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 (109th Congress only): None.


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

X 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 trueing (e.g., restoring the mechanical accuracy and form) of the wheel. U.S. imports would be supplied from France, where these machines are produced.

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1 Industry analyst preparing report: Dennis Fravel (202-205-3404); Tariff Affairs contact: Jan Summers (202-205-2605).
2 Access to an electronic copy of this memorandum is available at www.usitc.gov/tata/hts/other/rel_doc/bill_reports/109c.htm.
3  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.

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.

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

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### Estimated effect on customs revenue:

<table>
<thead>
<tr>
<th>HTS subheading: 8479.89.98</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>2.5%</td>
<td>2.5%</td>
<td>2.5%</td>
<td>2.5%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Estimated value <strong>dutiable</strong> imports</td>
<td>$200,000</td>
<td>$200,000</td>
<td>$200,000</td>
<td>$200,000</td>
<td>$200,000</td>
</tr>
<tr>
<td>Customs revenue loss</td>
<td>$5,000</td>
<td>$5,000</td>
<td>$5,000</td>
<td>$5,000</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

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>Harley-Davidson Motor Company (proponent) Wayne Curtain, 414-343-8246</td>
<td>7/11/2005</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Honda North America, Inc., Scott Gerky, 202-661-4400</td>
<td>7/15/2005</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

### Technical comments:

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. The machinery to be imported would be more accurately specified as “Wheel spoke tightening machines (provided for in subheading 8479.89.98), for
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.
To suspend temporarily the duty on certain machines for use in the assembly of motorcycle wheels.

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

A BILL

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

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

SECTION 1. CERTAIN MACHINES FOR USE IN THE ASSEMBLY OF MOTORCYCLE WHEELS.

(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:

...
(b) **Effective Date.**—

(1) **In General.**—The amendments made by subsection (a) shall apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2005.

(2) **Retroactive Application.**—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (4), the entry of any article—

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

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

shall be liquidated or reliquidated as if such duty-free treatment applied, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.
(3) **ENTRY.**—As used in this subsection, the term “entry” includes a withdrawal from warehouse for consumption.

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

(A) to locate the entry; or

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