start in the last direction, but their coverage should be expanded to include public disclosure of pertinent information relating to the levy of dumping duties and the process of reappraisement.) Finally, the Department of the Treasury and the Customs Bureau should be compelled to recognize that domestic industry is intended to be the prime beneficiary of the Antidumping Act and that domestic industry is therefore entitled to full cooperation from these two agencies.

As pointed out in the next section of this Statement, adoption of the International Antidumping Code is not the way to achieve this result. In our judgment, the Antidumping Act of 1921 should be strengthened rather than dissipated and we therefore urge this Committee to propose legislation which facilitates vigilant antidumping enforcement.

THE INTERNATIONAL ANTIDUMPING CODE SHOULD BE GIVEN NO EFFECT IN THE UNITED STATES

The American Hardboard Association strongly endorses Senate Concurrent Resolution 38 of the 90th Congress, stating the sense of Congress that (1) the provisions of the International Antidumping Code are inconsistent with and in conflict with the provisions of the Antidumping Act of 1921; (2) the President should submit the Code to the Senate for its advice and consent in accordance with the United States Constitution; and (3) the provisions of the Code should become effective in the United States only in accordance with legislation enacted by the Congress.

The American Hardboard Association recommends that this Committee propose legislation which would nullify attempted implementation of the International Antidumping Code and strengthen the provisions of the Antidumping Act of 1921.

The conflict between the proposed Code and the existing Act is analyzed in detail in the Report of the majority of the Tariff Commission filed with the Senate Committee on Finance on March 13, 1968. We concur in that Report and we call particular attention to its conclusions (pp. 32–33):

"It is well settled that the Constitution does not vest in the President plenary power to alter domestic law. The Code, no matter what are the obligations undertaken by the United Sates thereunder internationally, cannot, standing alone without legislative implementation, alter the provisions of the Antidumping Act or of other United States statutes. As matters presently stand, we believe the jurisdiction and authority of the Commission to act with respect to the dumping of imported articles is derived wholly from the Antidumping Act, and 19 U.S.C. 1337."

Moreover, wholly aside from the illegality of administrative implementation of the International Antidumping Code, the American Hardboard Association opposes this action for policy reasons. In our judgment, no justification exists from undermining what little effectiveness remains in the U.S. Antidumping Act of 1921 by watering down the standards by which it is applied. In particular, we object to the following.

1. *Alteration of the Injury Test.* Article 3 of the Code provides in substance, that dumping duties may be imposed only in those cases where dumped goods are shown to be individually the cause of material injury, and the injury so caused is greater than that resulting from all other causal factors taken in the aggregate. Alternatively, the injury test applied under the Antidumping Act has always been whether the imports which are being sold at less than fair value were causing, or were likely to cause material injury, i.e., any injury which is more than de minimis. It has proven exceedingly difficult for domestic industry to establish "injury" even under the test applied under the Antidumping Act. Adoption of the standards proposed by the Code would be even more burdensome and would probably have the ultimate effect of eliminating antidumping protection in the United States by making proof of the offense impossible to establish as a practical matter.

2. *Narrowing the Regional Industry Test.*—Paragraph (a) of Article 4 of the Code defines "industry" in such a fashion as to require that all or almost all of the producers within a given "competitive market area" be injured materially before an affirmative determination of injury could be made. It would limit the concept of a regional industry to all producers "within such a market" who "sell all or almost all of their production of the product in question in that market." This new concept is unrealistic as applied to the United States since there is no industry of any significance in this country where all or substantially