insofar as possible, uniform administrative procedures in line with our domestic procedures. Obviously it is of importance that this country's exporters be treated with the same fairness in dumping proceedings which may occur abroad as we find necessary in dumping proceedings in our own country.

Based on our experience in this field I and my clients are satisfied that our negotiators did a good job in the Kennedy Round and therefore we support the International Dumping Code agreed on in that Round. I am quite aware of the fact that it has been charged by a substantial number of members of this Congress and by representatives of a number of industries in the United States that our negotiators agreed to matters which either go beyond, or are contrary to, provisions of our 1921 Antidumping Act. A recent report of the U.S. Tariff Commission rendered March 18, 1968, indicated that three of the five Commissioners agreed with those Congressmen and industries who believed that the Code goes beyond our own statute and is not altogether interpretative but instead requires a change in our law. Without taking a position on whether the majority of the Commission was correct in that conclusion, I can only say to you that it is of the utmost importance to our administrative procedures and to our international relations that this problem be solved by the Congress promptly and definitively. There should be no uncertainty in the effectiveness of our laws or our international agreements. Be it otherwise, our trading partners may well shy away from conformance with the Code. Should this happen, our exporters will be denied the procedural and substantive benefits which will flow from the Code. If this Congress should renounce the Code or prevent the President from putting it in effect, reciprocal action will undoubtedly occur and we will face an international battle which would in the long run affect our exports in a much larger measure than we might anticipate.

One of the major points involved is whether an injury investigation should be conducted at the same time as a fair value determination. Prior to 1955, the Treasury Department conducted both of these investigations and it conducted them simultaneously. 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. Why should the Congress fight over the question of whether our Executive Department exceeded its authority in the Kennedy Round by agreeing to more or less simultaneous inquiries into the fair value and injury questions? This seems to be an argument which has no merit. If the President's agreement makes sense we should go along with it and if necessary enact legislation approving it. Enough of the argument as to whether the Executive exceeded its authority. If what it did is good let's go along with it or, if necessary, bless it after the fact.

Frankly, in other ways it seems to me that the Members of Congress and the industries who criticize the International Dumping Code, or who fail to propose that our own statutes be conformed to that Code, if necessary, are standing on principle rather than on practical considerations. 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 Anti-dumping 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?

Similarly, there has been considerable argument over the injury test provided in the International Dumping Code as distinguished from the injury test in our statute as it has been interpreted by the Tariff Commission, which since 1955 makes the injury findings. In the International Code it is provided that the sales at less than normal value must be "the principal cause of material injury" but that in making a determination as to "principal cause," the administrative body involved must consider *all other factors* which are simultaneously adversely affecting the industry involved. Our statute simply provides that the Tariff Commission must find that the U.S. industry is being or likely to be injured *"by reason"* of the imports of the sales at less than fair value. To my mind this is simply fiddledee and fiddledum and not worth extending considera-