for example, have averaged seventeen months, and one lasted more than three years after the filing of the complaint. The proposed legislation would establish a six-month time limit for such investigations, with a "safety valve" to permit additional time if needed. If exceptional circumstances require more than six months, the Secretary of the Treasury would advise the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee of the reasons why a longer period was required. This proposed six-month time limit for the dumping determination is twice as long as the period which Congress set in 1958 for the Tariff Commission to make its injury determination under the Act—an issue of at least equal complexity.

III. PROVISION FOR PROCEDURAL SAFEGUARDS IN TREASURY INVESTIGATIONS

The proposed legislation would also ensure that the safeguards of the Administrative Procedure Act would be provided in connection with Treasury dumping investigations. In keeping with the best tradition of the common law, the right to a fair and open hearing, including the right to counsel, to present evidence, and to confront and cross-examine, would be guaranteed. Moreover, both the importer and the domestic industry would have the right to seek judicial review of an adverse determination by Treasury or by the Tariff Commission—a right not only required by the Administrative Procedure Act but inherent in our system of government. At present such review is available only to importers. Full reports would be published containing the facts and reasoning relied upon by Treasury and by the Commission in their deliberations. In this way, judicial review would be facilitated, and a body of law would be developed to guide the business decisions of importers as well as domestic industry. Finally, proposed determinations would be published to give interested parties an opportunity to correct any fallacies and to supply additional pertinent information.

IV. ELABORATION OF INJURY AND INDUSTRY STANDARDS FOR GUIDANCE OF THE TARIFF COMMISSION

A primary purpose of the proposed legislation is the elaboration and prescription of standards to guide the Tariff Commission in its determination of whether dumping has caused injury to a domestic industry. Such standards are necessary to prevent repetition of the unduly varying injury determinations made in the past under the very broad and vague standards now contained in the Antidumping Act. These determinations have often been the product of the individual economic views of the members of the Commission, rather than of an established Congressional policy.

A. *Industry Standards.*—The Act provides no industry standard beyond directing the Tariff Commission to determine whether there has been injury to "an industry in the United States". The proposed legislation borrows from established antitrust principles in defining the domestic industry, the geographical market, and the product market, and directs the Tariff Commission to consider the effects of dumping in a competitive market area. The definitions of industry and of geographical market are designed to focus attention precisely upon the area of "competitive overlap" between dumped imports and competing domestic goods, and to preclude the Tariff Commission from considering a nationwide market when the facts show, to the contrary, a fragmentation of markets along regional lines. Similarly, the definition of a "class or kind of merchandise", delineating as it does the boundaries of a product market, is designed to relate the determination of injury to a particular line of commerce in which a domestic industry may be engaged. Other lines of commerce in which one or more members of a domestic industry may be engaged, but which are outside the scope of competition with dumped imports, would not be considered by the Tariff Commission in weighing the impact of dumping upon a domestic industry.

These "industry" guidelines are necessary for an effective law prohibiting dumping. Dumped imports frequently cause serious injury to U.S. producers of competing products in specific regions or local markets, although they may not be a competitive threat to the country's entire domestic industry because the characteristics of the commodities make their distribution over wide geographical areas uneconomical. For example, the impact of dumped cement is normally confined to the geographical area surrounding the port of entry, due to the high cost of transporting the imported cement inland. This is the area in which the dumped cement and the cement produced by one or more domestic producers