

We believe that the results of such hearings, preparatory to trade negotiations, should be made public, or at the very least should be made available to the participants in such hearings. Otherwise the determinations, entering into the Executive's decision to exercise its delegated power to grant tariff reductions remain undisclosed. If policy dictates such matters be kept secret until after the completion of the pending trade negotiations, then the public and the Congress would be better served if full disclosure had to be made even *after* the negotiations were completed and the reports had been acted upon. In this way, at least, the cloak of secrecy would be removed and Commission and Committee reports and the negotiator's determinations would be exposed to scrutiny by the concerned public and the Congress.

We believe that the reductions in the Kennedy Round were the maximum which could be made consistent with the advice of the Tariff Commission and the Trade Information Committee. If such duties should not have been reduced under the authority of the T.E.A. of 1962, they certainly should not be reduced in the near future before the results and effect of the Kennedy Round concessions have been realized and fully felt.

Why should the Congress continue to surrender its control over duties by giving the President blanket authority to reduce duties subject to some problematical eventuality—if it should become necessary for the U.S. to grant compensatory rates. If in the future, there is some reason to grant such compensatory rates, why shouldn't the administration then seek specific authority from Congress to make specific duty reductions. In this way, control of duty rates would be exercised by those to whom such control belongs, the Congress. Historically, the Congress has given considerably more consideration to the interests of domestic business and labor before causing any tariff reductions than has the Executive. Furthermore, we believe that before embarking on a program of negotiating away non-tariff barriers the President should be required to advise the Congress and the public of the nature and significance of these existing non-tariff barriers.

III. DUMPING INVESTIGATIONS SHOULD BE INSTITUTED WITHOUT THE NEED FOR AN AGGRIEVED DOMESTIC INDUSTRIES' ESTABLISHING FOREIGN MARKET PRICES

For there to be dumping under the terms of the Antidumping Act it is necessary for the article to be sold for export to the U.S. at a price less than its fair value. A domestic industry, which seeks to have the Treasury Department determine whether a product is being sold for a particular country in violation of the antidumping laws, must present evidence of how and at what prices the product is sold in the country of exportation. Only after the Treasury Department is convinced that there is sufficient evidence to support a dumping finding, does it proceed to conduct its own investigation of the market practices which prevail in that foreign country.

Very often the domestic industry does not have sufficient access to the foreign market to determine the fair market value of the product or to determine the price at which the product is sold to the U.S. In many of those cases the domestic industry believes that dumping is going on because of the low price at which an imported article, which it encounters in U.S. markets, is being sold. The domestic industry, suspecting that the foreign shippers are trying to capture the U.S. market even at a loss, wants the Treasury Department to use its superior investigative facilities to examine the actual foreign market circumstances and determine whether the product is being dumped.

So long as the price of an imported product in the U.S. is such as to raise a legitimate question whether it is being dumped, the Treasury Department should have to conduct a full investigation to determine whether dumping exists. It should not be incumbent upon a domestic industry to compile foreign market costs and other information. Such facts can and should only be obtained by the Treasury Department.

IV. CUSTOMS MARKING LAWS SHOULD BE MORE EFFECTIVELY ADMINISTERED

Pursuant to the provisions of Section 11.8 of the Customs Regulations and of Section 304 of the Tariff Act of 1930, as amended, imported articles, in general, must be *legibly, indelibly, and permanently* marked in a conspicuous place so as to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. During the early 1960's the domestic industrial rubber products industry became concerned with the increasing appear-