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## **CUSTOMS TO INVESTIGATE EXCESSIVE OR FRAUDULENT BYRD DISTRIBUTIONS**

*Washington, DC*—On December 5, 2006, SSA met with U.S. Customs and Border Protection (“CBP”) officials regarding the recent distributions of antidumping duties pursuant to the Continued Dumping and Subsidy Offset Act (“CDSOA” or “Byrd Amendment”).

SSA identified for CBP a series of apparent problems in the certifications, including excessive claims, obvious disqualifying factors, and potentially fraudulent claims. SSA also noted obvious errors by CBP in compiling the certifications and making distributions. For example, CBP mistakenly inflated some claims, in one case misstating a certification for \$273,000 in qualified expenditures as a certification for \$27,300,000. In that case, the SSA member has already returned to CBP, without prompting from the agency, the obviously overstated distribution check.

CBP recognized that a number of problems are evident in the distributions and stated that it will verify certifications filed by the domestic shrimp industry. SSA encouraged CBP to examine a large number of apparently unjustifiable certifications filed. SSA urged CBP to recoup improper or excessive payments, to redistribute funds recovered, and to take all appropriate legal actions against those found to have improperly certified **including forfeiting any distribution as well as civil or criminal action.**

CBP is scheduled to meet with interested members of the Senate this week regarding this important issue to discuss actions to be taken to assure accurate, fair, and equitable distributions under CDSOA.

SSA encourages its members and anyone else with information regarding potential fraud or abuse of the Byrd distribution claims or process to provide it directly to CBP or to the SSA.

Confusion regarding what constitutes a valid qualified expenditure, excessive claims, or fraud, must not be allowed to diminish the CDSOA funds to be distributed to deserving domestic producers.