

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: April 8, 2010]²

Bill No. and sponsor: S. 1899 (Mr. Pat Roberts of Kansas).

Proponent name,³ location: Philips Electronics Corporation, New York, NY.

Other bills on product (111th Congress only): S. 1898 and S. 2660.

Nature of bill: Extension of temporary duty suspension through December 31, 2011.⁴

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

Yttrium oxide phosphor, activated by europium, of a kind used as a luminophore (CAS No. 68585-82-0) (provided for in subheading 3206.50.00).

Check one: ___ Same as that in bill as introduced.
 X Different from that in bill as introduced (see Technical comments section).

Product information, including uses/applications and source(s) of imports:

The subject product is an inorganic compound activated for use as a luminophore in the manufacture of fluorescent lighting, TV and computer monitors, light emitting diodes (LEDs), and other electronic products. The subject product is imported from the Netherlands.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 3206.50.00:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports ^a	\$6,000,000	\$7,000,000	\$8,000,000	\$9,000,000	\$10,000,000
Customs revenue loss ^b	\$390,000	\$455,000	\$520,000	\$585,000	\$650,000

a/ Dutiable import estimates were based on official U.S. Government statistics and industry information.

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

¹ Industry analyst preparing report: Larry Johnson (202-205-3351); Tariff Affairs contact: Dave Michels (202-205- 3440).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.

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

⁴ Heading 9902.22.63 expired on December 31, 2009.

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)	
Philips Electronics Corporation (Proponent) Randy Moorehead, 202-962-8550	12/01/2009	No	No	No
Agilent Technologies Robbins Pancake, 202-416-6211	12/01/2009	No	No	No
Apollo Color, Inc. Tom Rogers, 815-722-3965	12/01/2009	No	No	No
ASML US, Inc. Craig DeYoung, 480-383-4005	12/01/2009	No	No	No
Barium and Chemicals, Inc. Albert Pavlik, Jr., 740-282-9779	12/01/2009	No	No	No
BASF Corp. Phil Webb, 704-398-2588	12/01/2009	No	No	No
CDR Pigments & Dispersions Rucker Wickline, 270-737-1700	12/01/2009	No	No	No
Chemical Products Corporation Gary D. Graves, 770-382-2144	12/01/2009	No	No	No
Ciba Specialty Chemical Corp. John Deming, 302-479-5499	12/01/2009	No	No	No
Clariant Corp. Andy Zamoyiski, 401-823-2230	12/01/2009	No	No	No
ColorChem International Corp. Steven Printz, 770-993-5500	12/01/2009	No	No	No
Cooper Industries, Ltd. Terry Helz, 713-209-8408	12/01/2009	No	No	No
Cree Inc. Leigh Mitchell, 919-313-5300	12/01/2009	No	No	No
Cymer, Inc. Albert Cefalo, 858-385-6222 Edward Juliano, 978-264-0621	12/01/2009	No	No	No
Diacolor-Pope Bob Turkos, 973-279-2702	12/01/2009	No	No	No
Eaton Corp. Barry Doggett, 216-423-4664	12/01/2009	No	No	No
Emerson Electric Co. Robert McDonald, 202-508-6303	12/01/2009	No	No	No
Ericson Manufacturing Co. Richard Fox, 440-951-8000	12/01/2009	No	No	No
Fanwood Chemical Co. Jim DeLisi, 908-322-8440	12/01/2009	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Galaxie Chemical Corp. Richard Caldwell, 973-279-0558	12/01/2009	No	No	No
General Electric Co. Sandy Merber, 202-637-4000	12/01/2009	No	No	No
Global Tungsten and Powders Corp. Wende McLinko, 570-268-5119	12/01/2009	Yes	Yes	Yes
Hitachi America, Ltd. Carl Green, 202-828-9272	12/01/2009	No	No	No
Hubbell Inc. Thomas Conlin, 203-799-4293	12/01/2009	No	No	No
Intel Corporation David Rose, 202-626-4390	12/01/2009	No	No	No
Leviton Manufacturing Co., Inc. Stephen Hofmann, 202-216-9703	12/01/2009	No	No	No
Light Sources, Inc. John Masuchi, 203-799-7877	12/01/2009	No	No	No
Magruder Color Co., Inc. Joel Weissglass, 973-241-1300	12/01/2009	No	No	No
Mason Color Works, Inc. Carol Mason Cronin, 330-385-4400	12/01/2009	No	No	No
Max Marx Color Corp. Walter Sichel, 973-373-7801	12/01/2009	No	No	No
National Electrical Manufacturers Association John Meakem, 703-841-3243	12/01/2009	No	No	No
Osram Sylvania Pamela Horner, 978-777-1900	12/01/2009	No	No	No
Pass & Seymour/Lagrand John Clarke, 315-468-8223	12/01/2009	No	No	No
PMC Inc. Gordon McCullough, 847-615-3400	12/01/2009	No	No	No
Siemens Energy and Automation, Inc. Tom Varney, 770-751-2000	12/01/2009	No	No	No
SEMI Victoria Hadfield, 202-289-0440	12/01/2009	No	No	No
Sun Chemical Corp. Ed Faulkner, 513-681-5950	12/01/2009	No	No	No
Technology Research Corp. Robert Wiggins, 727-535-0572	12/01/2009	No	No	No

Technical comments:⁵

The Commission staff notes that the subject product was covered by two different headings in HTS Chapter 99:

- 9902.22.63 Yttrium oxide phosphor, activated by europium, of a kind used as a luminophore (CAS No. 68585-82-0) (provided for in subheading 3206.50.00)
- 9902.22.69 Yttrium oxide phosphor, activated by europium, used as a luminophore (CAS No. 68585-82-0) (provided for in subheading 3206.50.00).

Note that heading 9902.22.63 refers to yttrium oxide phosphor “of a kind” used as a luminophore, whereas heading 9902.22.69 simply refers to yttrium oxide phosphor used as a luminophore. The Commission staff notes that S. 1898 would extend the temporary duty suspension that was provided for in HTS heading 9902.22.69, while S. 1899 and S. 2660 would extend the temporary duty suspension that was provided for in HTS heading 9902.22.63. The Commission staff recommends that HTS heading 9902.22.63 be used to extend the temporary duty suspension and that 9902.22.69 be deleted from the HTS.

⁵ 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. 1899

To extend the temporary suspension of duty on yttrium oxide phosphor.

IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 2009

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

A BILL

To extend the temporary suspension of duty on yttrium
oxide phosphor.

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. YTTRIUM OXIDE PHOSPHOR.**

4 (a) IN GENERAL.—Heading 9902.22.63 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 yttrium oxide phosphor) is amended by striking the date
7 in the effective period column and inserting “12/31/2011”.

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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