

The second point I would like to make is that we don't see that there would be any real problem if this July 1 date is postponed insofar as our relationship is concerned with the other trading nations and the nations with whom we recently negotiated.

Canada has not yet approved this International Antidumping Code either. We have no information of any bill that has been presented to the Canadian Parliament providing for such approval. The Canadian Parliament is now dissolved pending elections later this month. So we don't feel that there would be any embarrassment to the United States if the July 1 date is postponed.

To introduce the matters about which we are fundamentally concerned here, let me just read the conclusion of our statement submitted today.

The cement industry antidumping committee strongly urges that this committee take positive action to postpone the July 1 effective date of the International Antidumping Code, and to report out favorably House Concurrent Resolution 447. The code is in fundamental conflict with the Antidumping Act of 1921, and would severely weaken and emasculate the act.

I am reading from page 29 in case any of you are following it.

The cement industry, which has suffered serious injury from dumping in the past, would be effectively barred from relief under the code. Moreover, the implementation of the code in this country would constitute an usurpation of congressional authority by the executive. Implementation would also lead to administrative chaos as the Treasury and the Tariff Commission have taken contradictory positions.

Hence, action by this committee is vital if U.S. industries are to be able to compete free of the unfair trade practice of dumping—a practice condemned by Congress for over 50 years and condemned by all major trading nations as well.

Now, permit me to acquaint you with these matters in more detail. It is the position of the cement industry that there is a serious and vital substantive conflict between the code and the act requiring congressional approval of the code before it is permitted to go into effect.

This was also the conclusion of the Tariff Commission in the report to the Senate Finance Committee and you will recall one sentence in that report. "The code," and I am quoting from the Tariff Commission, "no matter what are the obligations undertaken by the United States thereunder, internationally cannot, standing alone without legislative implementation, alter the provisions of the Antidumping Act."

Of the many areas of difference between the act of 1921 and the proposed code let me review three of the basic areas of conflict.

The first area of conflict involves the injury standards under the code and under the act. Here close attention to just a few words in both of these documents is important.

The injury provisions of the act under which we have been operating require the Tariff Commission to determine, and I am now quoting, "whether an industry in the United States is being or is likely to be injured."

The injury provisions of the code require a showing, and I am quoting again, "that the dumped imports are demonstrably the principal cause of material injury."