

Congress of the United States
House of Representatives
Washington, DC 20515

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

Dear Ms. Garza and Mr. Yarowsky:

We are writing with regard to the Commission's consideration of issues for further study at its January 13, 2005 meeting, and, in particular, to urge that the Commission not include a review of U.S. antidumping laws in its study program.

In accordance with the longstanding position of the U.S. government in international talks, the antitrust and the antidumping laws represent distinct areas of the law – with different objectives and founded upon different principles. Whereas the antitrust laws seek to address collusion, price-fixing and other anti-competitive practices, injurious dumping across borders typically results from a foreign government's intervention in its market through industrial policy, closed markets, price controls or other market or regulatory distortions.

The Antitrust Modernization Commission was not designed to examine issues relating to the antidumping laws, nor does its statutory mandate include an authorization to engage in such work. To the contrary, the Commission is charged with examining issues related to potential modernization of the antitrust laws – a subject that has nothing to do with U.S. trade remedy provisions or the antidumping law. The Commission simply does not have the expertise or resources that would be necessary to engage in such a study, which again Congress has not sought.

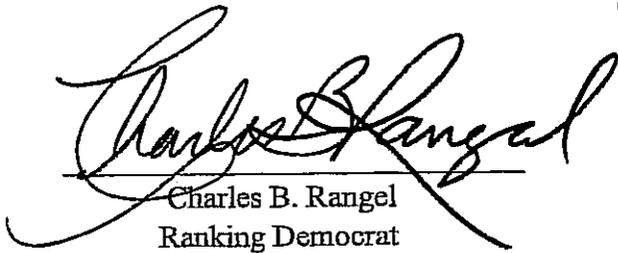
It is also important to note that international provisions governing antidumping and other trade remedy rules are currently subject to a dialogue in conjunction with the Doha Round of World Trade Organization negotiations. An analysis by the Commission – a body that has no unique expertise or experience with these rules – of whether U.S. antidumping provisions should be "reevaluated" could, at a minimum, serve to complicate this dialogue and the efforts of the U.S. officials undertaking it. This is yet another reason why any effort by the Commission to extend its work into this area would be highly inappropriate.

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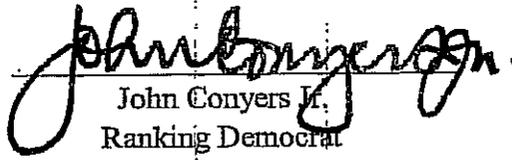
The antitrust-related issues before the Commission are significant, substantive and more than adequate to fill its study program. Diverting some of the Commission's efforts and resources into extraneous areas would not only be inconsistent with the law, but would undoubtedly serve to lessen its focus on the issues properly before it – potentially bringing criticism to its overall work product.

We would urge that the Commission limit its analysis and study program to the issues directed by Congress, and not expand its efforts to include any study of the U.S. antidumping laws.

Sincerely,



Charles B. Rangel
Ranking Democrat
Committee on Ways and Means



John Conyers Jr.
Ranking Democrat
Committee on the Judiciary