

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: March 5, 2010]<sup>2</sup>

**Bill No. and sponsor:** S. 2100 (Mr. Carl Levin of Michigan).

**Proponent name,<sup>3</sup> location:** General Motors Company, Detroit, MI.

**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)):**

Sensors without a recording device (provided for in subheading 9030.33.00) certified by the importer to monitor and report voltage, current and temperature in battery cells designed for use in electrically powered vehicles of subheading 8703.90.00 in which an on board gasoline engine is used to run a generator that recharges the electric drive motor battery

**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:**

This product is a voltage temperature sensing module specially designed to monitor and report voltage, current, and temperature on 18, 24, or 30 channels of a battery pack for an extended-range electric vehicle. The module has a plastic housing, is square in shape, and varies in size and weight depending on the number of battery channels it is designed to monitor. The 18-channel voltage temperature sensing module measures 135 by 108 by 16 mm and weighs 130 grams; the 24-channel module measures 135 by 144 by 16 mm and weighs 150 grams; and the 30-channel module measures 135 by 180 by 16 mm and weighs 200 grams. The modules will be imported from Korea.

<sup>1</sup> Industry analyst preparing report: Linda White (202-205-3427); Tariff Affairs contact: Jan Summers (202-205-2605).

<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 proponent identified one additional beneficiary of this bill. USITC staff sent an inquiry to the additional beneficiary and received a written response from the beneficiary, which indicated that it would benefit from this bill.

**Estimated effect on customs revenue for the subject product classifiable in HTS subheading 9030.33.00:**

The estimated value of dutiable imports was determined by using the aggregate value of January-September 2009 imports under HTS subheading 9030.33.00 that were reported as originating in Korea. The subject product is thought to be new to the market, because it was specially designed for use in future technology. Thus, the estimated value of dutiable imports shown below may not fully or accurately reflect the actual imports of the subject product for the period 2010-2014. Although the proponent and one beneficiary have provided to the Commission an estimated value of dutiable imports for the subject product, the information has been withheld because of its business confidential nature. Based on the confidential data, the Commission can confirm that the estimated customs revenue loss is not expected to exceed \$500,000 annually for the period 2010 through 2014. Because the subject product was specially designed for use in a specific electric-powered vehicle, it is unclear whether other entities would import the subject product under the proposed provision.

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	1.7%	1.7%	1.7%	1.7%	1.7%
Estimated value <i>dutiable</i> imports <sup>a</sup>	\$894,384	\$894,384	\$894,384	\$894,384	\$894,384
Customs revenue loss <sup>b</sup>	\$15,205	\$15,205	\$15,205	\$15,205	\$15,205

a/ Dutiable import estimates were based on official U.S. Government statistics.

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

**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)	
General Motors Company (Proponent) Tori Barnes, 202-775-5030	11/17/2009	No	No	No
A123 Systems, Inc. Maria Thompson, 734-213-1637	12/01/2009	No	No	No
Asp Temperature Sensors - RTD <sup>a</sup> 281-681-9342	11/20/2009	No	No	No
Chrysler Group LLC Kathleen Hennessey, 202-414-6707	11/25/2009	No	No	No
Comsonics K. Couch, 540-434-5965	11/20/2009	No	No	No
Energy Technologies, Inc. M. L. Mosier, 419-522-4444	11/20/2009	No	No	No
Ford Motor Corporation J. T. Young, jyoung134@ford.com	11/23/2009	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Honda of North America, Inc. Toni Harrington, toni_harrington@hna.honda.com	11/23/2009	No	No	No
Motor & Equipment Manufacturers Association Catherine Boland, cboland@MEMA.org	11/27/2009	No	No	No
National Electrical Manufacturers Association Gene Eckhart, 703-841-3200	11/19/2009	No	No	No
Nissan U.S.A. Yuko Hanada, yuko.hanada@Nissan-USA.com	11/24/2009	No	No	No
Power Modules, Inc. 866-764-4328	11/20/2009	No	No	No
TechAmerica (formerly AeA) John Palafoutas, 202-682-4451	11/19/2009	No	No	No
Toyota Motor Sales U.S.A., Inc. Yuri Unno, Yuri_Unno@TMA.Toyota.com	11/23/2009	No	No	No

a/ No company contact is available.

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

It is suggested that the article description of the proposed heading be worded as shown on page 1. There are two points to raise about the HTS provision that might apply to the end-use electric vehicles. First, the proponent identifies HS subheading 8703.90 as the subheading where any U.S. imports of the type of vehicle it manufactures (and for which the subject products are destined) would be classified. It is unclear whether this classification is correct. We note that it is the responsibility of the U.S. Customs and Border Protection (CBP) to classify imported goods. Until CBP issues a ruling on the classification of imported vehicles of the type produced by the proponent, any proposed classification is speculative. If CBP issues a ruling classifying imported vehicles of the type produced by the proponent in a subheading other than HS 8703.90, such a ruling could likely cause the proposed heading to be ineffective, but at the present time we cannot offer an alternative classification. Second, because duty suspensions are normally specified as covering the 8-digit tariff subheading number for affected goods, we would suggest including the exact 8-digit number shown in our HTS, and we have included it on page 1.

<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. 2100

To suspend temporarily the duty on certain sensors.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

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

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## A BILL

To suspend temporarily the duty on certain sensors.

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 SENSORS.**

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	Sensors (provided for in subheading 9030.33.00) certified by the importer to monitor and report voltage, current and temperature status of battery cells designed for use in electrically powered vehicles of subheading 8703.90 in which an on board gasoline engine is used to run a generator that recharges the electric drive motor battery .....	Free	No change	No change	On or before 12/31/2011	”.
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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.

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