



## MEMORANDUM ON PROPOSED TARIFF LEGISLATION of the 112th Congress

Date approved

### I. Background

Bill number:

Sponsor name:

Sponsor state:

#### Interested entity:

Name

City

State

Other bills on product (112th Congress only):

Nature of bill:

Expiration date:

Current or previous chapter 99 heading:

Retroactive date:

CAS number (if applicable):

Industry analyst:

Telephone:

Tariff Affairs contact:

Telephone:

#### Note:

1. 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/).
2. In regard to the country(ies) of origin listed in section III, this report focuses on dutiable imports and does not take into account any tariff preference programs or special rates of duty.

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

Torches designed for outdoor use, with poles of bamboo, measuring 160 cm or less in height and designed for use with refillable metal fuel canisters, each fitted with a wick (provided for in subheading 9405.50.40)

(If enacted, the tariff relief provided for in this bill would be available to any entity that imports the product that is covered by the bill.)

Description above compared with bill as introduced:

- Same
- Different (see Technical Comments section)

**III. Other product information, including uses/applications and source(s) of imports**

These articles are outdoor, open-flame lighting and use oil as a fuel source. The wick is made of fiberglass. The oil sits in a metal fuel canister that fits inside a decorative vessel. Imports under HTS subheading 9405.50.40 amounted to \$322 million in 2011, with China accounting for 77 percent of the total. India was the second-leading supplier, accounting for 14 percent. The use of bamboo poles gives the torches a tropical or Polynesian appearance.

**IV. Estimated effect on customs revenue**

Subject product HTS subheading(s)	9405.50.40				
Item	2013	2014	2015	2016	2017
Col.1-general rate of duty or percentage point reduction (%)	6.0	6.0	6.0	6.0	6.0
Estimated value of <i>dutiable</i> imports (\$)	8,100,000	8,100,000	8,100,000	8,100,000	8,100,000
Customs revenue loss (\$)	486,000	486,000	486,000	486,000	486,000

Note: Customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ. Regarding the HTS subheading listed in the article description of the bill, the Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only U.S. Customs and Border Protection is authorized to issue a binding ruling on this matter. The Commission believes that Customs should be consulted prior to enactment of the bill.

Dutiable imports were based on (more than one may apply):

- Official statistics of the U.S. Department of Commerce
- Provided by industry sources
- Industry information
- Commission estimates

Duty reduction notes:

- This bill is not a duty reduction
- This bill is a temporary duty reduction. Rates are shown below.

Col.1-general duty rate (%)  Temporary rate (%)  Percentage point reduction (%)

**V. Technical comments**

The article description shown above modifies the language shown in the bill to conform more closely with normal HTS usage and to reduce confusion about the intended coverage.

**VI. Continuation**

**VII. Contacts with domestic firms/organizations**

	#	Firm/organization and contact name	Telephone number	Claims same or competing product made in the United States	Submission attached	Opposition noted
	1	Lamplight Farms, Inc. (Interested entity) Lori LaGrow	262-781-9590 ext. 101	No	No	No

112TH CONGRESS  
2D SESSION

# H. R. 4651

To suspend temporarily the duty on certain decorative outdoor bamboo garden torches.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2012

Mr. BISHOP of Georgia 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 decorative outdoor bamboo garden torches.

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 DECORATIVE OUTDOOR BAMBOO**  
4 **GARDEN TORCHES.**

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:

“	9902.01.00	Decorative outdoor bamboo garden torches up to 63” in height utilizing bamboo poles and designed for use with refillable metal fuel canisters with a wick (provided for in subheading 9405.50.40) .....	Free	No change	No change	On or before 12/31/2015	”.
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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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