



## 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)):

Parts and accessories of optical instruments and apparatus (provided for in subheading 9027.90.68) [see product information and technical comments, below]

(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, according to the bill as drafted, are parts and accessories used in optical instruments and apparatus for analyzing gas or smoke, given the coverage of the cited subheading. However, information obtained from the interested entity suggests that a single product, pins of metal for burn-in boards used to check semiconductors, was instead intended to be covered. The classification of such pins is not clear and may vary according to the type of instrument or apparatus of which the pins are parts, but information obtained from Customs as of the time of preparation of this memorandum suggests that the subheading included in the bill is incorrect. No formal ruling has been published by Customs concerning the product of interest.

Germany, China, and France are the leading U.S. import suppliers of products classified under subheading 9027.90.68.

## IV. Estimated effect on customs revenue

Subject product HTS subheading(s)	9027.90.68 [see technical comments]				
Item	2013	2014	2015	2016	2017
Col.1-general rate of duty or percentage point reduction (%)	3.5	3.5	3.5	3.5	3.5
Estimated value of <i>dutiable</i> imports (\$)	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000
Customs revenue loss (\$)	315,000	315,000	315,000	315,000	315,000

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

The interested entity has not been able to provide a precise description of the goods it intended to cover in this bill or of the goods in which the pins are incorporated by the interested entity. The nature and classification of the end product usually

determines the classification of parts of the end product for tariff purposes. Customs officials have indicated that, absent an examination of the goods in question and additional information, any opinion on classification would be theoretical. Accordingly, the Commission is unable to suggest an appropriate article description to substitute for the one in the bill. We note that such pins may be produced by firms within the United States, but without a specific description it is difficult to obtain input from such firms.

**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	IBM Corp. (Interested entity) John Adamo	720-395-1427	No	No	No
2	Agilent Technologies, Inc. Frank Orlandella	202-772-3588	No	No	No
3	B&K Precision Corp. Jorg Hesser	714-921-9095	No	No	No
4	Dwyer Instruments, Inc. Mike Chhutani	219-879-8000	No	No	No
5	Emerson Process Management Mike Dougherty	208-865-1112	No	No	No
6	Instrumentation Northwest, Inc. Romey Gilbert	425-822-4434	No	No	No
7	LeCroy Corp. Shannon Harrington	845-425-2000	No	No	No
8	National Instruments Corp. Don Phillips	512-794-0100	No	No	No
9	Norman N. Axelrod Associates Norman N. Axelrod	212-741-6302	No	No	No
10	Sencore Manufacturing Services Dana Nachreiner	866-324-0461	No	No	No
11	TechAmerica Christopher E. Wilson	202-682-4451	No	No	No

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

# H. R. 5413

To suspend temporarily the duty on parts and accessories of optical instruments and apparatuses.

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IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2012

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

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## A BILL

To suspend temporarily the duty on parts and accessories of optical instruments and apparatuses.

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. PARTS AND ACCESSORIES OF OPTICAL INSTRU-**  
4        **MENTS AND APPARATUSES.**

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	Parts and accessories of optical instruments and apparatuses (provided for in subheading 9027.90.68)	Free	No change	No change	On or before 12/31/2015	”.
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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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