

merchandise but rather to prevent unfair price discrimination by foreign sellers in their exports to the United States. As early as 1916 the Congress of the United States recognized that the "dumping" of goods in this market was an unfair trade practice, and made the practice punishable by criminal penalties and the subject of civil treble damage actions. 15 U.S.C. § 72.

The International Antidumping Code necessarily requires extensive modification and revision of the Antidumping Act of 1921, as fully documented in the Cement Industry Committee's full statement of June 14, 1968, filed with the Ways & Means Committee. The legislative history of the 1962 Trade Expansion Act understandably is meager on the relationship of that statute to the Antidumping Act since the latter clearly deals with matters of domestic economic regulation of unfair competition that fall beyond the purview of the former. The Antidumping Act was clearly intended to apply the domestic antitrust laws to imported goods in competition with domestic products.

"... the purpose of the proposed bill (forerunner of the Antidumping Act) is to prevent the stifling of domestic industries by the dumping of foreign merchandise. . . . Over 20 years ago, by the enactment of the Sherman Antitrust Law, Congress recognized the necessity of legislation to prevent unfair methods of competition and monopoly within the United States, but effective legislation to prevent discriminations and unfair practices from abroad, to destroy competition and control prices, has not been enacted." H.R. Rep. No. 479, 66th Cong., 1st Sess., 1 (1919).

However, the references in the legislative history of the Trade Expansion Act that do appear demonstrate conclusively that Congress did not delegate to the Executive any authority to revise the Antidumping Act, or to negotiate an international antidumping code. The Senate Finance Committee Report specifically stated:

"Section 257(h) provides that section 22 of the Agricultural Adjustment Act and import restrictions imposed thereunder shall be unaffected by the bill. *Other laws not to be affected include the Antidumping Act* and section 303 of the Tariff Act of 1930, which relates to countervailing duties." (S. Rep. No. 2059, 87th Cong., 2d Sess., 19 (1962)). (Emphasis added.)

It thus becomes clear that "special dumping duties" imposed pursuant to the Antidumping Act are not comprehended within the phrase "duty or other import restriction" found throughout the Trade Expansion Act.

An exchange between Secretary of Treasury Dillon and Congressman Utt in the Hearings Before the House Committee on Ways and Means considering the proposed 1962 Act reinforces the view that, in the contemplation both of the Administration which proposed the bill, and of the Congress which enacted it into law, the Trade Expansion Act did not in any way touch upon the Antidumping Act:

"Secretary DILLON. Treasury is responsible for carrying out antidumping activities. I do not think this bill affects the antidumping legislation at all.

"Mr. UTT. I was wondering if you could point out to me where the antidumping legislation is still in force?

"Secretary DILLON. I think that is a totally separate piece of legislation. It never was part of the trade agreements legislation. It is a separate piece.

"Mr. UTT. We have several sections entitled 'Repeals.' I am wondering if any of those sections on antidumping are repealed by reference?

"Secretary DILLON. So far as I know, nothing is. I cannot give you a positive answer, but as far as I am informed, it is my understanding there is no change at all in the antidumping procedures so far as this bill is concerned."

Hearings on H.R. 9900 Before the House Committee on Ways and Means, 87th Cong., 2d Sess., pt. 2, at 897-98 (1962).

Another Administration spokesman, Secretary of Commerce Luther H. Hodges, gave broad assurances that the government would not act under the 1962 legislation so as to undermine other statutory protection against unfair foreign competition:

"And I am resolved that the Government shall take no action in the field of tariff policy that will work undue hardship to U.S. industry, workers, and farmers through *unfair foreign competition*." Hearing on H.R. 9900 Before the House Committee on Ways and Means, 87th Cong., 2d Sess., pt. 1, at 81 (1962). (Emphasis added.)

Section 201 of the 1962 Act confers authority upon the President to modify "other import restrictions" as well as duties under specified circumstances but the legislative history suggests that the term "other import restrictions" refers primarily to quotas: