

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 110th Congress ¹**

[Date approved: October 6, 2008]²

Bill No. and sponsor: H.R. 5302 (Mr. Bill Pascrell, Jr. of New Jersey).

Proponent name,³ location: Bayer HealthCare Pharmaceuticals, Wayne, NJ.

Other bills on product (110th Congress only): None.

Nature of bill: Extension of temporary duty suspension through December 31, 2011.

Retroactive effect: None.

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

D-Mannose (CAS No. 3458-28-4) (provided for in subheading 2940.00.60).

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 a specialized sugar-type product that is used in the formulation of a product that is used for the treatment of hemophilia. The product is imported from Belgium, Japan, and Slovakia.

Estimated effect on customs revenue:

HTS subheading: 2940.00.60					
 	2009	2010	2011	2012	2013
Col. 1-General rate of duty	5.8%	5.8%	5.8%	5.8%	5.8%
Estimated value <i>dutiable</i> imports	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000
Customs revenue loss	\$0	\$145,000	\$145,000	\$145,000	\$145,000

1/ There is an expired duty suspension under HTS heading 9902.01.94 (referenced in the bill), as well as an existing duty suspension under HTS heading 9902.12.19 that expires on December 31, 2009.

Therefore, there will be no customs revenue loss related to this bill in 2009.

Source of estimated dutiable import data: U.S. industry estimates.

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/tata/hts/other/rel_doc/bill_reports/.

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

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)	
Bayer HealthCare Pharmaceuticals (Proponent) Karen Niedermeyer, karen.niedermeyer.b@bayer.com	05/31/2008	No	No	No
Archimica USA Andrew Zamoyski, az@zamoyski.com	06/01/2008	No	No	No
Abbott Laboratories Claude Burcky, pclaude.burcky@abbott.com	06/01/2008	No	No	No
Bristol-Myers Squibb David Warr, David.Warr@BMS.com	06/03/2008	No	No	No
CIBA Specialty Chemicals Michelle Forte, Michelle.forte@cibasc.com	06/01/2008	No	No	No
Clariant Corporation Andrew Zamoyski, az@zamoyski.com	06/01/2008	No	No	No
Dow Chemical Max Turnipseed, mctint@att.net	06/01/2008	No	No	No
DuPont Helen McMahon, Helen.C.McMahon@USA.dupont.com	06/01/2008	No	No	No
Eli Lilly Desiree Filippone, Filippone_D@Lilly.com	06/03/2008	No	No	No
Fanwood Chemical Jim DeLisi, JdeLisi@fanwoodchemical.com	06/01/2008	No	No	No
Gilead Sciences Government Affairs Department	06/03/2008	No	No	No
GlaxoSmithKline William Schuyler, William.J.Schuyler@gsk.com	06/03/2008	No	No	No
Lonza, Inc. Sheri Donno, Sheri.Donno@lonza.com	06/03/2008	No	No	No
Merck & Co. Thomas Bombelles, thomas_bombelles@merck.com	06/01/2008	No	No	No
Monsanto Michael Parrish, Michael.Parrish@monsanto.com	06/03/2008	No	No	No
Novartis Tracy Haller, tracy.haller@novartis.com	06/01/2008	No	No	No
Pfizer Anthony Barone, Anthony.Barone@pfizer.com	06/02/2008	No	No	No
Procter & Gamble Jim McCarthy, McCarthy.JR@pg.com	06/03/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Rhodia Dominick Cangiano, Dominick.Cangiano@us.rhodia.com	06/02/2008	No	No	No
Schering-Plough Rob Lively, robert.lively@spcorp.com	06/01/2008	No	No	No
Watson Pharmaceuticals Sara Swee, Sara.Swee@watson.com	06/03/2008	No	No	No

Technical comments:⁴

The Commission staff notes that this bill purports to extend the duty suspension that is provided for in HTS heading 9902.01.94. However, HTS heading 9902.01.94 expired on December 31, 2006. Therefore, the reference to “12/31/2009” in section 1(a), line 6, of the bill is incorrect. Section 1(a), line 6, should be amended by deleting “12/31/2009” and inserting “12/31/2006” in lieu thereof. Alternatively, the Commission staff notes that HTS heading 9902.12.19 provides a current duty suspension to the subject product that expires on December 31, 2009. Accordingly, section 1(a) of the bill, line 4, could be amended by deleting “9902.01.94” and inserting “9902.12.19” in lieu thereof. The Commission staff suggest that it would be preferable to extend the existing duty suspension that is provided for in HTS heading 9902.12.19, rather than renewing the expired duty suspension that was provided for in HTS heading 9902.01.94.

⁴ 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.

110TH CONGRESS
2^D SESSION

H. R. 5302

To extend the temporary suspension of duty on D-Mannose.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2008

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

A BILL

To extend the temporary suspension of duty on D-Mannose.

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. D-MANNOSE.**

4 (a) IN GENERAL.—Heading 9902.01.94 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 D-Mannose) is amended by striking “12/31/2009” and in-
7 serting “12/31/2011”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) applies to goods entered, or withdrawn from
10 warehouse for consumption, on or after the 15th day after
11 the date of the enactment of this Act.