

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress¹**

[Date approved: October 10, 2006]²

Bill No. and sponsor: S. 3149 (Mr. Saxby Chambliss of Georgia).

Proponent name, location: The Home Depot, Atlanta, GA.

Other bills on product (109th 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)):

Packages containing 4 or 5 different fireplace tools, such tools of iron or steel, intended for sale to the ultimate consumer in such packages (provided for in subheading 8205.51.30).

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 4-piece and 5-piece fireplace tool sets of iron or steel contain different tools for attending a fire in a fireplace and are imported together for subsequent sale to home consumers; while known commercially as “sets,” for tariff purposes the goods might not be treated as “sets” because they comprise goods of the same tariff rate line. A 4-piece set may consist of a stand for holding the other pieces in the set, a broom with an iron or steel handle, a shovel for gathering up cold ashes and cinders, and a poker. The poker has a pointed head, frequently with a barb or hook just below the point of the head to assist in manipulating wood in the fireplace. A 5-piece fireplace tool set typically includes the aforementioned tools as well as tongs to pick up small logs in the fireplace. These fireplace tool sets may be plated or finished with any material, and the handle can be manufactured of any material. Finishes include polished brass, satin brass, and antique brass, for example, as well as textured iron or black. Handles are typically made from the same material as the tools, but also from wood or porcelain. The principal sources of imports are China and Taiwan, with a much smaller quantity coming from Germany.

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 http://usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm.

Estimated effect on customs revenue:

HTS subheading: 8205.51.30					
	2006	2007	2008	2009	2010
Col. 1-General rate of duty	3.7%	3.7%	3.7%	3.7%	3.7%
Estimated value <i>dutiable</i> imports	\$12,800,000	\$12,800,000	\$12,800,000	\$12,800,000	\$12,800,000
Customs revenue loss	\$473,600	\$473,600	\$473,600	\$473,600	\$473,600

Source of estimated dutiable import data: Commission estimates based on industry information.

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)		
The Home Depot (Proponent) Zachery Paulsen, 202-626-5921	7/20/2006	No	No	No
The Adams Company John Adams, 563-583-3591	7/28/2006	No	No	No
Dagan Industries, Inc. Jeff Dagan, 818-362-0471	7/27/2006	No	No	No
Hearth, Patio, and Barbecue Assoc. Jack Goldman, 703-522-0086	7/26/2006	No	No	No
Lowes Company Scott D. Mason, 704-758-1000	7/17/2006	No	No	No
Portland Willamette John Boire, 503-288-7511	7/28/2006	No	No	No
Pilgrim Home & Hearth Wares Mark Bergeron, 707-399-3000	7/21/2006	No	No	No
Sears, Roebuck & Co. Sharon Brengelson, 847-286-2500	7/25/2006	No	No	No
Seymour Manufacturing, Inc. Roger Hackman, 812-522-2900	7/26/2006	No	No	No
Target Corp. Susan Flack, 202-822-6288	7/28/2006	No	No	No

Technical comments:³

It is suggested that the article description be modified as shown on page 1. We suggest avoiding using the word “sets” to avoid possible interpretive difficulties given that the subject tools may not be classified in different tariff rate lines.

³ 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
2^D SESSION

S. 3149

To suspend temporarily the duty on 4-piece or 5-piece fireplace tools of iron or steel.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2006

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

A BILL

To suspend temporarily the duty on 4-piece or 5-piece fireplace tools of iron or steel.

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. 4-PIECE OR 5-PIECE FIREPLACE TOOLS OF**
4 **IRON OR STEEL.**

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:

“	9902.82.05	4-piece or 5-piece fireplace tools of iron or steel (provided for in subheading 8205.51.30)	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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