

DUTY ON CERTAIN ARTICLES OF ALUMINA, BAUXITE,
COPPER, AND CELLULOSIC PLASTICS

OCTOBER 3, 1968.—Ordered to be printed

Mr. MILLS, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 7735]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7735) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: *That (a) items 907.15 (relating to aluminum oxide (alumina) when imported for use in producing aluminum), 909.30 (relating to bauxite, calcined), and 911.05 (relating to bauxite ore) of the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "7/15/68" and inserting in lieu thereof "7/15/71".*

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1968. Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, entries and withdrawals of articles described in items 907.15, 909.30, and 911.05 of the Tariff Schedules of the United States (as amended by subsection (a)) which were made after July 15, 1968, and before the date of the enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entries or withdrawals had been made on the date of the enactment of this Act.

SEC. 2. (a) Section 5134(b) of the Internal Revenue Code of 1954 (relating to claims for drawback of distilled spirits taxes on account of

certain nonbeverage uses) is amended by striking out in the last sentence thereof "3 months" and inserting in lieu thereof "6 months".

(b) The amendment made by subsection (a) shall apply with respect to claims filed on or after the date of the enactment of this Act.

SEC. 3. (a) Items 911.10 (relating to copper waste and scrap), 911.11 (relating to articles of copper), 911.13 (relating to copper bearing ores and materials), 911.14 (relating to cement copper and copper precipitates), 911.15 (relating to black copper, blister copper, and anode copper), and 911.16 (relating to other unwrought copper) of the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/68" and inserting in lieu thereof "6/30/70 (see headnote 3 of this subpart)".

(b) The headnotes of subpart B of part 1 of the Appendix to the Tariff Schedules of the United States are amended by adding at the end thereof the following new headnote:

"3. (a) Items 911.10, 911.11, 911.13, 911.14, 911.15, and 911.16 shall not apply when the market price of copper is under 36 cents per pound.

"(b) For purposes of subparagraph (a), the market price of copper has the meaning assigned to it by headnote 5(b) of the headnotes of schedule 6, part 2, subpart C.

"(c) For purposes of subparagraph (a), the market price of copper shall be considered to be under 36 cents per pound only on and after the 20th day after the date of a report by the United States Tariff Commission to the Secretary of the Treasury that it has determined that the market price has been under 36 cents per pound for one calendar month. After any such report, the market price shall be considered as not being under 36 cents per pound only on and after the 20th day after the date of a report by the Commission to the Secretary that it has determined that the market price has been 36 cents or more per pound for one calendar month.

"(d) Determinations by the commission under this headnote shall be made in the manner prescribed by headnote 5(c) of schedule 6, part 2, subpart C."

(e) The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1968. Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, entries and withdrawals of articles described in items 911.10, 911.11, 911.13, 911.14, 911.15, and 911.16 of the Tariff Schedules of the United States (as amended by subsection (a)) which were made after June 30, 1968, and before the date of enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entries or withdrawals had been made on the date of the enactment of this Act.

SEC. 4. Part 4 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 854.10 the following new item:

" 854.20	Cellulosic plastics materials imported for use in artificial kidney machines or apparatus by a hospital or by a patient pursuant to prescription of a physician.....	Free	The Column 2 rate applicable in the absence of this item "
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(b) Headnote 1 of such part 4 is amended by striking out "and 852.20" and inserting in lieu thereof ", 852.20, and 854.20".

(c) *The amendments made by subsections (a) and (b) shall apply with respect to articles entered or withdrawn from warehouse for consumption on or after the date of the enactment of this Act.*

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following: *An Act to continue for three years the existing suspension of duties on certain alumina and bauxite, and for other purposes.*

And the Senate agree to the same.

WILBUR D. MILLS,

HALE BOGGS,

FRANK KARSTEN,

JOHN W. BYRNES,

THOS. B. CURTIS,

Managers on the Part of the House.

RUSSELL B. LONG,

GEORGE SMATHERS,

CLINTON P. ANDERSON,

JOHN J. WILLIAMS,

FRANK CARLSON,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7735) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment strikes out all of the House bill after the enacting clause and inserts a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment.

FIRST SECTION

The bill as passed by the House would provide permanent duty-free treatment for calcined bauxite, bauxite ore, and aluminum hydroxide and oxide (alumina). Under the first section of the Senate amendment, the duty on calcined bauxite, bauxite ore, and aluminum oxide (when imported for use in producing aluminum) would be suspended until July 15, 1970. The Senate amendment would merely reestablish a previous duty suspension on such articles which expired on July 15, 1968, and contains provisions according duty-free treatment to such articles entered after such date and before the effective date of the bill. The substitute agreed upon in conference adopts the substance of the Senate amendment but extends such suspension of duty for an additional year (until July 15, 1971).

SECTION 2

Section 2 of the Senate amendment would amend section 5134(b) of the Internal Revenue Code of 1954 (relating to claims for drawback of distilled spirits taxes on account of certain nonbeverage uses) to permit such claims to be filed within the 6-month period (3-month period under existing law) next succeeding the quarter in which the spirits are used for nonbeverage products. The House bill contains no such provision. The Senate amendment would apply with respect to such claims filed on or after January 10, 1967. Under the conference substitute, the amendment of the Senate is accepted but is made applicable only with respect to claims for drawback filed on or after the date of enactment of the bill.

SECTION 3

The Senate amendment would add a new section 3 to the House bill under which the suspension of duty (which expired on June 30,

1968) with respect to copper waste and scrap; certain articles of copper; copper bearing ores and materials; cement copper and copper precipitates, black copper, blister copper, and anode copper; and other unwrought copper (items 911.10, 911.11, 911.13, 911.14, 911.15, and 911.16, respectively, of the Tariff Schedules) would be reestablished and extended until June 30, 1970. The Senate amendment would also increase from 24 cents per pound to 36 cents per pound the market price at which copper provided for in subpart C, part 2, schedule 6 of the Tariff Schedules (relating to copper, its alloys and basic shapes and forms and to copper waste and scrap) and certain other copper bearing ores and materials are dutiable at higher rates. (The 36 cents per pound market price would also be the point at which the duty suspensions on copper provided for under the Senate amendment would cease to apply.) The conference substitute accepts the Senate provisions relating to suspensions of duty until June 30, 1970, but makes the 36 cents per pound market price ("peril-point") provisions of the Senate amendment applicable only for purposes of terminating such duty suspensions.

SECTION 4

Under section 4 of the Senate amendment, cellulosic plastics materials imported by certain nonprofit public or private institutions for use in artificial kidney machines or apparatus would be accorded duty-free entry. No such provision was contained in the House bill. The substitute agreed upon in conference adopts the provisions of H.R. 13419, as passed by the House, under which duty-free treatment is accorded such cellulosic materials when imported for use in artificial kidney machines or apparatus by a hospital or by a patient pursuant to the prescription of a physician.

WILBUR D. MILLS,
HALE BOGGS,
FRANK KARSTEN,
JOHN W. BYRNES,
THOS. B. CURTIS.

Managers on the Part of the House.

