

July 9, 2012

The Honorable Max Baucus  
Chairman  
Senate Committee on Finance  
219 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Dave Camp  
Chairman  
House Committee on Ways and Means  
1102 Longworth House Office Building  
Washington, D.C. 20510

**Re: Comments And Opposition To Technical Correction Bills S. 2893  
and H.R. 5323**

Dear Chairmen Baucus and Camp:

I am writing on behalf of Regal Ware, Inc. (“Regal Ware”) regarding legislation pending before the House and Senate, which, if enacted, would provide for the reliquidation of various entries of top-of-the-stove stainless steel cooking ware. Regal Ware opposes these bills, S. 2893 and H.R. 5323. Regal Ware is a domestic producer of stainless steel cooking ware, employing 344 people in Kewaskum and West Bend, Wisconsin.

S. 2893 and H.R. 5323 seek to reliquidate entries of stainless steel cooking ware from the Republic of Korea (“Korea”) for which antidumping duties have already been paid and for which the 90-day period during which an administrative protest could have been filed has long ago expired. Indeed, most of the entries specified in the bills were made over a decade ago.

The U.S. customs statute provides for a specific procedure that importers must follow if they want to dispute the duty rate at which particular entries are assessed. Although mistakes are possible, Regal Ware is unaware of any mistakes in liquidation with respect to the entries specified in the proposed legislation. Moreover, providing duty refunds years after importation serves no legitimate policy objective. The result would be to give a particular importer of Korean cooking ware an unfair advantage over U.S. producers such as Regal Ware. In 1987, the International Trade Commission found that Regal Ware and other domestic producers of stainless steel cooking ware suffered material injury by reason of imports from Korea. For over twenty years, the U.S. Department of Commerce found that imports of Korean stainless steel cooking ware were being dumped. The order has since been revoked, but it was in place during the relevant time period, and it is simply too late for importers to seek refunds. Clear and well-established rules govern trade in merchandise covered by antidumping orders, and there is no need for additional, importer-specific legislation to regulate this trade.

The customs statutes enacted by Congress and the customs regulations implemented by U.S. Customs and Border Protection (“CBP”) also provide clear rules for the correction of mistakes made during entry and liquidation. Presumably, if these rules had been followed, and if CBP had agreed that errors were made in liquidating the entries at issue, legislation would not be

necessary. Enacting legislation that ignores the rules that apply to all importers in order to favor a specific importer would undermine the legitimacy and predictability of U.S. customs laws. As such, this legislation is not a technical correction as that term is commonly understood, nor is it a change in tariff that applies to all importers. Rather, is legislation that favors a single importer by refunding duties that the company long ago paid. We ask, therefore, that you take no action on S. 2893 and H.R. 5323 and not include these provisions in whatever miscellaneous tariff legislation you may report out of your respective committees this year.

If, despite the problems and concerns noted above, the committees of jurisdiction determine to move these bills forward, Regal Ware respectfully requests that the legislation be modified in one key aspect. Specifically, Regal Ware requests that the bill be modified to include a provision that would prohibit the Department of Homeland Security from requiring repayment of any disbursements made pursuant to the Continued Dumping and Subsidy Offset Act of 2000 (“CDSOA”) with respect to the entries at issue. It would be grossly unfair to Regal Ware if it were required to pay back any disbursements made many years ago under CDSOA.

Language that prevents claw-back of previously distributed CDSOA payments was include in another bill sponsored by Senator Menendez involving the reliquidation of entries of certain orange juice from Brazil (S. 2897). Senator Menendez is also the sponsor of S. 2893. If stainless steel cooking ware reliquidation legislation does move forward, it should include the same provision contained in the orange juice bill, specifically:

**SEC. 2. PROHIBITION ON COLLECTION OF CERTAIN  
PAYMENTS MADE UNDER THE CONTINUED DUMPING  
AND SUBSIDY OFFSET ACT OF 2000.**

(a) In General- Notwithstanding any other provision of law and except as provided in subsection (c), neither the Secretary of Homeland Security nor any other person may require repayment of, or attempt in any other way to recoup, any payments described in subsection (b) in an attempt to offset any amount to be refunded pursuant to section 1.

(b) Payments Described- Payments described in this subsection are payments of antidumping duties made pursuant to the Continued Dumping and Subsidy Offset Act of 2000 (section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c), repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 154)) that were assessed and paid on imports of goods covered by section 1 when the entries for those goods were originally liquidated.

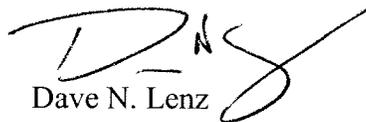
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(c) Limitation- Nothing in this section shall be construed to prevent the Secretary of Homeland Security, or any other person, from requiring repayment of, or attempting to otherwise recoup, any payments described in subsection (b) as a result of a finding of false statements or other misconduct by a recipient of such a payment.

As mentioned above, these bills provide extraordinary and inappropriate relief for one importer that apparently did not properly follow the clear-cut protest procedures developed and administered by CBP. Enactment of this bill would provide an unfair advantage to one importer of foreign goods to the detriment of U.S. manufacturers.

On behalf of Regal Ware, we thank you for the opportunity to comment on this bill.

Sincerely,



Dave N. Lenz

Senior Vice President and  
Chief Human Resources Officer