

United States Senate

WASHINGTON, DC 20510

June 13, 2006

Deborah A. Garza, Chair
Jonathan R. Yarowsky, Vice Chair
Antitrust Modernization Commission
1120 G Street, NW, Suite 810
Washington, DC 20005

Re: Webb-Pomerene and Export Trading Company Acts

Dear Ms. Garza and Mr. Yarowsky:

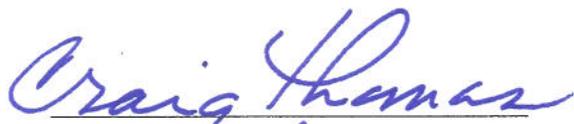
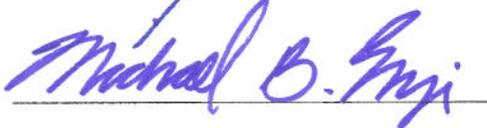
It has come to our attention that the Antitrust Modernization Commission, in its study of possible improvements to the U.S. antitrust regime, is evaluating various antitrust “immunities and exemptions” including those pertaining to joint export trade. While we understand that joint export trade is a minor item in the context of your investigation, we are writing to remind you of its importance in the context of U.S. trade and export promotion policies. We urge you to consider carefully the information submitted to you on the value of the Webb-Pomerene and Export Trading Company (“ETC”) provisions to U.S. exporters, including many small and medium-sized enterprises.

These laws were enacted to encourage, through legal “safe harbors” widely acknowledged to be necessary and appropriate, the coordination of U.S. firms’ export trade activities under conditions of full transparency and strong guarantees against adverse domestic competitive consequences. From agriculture products to manufactured goods and services, U.S. exports face significant challenges in reaching foreign markets. At a time when our government is more eager than ever to see the overseas sales efforts of U.S. firms succeed, those efforts should not be chilled or hamstrung by concerns over potential U.S. antitrust liability as would occur if the Webb Pomerene and ETC safe harbors were removed.

Unless your investigation has uncovered hard evidence of real problems which these export promotion measures are causing here in the United States, it seems reasonable that your attention should be focused on areas of antitrust law that have domestic competitive implications.

We appreciate your service on the important task of modernizing the U.S. antitrust regime, and look forward to reviewing your report.

Sincerely,




Mr. Wynn

Mike Cryo

Blanch R. Lincoln

Mark Boyer

Tom Hartin

Elizabeth Dole

John

Maria Conner

Patty Murray

Max Baucus

Dick Lugar