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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3803**

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January 12, 2005

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

VIA FACSIMILE: (202) 233-0710

Dear Ms. Garza and Mr. Yarowsky:

I am writing regarding the upcoming meeting of the Antitrust Modernization Commission on January 13, 2005 at which the Commission will select issues for further study. In particular, it is my understanding that the Commission's International Working Group has recommended that the Commission conduct further study of the issue of whether the antidumping laws should be "reevaluated." For several reasons, I strongly urge that the Commission not extend its study program into this extraneous area.

First, this issue clearly exceeds the Commission's statutory mandate. Pursuant to the express terms of the Antitrust Modernization Commission Act of 2002, the duties of the Commission are to: (1) "examine whether the need exists to modernize the antitrust laws and to identify and study related issues"; (2) solicit the views of all parties concerned with the operation of the antitrust laws; (3) evaluate proposals with respect to the issues identified; and (4) prepare and submit a report to Congress and the President regarding such issues. The "reevaluation" of the antidumping laws is not concerned with or related to the modernization of the antitrust laws. Rather, the two are distinct, independent areas of the law. Indeed, the antitrust and antidumping laws have different objectives and seek to remedy different problems. Accordingly, any consideration of the antidumping laws would clearly overstep the Commission's authority.

Second, a "reevaluation" of the antidumping laws is not within the expertise of the Commission. In accordance with the intent of Congress and the statute creating the Commission, it is a body comprised of experts in the area of antitrust law – not antidumping law. It goes without saying that any commission charged with

"reevaluating" the antidumping law would need to include within its membership individuals uniquely suited to that task, and with particular experience and expertise with respect to the antidumping law. The lack of such representation on this Commission would make any inquiry into the antidumping laws clearly inappropriate.

The U.S. antidumping laws serve a critical and unique role in ensuring that U.S. producers and workers can compete on fair terms in their own market. The deterrent provided by these laws to unfair trading practices, closed markets, and other market distortions abroad is of more importance than ever – given the serious challenges facing the U.S. manufacturing, agriculture, and fisheries sectors. Such disciplines are a central component of a free and open trading system and are essential in maintaining the support of Americans for trade liberalization. As such, there is no basis for – nor has Congress sought – a "reevaluation" of these laws. It would not serve the Commission well to veer off into the study of an area in which it has no mandate or unique expertise; indeed, such a course could only serve to undermine the Commission's findings in areas that are within its purview.

I urge you not to exceed your statutory mandate by including any "reevaluation" or consideration of the antidumping laws as part of your work plan for further study. I appreciate your attention to this critical matter.

Sincerely,

Phil English  
Member of Congress

PSE/dbs