

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: April 29, 2010]²

Bill No. and sponsor: S. 2148 (Mr. Lamar Alexander of Tennessee et al.).

Proponent name,³ location: Eastman Chemical Co., Kingsport, TN.

Other bills on product (111th 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)):

Sodium metal (CAS No. 7440–23–5) (provided for in subheading 2805.11.00).

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 sodium metal in brick form. It is used as an intermediate product in the manufacture of chemicals and pharmaceuticals. The product is primarily imported from France and China.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2805.11.00:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty					
Col. 1-General rate of duty	5.3%	5.3%	5.3%	5.3%	5.3%
Estimated value <i>dutiable</i> imports ^a	\$12,000,000	\$12,000,000	\$12,000,000	\$12,000,000	\$12,000,000
Customs revenue loss ^b	\$636,000	\$636,000	\$636,000	\$636,000	\$636,000

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

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

¹ Industry analyst preparing report: Jack Greenblatt (202-205-3353); Tariff Affairs contact: David 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.

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)		
Eastman Chemical Co. (Proponent) Brent Perry, 202-347-9547	01/20/2010	No	No	No
BASF Corp. Thierry Chevrier, thierry.chevrier@basf.com	01/26/2010	No	No	No
Dow Chemical Co. Lisa Schroeter, lmschroeter@dow.com	01/26/2010	No	No	No
Dupont Elaine M. Olsen, 302- 992-2263	01/21/2010	Yes	Yes	Yes
FMC Corp. Steve Ziehm, sziehm@igc.com	01/26/2010	No	No	No
Monsanto Corp. Jim Travis, 202-383-2864	01/26/2010	No	No	No
PPG Corp. Bill Ries, wries@ppg.com	01/26/2010	No	No	No
W.R. Grace Janet Davis, janet.davis@grace.com	01/26/2010	No	No	No

Technical comments:⁴

The Commission staff suggests that the article description on page 1 of this report be used in the proposed heading because it is the more appropriate chemical name. Although sodium metal is typically presented in various shapes (and in a protective substance such as mineral oil or hexane), the term “sodium brick” is not any more descriptive than the entire category of sodium metal, as no other specifications are included in the article description in the bill regarding the size or shape of the brick. If the term “brick” is desired then the proponent should provide approximate dimensions or ranges of dimensions of the brick.

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.

111TH CONGRESS
1ST SESSION

S. 2148

To suspend temporarily the duty on Sodium brick.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

Mr. ALEXANDER (for himself and Mr. CORKER) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To suspend temporarily the duty on Sodium brick.

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. SODIUM BRICK.**

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	Sodium brick (CAS No. 7440–23–5) (provided for in subheading 2805.11.00)	Free	No change	No change	On or before 12/31/2011	”.
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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 enactment of this Act.

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