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June 22, 2012

Honorable David Camp
Chairman
House Ways and Means Committee
United States House of Representatives
1102 Longworth House Office Building
Washington, DC 20515

Dear Chairman Camp:

Re: Requested Edits to H.R. 1467 (Glenn/Thompson)/MTB

This is to express our concerns about H.R. 1467, a bill introduced by Sen. Casey (Pa) and which is included in the Senate version of the Miscellaneous Tariff Bill. This legislation is designed to correct a long-standing misclassification by the U.S. Customs and Border Protection (Customs) of imports of high-density, fiberboard-core laminate floor and wall panels, which H.R. 1467 incorrectly describes as "medium density". Our concerns relate to certain language in H.R. 1467. If corrected, we can support this bill. So this is to give our qualified support to H.R. 1467, subject to these changes

Specifically, H.R. 1467 refers to the merchandise it addresses as "substantially similar to the merchandise that was the subject in the U.S. Court of International Trade and the U.S. Court of Appeals for the Federal Circuit ... in *Witex USA, Inc. [and Mannington Mills, Inc.] v. United States.*" Yet H.R. 1467 describes the merchandise in question as "medium density fiberboard." We are concerned with H.R. 1467's language because the above litigation concerned high-density, fiberboard-core laminate wall and floor panels, not just fiberboard itself. The whole point of the litigation was that laminate panels are a finished product which, in part, consists of a fiberboard core, rather than fiberboard itself, which is a product component rather than a finished product.

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Also, we are concerned that H.R. 1467 covers only entries from "Jan. 1, 1998 to Jan. 1, 2002." This is inconsistent with legislation which we support in the House and Senate MTB packages, H.R. 5154 (LoBiondo and Pascrell) and S. 2946 (Menendez). These bills cover entries from Jan. 1, 1994 through Feb. 2, 2007. Accordingly, we request that H.R. 1467 be amended to be consistent with S. 2946 and H.R. 5154. If that is done, we can support it.

If you have any questions, please call counsel for Mannington and Witex USA, ie. Bruce Aitken of the law firm Aitken Berlin LLP, at 202-468-0968.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Frank J. Morris". The signature is written in black ink and is positioned below the text "Respectfully Submitted,".