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United States Senate
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COMMITTEES:
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SPECIAL COMMITTEE ON AGING
AD HOC SUBCOMMITTEE ON
CONTRACTING OVERSIGHT,
CHAIRMAN

March 17, 2011

The Honorable John Morton
Director
United States Immigration & Customs Enforcement (ICE)
Department of Homeland Security
500 12th St SW
Washington, DC 20536

The Honorable Alan Bersin
Commissioner
Customs and Border Protection
1300 Pennsylvania Avenue, NW
Washington, DC 20229

Dear Director Morton and Commissioner Bersin:

For the past few years, many companies have contacted your agencies regarding the enforcement of countervailing duties on foreign imports. These companies, which include several from my state of Missouri, have expressed outrage that the federal government is failing to vigorously enforce U.S. trade laws. However, so far, neither of your agencies appear to have taken these complaints seriously, as illustrated by two recent articles in the *St. Louis Post-Dispatch*.

I am extremely frustrated that foreign companies are still flouting U.S. law, despite repeated protests from U.S. companies. As you know, the United States has one of the most open economies in the world, and U.S. companies believe they can compete with anyone on a level playing field. However, the federal government has trade laws to ensure that the playing field is level. Practices like dumping, in which foreign competitors sell their goods in the U.S. at a price lower than the cost to manufacture it, are illegal. When domestic companies can prove that their foreign competitors are cheating, they are entitled to relief in the form of countervailing duties on imports from the offending countries.

Dumping is not easy to prove. Companies alleging dumping must spend months pleading their case before the International Trade Commission (ITC) or the International Trade Administration (ITA), and they often have to spend thousands of dollars to hire expert trade lawyers to plead their cases. The complexity and arduousness of the process has become clear to me as I have tried to assist constituents, including Mid Continent Nail, to get full and fair consideration from the ITC and ITA.

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If the ITC or ITA determines that foreign companies are acting illegally, U.S. companies deserve to have faith that countervailing duties will be enforced. Failure to enforce those duties uniformly is unfair to all sides of the U.S. business community. Indeed, while Mid Continent Nail is still competing against Chinese nails imported into the country illegally, Spartan Light Metal Products has been unable to find the magnesium alloy it needs to make finished products because duties on that alloy are being collected.

Situations like this cause American businesses to lose confidence in U.S. trade policies and the federal government as a whole. They must be rectified. I request that each of you come to my office to brief me on how your agencies plan to combat the illegal evasion of countervailing duties going forward. I will also continue to work closely with my colleague Senator Ron Wyden (OR) to develop legislation to address the failures in enforcement that rightfully has U.S. companies deeply frustrated. I welcome your views on what authorities you feel you need to enhance your ability to perform your duties.

Sincerely,

A handwritten signature in blue ink that reads "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" being more prominent and the last name "McCaskill" following in a similar style.

Claire McCaskill
United States Senator