

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 111<sup>th</sup> Congress<sup>1</sup>**

[Date approved: March 25, 2010]<sup>2</sup>

**Bill No. and sponsor:** S. 2233 (Mrs. Dianne Feinstein of California).

**Proponent name,<sup>3</sup> location:** Hitachi Chemical Company America, Ltd., Cupertino, CA.

**Other bills on product (111<sup>th</sup> 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)):**

Suspended particle devices, comprising a film laminate containing microscopic light-absorbing particles, the foregoing designed to be incorporated between layers of glass to enable such glass to change tint as a result of changes in applied electrical current (provided for in subheading 9001.90.90).

**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:**

The subject products are suspended particle devices, comprising film laminate that, when incorporated between glass layers, helps to regulate the transmission of heat and light by the glass and thus the thermal load of the structure in which the glass is installed. The film contains microscopic particles suspended in a fluid that are arrayed in random fashion when no electric current is applied, so that the glass panel seems dark or opaque, but that align to allow light to pass through whenever current is applied. The level of light allowed to pass through the glass can be controlled by the level of current applied. Product applications reportedly include use in architectural windows, doors, skylights and partitions; automobile windows and sun roofs; aircraft window shades; and marine windows. According to the proponent, future applications may include appliances and other products now under development. The subject products are primarily imported from Germany.

<sup>1</sup> Industry analyst preparing report: Mihir Torsekar (202-205-3350); Tariff Affairs contact: Jan Summers (202-205-2605).

<sup>2</sup> 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/).

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

**Estimated effect on customs revenue for the subject product classifiable in HTS subheading 9001.90.90:**

	2010	2011	2012	2013	2014
<del>Col. 1-General rate of duty</del>					
Col. 1-General rate of duty	2.9%	2.9%	2.9%	2.9%	2.9%
Estimated value <i>dutiable</i> imports <sup>a</sup>	\$550,000	\$600,000	\$615,000	\$630,000	\$645,000
Customs revenue loss <sup>b</sup>	\$15,950	\$17,400	\$17,835	\$18,270	\$18,705

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.

**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)		
Hitachi Chemical Company America, Ltd. (Proponent) Nori Imai, 408-200-9311	11/20/2009	No	No	No
Research Frontiers, Inc. Joseph M. Harary, 516-364-1902 ext 251	11/20/2009	No	No	No
Samuels International Associates, Inc. Andrew Durant, 202-223-7683	11/20/2009	No	No	No

**Technical comments:<sup>4</sup>**

It is suggested that the proposed article description be amended to read as shown on page 1; however, we defer to U.S. Customs and Border Protection concerning appropriate language. We note that the article description as shown in the bill refers to HTS subheading 9001.90.00; however, such a reference would be to a 6-digit international HS subheading, and the HTS contains U.S. tariff rate lines subordinate to that subheading. Assuming that CBP agrees this product is an optical element, the correct HTS provision would appear to be subheading 9001.90.90.

<sup>4</sup> 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. 2233

To suspend temporarily the duty on suspended particle device film.

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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

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## A BILL

To suspend temporarily the duty on suspended particle device film.

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. SUSPENDED PARTICLE DEVICE FILM.**

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	Other optical elements; Suspended particle device film produced by patented technology that results in microscopic light-absorbing particles changing tint completely in seconds by adjusting the electrical voltage (provided for in subheading 9001.90.00) .....	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 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.

