

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 109<sup>th</sup> Congress<sup>1</sup>**

[Date approved: October 12, 2005]<sup>2</sup>

**Bill No. and sponsors:** H.R. 2015 (Mr. Paul Ryan of Wisconsin and Ms. Gwen Moore of Wisconsin)

**Proponent name, location:** Harley-Davidson Motor Co.  
3700 West Juneau Avenue  
Milwaukee, WI, 53208

**Other bills on product (109<sup>th</sup> Congress only):** None.

**Nature of bill:** Temporary duty suspension through 12/31/2009.

**Retroactive effect:** On or after January 1, 2005, and before the 15th day after the date of the enactment of the Act.

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

Wheel spoke tightening machines (provided for in subheading 8479.89.98), for use with wheels of vehicles of heading 8711.

**Check one:**  Same as that in bill as introduced  
 Different from that in bill as introduced (explain differences in Technical comments section)

**Product information, including uses/applications and source(s) of imports:**

These machines will be used exclusively to tighten the wheel spokes of motorcycle wheels. Such tightening results in the automatic truing (e.g., restoring the mechanical accuracy and form) of the wheel. U.S. imports would be supplied from France, where these machines are produced.

<sup>1</sup> Industry analyst preparing report: Dennis Fravel (202-205-3404); Tariff Affairs contact: Jan Summers (202-205-2605).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [www.usitc.gov/tata/hts/other/rel\\_doc/bill\\_reports/109c.htm](http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/109c.htm).

**Estimated effect on customs revenue:**

<b>HTS subheading: 8479.89.98</b>					
<del> </del>	2005	2006	2007	2008	2009
Col. 1-General rate of duty	2.5%	2.5%	2.5%	2.5%	2.5%
Estimated value <i>dutiable</i> imports	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
Customs revenue loss	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000

Source of estimated dutiable import data: Industry estimates.

**Contacts with domestic firms/organizations (including the proponent):<sup>3</sup>**

Name of firm/organization	Date contacted	US production of same or competitive product claimed?	Submission attached?	Opposition noted?
		(Yes/No)		
Harley-Davidson Motor Company (proponent) Wayne Curtain, 414-343-8246	7/11/2005	No	No	No
Honda North America, Inc., Scott Gerky, 202-661-4400	7/15/2005	No	No	No

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

According to the proponent, the machinery named in the bill is not the same as the machinery that will be imported. The bill describes machines for the assembly and trueing of motorcycle wheels, but the machinery to be imported by the proponent will exclusively be used to tighten the spokes of motorcycle wheels, which will automatically result in the trueing of the wheels. Thus, there is no need to provide for machines that have the specific function of trueing a motorcycle wheel, as classified under HTS subheading 9031.80, other measuring or checking devices.<sup>5</sup> The machinery to be imported would be more accurately specified as “Wheel spoke tightening machines (provided for in subheading 8479.89.98), for

<sup>3</sup> Staff was unable to identify any potential U.S. producers of this machinery. Potential U.S. importers are U.S. motorcycle producers that use wheels with spokes and that also have production volume that would justify the purchase of such a machine. Only certain U.S. motorcycle producers use spoked wheels; other types of motorcycle wheels are made of cast or machined aluminum.

<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.

<sup>5</sup> USITC staff telephone interview with U.S. Customs Service National Import Specialist, June 30, 2005.

use with wheels of vehicles of heading 8711.” Also, the current language of the bill, as well as the suggested article description by staff, cover only machines, and does not cover parts of these machines.

109TH CONGRESS  
1ST SESSION

# H. R. 2015

To suspend temporarily the duty on certain machines for use in the assembly of motorcycle wheels.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2005

Mr. RYAN of Wisconsin (for himself and Ms. MOORE of Wisconsin) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To suspend temporarily the duty on certain machines for use in the assembly of motorcycle wheels.

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 MACHINES FOR USE IN THE ASSEM-**

4                       **BLY OF MOTORCYCLE WHEELS.**

5       (a) IN GENERAL.—Subchapter II of Chapter 99 of  
6 the Harmonized Tariff Schedule of the United States is  
7 amended by inserting in numerical sequence the following  
8 new heading:

9902.84.79	Wheel-assembly, and wheel-tracing machines (provided for in subheading 8479.89.98 or 9031.80), all the foregoing suitable for use in the assembly of wheels for vehicles of heading 8711 .....	Free	No change	No change	On or before 12/31/2009	”.
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1 (b) EFFECTIVE DATE.—

2 (1) IN GENERAL.—The amendments made by  
3 subsection (a) shall apply to goods entered, or with-  
4 drawn from warehouse for consumption, on or after  
5 January 1, 2005.

6 (2) RETROACTIVE APPLICATION.—Notwith-  
7 standing section 514 of the Tariff Act of 1930 or  
8 any other provision of law, and subject to paragraph  
9 (4), the entry of any article—

10 (A) that was made on or after January 1,  
11 2005, and before the 15th day after the date of  
12 the enactment of this Act, and

13 (B) to which duty-free treatment would  
14 have applied if the amendment made by this  
15 section had been in effect on the date of such  
16 entry,

17 shall be liquidated or reliquidated as if such duty-  
18 free treatment applied, and the Secretary of the  
19 Treasury shall refund any duty paid with respect to  
20 such entry.

1           (3) ENTRY.—As used in this subsection, the  
2 term “entry” includes a withdrawal from warehouse  
3 for consumption.

4           (4) REQUESTS.—Liquidation or reliquidation  
5 may be made under paragraph (2) with respect to  
6 an entry only if a request therefor is filed with the  
7 Bureau of Customs and Border Protection, within  
8 180 days after the date of the enactment of this Act,  
9 that contains sufficient information to enable the  
10 Bureau of Customs and Border Protection—

11                   (A) to locate the entry; or

12                   (B) to reconstruct the entry if it cannot be  
13 located.

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