

Dr. E. ALMA FLAGG—ROLE MODEL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I am pleased and honored to inform my colleagues of a special event that was held this past weekend. It was the recognition of a woman who has touched the lives of generations of residents of the greater Newark, NJ community. This genteel woman is Dr. E. Alma Flagg.

Dr. E. Alma Williams Flagg was born in City Point, VA, to the late Hannibal Greene Williams and Caroline Moody Williams. She and her family, which included a sister and three brothers, later settled in Newark, NJ. The traditional family has always been a source of support and it was no different in Dr. Flagg's family. Her widowed mother provided the love, support, encouragement and inspiration that enabled Dr. Flagg to excel.

Dr. Flagg is a graduate of Newark's East Side High School where she became a member of the National Honor Society, served as class poet and was voted most likely to succeed. She continued her education at Newark State College. She earned her master's degree at Montclair State College and the doctor's degree from Columbia University.

Her full-time teaching career began in Washington, DC but she returned to Newark, NJ in 1943 and taught and served as a school administrator in all wards of the city. Throughout her career she has been a trail blazer. In 1964 she was appointed principal of the integrated Hawkins Street School. She became the first African-American woman to hold that distinction. Her appointment as assistant superintendent in charge of curriculum services in 1967 was also a milestone. In 1985 a new elementary school was dedicated and named for her.

Dr. E. Alma Flagg's life is filled with acts that prove she has made a difference. Although retired, she continues to give of herself. Her days are filled with church, community, and various committee work. Her love for life and its participants is evident in her poetry. She and her late husband, Dr. J. Thomas Flagg, have raised two outstanding children—Dr. Thomas L. Flagg, a professor of psychology at Eastern Michigan University, and Luisa Flagg Foley, a Spanish teacher at Cherry Hill High School.

Mr. Speaker, I am sure my colleagues would have joined me as I gave my best wishes to an outstanding human being and consummate role model, Dr. E. Alma Flagg.

REGARDING MISCELLANEOUS
TRADE LEGISLATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 1995

Mr. COBLE. Mr. Speaker, today I am introducing legislation to benefit a small business located in Burlington, North Carolina, which is part of my congressional district. The company is called D&S International, and it actively engages in overseas trade. My bill is

virtually identical to other legislation I have sponsored during the previous two terms at the behest of D&S. In fact, last year's bill, H.R. 1318, was included in the House version of the GATT-implementing language.

By way of background, D&S imported four German-made warp knitting machines in the fall of 1988. "Warp knitting machines" are classified under HTS 8447.20.40 and are not dutiable. D&S subsequently sold the machines to a Venezuelan company, which reserved the right to return them to D&S if certain conditions were not met. This, in fact, did occur, and the buyer shipped the machines back to D&S. The Customs "Entry Summary" lists an entry date for this transaction of July 12, 1989, at the port of Charleston.

Here is where the problem arose. The entry documentation classified the machinery as a reentry of goods of U.S. origin. This misclassification was then changed to a second misclassification in which the goods were listed as "knitting machines" under HTS 8447.90.90—dutiable at 4.4 percent.

Upon discovery of the additional duties, D&S contacted its freight forwarder and the U.S. Customs Service. This was done at the customs level by letter and office memorandum. Instead of correcting the classification at this point, however, Customs engaged D&S and the freight forwarder in a series of discussions and exchanges of information.

Pursuant to 19 U.S.C. 1514, such duty protests must be filed within 90 days of liquidation (i.e., the time at which Customs classifies an imported good and gives notice to the importer). While D&S conveyed the necessary information in a timely manner to Customs, the company did not do so by using the technical agency method of documentation, called "Form 19." Since D&S did not use Form 19 within this 90-day period, Customs did not and will not recognize the company protest. The inequity of the situation is therefore manifest: the other correspondence, while accomplishing the same goal as Form 19, is considered worthless for the purposes of protesting a misclassification.

The bottom line is that D&S owes approximately \$28,000 in duty with interest accruing daily, effectively inhibiting the ability of the company to do business. Litigation is not a viable alternative, as it will only add to these costs. Accordingly, I urge my colleagues to support this legislation, which simply instructs the Secretary of the Treasury to treat the reentry of the four machines from Venezuela as a duty-free occurrence; and to refund any duties and interest which D&S has paid as a result of the misclassification.

In closing, I should note that the Department of Treasury informed the Ways and Means Committee last year of its support for H.R. 1318. I am also inserting in the RECORD a copy of a March 15, 1994, correspondence from the General Counsel's office at Treasury which states that failure " * * * to grant relief would cause the importer—D&S—an injustice." I thank the Speaker.

DEPARTMENT OF THE TREASURY,
Washington, March 15, 1994.

HON. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: This letter expresses the views of the Department of the Treasury on H.R. 1318. "To provide for the liquidation or reliquidation of a certain entry of warp knitting machines as free of certain duties."

The bill would authorize the refund of duties mistakenly imposed.

Although the Department generally opposes the enactment of private relief bills where the importer failed to make a timely claim for refund under applicable Customs regulations, the Department does not object to the enactment of H.R. 1318 because not to grant relief would cause the importer an injustice.

D&S International of North Carolina (D&S) imported four warp knitting machines from Germany duty free and sold them to a Venezuelan company. The Venezuelan company then returned the machines to D&S. Upon reentry, Customs mistakenly classified the machines as a reentry of U.S. goods and applied a rate of duty of 4.4 percent. Although D&S timely protested the duty, Customs ruled that the protest was not properly made. As a result, D&S now owes approximately \$25,000 in duties on goods which should have been re-entered duty free.

The Senate companion legislation to this bill is S. 1009. A similar letter has been transmitted to the Senate Committee on Finance.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the transmittal of this report to your Committee.

Sincerely,

JEAN E. HANSON.

TRIBUTE TO LION ERIC C.
JACOBSON

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 1995

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to Eric C. Jacobson of Colchester, Connecticut. Mr. Jacobson is a Lion and currently serving them in the position of District Governor of District 23C. This district represents the eastern third of Connecticut. He will step down on June 30 after a year of dedication and hard work.

Mr. Jacobson has been a Lion for 17 years and embodies their motto, "We Serve." He has been President of the Colchester Lions Club where he was honored with the Melvin Jones fellowship, the highest honor of Lions Club International. He went on to serve the Lions as cabinet secretary-treasurer, zone chairman, district chairman, and most recently as lieutenant governor. As district chairman he oversaw Campaign Sight First, a world-wide effort to prevent the curable causes of blindness. As a result of this dedication, the Lions of eastern Connecticut raised more money for this noble cause than for any other project in the district's history.

In his current position as District Governor, Mr. Jacobson spends countless hours working with Lions all over the district. He is called upon to speak to each individual group and is very involved in their activities and projects. With fifty-seven different clubs in the district he will often dedicate five or six days a week to his fellow Lions and serves as liaison with other Lion Club districts in Connecticut. Mr. Jacobson oversees many district wide projects such as the Low Vision Center in Norwich, which provides equipment to the visually impaired to help them see.