

# Congress of the United States

Washington, DC 20515

May 7, 2004

## VIA FAX AND U.S. MAIL

The Honorable Donald L. Evans  
Secretary of Commerce  
Department of Commerce  
14th Street and Constitution Ave., N.W.  
Washington, D.C. 20230

### Re: Objectivity in Frozen Shrimp Anti-Dumping Determinations

Dear Secretary Evans:

We are writing to request that the Department of Commerce use fair and reasonable procedures in the pending antidumping investigations concerning imported shrimp. A number of companies and organizations that consume shrimp and depend on a steady supply of reasonably priced imports have expressed their concerns to us about this case, and surely many have communicated these concerns with you as well. The pending actions may have an impact on thousands of American jobs in these businesses, and we believe that it is essential that the Department's procedures and methodologies are fair, rational and objective in determining whether dumping is occurring in this case.

As you know, although dumping investigations are often described as "quasi-judicial," these are not precise and rigid determinations, and involve many discretionary judgments that can have a significant impact on the outcome. Decisions by the Department regarding the sales compared, the actual products sold, and methodologies for adjusting prices and calculating costs can produce drastically different conclusions about the existence or the magnitude of dumping. Because these choices can have a profound impact on billions of dollars in trade and thousands of U.S. jobs, it is important that they are as objective and fair as possible.

It is our understanding that in this case, Department of Commerce staff is considering omitting established practices that compare the prices of actual products sold in different markets. There is a growing concern that staff may compare artificially constructed prices for hypothetical products that were never actually sold in those markets. Lawyers for the petitioners in the case sought this requirement because it will create large dumping margins that might not otherwise exist in a normal comparison. This approach raises serious questions of accuracy.

There is a great deal at stake in this case, because international challenges have been focused on the precise U.S. laws being applied in this matter. Only if the process is absolutely transparent and objective can all parties be assured that the result will be accurate. Many American businesses, workers, and the media, as well as our trading partners, will make determinations

about the Administration's trade policy depending on how the Department of Commerce resolves these complex matters.

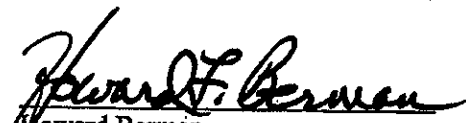
We recognize that the shrimp antidumping investigations raise many extraordinarily complicated issues. They require analysis of enormous amounts of information and data that the subject exporters are required to provide in a complete and accurate manner, consistent with the Department's exacting requirements. This process requires a great deal of time and resources, and impacted individuals and firms have explained to us that it is much more burdensome as a result of the demand for the creation of artificial data. We are aware that the Department can extend the period for the preliminary determination until July 28, and we urge you to consider doing so.


We hope that we can rely on your personal effort to assure an objective process in this very difficult case. The goal we all seek is an outcome that all sides can agree is factual and accurate. We appreciate your efforts to promote U.S. business and improve the U.S. economy, and look forward to your response at your earliest convenience.

Sincerely,

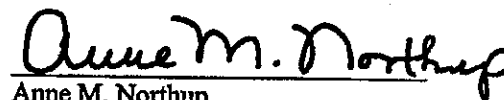
  
Pat Sessions  
Member of Congress


  
Jim Kolbe  
Member of Congress

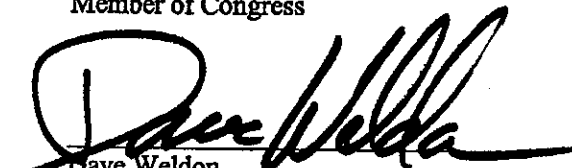
  
Howard Berman  
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Joseph Knollenberg  
Member of Congress

  
Chris Cannon  
Member of Congress

  
Anne M. Northup  
Member of Congress

  
Dave Camp  
Member of Congress

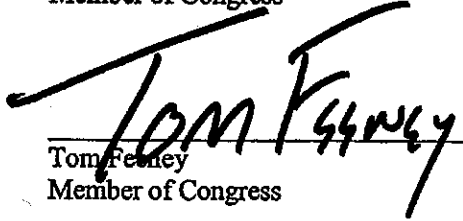
  
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Tom Feeney  
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Katherine Harris  
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Rob Bishop  
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