

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

APR 14 2003

The Honorable William M. Thomas
Chairman
Committee on Ways and Means
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Thomas:

We would like to express our support for an amendment to the antidumping duty statute that would implement the WTO's rulings in the dispute *United States - Anti-Dumping Duty Measures on Certain Hot-Rolled Steel Products from Japan* (WT/DS184).

At issue is a provision of U.S. law -- section 735(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1673d(c)(5)) -- on the calculation of the so-called "all others" rate of dumping, i.e., the antidumping duty rate applied to companies subject to an antidumping duty order that were not investigated by the Commerce Department. Section 735(c)(5) requires that the "all others" rate be calculated as a weighted average of the rates of investigated companies, excluding only rates that are zero or de minimis and that are based entirely on "facts available." The WTO Dispute Settlement Body has ruled that the WTO Antidumping Agreement, by contrast, does not permit Members to limit the exclusion to rates based "entirely" on facts available and, therefore, that section 735(c)(5) is inconsistent with the Agreement. An amendment that simply deletes the word "entirely" from section 735(c)(5)(A) and (B) would implement this ruling.

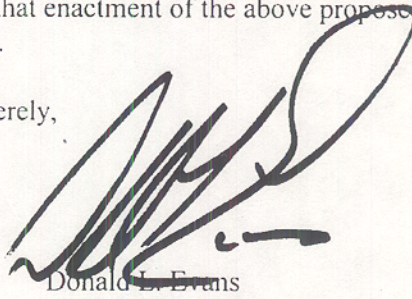
We look forward to working with Congress on implementing the WTO decision in this dispute. This amendment would allow us to adhere to the ruling without compromising our ability to provide U.S. industries relief from unfairly traded imports.

The Office of Management and Budget advises that enactment of the above proposed amendment would be in accord with the President's program.

Sincerely,



Robert B. Zoellick
United States Trade Representative



Donald L. Evans
Secretary of Commerce