

"He [the President] can also impose additional import restrictions (e.g., quotas)." H.R. Rep. No. 1818, 87th Cong., 2d Sess. 2 (1962).

"The basic grant of authority also permits the modification of existing import restrictions other than duties, while at the same time authorizing the imposition of additional import restrictions (e.g., quotas)." *Id.* at 14.

Although there are occasional instances within the legislative history of efforts to expand the term "other import restrictions" beyond mere quotas, it is significant that no such effort can be found which alludes to antidumping regulations:

"What are they [other import restrictions]? Embargoes, quotas, import licenses, currency manipulations, quarantines, and a decision that goods must be delivered within 5 days after they are manufactured." 108 Cong. Rec. 18674 (daily ed. Sept. 18, 1962) (remarks of Senator Curtis).

A memorandum on the 1962 Act prepared by the Tariff Commission and submitted to the House Ways and Means Committee suggests a very limited delegation of authority to the President to modify duties or other import restrictions. This limited authority is inconsistent with the bald assertion of power by the office of the Special Representative for Trade Negotiations in revising and amending the Antidumping Act of 1921, even if some justification could conceivably be found for treating antidumping regulations as coming within the scope of "duty or other import restrictions."

"The existing authority to proclaim modifications of existing duties is apparently intended to permit the President to make rate and classification changes *within and subordinate to the statutory structure* of the tariff classification schedules, and not permit him to change the scope of *any statutory provisions*. In any event, whatever the President's ultimate authority under section 350 (a) (1) may be, he has so confined his proclaimed 'modifications.' It is assumed that there would be no departure from past practice in exercising the authority under the new legislation." Hearings on H.R. 9900 Before the House Committee on Ways and Means, 87th Cong., 2d Sess., pt. 2, at 923 (1962). (Emphasis added.)

The United States Senate reaffirmed, by its adoption in 1966, of Senate Concurrent Resolution 100 that there was no authority in the Trade Expansion Act of 1962 for any negotiations concerning antidumping. The Resolution stated that it was the sense of the Congress that no trade agreement or other arrangement under the Trade Expansion Act of 1962 should be entered into except in accordance with legislative authority specifically delegated by Congress. The report filed by the Senate Finance Committee, recommending adoption of the Resolution, concluded as follows:

"The Committee on Finance has been disturbed over reports that the current Kennedy Round of tariff negotiations may be broadened to include U.S. offers of concessions with respect to matters for which there is no existing delegated authority. . . .

"It has been reported that one area in which our negotiators may offer concessions concerns the American selling price method of evaluation. . . .

"Another area may involve the treatment of 'dumped' goods by the country in which the dumping occurs. This problem concerns unfair trade practices in a domestic economy and it is difficult for us to understand why Congress should be bypassed at the crucial policymaking stages, and permitted to participate only after policy has been frozen in an international trade agreement." (Emphasis added.)

It is thus clear that the negotiation of the International Antidumping Code was without legal authority and in clear defiance of a Senate Resolution. The substantive revisions and amendments of the Antidumping Act of 1921 which would be required by the International Antidumping Code can be legally accomplished only by the Congress.

It is for this reason that the Ways and Means Committee should report out favorably H. Con. Res. 447 which would express the sense of the Congress that the International Antidumping Code may not become effective without specific Congressional approval, and take action to postpone the July 1 effective date for the Code.

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The CHAIRMAN. Mr. HARR. Mr. Harr, if you will identify yourself for the record and identify those associates with you at the table we will be glad to recognize you, sir.