

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 111<sup>th</sup> Congress<sup>1</sup>**

[Date approved: April 23, 2010]<sup>2</sup>

**Bill No. and sponsor:** S. 2090 (Ms. Amy Klobuchar of Minnesota).

**Proponent name,<sup>3</sup> location:** 3M Company, St. Paul, MN.

**Other bills on product (111<sup>th</sup> 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)):**

2,2,3,3,5,5,6,6-Octafluoro-4-(trifluoromethyl)morpholine (CAS No. 382-28-5) (provided for in subheading 2934.99.90).

**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 a synthetic organic chemical that is used as a heat transfer fluid and a coating solvent. It is also used in testing electronic devices. The product is imported from Belgium.

**Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2934.99.90:**

	2010	2011	2012	2013	2014
<del>Col. 1-General rate of duty</del>					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports <sup>a</sup>	\$1,700,000	\$1,600,000	\$1,550,000	\$1,400,000	\$1,400,000
Customs revenue loss <sup>b</sup>	\$110,500	\$104,000	\$100,750	\$91,000	\$91,000

a/ Dutiable import estimates were provided by industry sources.

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

<sup>1</sup> Industry analyst preparing report: Elizabeth R. Nesbitt (202-205-3355); Tariff Affairs contact: David G. Michels (202-205-3440).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://www.usitc.gov/tariff\\_affairs/congress\\_reports/](http://www.usitc.gov/tariff_affairs/congress_reports/).

<sup>3</sup> 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)	
3M Company (Proponent) Megan Ivory Carr, <a href="mailto:mmivory@mmm.com">mmivory@mmm.com</a>	11/12/2009	No	No	No
Acros Organics USA/B.V.B.A. Ann Moorkens, <a href="mailto:ann.moorkens@thermo.com">ann.moorkens@thermo.com</a>	11/12/2009	No	No	No
BASF Corporation Gregory A. Thies, <a href="mailto:gregory.thies@basf.com">gregory.thies@basf.com</a>	11/12/2009	No	No	No
Bayer Corporation Karen Niedermeyer, <a href="mailto:karen.niedermeyer.b@bayer.com">karen.niedermeyer.b@bayer.com</a>	11/12/2009	No	No	No
Ciba Specialty Chemicals Michelle Forte, <a href="mailto:Michelle.Forte@cibasc.com">Michelle.Forte@cibasc.com</a>	11/12/2009	No	No	No
Daikin America Inc. Gary Stanitis, <a href="mailto:gstanitis@daikin-america.com">gstanitis@daikin-america.com</a>	11/16/2009	No	No	No
Dow Chemical Co. Lisa Schroeter, <a href="mailto:LMSchroeter@dow.com">LMSchroeter@dow.com</a> Max Turnipseed, <a href="mailto:mctint@att.net">mctint@att.net</a>	11/12/2009	No	No	No
DuPont Brian Curtis, <a href="mailto:Brian.Curtis@usa.dupont.com">Brian.Curtis@usa.dupont.com</a>	11/12/2009	No	No	No
Evonik Industries AG Russell Mait, <a href="mailto:russell.mait@evonik.com">russell.mait@evonik.com</a>	11/12/2009	No	No	No
Fanwood Chemical Inc. V. M. (Jim) DeLisi, <a href="mailto:JdeLisi@fanwoodchemical.com">JdeLisi@fanwoodchemical.com</a>	11/12/2009	No	No	No
Freudenberg-NOK Ronald Guest, <a href="mailto:rsg@fnacc.com">rsg@fnacc.com</a>	11/12/2009	No	No	No
LANXESS Corp. Jamie Schaeffer, <a href="mailto:jamie.schaeffer@lanxess.com">jamie.schaeffer@lanxess.com</a>	11/24/2009	No	No	No
MIC Specialty Chemicals Inc. Joe Santora, <a href="mailto:joe.santora@micspe.com">joe.santora@micspe.com</a>	11/12/2009	No	No	No
Monsanto Company Michael Parrish, <a href="mailto:Michael.Parrish@monsanto.com">Michael.Parrish@monsanto.com</a>	11/12/2009	No	No	No
Nisso America Inc. Toshiyuki Iwama, <a href="mailto:tiwama@nissoamerica.com">tiwama@nissoamerica.com</a>	11/12/2009	No	No	No
Solutia Inc. Bob Hurley, <a href="mailto:Rhurley@TheAccordGroup.com">Rhurley@TheAccordGroup.com</a> Kassie Wooton, <a href="mailto:KDWoot@solutia.com">KDWoot@solutia.com</a>	11/12/2009 12/01/2009	No	No	No

**Technical comments:**<sup>4</sup>

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

---

<sup>4</sup> 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. 2090

To suspend temporarily the duty on certain perfluorocarbon morpholines.

---

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

Ms. KLOBUCHAR introduced the following bill; which was read twice and referred to the Committee on Finance

---

## A BILL

To suspend temporarily the duty on certain perfluorocarbon morpholines.

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. CERTAIN PERFLUOROCARBON MORPHOLINES.**

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	C1-C3 Perfluoroalkyl perfluoromorpholine (CAS No. 86058-42-1) (provided for in subheading 2934.99.90) .....	Free	No change	No change	On or before 12/31/2011	”.
---	------------	---	------	-----------	-----------	----------------------------	----

1       (b) **EFFECTIVE DATE.**—The amendment made by  
2 subsection (a) applies to goods entered, or withdrawn from  
3 warehouse for consumption, on or after the 15th day after  
4 the date of the enactment of this Act.

○