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January 12, 2005

Ms. Deborah A. Garza, Chair
 Mr. Jonathan R. Yarowsky, Vice-Chair
 Antitrust Modernization Commission
 1120 G Street, N.W.
 Suite 810
 Washington, D.C. 20005

Dear Ms. Garza and Mr. Yarowsky:

I am writing to express my concern about the fact that the Antitrust Modernization Commission may be about to "reevaluate" the antidumping laws of the United States.

In particular, I note that the Commission's International Working Group has recommended that the Commission reevaluate the U.S. antidumping laws because, in its words, antidumping laws "are regarded by some as unduly protectionist" and "as harming global competition." Nothing could be further from the truth. These statements are incorrect and reflect a fundamental misunderstanding of both the purpose and application of the antidumping laws. U.S. antidumping laws constitute legitimate remedies against unfair foreign trade and have been included by U.S. negotiators in international trade agreements for decades.

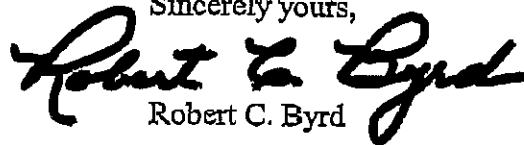
As its title reflects, the Antitrust Modernization Commission was established by Congress to study issues involving antitrust law; not antidumping law. The "reevaluation" of the antidumping laws is not, in any way, related to the modernization of the antitrust laws. To the contrary, these laws serve completely different purposes and seek to address wholly different issues. Had the Congress sought to mandate a study of the antidumping laws, it certainly would have expressed that intent with respect to the establishment of this Commission and ensured that its composition reflected strong expertise in the technical and complex area of trade law. However, the statute that established the Commission makes no reference to the antidumping laws. By addressing antitrust rather than antidumping issues, the Commission can avoid the appearance of misuse of appropriated funds and act in compliance with the statutory mandate provided by Congress in establishing the Commission.

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The issues properly before the Antitrust Modernization Commission are, in and of themselves, of sufficient importance to require the particular expertise of your experts, who presumably are steeped in antitrust rather than trade law. I urge you to remain focused on the work mandated by the Congress with respect to your Commission and to reject any proposal that would include a "reevaluation" by the Commission of the antidumping laws.

With kind regards, I am

Sincerely yours,

A handwritten signature in black ink that reads "Robert C. Byrd". The signature is written in a cursive, flowing style with a large initial "R".

Robert C. Byrd