

STATEMENT OF RANDOLPH J. STAYIN

(JUNE 12, 2018)

GOOD MORNING:

MR. CHAIRMAN, RANKING MEMBER WYDEN AND MEMBERS OF THE COMMITTEE. I AM HONORED TO APPEAR BEFORE YOU TODAY, AND I AM HUMBLD AND GRATEFUL TO THE PRESIDENT FOR NOMINATING ME TO SERVE AS A COMMISSIONER ON THE UNITED STATES INTERNATIONAL TRADE COMMISSION. I ALSO WANT TO THANK SENATOR PORTMAN FOR HIS SUPPORT AND KIND INTRODUCTION TODAY. MOST IMPORTANTLY, I AM HONORED AND BLESSED TO HAVE THE LOVE AND SUPPORT OF MY FAMILY; NOT ONLY THROUGHOUT MY YEARS OF TRADE LAW PRACTICE, BUT EVERY DAY. MY WIFE, SHARON, MY SISTER, DONNA, AND MY CHILDREN: GREG, TODD AND BETH, AND HER HUSBAND, SCOTT, ARE HERE WITH ME TODAY.

I BEGAN THE PRACTICE OF LAW AS A LITIGATOR IN CINCINNATI, OHIO. I CAME TO WASHINGTON TO SERVE AS CHIEF OF STAFF FOR SENATOR ROBERT TAFT, JR. AMONG MY DUTIES, SENATOR TAFT ASKED ME TO BE HIS ADVISOR REGARDING THE TRADE ACT OF 1974, WHICH WAS THE BEGINNING OF MY INVOLVEMENT WITH U.S. TRADE LAW, AND WAS THE FIRST BUILDING BLOCK IN MY, NOW, 32 YEARS OF PRACTICING INTERNATIONAL TRADE LAW. MY CAREER HAS INCLUDED LITIGATION OF MANY ANTI-DUMPING AND COUNTERVAILING DUTY INVESTIGATIONS AND REVIEWS, SECTION 201 SAFEGUARD INVESTIGATIONS, 232 NATIONAL SECURITY AND GENERALIZED SYSTEM OF PREFERENCES INVESTIGATIONS, ADVISING CLIENTS ON NAFTA AND URUGUAY ROUND NEGOTIATIONS, AND CUSTOMS INVESTIGATIONS TO STOP CIRCUMVENTION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

MY LAW PRACTICE HAS ALSO INCLUDED SERVING AS GENERAL COUNSEL AND SPECIAL COUNSEL TO 23 TRADE ASSOCIATIONS AND MANY COMPANIES, A SIGNIFICANT NUMBER OF WHICH CONTRIBUTED TO THE DEPTH OF MY UNDERSTANDING OF THE REALITIES AND DIFFICULTIES OF RUNNING MANUFACTURING COMPANIES THAT ARE IN COMPETITION WITH UNFAIRLY TRADED PRODUCTS.

AMONG THE MANY TRADE CASES I HAVE LITIGATED, I WOULD LIKE TO BRIEFLY MENTION ONE THAT CLEARLY DEMONSTRATES THE COMPLEXITY AND COMMITMENT INVOLVED IN DEFENDING U.S. COMPANIES FROM UNFAIR TRADE PRACTICES; AN ANTIDUMPING INVESTIGATION OF IMPORTED CANDLES FROM CHINA, BEGINNING IN 1984, WHICH CAME ABOUT DUE TO CHINESE MANUFACTURERS EXPORTING THEIR CANDLES AT PRICES SIGNIFICANTLY BELOW THE PRODUCTION COSTS OF U.S. PRODUCTS. THE INITIAL RESULT OF THAT CASE WAS A 54% DUTY BEING IMPOSED ON CHINESE IMPORTS ONCE COMMERCE FOUND UNFAIR TRADE PRACTICES AND THE COMMISSION DETERMINED THAT THOSE IMPORTS MATERIALLY INJURED THE U.S. INDUSTRY. FOR OVER 30 YEARS, THAT DUTY HAS BEEN UNSUCCESSFULLY CHALLENGED MANY TIMES, INCLUDING SIX ADMINISTRATIVE REVIEWS, NEARLY ONE HUNDRED SCOPE REVIEWS, TWO ANTICIRCUMVENTION REVIEWS, SIX CUSTOMS INVESTIGATIONS, TWO SUNSET REVIEWS, AND FOUR FIVE-YEAR REVIEWS; IN ADDITION TO APPEALS TO THE U.S. COURT OF INTERNATIONAL TRADE AND THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT; ALL OF WHICH I MANAGED AND CONDUCTED FOR THE CONTINUING PROTECTION OF THIS U.S. INDUSTRY. NOT ONLY WAS THE INITIAL 54% DUTY IMPOSED, IT WAS RAISED EACH TIME IT WAS CHALLENGED, TO THE

EVENTUAL LEVEL OF 108%, WHERE IT HAS REMAINED FOR THE LAST 10 YEARS, MAKING IT THE LONGEST STANDING U.S. ANTIDUMPING ORDER. ANOTHER RESULT OF THIS EFFORT, FROM 2000-2007, WAS THAT U.S. CANDLE COMPANIES RECEIVED TRADE INJURY DISTRIBUTIONS OF OVER \$183 MILLION DOLLARS FROM THE APPLICATION OF THE CONTINUED DUMPING AND SUBSIDY OFFSET ACT, ALSO KNOWN AS "THE BYRD AMENDMENT".

THIS EXAMPLE IS ONLY ONE OF THE MANY U.S. PRODUCTS I HAVE REPRESENTED, AND AS YOU ALL ARE AWARE, IT IS ONLY ONE OF THOUSANDS OF U.S. PRODUCTS WE MUST ENSURE WILL NOT BE INJURED BY UNFAIR TRADE PRACTICES.

FOR ME, THIS HONOR IS THE PINNACLE OPPORTUNITY BUILT FROM A LONG AND SUCCESSFUL EFFORT TO SUPPORT AND DEFEND FAIR AND EQUITABLE TRADE LAWS AND THEIR APPLICATION. IN PRESENTING ARGUMENTS BEFORE THE ITC, I HAVE ALWAYS RESPECTED THE VERY IMPORTANT ROLE IT PLAYS AS AN INDEPENDENT, NONPARTISAN, QUASI-JUDICIAL, FACT-FINDING AGENCY. OUR COUNTRY'S WORKERS, FARMERS, RANCHERS AND BUSINESSES KNOW THAT THEY HAVE AN OBJECTIVE AND FAIR PLACE TO GO WHEN THEY HAVE BEEN INJURED BY UNFAIRLY TRADED IMPORTS. ALL PARTIES RECEIVE A FACT-BASED DECISION IN ACCORDANCE WITH DUE PROCESS OF LAW.

I LOOK FORWARD TO PARTICIPATING IN THE ITC PROCESS AS A LEADER AND KEY DECISION-MAKER, AND IN MAINTAINING THE CREDIBILITY OF U.S. TRADE REMEDY LAWS. IF CONFIRMED, I ASSURE YOU THAT I WILL SERVE WITH INTEGRITY AND THAT ALL OF MY DECISIONS WILL BE BASED ON THE FACTS AND THE LAW, IN ACCORDANCE WITH THE INTENT OF CONGRESS. I FURTHER ASSURE YOU THAT THE CONGRESS AND THE EXECUTIVE BRANCH WILL CONTINUE TO RECEIVE OBJECTIVE, INDEPENDENT, FACT-BASED 332 STUDIES AND EXPERT ANALYSIS TO ASSIST IN THE DEVELOPMENT OF TRADE POLICY. I WILL BE PROUD TO JOIN THE NEARLY 400 MEN AND WOMEN WHO COMPRISE THE ITC. THEY ARE TO BE COMMENDED FOR THE EXCELLENT WORK THEY DO EVERY DAY, FOR CONGRESS, THE EXECUTIVE BRANCH, AND, ABOVE ALL, THE AMERICAN PEOPLE.

THANK YOU FOR THE PRIVILEGE OF BEING CONSIDERED FOR THIS HONOR. I AM NOW HAPPY TO ANSWER YOUR QUESTIONS.