MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress

[Date approved:   November 8, 2005]1

Bill No. and sponsor:  H.R. 2452 (Mr. Tim Murphy of Pennsylvania).

Proponent name, location:  Bayer MaterialScience LLC, Pittsburgh, PA.

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


Retroactive effect:  None.

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

Mixtures of tris(4-isocyanatophenyl)thiophosphate (CAS No. 4151-51-3), ethyl acetate and monochlorobenzene as solvents (provided for in subheading 3824.90.28).

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 synthetic organic chemical is used as a cross linking agent in solvent-based adhesives based on polyurethane, natural rubber or synthetic rubber, and as an adhesion promoter on rubber-based substrates. The subject chemical is imported from Germany.
Estimated effect on customs revenue:

<table>
<thead>
<tr>
<th>HTS subheading: 3824.90.28</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>Col. 1-General rate of duty</td>
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<tr>
<td></td>
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<tr>
<td>Estimated value of dutiable imports</td>
</tr>
<tr>
<td>Customs revenue loss1/</td>
</tr>
</tbody>
</table>

1/ The Commission notes that the title of the bill indicates that it would temporarily reduce the duty on the subject product. In fact, the rate of duty that is set forth in proposed HTS heading 9902.05.94 is the same rate that applies under HTS subheading 3824.90.28. If the bill were enacted as drafted, it would not reduce the general rate of duty, and there would be no Customs revenue loss. If the proposed HTS heading were modified to provide a duty suspension, then the estimated Customs revenue loss would be the amount shown in the table above.

Source of estimated dutiable import data: Industry estimates.

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 MaterialScience LLC (Proponent)  
Karen Niedermeyer, 412-777-2058 | 9/7/2005 | No | No | No |
| Dow Chemical Co.  
Adhesives Product Mgr, Fax: 989-832-1465 | 9/15/2005 | No | No | No |
| H B Fuller Co.  
Adhesives Product Mgr, Fax: 651-236-5165 | 9/15/2005 | No | No | No |
| Henkel Adhesives  
Adhesives Product Mgr, Fax: 847-289-2493 | 9/15/2005 | No | No | No |
| National Starch & Chemical  
Adhesives Product Mgr, Fax: 609-409-5699 | 9/15/2005 | No | No | No |
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.

Technical comments:

The Commission suggests that the article description on page 1 of this report be used in the proposed new heading in order to provide the proper arrangement for the chemical and the CAS number.

The Commission also notes that the title of the bill indicates that it would temporarily reduce the duty on the subject product. In fact, the rate of duty that is set forth in proposed HTS heading 9902.05.94 is the same rate that applies under HTS subheading 3824.90.28. If the bill were enacted as drafted, it would not reduce the general rate of duty, and there would be no Customs revenue loss. If the proposed HTS heading were modified to provide a duty suspension, then the estimated Customs revenue loss would be the amount shown in the table on page 2 of this report.
A BILL

To reduce temporarily the duty on Desmodur.

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

SECTION 1. DESMODUR RF-E.

(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
new heading:

| 9902.05.94 | Mixtures of tris(4-
| isoctylphenyl)-
| thiophosphate, ethyl ace-
| tate, and monoethylbenzene
| (CAS No. 4151–51–3) (as
| provided for in subheading
| 3824.90.28)...............| 6.5% | No change | No change | On or before 12/31/2009 |
(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 enactment of this Act.