



The Gilman Group

(202) 659-3333

The Fairways, 16 Green Court, Middletown, NY 10940

(845) 341-0098 fax (845) 341-0304

Honorable Benjamin A. Gilman
Chairman and CEO
Member of Congress 1973-2003
Former Chairman
House International Relations Committee

www.thegilmangroup.com
gntgilman@optonline.net

Honorable David Camp
Chairman, House Ways and Means Committee
1102 Longworth House Office Building
Washington, DC 20515
June 18, 2012

Dear Chairman Camp:

This is to express our strong support for H.R. 5154, a bill introduced by Reps. LoBiondo (R-NJ) and Pascrell (D-NJ) and which is included in the House version of the Miscellaneous Tariff Bill. This legislation is designed to correct a long-standing mis-classification by the U.S. Customs Service of imports of high-density, fiberboard-core laminate floor and wall panels.

This is a technical corrections bill as it involves no duty reductions. Effective Feb. 2, 2007, the duty on imports of this product was lowered by Congress and the President, prospectively only, as part of the periodic WTO required update of the Harmonized Tariff Schedules. This followed decisions vs. Customs by the World Customs Organization, the U.S. International Trade Commission and the Senate Finance committee. Necessarily, this duty reduction was prospective only.

As to refunds of past duty overcharges, these were ordered by a Mandate from the U.S. Court of International Trade on Dec. 15, 2009. To our great frustration, Customs has refunded less than 40% of the duty refunds we believe that they are obligated to make. And 14 of 25 Customs Ports involved with the the companies we are trying to help, ie. Mannington Mills, Inc. and Witex USA, Inc., have simply ignored the Court and have refunded nothing at all. We believe that this is in part due to the destruction of Customs records on 9/11, most but not all of which have been reconstructed.

Mannington and Witex have plants or other facilities in several states (Alabama, Georgia, New Jersey and North Carolina, eg) which employ thousands of US workers. And Mannington invested millions of dollars in a laminate plant in response to the Customs overcharge and seeks to recover some of its costs.

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,

Honorable Benjamin J. Gilman
Member of Congress (Ret.)