

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 110th Congress ¹**

[Date approved: March 24, 2008]²

Bill No. and sponsor: H.R. 4409 (Mr. Dan Burton of Indiana).

Proponent name,³ location: Dow AgroSciences, Indianapolis, IN.

Other bills on product (110th 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)):

Dimethyl malonate (CAS No. 108-59-8) (provided for in subheading 2917.19.70).

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 used as an intermediate in making Chloransulan-methyl herbicide products for use on soybeans and other crops. The product is imported from Germany.

Estimated effect on customs revenue:

HTS subheading: <u>2917.19.70</u>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty					
Col. 1-General rate of duty	4.0%	4.0%	4.0%	4.0%	4.0%
Estimated value <i>dutiable</i> imports	\$185,000	\$185,000	\$185,000	\$185,000	\$185,000
Customs revenue loss 1/	\$0	\$7,400	\$7,400	\$7,400	\$7,400

1/ There is an existing duty suspension under HTS heading 9902.23.49 that expires on December 31, 2009. Therefore, there will be no customs revenue loss related to this bill in 2009.

Source of estimated dutiable import data: U.S. industry estimates.

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

¹ Industry analyst preparing report: Robert Randall (202-205-3366); Tariff Affairs contact: David Michels (202-205-3440).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/.

³ The sponsor/proponent did not identify any additional beneficiaries of this bill.

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Dow AgroSciences (Proponent) Jacob Secor, 202-429-3495	1/14/2008	No	No	No
Arkema Inc. Charles Kitchen, Fax: 215-419-7075	2/12/2008	No	No	No
BASF Corp. Greg Thies, Fax: 703-255-7142	2/12/2008	No	No	No
Bayer Corp. William Hensley, Fax: 202-737-8909	2/12/2008	No	No	No
Chemtura Corp. Matt Mattingley, Fax: 202-463-8498	2/12/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	2/12/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994	2/12/2008	No	No	No
Emerald Performance Chemicals Tom Dirmyer, Fax: 330-315-6480	2/12/2008	No	No	No
FMC Jerry Prout, Fax: 202-956-5235	2/12/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	2/12/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	2/12/2008	No	No	No
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084	2/12/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	2/12/2008	No	No	No

Technical comments:⁴

The Commission staff suggests that the existing heading, 9902.23.49, be used to extend the duty suspension for the subject product.

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.

110TH CONGRESS
1ST SESSION

H. R. 4409

To suspend temporarily the duty on Dimethyl Malonate.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2007

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

A BILL

To suspend temporarily the duty on Dimethyl Malonate.

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. DIMETHYL MALONATE.**

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	Malonic acid dimethyl ester (Dimethyl Malonate) (CAS No. 108-59-8)(provided for in subheading 2917.19.70) ..	Free	No change	No change	On or before 12/31/2011	”.
---	------------	---	------	-----------	-----------	----------------------------	----

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) applies to articles entered, or withdrawn

2

- 1 from warehouse for consumption, on or after the 15th day
- 2 after the date of the enactment of this Act.

○