As noted above, this report of 1980 was supplanted, in part, by a later study by the same two authors in 1984, which reworked the arguments in more detail, and, in regard to textiles, used Hong Kong quota transfer prices as essential data.

The same issue of costs is touched on frequently in the briefs on various countervailing duties proceedings, anti-dumping proceedings and "escape clause" proceedings by the Federal Trade Commission to the International Trade Commission (and the U.S. Court of International Trade). These briefs necessarily have to address the questions at issue in terms of U.S. legislation on these matters, which does not explicitly include considerations of competition policy. Accordingly, these briefs address such questions as to whether the material or serious injury being suffered is caused by the dumped or subsidized imports, or the imports identified by petitioners in an 'escape clause' action, or whether the subsidies at issue are properly countervailable.[30] In one anti-dumping case the Anti-trust Division of the Department of Justice appeared before the ITC and drew attention to the degree of concentration in the U.S. domestic industry, and then went on to argue that there was "no reasonable indication of a sufficient causal link between . . . imports and any material injury suffered by the domestic . . . industry".[31] The Department's brief asserts the right to express a view on the case, in the following terms:

> . . . because of its special responsibility . . . for preserving competition, for preventing undue interference with competition, and for promoting the welfare of consumers against excessive costs arising from unduly restricted markets . . .
>
> The Justice Department is interested in this investigation because of the concentrated structure of the domestic industry and the anti-competitive effects which would result from an unwarranted "choking-off" of the import competition. . . . The Justice Department is concerned that the dumping laws not be used without sufficient basis by domestic producers to thwart attempts by foreign producers to enter the U.S. market, especially, where the market is highly concentrated.[32]

In summary, the U.S. authorities concerned with competition policy (the Federal Trade Commission and the Department of Justice) find it difficult to bring forward competition policy considerations in contingency protection cases before the USITC, for the reason that the legislation does not allow such considerations to be taken into account (except for Section 337 cases). Moreover, the most active group of officials concerned, the FTC Bureau of Economics, has focussed primarily on the calculation of costs, including the costs of the tariff, and has not brought to the front the issues of the impact of restricting imports on industrial concentration and the conditions of competition.[33] The Canadian competition authorities appear to be likewise inhibited in anti-dumping and countervailing duty cases, although it remains to be seen whether the new public interest provisions in the revised Canadian legislation on import policy will encourage the Canadian Import Tribunal to hear and to take into account the views of the competition policy authorities and of user groups; it appears that the new legislation is cast in sufficiently broad terms to enable the Import Tribunal to look at whatever facts and factors they may consider relevant to the public interest, not excluding conditions of competition.