

Comment (Cont'd):

However, as the law stands today, it appears that Treasury is usurping the Tariff Commission's injury function if it dismisses a case for a lack of injury where there was potential for an affirmative dumping finding to have been made. Should the combined impact from several sources of dumping have been injurious--the Tariff Commission would never have had an opportunity to find injury--because the Treasury could have dismissed each case piecemeal.

5 (d)

[No Customs Clearance Delay]

International Antidumping Code:

5 (d) An antidumping proceeding shall not hinder the procedures of customs clearance.

Antidumping Act, 1921, As Amended:

Section 201 (b) authorizes the Secretary of the Treasury to withhold appraisement, on unappraised entries made up to 120 days before dumping complaint was lodged if he has reason to believe or suspect a margin of dumping to exist.

Such withholding applies "until further order of the Secretary," or until a finding of dumping plus injury has been made public. If the goods have already been appraised at the time of the withholding notice, they are not subject to the special dumping duty. (Section 202(a)).

U.S. Treasury Regulations:

Section 14.10 provides that if there has been a withholding of appraisement notice or a Tariff Commission finding of injury, the customs collector may release any involved merchandise in his custody or which is thereafter imported if an appropriate bond is filed or on file, or if he is advised by the appraiser that merchandise involved in a specified entry will be appraised without regard to the Antidumping Act.