

It was only after adoption of the 1955 amendments to the act that an initial determination was required by the Treasury Department on the fair value question, followed by a subsequent reference to the Tariff Commission on the question of injury.

May I ask what is all the yelling about? Isn't a simultaneous determination not only more efficient but more rapidly determinative of the issues involved, less ruinous if the determination is in the negative, and more beneficial if the determination is in the affirmative.

Thus, some argue that our Statute provides that a dumping price exists if exports are sold to the United States at less than "fair value" whereas the Code provides that it is a dumping price if they are sold at less than "normal value." Our antidumping law contains no definition of "fair value."

The International Code defines "normal value" in terms approximately equivalent to the definition of "fair value" as provided in the regulations of the Treasury Department long since adopted. So why should an argument prevail over this matter?

Article III of the International Code sets forth the factors which are to be considered in evaluating the effect on an industry of dumped imports. The factors are, frankly, fair considerations which any administrative body should consider and which I am confident both Treasury during its period of injury findings, and the Tariff Commission during its jurisdictional period, have considered.

But the Tariff Commission's majority and those who would emasculate the 1921 act complain that the act is silent as to how less than fair value imports of an industry should be evaluated in an injury proceeding.

What in the world is wrong with our country agreeing with other countries that our exporters will get fair and square treatment in dumping proceedings instituted abroad?

What is wrong with the idea that reasonable factors should be considered by any administrative body determining an injury question in a dumping proceeding? I cannot see any merit in this argument.

I had only one final point and I will try to cut it short.

That is my objection to the pending dumping bills. What do I find wrong with them? Time does not permit a detailed analysis.

In general they would turn the fair value finding and the injury determination into a farce. Little if any discretion would be left to the factfinding body regardless of the facts found.

Injury findings would be required of the Tariff Commission if sales to the United States occurred at less than foreign market value even if potential or actual injury was only in minute part caused by such sales; and an injury finding is required of the Commission if the dumped imports plus all other imports of a similar class or kind, even though sold to the United States at fair prices, are in excess of 10 percent but less than 90 percent of all sales of the product in the United States—imported and domestically produced—measured either by quantity or value during the 16-month period prior to the date on which the dumping inquiry is instituted.

Now this is only one test provided as to when the Commission must make an injury finding. There are other tests—tests almost too complicated to explain—certainly so within the time here.