MEMORANDUM ON PROPOSED TARIFF LEGISLATION of the 109th Congress

[Date approved: October 5, 2005]

Bill No. and sponsor: H.R. 1908 (Mr. Bob Etheridge of North Carolina)

Proponent name, location: Bayer CropScience, Research Triangle Park, NC 27709

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


Retroactive effect: None.

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

\[N\text{-Phenyl-}\text{N'}\text{-}(1,2,3\text{-thiadiazol-5-yl})\text{urea (Thidiazuron) (CAS No. 51707-55-2), whether or not mixed with application adjuvants (provided for in subheading 2934.99.15 or 3808.30.15).}\]

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 product, thidiazuron, is a synthetic organic chemical used as a plant growth regulator and pre-harvest defoliant. It is usually applied as a formulation on cotton plants to defoliate and to inhibit re-growth, so there is less leaf stick, less green stain on the lint, and less risk of hot modules. This product is imported from China as the technical material and as the formulated product.

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1 Industry analyst preparing report: Ed Cappuccilli (202-205-3368); Tariff Affairs contact: David Michels (202-205-3440).
Estimated effect on customs revenue:

<table>
<thead>
<tr>
<th>Total revenue loss for all HTS subheadings covered by H.R. 1908</th>
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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.

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

<table>
<thead>
<tr>
<th>Name of firm/organization</th>
<th>Date contacted</th>
<th>US production of same or competitive product claimed?</th>
<th>Submission attached?</th>
<th>Opposition noted?</th>
</tr>
</thead>
</table>
| Bayer CropScience (Proponent)  
William Hensley  202-756-3781 | 8/16/2005 | No | No | No |
| AtoFina CereXagr  
Charles Kitchin Fax: 703-527-2092 | 8/16/2005 | No | No | No |
| BASF Corp.  
Greg Thies Fax: 202-682-9459 | 8/16/2005 | No | No | No |
| Crop Life America  
Lawrence Norton Fax: 202-463-0474 | 8/16/2005 | No | No | No |
| Dow/Dow AgroScience  
Lisa Schroeter Fax: 202-429-3467 | 8/16/2005 | No | No | No |
| E.I. duPont  
Elaine Olsen Fax: 302-774-1398 | 8/16/2005 | No | No | No |
| FMC  
Sidney McDaniel Fax: 215-299-6954 | 8/16/2005 | No | No | No |
| FMC Corp.  
Jerry Prout Fax: 202-956-5235 | 8/16/2005 | No | No | No |
| Griffin Corp.  
James Whatley Fax: 800-248-5154 | 8/16/2005 | No | No | No |
| Griffin Corp.  
Stephen Glennon Fax: 800-248-5154 | 8/16/2005 | No | No | No |
| Syngenta  
Mike Blythe Fax: 336-632-6084 | 8/16/2005 | No | No | No |
| Valent USA  
Robin Demouth Fax: 925-256-2776 | 8/16/2005 | No | No | No |

### Technical comments:

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.
The Commission notes that the two HTS subheadings referenced in the article description of the proposed duty suspension are not valid HTS subheadings. Moreover, there is already an existing suspension of duty on this product under HTS heading 9902.01.53. The Commission suggests that the new duty suspension be enacted using this heading number. This could be accomplished by deleting heading 9902.01.53, and by using that heading number for the new duty suspension in this bill. The new duty suspension should use the article description on page 1 of this report, which contains the two correct HTS subheading references, correctly italicizes the chemical name and provides a better scope of the article description.

\[4\] Specifically, line 6 of the bill could be amended to read “...amended by striking heading 9902.01.53 and inserting in lieu thereof the following...”. In addition, the heading number used in the bill, 9902.04.44, should be deleted and replaced with 9902.01.53.
H. R. 1908

To suspend temporarily the duty on Thidiazuron.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2005

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

A BILL

To suspend temporarily the duty on Thidiazuron.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. THIDIAZURON.

(a) In General.—Subchapter II of chapter 99 of
the Harmonized Tariff Schedule of the United States is
amended by inserting in numerical sequence the following:

| 9902.04.44 | N-Phenyl-N1-(1,2,3-
| thiadiazol-5-yl)urea |
| (Thidiazuron) (CAS No. |
| 51707-55-2), whether or |
| not mixed with application |
| adjuvants (provided for in |
| subheading 2934.90.15 or |
| 3608.30.13) | Free | No change | No change | On or before 12/31/2008 |

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