national Antidumping Code was in serious conflict with the Antidumping Act of 1921 and would tend even further to vitiate the effectiveness of our antidumping procedure, S. Con. Res. 38 was introduced, stating it to be the sense of Congress that the provisions of the International Antidumping Code are inconsistent with, and in conflict with, the provisions of the Antidumping Act of 1921; that the President should send the International Antidumping Code to the Senate for its advice and consent; and that the provisions of the International Antidumping Code should become effective in the United States only at the time specified in legislation enacted by the Congress to implement the Code. An identical resolution, H. Con. Res. 447, has been referred to your Committee.

In a report requested by the Senate Finance Committee in connection with S. Con. Res. 38, the Tariff Commission on March 13, 1968 gave as its three to two majority opinion a confirmation of the fact that the International Antidumping Code was inconsistent with, and in conflict with, the Antidumping Act of 1921 and could not be put into effect without appropriate legislation. Logically the Commission would find it impossible to enforce the Code if it is allowed to go into effect on July 1, 1968. Even the Tariff Commission minority, while disagreeing with the overall approach of the majority and recommending a case by case determination, nevertheless agreed that where inconsistencies between the Code and the Act occurred under this circumstances, the provisions of the Act should prevail. Obviously without Congressional action, which the minority fails to mention, its recommendation would be an invitation to further chaos.

In the meanwhile the Treasury published proposed extensive amendments to its Antidumping Regulations to conform them to the International Antidumping Code, and invited the written opinions of those interested. No report has been made on the opinions received, but the Treasury has now issued amended Antidumping Regulations (T. D. 66–148) which after purportedly giving due consideration to these opinions, put the conforming regulations in effect on July 1, 1968. This date is only a short time ahead. Immediate Congressional action is imperative to prevent the International Antidumping Code and the Treasury's new conforming regulations from going into effect as planned. Without such action, the preemption by the Kennedy Round negotiators of the legislative power to amend the Antidumping Act of 1921 without Congressional delegation, would go unchallenged. The resultant legal complications as disputes over the control of our antidumping procedure arose, together with the impracticability of the required simultaneous consideration of the complaints by both the Treasury and the Tariff Commission and the far more restricted interpretation of injury, domestic industry, the market and other pertinent factors, would reduce even further the already slim chance of effective remedial action in bonafide dumping cases.

RECOMMENDATIONS

The experience of the brass mill industry with our foreign trade policy under the circumstances and conditions related above, leads to its firm conviction that a number of changes in this policy are imperative. Accordingly, we urge that the following recommendations be given favorable consideration by the Committee.

1. Some Congressional directive is in order, requiring that our foreign merchandise trade statistics be presented in such a way as to show accurately what we have actually received for our commercial exports and what we have paid for our imports landed in this country, on a businesslike basis. If the statistical data issued by government are adjusted to reflect good commercial practice, the alleged large surpluses in our merchandise foreign trade dramatically fade away; a far more realistic attitude toward our foreign trade policy would ensue than is encouraged by the government's foreign trade statistics as they are now generally publicized.

2. *All* tariff and non-tariff restrictions of all the countries which are members of GATT should be catalogued and made available for review and adjustment on a fair equivalent basis. A generally accepted international standard classification of commodities would appear imperative to permit this to be done fairly and effectively.

3. Whether by direct amendment of the Trade Expansion Act of 1962 or by appropriate provisions in the proposed Trade Expansion Act of 1968, it should be made more readily possible for industries suffering actual injury from imports, or threatened with such injury, to obtain prompt remedial action by the govern-