

June 4, 2002

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

Dear Phil:

I request your consideration of H.R. 4541, legislation I introduced in April of this year to correct a premature liquidation by the U.S. Customs Service. I hope that the Trade Subcommittee will conclude that H.R. 4541 should be incorporated into an omnibus trade package.

Teijin Twaron USA, Inc., which has an operation in my district in Conyers, Georgia, is a major supplier of man-made fiber products. One of their most notable products is Twaron, a lightweight, strong, synthetic fiber made from aramid polymer. Twaron is used in ballistics, tires, friction, mechanical rubber goods, and optical fiber cables.

In June 1994, the International Trade Commission (ITC) declared that the importation of aramid from the Netherlands materially injured a U.S. industry. As such, ITC directed the U.S. Customs Service to begin a material review of the importation of aramid fibers and assess antidumping duties. The duties were to be assessed on all unliquidated entries of aramid that entered the U.S. after December 16, 1993.

Teijin Twaron imported aramid fibers in 1994 and continued through early 2001, and properly deposited antidumping duties at the deposit rate in effect for that time for all of those entries. However, during the period of consideration of the antidumping rates, Teijin Twaron underwent numerous name changes. As a result of those name changes, either the U.S. Commerce Department did not instruct Customs that the final antidumping duties were to be applied equally to that manufacturer under each of its successive names or Customs did not properly follow instructions. As a result, when the final rates were lower than the deposit rates, Customs improperly assessed antidumping duties and Teijin Twaron grossly overpaid those duties.

While I certainly support the imposition of antidumping duties, it is imperative that Customs properly assess and collect those duties. In this instance, Customs failed. Customs was to have suspended liquidation of subject entries until final antidumping duties for the affected manufacturer and its successor companies were provided to it. Yet it did so, and those actions had a cumulative negative effect on Teijin Twaron.

It is appropriate for Congress to offer relief to Teijin Twaron given the mistakes made by Customs. H.R. 4541 will enable Customs to recalculate the antidumping duties using the accurate final rates and to issue a refund for all overpaid antidumping duties.

I thank you in advance for your consideration of this bill, and I hope you will call on me if you have any further questions.

Sincerely,

John Linder  
Member of Congress