

May I conclude by saying that the two major proposals for amendment of the Antidumping Act are nettles. You can't grasp them without being struck. They do not provide for fair and equitable findings. They attempt to freeze determinations in advance and without regard to the facts found by the Tariff Commission or the Treasury Department. No discretion is left to the administrator to do equity—to dismiss cases where the dumping prices have been discontinued bona fide—to dismiss cases where the prices were set in ignorance of the law or the complicated formulas incorporated in the law and regulations for determination of a fair price—to find no injury if injury exists but is infinitesimally caused by the dumped sales and 99 percent by other causes.

I don't come here suggesting the gates to dumping practices should be opened. I am a lawyer. I believe wholeheartedly in favor of sound administrative procedures. I believe that laws are good if they lead to justice and equity.

The proposed amendments to the Antidumping Act would lead to international reciprocity. Instead of being treated fairly our exporters may be crucified by dumping proceedings instituted against them abroad if the proposed amendments are adopted.

If they are adopted we will have adopted the most unfair trade code it is possible to imagine.

While I don't agree with all of the injury findings made by the Tariff Commission, I find it to have been objective—and in all cases aware of the purposes the act is intended to serve. Since the Congress as a practical matter cannot make dumping decisions it must delegate that authority.

It has done so and has set reasonable standards for application of the dumping penalties to be exacted if certain circumstances are found to exist. The process is working well in my opinion and no change is required or needed.

I urge that you leave the system as it is. It works—works well and need not be encrusted with rules arbitrarily set. As in all determinations, some discretion must be left to somebody to prevent injustices.

Based on 14 years experience in dumping matters I have absolute confidence in the Tariff Commission and the Treasury Department. I hope members of this committee share that confidence.

Thank you, Mr. Chairman.

(Mr. Sharp's prepared statement follows:)

STATEMENT OF JAMES R. SHARP, ATTORNEY, ON BEHALF OF HARDBOARD
MANUFACTURERS

I am James R. Sharp, attorney for several U.S. companies who for some years past have imported substantial quantities of hardboard. Hardboard is a wood product made of imploded or ground up wood, the fibers of which are thereby torn apart and put back together by wet matting and pressing. Hardboard is used largely in the building and furniture business. The companies I represent here are: Elof Hansson, Inc., New York, N.Y.; Pan Pacific Trading Corp., New York, N.Y. and Robinson Export-Import Corp., of Alexandria, Virginia, one of our local Washington area companies.

On behalf of these clients I support the International Dumping Code formulated in the course of the Kennedy Round negotiations and I oppose the bills pending before this Committee which would amend the Antidumping Act of 1921 in a very substantial manner. The principal bills now pending before you are H.R. 8510 introduced by Representative Herlong of Florida, and H.R. 16332 introduced this Session by Representative Saylor of Pennsylvania.