

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 4, 2006]<sup>2</sup>

**Bill No. and sponsor:** S. 3316 (Mr. Charles Schumer of New York and Mrs. Hillary Clinton of New York).

**Proponent name, location:** Honeywell Corporation, Morristown, NJ.

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

**Nature of bill:** Temporary duty suspension through December 31, 2009.

**Retroactive effect:** None.

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

6 V lead-acid storage batteries, of a kind used for the auxiliary source of power for burglar or fire alarms and similar apparatus of subheading 8531.10.00 (provided for in subheading 8507.20.80).

**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:**

These 6-volt lead-acid storage batteries are designed to provide immediate standby electrical power for burglar and fire alarms and similar apparatus when the main sources of electricity are unavailable. During charging, a direct current is passed through the battery, creating a number of chemical changes; this process is reversed when the battery is connected to an external circuit to provide power. Lead-acid batteries typically have an electrolyte of sulphuric acid with lead plates or grids filled with a paste of active material, enclosed in a container.

Although the nominal voltage of this battery is 6 volts, this voltage varies during routine operation. Voltage is a function of the anode and cathode materials, electrolyte composition, and temperature. These batteries are offered with different capacities, which roughly represent the number of ampere hours available from a fully charged battery. The batteries are also manufactured in a variety of configurations, with end-use requirements and limitations determining battery selection for specific applications. Principal U.S. import sources of these batteries are China and Taiwan.

<sup>1</sup> Industry analyst preparing report: Deborah McNay (202-205-3425); Tariff Affairs contact: Jan Summers (202-205-2605).

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

**Estimated effect on customs revenue:**

<b>HTS subheading: 8507.20.80</b>					
	2006	2007	2008	2009	2010
Col. 1-General rate of duty	3.5%	3.5%	3.5%	3.5%	3.5%
Estimated value <i>dutiable</i> imports	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000
Customs revenue loss	\$22,750	\$22,750	\$22,750	\$22,750	\$22,750

Source of estimated dutiable import data: Commission and industry estimates.

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

Name of firm/organization	Date contacted	US production of same or competitive product claimed?	Submission attached?	Opposition noted?
		(Yes/No)		
Honeywell Art Simonetti, 202-662-2671	08/18/2006	No	No	No
Battery Council International George Kerchner, 202-719-4109	08/24/2006	No	No	No

**Technical comments:<sup>3</sup>**

We note that there is nothing in the bill that indicates what technical or dimensional features make any battery “of a kind used” for the stated application. We have been unable to ascertain any such criteria during the preparation of this report so that we might suggest appropriate additions to the proposed description, but such additional features may be helpful. In the alternative, it would be possible to add either an importer certification requirement (“6 V lead-acid storage batteries, certified by the importer to be used for...”) or an “actual use” requirement (“6 V lead-acid storage batteries, to be used for...”) to the article description as a means of narrowing its scope to goods used in security systems. While these use-related criteria present certain costs and administrative burdens for Customs, they can be helpful in limiting the scope to the desired goods. Customs generally discourages actual use provisions, because of the requirement that CBP must verify the use to which the goods are put after entry.

<sup>3</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.

109TH CONGRESS  
2D SESSION

# S. 3316

To suspend temporarily the duty on 6 V lead-acid storage batteries.

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IN THE SENATE OF THE UNITED STATES

MAY 26, 2006

Mr. SCHUMER (for himself and Mrs. CLINTON) 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 6 V lead-acid storage  
batteries.

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. 6 V LEAD-ACID STORAGE BATTERIES.**

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:

“	9902.85.07	6 V lead-acid storage batteries, of a kind used for the auxiliary source of power for burglar or fire alarms and similar apparatus of subheading 8531.10.00 (provided for in subheading 8507.20.80) .....	Free	No change	No change	On or before 12/31/2009	”.
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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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