

1 conclusion of the Commission's investigation, compared
2 with the average monthly level of such employment dur-
3 ing the year ending on the date the Secretary's investiga-
4 tion began; or

5 " (4) has been a contributing cause of any anti-
6 competitive effects in any competitive market area.

7 " (c) The Commission shall render an affirmative de-
8 termination of likelihood of injury when it finds a reasonable
9 likelihood that an injury cognizable under subsection (b) of
10 this section will occur by reason of sales of foreign merchan-
11 dise at less than fair value.

12 " (d) The Commission shall make the determinations
13 required by this section without regard to whether foreign
14 merchandise was sold with predatory intent or at prices
15 equivalent to or higher than prices of foreign merchandise
16 of the same class or kind. The Commission, after proceed-
17 ing and hearing under the provisions of section 212, shall
18 notify the Secretary of its determination, and, if that determi-
19 nation is in the affirmative, the Secretary shall make public
20 a notice of his determination and the determination of the
21 Commission. For the purposes of this section, the Commis-
22 sion shall be deemed to have made an affirmative determina-
23 tion if the Commissioners of the Commission voting are
24 evenly divided as to whether its determination should be in
25 the affirmative or in the negative. The Secretary's dumping