

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress¹**

[Date approved: June 1, 2006]²

Bill No. and sponsor: H.R. 3528 (Mr. Steve Buyer of Indiana).

Proponent name, location: Dow AgroSciences, Indianapolis, IN.

Other bills on product (109th Congress only): None.

Nature of bill: Extension of temporary duty suspension through December 31, 2008.

Retroactive effect: None.

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

Diphenyl sulfide (CAS No. 139-66-2) (provided for in subheading 2930.90.29).

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 product is used to make dichlorophenol and 2,4-dichlorophenoxy acetic acid, the active ingredients of various herbicide formulations that are used for the control of various broadleaf weeds. The subject product is imported from Japan.

Estimated effect on customs revenue:

HTS subheading: <u>2930.90.29</u>					
	2005	2006	2007	2008	2009
					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$275,000	\$275,000	\$275,000	\$275,000	\$275,000
Customs revenue loss 1/	\$17,875	\$17,875	\$17,875	\$17,875	\$17,875

1/ The estimated Customs revenue loss data for 2005 and 2006 reflect the existing duty suspension under heading 9902.29.06 that expires on December 31, 2006.

Source of estimated dutiable import data: Industry estimates.

¹ Industry analyst preparing report: Jeff Clark (202-205-3318); Tariff Affairs contact: David Michels (202-205-3440).

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

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	US production of same or competitive product claimed?	Submission attached?	Opposition noted?
Dow AgroSciences (Proponent) Lisa Schroeter, Fax: 202-429-3467	10/27/2005 11/18/2005	No	No	No
AtoFina Cerex Charles Kitchin, Fax: 703-527-2092	11/18/2005	No	No	No
BASF Corp. Greg Thies, 202-904-2332	11/18/2005	No	No	No
Bayer Karen Niedermeyer, 412-777-2058 Will Hensley, 202-756-3781	11/18/2005	No	No	No
Crop Life America Lawrence Norton, Fax: 202-463-0474	11/18/2005	No	No	No
Du Pont Helen McMahon, Fax: 302-355-2994	11/18/2005	No	No	No
FMC Corp. Jerry Prout, 202-956-5219	11/18/2005	No	No	No
LANXESS Jamie Schaeffer, 412-809-3666	11/18/2005	No	No	No
Monsanto Corp. Linda Strachan, 202-383-2849	11/18/2005	No	No	No
Syngenta Crop Protection Mike Blythe, 336-632-6000	11/18/2005	No	No	No
Valent USA Robin Demouth, 925-256-2758	11/18/2005	No	No	No

Technical comments:³

The Commission notes that the HTS contains two headings that are numbered 9902.29.06. The heading that had applied to racemic di-menthol expired on December 31, 2001, and it should be deleted from the HTS.

³ 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.

109TH CONGRESS
1ST SESSION

H. R. 3528

To extend the temporary suspension of duty on Diphenyl sulfide.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

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

A BILL

To extend the temporary suspension of duty on Diphenyl sulfide.

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. DIPHENYL SULFIDE.**

4 (a) **IN GENERAL.**—Heading 9902.29.06 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 Diphenyl sulfide) is amended by striking “12/31/2006”
7 and inserting “12/31/2008”.

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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