garry Mosebach, 847-268-6000	5/8/2008	No	No	No
Arri, Inc. Jose Baun, 845-353-1400, ext. 261	5/7/2008	No	No	No
Bayco Products, Inc. Eric Wickstrom, 469-326-9400	5/8/2008	No	No	No
Bed Bath & Beyond Angela Leary, 908-0688-0888	5/8/2008	No	No	No
Big Lots Stores, Inc. Wayne Stockton, 614-278-6800	5/8/2008	No	No	No
BJ's Wholesale Club Lou Gefteas, 508-651-6186	5/7/2008	No	No	No
Cooper Lighting LLC Tom Salpietra, 770-487-8571	5/8/2008	No	No	No
Costco Wholesale Corp. Art Jackson, 425-427-7644	5/7/2008	No	No	No
CVS Caremark Corp. Wendy Sussman, 202-772-3517	5/7/2008	No	No	No
Desa LLC Natalie Lowe, 800-858-8501	5/8/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
The Designer's Edge, Inc. Mashele Giesinger, 425-637-9601	5/8/2008	No	No	No
Electrodepot Joan Teller, 561-362-0844	5/8/2008	No	No	No
Electronic Theatre Controls Fred Foster, 608-831-4116	5/7/2008	No	No	No
Elk Lighting Co. Mark Fludgate, 800-613-3261	5/9/2008	No	No	No
Grand Stage Co. Glennie Hudson, 414-276-2707	5/7/2008	No	No	No
The Home Depot Kevin Pinel, 770-433-8211, ext. 83323	5/9/2008	No	No	No
Intermatic, Inc. Natalie Scholberg, 815-675-7136	5/9/2008	No	No	No
Kohl's Corp. Beth Stellmacher, 262-703-1927	5/7/2008	No	No	No
The Kroger Co. Dennis Gallacher, 503-797-7944	5/9/2008	No	No	No
Lumination LLC (GE) Kelly Novak, 216-606-6555	5/9/2008	No	No	No
Lutron Electronics Co., Inc. Mark D. Yoder, 610-282-6530	5/9/2008	No	No	No
Lycian Stage Lighting S. Lerman, 845-469-5355	5/7/2008	No	No	No
Martin Professional, Inc. Tony Alhadeff, 954-858-1800, ext. 214	5/9/2008	No	No	No
National Specialty Lighting, Inc. Greg Lafebre, 303-926-1100	5/9/2008	No	No	No
Omron Electronics Components Bob Garvin, 847-882-2288	5/9/2008	No	No	No
Orchard Supply Hardware LLC Michael Peterson, 408-281-3500	5/8/2008	No	No	No
Philips Electronics Michelle DeMoor, 202-962-8551	5/9/2008	Yes	Yes	No
The Phoebus Co., Inc. John Tedesco, 415-550-0770	5/7/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Ranco North America LP Judy Brady, 614-873-9000	5/12/2008	No	No	No
Rite Aid Corp. John Coster, 703-888-0859	5/9/2008	No	No	No
Robe Lighting, Inc. Marisol Segovia, 954-615-9100	5/12/2008	No	No	No
Robert Shaw Controls Co. Angela Branaman, 865-981-3100	5/12/2008	No	No	No
Rockwell Automation, Inc. Keith Lister, 414-382-4871	5/8/2008	No	No	No
Sacramento Theatrical Lighting Phil Stommel, 916-447-3258	5/8/2008	No	No	No
Seagull Lighting Products, Inc. Michael Hirsch, 800-347-5483	5/12/2008	No	No	No
Sears Holding Corp. Brad Shorse, 847-286-2757	5/7/2008	No	No	No
SolarLightSource.com, NetShops, Inc. Suzi Hernandez, 866-654-0626	5/9/2008	No	No	No
Strand Lighting, Inc. Peter Rogers, 714-230-8205	5/7/2008	No	No	No
Target Corp. Toni Dembski-Brandl, 612-696-2573	5/7/2008	No	No	No
Time Square Lighting Felicia Williams, 845-947-3034, ext. 29	5/8/2008	No	No	No
True Value Co. David Shaddock, 773-695-5000	5/12/2008	No	No	No
Uni-Par Lighting Corp. Wilmetta Wimberly, 270-898-8962	5/12/2008	No	No	No
Walgreen Co. Leslie Higgins, 847-914-2500	5/7/2008	No	No	No
Wal*Mart Stores, Inc. Mark Haney, Sandler, mhaney@strtrade.com	5/7/2008	No	No	No

Technical comments:⁷

The proposed article description should be amended as shown on page 1 to take into account available information from the proponent. The term “theatrical lighting” lacks physical characteristics or other information that would tie it to a recognizable category of goods. Thus, the language shown on page 1 would name particular types of lighting typically used in theaters, though these lights may also have other uses. Further delineation may be needed to permit Customs to identify the goods actually of interest to the proponents, once this intent is clarified further.

⁷ 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.

110TH CONGRESS
2^D SESSION

H. R. 5355

To suspend temporarily the duty on certain theatrical lighting fixtures.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2008

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

A BILL

To suspend temporarily the duty on certain theatrical
lighting fixtures.

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 THEATRICAL LIGHTING FIXTURES.**

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	Theatrical lighting fixtures of aluminum (provided for in subheading 9405.40.60)	Free	No change	No change	On or before 12/31/2011	”.
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8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) applies to goods entered, or withdrawn from

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

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