

I have had considerable experience in respect to dumping matters having acted as counsel for numerous American importers in a broad spectrum of dumping cases over the past 14 years. I have also frequently counseled with American manufacturers with respect to their complaints relative to dumping of foreign products on this market. Dumping is an unfair trade practice. However, the term has been loosely used to apply to all sorts of marketing practices—fair ones as well as unfair ones. The concept of dumping as spelled out in our 1921 Act is the sale of goods produced abroad to U.S. buyers at lower f.o.b. mill price than the price charged for the same goods on an f.o.b. mill basis for consumption in the producing country involved.

There has been a lack of uniformity in the concepts of dumping incorporated into the laws of the major trading nations. The laws of some countries like Canada have provided that a mere difference in price for home country and for export constituted dumping. Under the laws of such nations it makes no difference whether imports injured or threatened injury to their domestic producers of like or similar goods, nor is the extent of competition between the foreign and domestic goods an issue.

The laws of other countries, like those of Great Britain for instance, have provided that a dumping order requiring additional duties would be entered only if the sales for export were lower than the sales for domestic consumption in the exporting country, and a domestic industry in the importing country was injured or was likely to be injured by such sales.

In the recent Kennedy Round the diversity in the statutes applicable to dumping practices in the major trading nations led to the desirability of negotiating a common code providing uniformity in the rules to be applied in determining when dumping penalties should be applied. Of additional importance was the fact that in the United States we have developed a system of administrative practice before agencies of the Government which provides fair and equitable investigations, open hearings and the adoption of orders under the dumping statute only after all interested parties had been given an adequate hearing on the factual and legal issues involved. In other countries the dumping proceedings have historically been conducted *in camera* with neither the accused or the accusers being provided the opportunity of hearing the other side of the story or knowing the factors taken into consideration by the administrator of the dumping law in arriving at a proposed decision.

In the Kennedy Round, a great concession was obtained by our negotiators, a concession which involved the requirement that other countries *conform to our own pattern of administrative procedures*. In other words, we obtained a concession which will require all those nations who accept the International Dumping Code before entering a dumping order, to hold an open, fair and square hearing in which all parties concerned may express themselves openly and frankly with the knowledge of their adversaries so that the facts can be clearly laid before the administrators of the law before their decision is made.

This concession by other nations is bound to be of great advantage to the United States. In some areas, particularly in the area of agricultural products, we have maintained a two-price policy—selling our agricultural products abroad for less than they would draw in the domestic market. This is dumping under the standards generally accepted by our country and dumping in the concept of that word as used in the laws or regulations of other countries if the sales should result in injury or the likelihood of injury to the country to which the goods are shipped.

While I don't know too much about U.S. products as to which dumping proceedings have been instituted by foreign countries, I do know that dumping proceedings have been instituted in the United States with respect to a large variety of commodities. They have involved everything from cold rolled sheets of steel to cement, cellophane, bicycles, fertilizer, vital wheat gluten, chromic acid, window glass, titanium dioxide, fig paste, plastic baby carriages, badminton shuttles, 12-ounce canned luncheon meats, halibut steak and a host of other products, including bubble chewing gum.

As most of you know, the complaints under the Antidumping Act were few and far between from the period 1930 to 1944. During that period it was practically a dead issue. Since that date as competition between foreign producers and U.S. producers increased, so has the volume of dumping complaints in the U.S. increased. As a result, it became of utmost importance that in the Kennedy Round our negotiators tackle this international problem and arrive, if possible, at an agreed upon code for application of dumping duties—a code which would provide uniform rules for the instigation of dumping orders and,