

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: August 26, 2008]²

Bill No. and sponsor: H.R. 5200 (Mrs. Ellen O. Tauscher of California).

Proponent name,³ location: Applied Materials, Inc., Santa Clara, CA.

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)):

Optical fiber amplifiers, each certified by the importer as having an operating voltage of 11 V DC or more but not over 30 V DC, a light-emitting diode (LED) and a 1,000 mm operating range (provided for in subheading 9013.80.90).

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:

According to the proponent, the subject product is a photo optic sensor for the detection of fast events. The sensor scans an object using a light-emitting diode (LED) modulated light.⁴ The product of interest to the proponent is imported primarily from Germany. Dutiable U.S. imports under HTS subheading 9013.80.90 (a broader category than is covered by this bill) totaled approximately \$317 million in shipments. Germany, the third leading supplier of all goods under this subheading, accounted for \$35.2 million in imports.

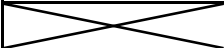
¹ Industry analyst preparing report: Falan Yinug (202-205-2160); Tariff Affairs contact: Jan Summers (202-205-2605).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/.

³ The sponsor/proponent did not identify any additional beneficiaries of this bill.

⁴ The product described in the bill as drafted is described at http://www.leuze.de/downloads/los/db/26_brlsg/lsg_e03e.pdf.

Estimated effect on customs revenue:

HTS subheading: <u>9013.80.90</u>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	4.5%	4.5%	4.5%	4.5%	4.5%
Estimated value <i>dutiable</i> imports	\$317,000,000	\$317,000,000	\$317,000,000	\$317,000,000	\$317,000,000
Customs revenue loss	\$14,265,000	\$14,265,000	\$14,265,000	\$14,265,000	\$14,265,000

Source of estimated dutiable import data: Official U.S. Government statistics.⁵

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)		
Applied Materials, Inc. (Proponent) Joe Pasetti, 202-638-4434, ext. 6	04/30/2008	No	No	No
Alcatel Vacuum Products Pat Byrnes, pat.byrnes@adixen-usa.com	06/05/2008	No	No	No
Conax Buffalo Technologies, LLC M. Vedella, mvedella@conaxtechnologies.com	06/05/2008	No	No	No
Corning, Inc. Debbie Waggoner, waggonerdl@corning.com	06/06/2008	No	No	No
Daitron, Inc. Bill Laraway, 503-682-7560	06/05/2008	No	No	No
Edwards Wendy Finnen, 1-800-848-9800, ext. 1516	06/05/2008	No	No	No
Excel Technology, Inc. Alice Varisano, 631-784-6175	06/06/2008	No	No	No
InTEST Corp. Mary Jane Boguski, m.boguski@intest.com	06/05/2008	No	No	No
KLA-Tencor Corp. Meggan Powers, 408-875-3000	06/05/2008	No	No	No
Kurt J. Lesker Co. Bill Zinn, billz@lesker.com	06/10/2008	No	No	No
McBain Instruments Patrice Burton, pburton@mcbainsystems.com	06/06/2008	No	No	No

⁵ Estimated import data based on the proposed revised product description were not provided by the proponent for its imports. It is likely that the figures shown for imports and customs revenue loss overstate the potential actual imports and revenue loss for the products concerned, but more precise information is unavailable.

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
National Electrical Manufacturers Association John Meakem, joh_meakem@nema.org	06/06/2008	No	No	No
Newport Electronics/Omega Engineering Rosita Asnaashari, rasnaashari@newportinc.com	06/05/2008	No	No	No
Nor-Cal Products, Inc. David Stone, davidstone@n-c.com	06/05/2008	No	No	No
Novellus Systems, Inc. Pushpita Prasad, pushpita.prasad@novellus.com	06/05/2008	No	Yes	No
NxEdge, Inc. Dan Dahl, ddahl@nxedgeinc.com	06/06/2008	No	No	No
Oerlikon Leybold Vacuum USA, Inc. Diana Cook, 724-327-5700	06/06/2008	No	No	No
Phoenix Contact, Inc. Mary Castle, 717-944-1300	06/05/2008	No	No	No
Plastronics Socket Co., Inc. Kevin Koontz, Kevin@locknest.com	06/05/2008	No	No	No
Qioptiq Imaging Solutions John Gebhardt, john.gebhardt@ny.qioptiq.com	06/06/2008	No	No	No
SAES Pure Gas, Inc. C. Landoni, cristian_landoni@saes-group.com	06/05/2008	No	No	No
Semiconductor Equipment and Materials, Intl. Ken Schramko, kschramko@semi.org	06/05/2008	No	No	No
Sumitomo (SHI) Cryogenics of America, Inc. David Dedman, 610-791-6768	06/06/2008	No	No	No
Synergetix Karen Bock, 913-342-0404	06/06/2008	No	No	No
3M Co. Megan Ivory, mmivory@mmm.com	06/09/2008	No	No	No
T&M Service Mike Brooker, mbrooker@tandmservice.com	06/05/2008	No	No	No
TRU Corp. Joe Perna, jperna@trucorporation.com	06/05/2008	No	No	No
TSI Group, Inc. Kristy Oliver, koliver@tsigroupinc.com	06/05/2008	No	No	No
Tystar Corp. Jim Smith, jsmith@tystar.com	06/06/2008	No	No	No
ULVAC Technologies, Inc. Diane Hanley, 978-686-7550	06/06/2008	No	No	No
W.L. Gore & Associates Mike Ratchford, mratchfo@wlgore.com	06/06/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Xandex, Inc. N. Manoochehri. nmanoochehri@xandex.com	06/05/2008	No	No	No

Technical comments:⁶

The proposed product description should be amended as shown on page 1, to conform with normal drafting practices in the HTS; the HTS cannot contain company-specific part numbers or proprietary terminology. As a result of discussions with the proponent, the HTS subheading cited in the bill as drafted has been corrected to show the applicable HTS subheading, 9013.80.90. We suggest the use of an importer certification requirement because the precise physical characteristics set forth in the article description would likely need to be verified through laboratory testing, which is burdensome for Customs and Border Protection.

⁶ 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
2D SESSION

H. R. 5200

To suspend temporarily the duty on fiber optic amplifier type ILVS 19/4 with metal housing.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2008

Mrs. TAUSCHER introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To suspend temporarily the duty on fiber optic amplifier type ILVS 19/4 with metal housing.

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. FIBER OPTIC AMPLIFIER TYPE ILVS 19/4 WITH**
4 **METAL HOUSING.**

5 (a) IN GENERAL.—Subchapter II of chapter 99 of
6 the Harmonized Tariff Schedule of the United States is
7 amended by inserting in numerical sequence the following
8 new heading:

“	9902.01.00	Fiber optic amplifier type ILVS 19/4 with metal hous- ing. Lueze electronic part number 50015635 (provided for in subheading 8536.50.90)	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 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.

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