with foreign producer groups or governments; this issue need not concern us here. However, the question of whether there could be an anti-trust violation when "voluntary" export restraints were negotiated remained; in regard to steel these were dealt with, retroactively, in Section 607 of the Trade Act of 1974, which section declared that "no person shall be liable" under "the Federal Trade Commission Act or the Anti-trust Acts" for having negotiated a "voluntary limitation on exports of steel or steel products to the United States".[19] Subsequently, this issue was reviewed by the Attorney General when the U.S. Administration contemplated seeking restraints by Japan on exports of automobiles to the U.S.[20] It appears to be the position in U.S. law that only if a foreign government imposes or makes mandatory a restraint on exports can it be assumed that there will be no violation of the U.S. anti-trust provisions (the "foreign compulsion" doctrine). But what this history of this decade in U.S. trade policy makes clear is that anti-trust policy is seen to bear on Article XIX policy only in a negative sense; the concern of the authorities has been to ensure that actions taken outside the scope of the "escape clause" — that is, "surrogate" actions, do not involve technical violations of the anti-trust provisions. It is not clear that at the political level, that is, in the Congress, in the Executive Office of the President (which includes the Office of the Trade Representative), there is any systematic consideration given to the anti-trust policy implications of any import limiting measure which is a surrogate for Article XIX action. We say "systematic" because we cannot know what matters are discussed at Cabinet level, although one would like to assume that competition policy considerations and consumer interests were factors in the decision to not ask the Japanese to extend their formal restraint on automobile exports.

We do know that the cost to consumers (that is, the additonal "cash cost") was a factor in the consideration of whether or not to accept the ITC's proposals to restrict imports of footwear.[21] Indeed, the U.S. "escape clause", by its specific provisions, does involve consideration of competition policy aspects and of the costs to consumers.

Section 202 of the Trade Act of 1974 makes it mandatory that the President, in deciding whether to grant import relief, as recommended by the International Trade Commission, take into account "(4) the effect of import relief on consumers (including the price and availability of the imported article and the like or directly competitive article produced in the United States) and on competition in the domestic markets for such articles".[22] We cannot know precisely what weight is given by the Administration to these factors, although it is evident that the cost to consumers has been an important consideration in a number of recent cases.[23]

Under the Canadian domestic law provisions regarding Article XIX action, there is no stated public interest proviso nor any reference to the interests of consumers or to the state of competition. (There is, as we have noted, a negative public interest clause in the revised Canadian anti-dumping and countervailing duty provisions.)[24] However, the Canadian legislation delegating authority to the executive to take Article XIX action is cast in a discretionary form — that is, the executive "may" impose a duty or "may" impose a limitation on the importation of the goods at issue, but is not required by law to do so, nor does the law specify what considerations are to be taken into account.[25] One is not entitled to assume that competition policy considerations would be ignored in the taking of a decision by Cabinet to impose a duty or quota, particularly as the