

In its report, the Tariff Commission noted that had it applied the Code standards in previous cases, the outcome of those cases may have been completely different:

"The conditions under which a regional industry concept may be employed in an injury determination under the Code are so narrowly defined that four out of five affirmative determinations by the Tariff Commission might not have been made had the Code been in effect when the determinations were made. Moreover, the four findings of dumping are currently in effect and, if continued beyond June 30, 1968, would appear to be inconsistent with the Code."

The results from using the standards embodied in the Code would almost certainly be like those flowing from the adjustment assistance standards of the Trade Expansion Act of 1962, where no industry or labor group has yet been able to meet the rigid, complicated, and technical standards for obtaining relief despite the fact that any reasonable person can see that in accordance with Congressional intent assistance should have been forthcoming.

Now, of course, we are being asked by the President to liberalize those standards—and quite rightly, I believe. But let us take this as a lesson and not allow the Antidumping Code to establish impossible standards similar to the 1962 adjustment assistance standards.

CANADA HAS YET TO ACCEPT THE INTERNATIONAL CODE

Presumably the International Antidumping Code will bring reciprocal concessions that make it palatable at least to some segments of American business and industry. Previously, the Administration has particularly emphasized the concessions to come from Canada. Under Canada's present law duties are imposed as soon as a determination of dumping has been made. If and when Canada accepts and implements the Code, she will have to make a finding of injury as a prerequisite to the imposition of duties.

Canada, however, has not rushed headlong, as has the United States, to effectuate the Code. Like many other nations, she made it clear at the outset that her signature on the Code was not binding until Parliamentary approval had been obtained.

At this juncture no legislation has yet been adopted by the Canadian Parliament to implement this Code. In fact, it is my understanding, that no such legislation has even been introduced. Certainly there is considerable opposition from important Canadian industries to such legislative action.

At any rate, Mr. Chairman, the new Parliament is not expected to convene until after July 1—the agreed date for implementation of the International Code.

Certainly this provides additional reason for Administration to postpone implementation in this country. Such postponement could permit Congress to play its just role in this affair.

(The following statement was received by the Committee for inclusion in the record at the point when antidumping matters were discussed.)

STATEMENT OF BRUCE E. CLUBB, COMMISSIONER, U.S. TARIFF COMMISSION, BEFORE THE SENATE FINANCE COMMITTEE HEARINGS ON THE INTERNATIONAL ANTIDUMPING CODE, JUNE 27, 1968

My name is Bruce E. Clubb. I am one of four members of the Tariff Commission currently in office. I am appearing here at the request of the Committee to testify on the question of whether the International Antidumping Code negotiated during the Kennedy Round and scheduled to become effective on July 1, 1968, is sufficiently consistent with the provisions of the Antidumping Act of 1921 that it can be implemented by the United States without enabling legislation.

At present, the application of dumping duties in the United States governed solely by the provisions of the Antidumping Act of 1921. This Act, as amended, provides in effect that whenever the Secretary of the Treasury determines that imported merchandise is being sold in the United States at a price lower than that charged in the home market, he is to inform the Tariff Commission which has the responsibility of determining whether an industry in the United States is being injured by such sales. If the Commission determines that an industry is being injured by the sales of such dumped merchandise, dumping duties are imposed in an amount equal to the difference between the price in the country of production and the price at which the goods are sold here.