MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress

[Date approved: June 7, 2006]

Bill No. and sponsor: H.R. 3340 (Mr. William Jefferson of Louisiana).

Proponent name, location: Bayer CropScience, Kansas City, MO.

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


Retroactive effect: None.

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

3-Methylcarbonylaminophenyl-3-methyl-carbanilate (Phenmedipham) (CAS No. 13684–63–4) in bulk or mixed with application adjuvants (provided for in subheading 2924.29.47 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:

Phenmedipham is a synthetic organic chemical that is used as an herbicide in formulations to control postemergence weeds that grow among sugar beets. The subject product is imported from Germany.

Estimated effect on customs revenue:

<table>
<thead>
<tr>
<th>Total Revenue Loss for this Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
</tr>
<tr>
<td>Customs revenue loss</td>
</tr>
</tbody>
</table>

Source of estimated dutiable import data: Industry estimates.

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1 Industry analyst preparing report: Philip Stone (202-205-3424); Tariff Affairs contact: David Michels (202-205-3440).

### HTS subheading: 2924.29.47

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Col. 1-General rate of duty</td>
<td>6.5%</td>
<td>6.5%</td>
<td>6.5%</td>
<td>6.5%</td>
<td>6.5%</td>
</tr>
<tr>
<td>Estimated value dutiable imports</td>
<td>$6,600,000</td>
<td>$6,600,000</td>
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<td>$6,600,000</td>
<td>$6,600,000</td>
</tr>
<tr>
<td>Customs revenue loss</td>
<td>$429,000</td>
<td>$429,000</td>
<td>$429,000</td>
<td>$429,000</td>
<td>$429,000</td>
</tr>
</tbody>
</table>

1/ The estimated Customs revenue loss data for 2005 and 2006 reflect the existing duty suspension under heading 9902.31.13 that expires on December 31, 2006.

Source of estimated dutiable import data: Industry estimates.

### HTS subheading: 3808.30.15

<table>
<thead>
<tr>
<th></th>
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<tr>
<td>Estimated value dutiable imports</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Customs revenue loss</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

1/ The proponent does not currently have plans to import packaged formulations.

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>
<tbody>
<tr>
<td>Bayer CropScience (Proponent) Will Hensley, 202-756-3781 Karen L. Niedermeyer, Fax: 412-777-4740</td>
<td>11/14/2005</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>AtoFina Cerex Charles Kitchin, Fax: 703-527-2092</td>
<td>11/14/2005</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>BASF Corporation Greg Thies, Fax: 202-558-5101</td>
<td>11/14/2005</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
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 include the common industry name in the article description as well as to provide for the product when mixed with application adjuvants. The Commission notes that HTS heading 9902.31.13 provides a temporary duty suspension for the subject chemical in bulk form that expires on December 31, 2006.
A BILL

To suspend temporarily the duty on Phenmedipham.

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

SECTION 1. PHENMEDIPHAM.

(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:

9902.09.75 3-
methylcarbonylaminophenyl-
3-methyl-carbanilate (CAS
No. 13684–63–4) (provided
for in subheadings
2924.29.47 and 3808.30.15) 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 enactment of this Act.