

June 4, 2002

The Honorable Philip M. Crane
Chairman, Subcommittee on Trade
House Committee on Ways and Means
1104 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Crane,

I write in opposition to the inclusion of H.R. 4159 in the miscellaneous tariff bill. The bill seeks to stop Customs from implementing a Court of International Trade ruling that certain type of costumes should be classified as durable wearing apparel, subject to specified tariffs and quotas. The effect of this bill is to continue the erroneous classification of the costumes in question as festive articles/toys, admitting them tariff-free.

The Committee has generally looked to three issues to determine whether a bill is appropriate for inclusion as a miscellaneous tariff bill: first, does the bill create more than a minimal revenue loss; second, does the bill operate retroactively; third, and most heavily weighted, is the bill controversial. H.R. 4159 is controversial – both in the terms of what it seeks procedurally (a stay of a court decision), and in terms of its substance. Therefore, H.R. 4159 is not an appropriate candidate for inclusion in the miscellaneous tariff bill.

Procedurally, the bill stays the implementation of a court decision. It seeks to retain and apply a tariff heading that the Court of International Trade has held to be incorrect, and which is currently being litigated at the appellate level. A proposal such as this one, which seems to preempt the judicial process, should be carefully scrutinized – not simply finessed into a miscellaneous tariff bill.

Substantively, there are also problems with this bill. This bill will adversely affect domestic producers. New York City would definitely suffer as a result of this bill, which is part of an effort by importers to reclassify goods to their advantage.

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I reiterate my opposition to the inclusion of H.R. 4159 into the miscellaneous tariff bill, and hope you will take my comments into consideration.

Sincerely,

Charles B. Rangel
Ranking Democrat

cc: The Honorable Sander M. Levin
The Honorable E. Clay Shaw, Jr.