

The code permits consideration of a regional market only where the producers within such a market sell "all or almost all" of their production in that market and there is injury to "all or almost all" of the producers in the regional market, and I was quoting from the code.

As a marketing man I can't think of a single import area in the United States that would meet the code's definition of a regional market for the future.

Now consider the application of these words again to the cement marketplace. In the Belgian case one of the markets under consideration was the southeast Florida market consisting of Palm Beach and Broward County together with metropolitan Miami.

Neither of the two domestic cement producers in that case sold all or almost all of their production in southeast Florida. They had plants elsewhere in the United States.

Under the code they would not have been entitled to relief even though the dumped Belgian cement accounted for as much as 13 percent of the market at one point.

The code simply doesn't take into account the facts of the marketplace.

The third area of conflict involves the question of Treasury versus Tariff Commission functions. In 1954 Congress amended the Antidumping Act in order to transfer the injury determination exclusively over to the Tariff Commission.

The code by executive agreement would give the Treasury certain responsibilities now to make certain injury determinations. It boils down to this.

The administration seeks by unilateral action to take responsibilities from an arm of the legislative branch, the Tariff Commission, and give them to an arm of the executive branch, the Treasury.

Congress has not consented to this change. Yet this will become operative July 1 unless the committee or the Congress stops it. These are, we feel, major and substantive areas of conflict between the code and the act.

In the report of the Tariff Commission it was stated very clearly that in the four cases in which we obtained antidumping duties under the act had the code been in effect the results of the cases would have been otherwise.

I might say that our counsel, Covington & Burling, have reviewed this report. They concur with the report and tell us that we would not have obtained relief in these cases had the code been in effect.

A paragraph at page 24 of our statement summarizes our concern at this point and I will just read that paragraph.

It is reasonable to assume that once it becomes known that the cement industry will be unable to deter dumped cement under the Antidumping Code, foreign producers will resume dumping in this market. The dumping of cement during the period 1958-64 was consistent and involved at least 15 countries.

The industry's diligent prosecution of these dumping violations and the pendency of legislation to strengthen the act have no doubt deterred dumping in recent years. The implementation of the Antidumping Code will remove such deterrents, and it is very likely that the dumping of excess cement capacity will be resumed.