

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

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PUBLIC HEARING ON PROMOTING  
SUPPLY CHAIN RESILIENCE

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THURSDAY  
MAY 2, 2024

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The Hearing was convened in the Main Hearing Room, International Trade Commission, 500 E Street SW, Washington, D.C., at 10:00 a.m. ET, Victor Ban, Chair, presiding.

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PANEL ONE

JEFF FERRY, Coalition for a Prosperous America  
ABIGAIL HUNTER, SAFE  
BARRY LYNN, The Open Markets Institute  
DANIEL RANGEL, American Economic Liberties  
Project, Rethink Trade  
SCOTT PAUL, Alliance for American Manufacturing  
TODD N. TUCKER, Roosevelt Institute

PANEL TWO

ED GRESSER, Progressive Policy Institute  
MARK R. KENNEDY, The Wilson Center: Wahba  
Institute  
JOHN MURPHY, U.S. Chamber of Commerce  
JOHN PICKEL, National Foreign Trade Council  
AARON TAYLOR, Global Business Alliance  
JENNIFER THORNTON, Business Roundtable

## PANEL THREE

KIMBERLY GLAS, National Council of Textile  
Organizations  
JONATHAN GOLD, National Retail Federation  
NATE HERMAN, American Apparel & Footwear  
Association  
JULIA HUGHES, U.S. Fashion Industry Association  
EMILY STOCHL, Remake  
TIMOTHY VOIT, Thomaston Mills

## PANEL FOUR

MATT ABOUD, Century Aluminum Company  
PHILIP BELL, Steel Manufacturers Association  
ELLIOTT GIBBS, Outokumpu Stainless USA, LLC  
CHARLES JOHNSON, The Aluminum Association  
FRANK PERRYMAN, Perryman Company

## PANEL FIVE

JON CORNELIUS, Sumiden Wire Products Corporation  
EDWARD GOETTL, Optimus Steel LLC  
TIM DILLON, LIBERTY Steel USA  
H.O. WOLTZ, Insteel Industries Inc,  
ROY HOUSEMAN, JR, United Steelworkers (USW)

## PANEL SIX

LAURA PERALTA-SCHULTE, NETWORK Lobby for  
Catholic Social Justice  
DEAN PINKERT, Corporate Accountability Lab  
CHARLOTTE TATE, Coalition to End Forced Labour  
in the Uyghur Region  
REYNOLDS TAYLOR, Logbal Labor Justice-  
International Labor Right Forum

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1 P-R-O-C-E-E-D-I-N-G-S

2 10:02 a.m.

3 CHAIR BAN: Good morning, everyone and  
4 welcome to this public hearing on Promoting  
5 Supply Chain Resilience convened by the Office of  
6 the United States Trade Representative.

7 I'm Victor Ban, Special Counsel at  
8 USTR and on behalf of all of my USTR and  
9 interagency colleagues participating in this  
10 hearing, I want to first and foremost express our  
11 sincere gratitude to all of you. Thank you for  
12 taking the time to participate in this public  
13 comment process and for sharing your views at  
14 this important inflection point in the  
15 development of US trade policy.

16 I'll offer some brief opening remarks,  
17 and I assure you that I'll be very brief as we  
18 have an extremely full schedule today. First,  
19 USTR's Federal Register Notice of March 7,  
20 provides an overview of how USTR understands  
21 supply chain resilience and its significance  
22 within a broader shift in US trade and investment

1 policy away from a focus on short-term cost  
2 efficiency and tariff liberalization.

3 As the notice explains, the question  
4 of how to enable supply chains to bounce back  
5 quickly after crises or disruptions is important,  
6 but it's really only one dimension of supply  
7 chain resilience. For USTR, resilience is  
8 multifaceted, encompassing transparency,  
9 diversity, security and sustainability. So, what  
10 does this broad vision of resilience mean in  
11 practical terms when it comes to trade and  
12 investment policy? That's why we're here today.  
13 We want to understand from all of you where the  
14 challenges and pain points are and where  
15 potential solutions may lie, whether through  
16 existing trade tools or potentially new ones.

17 Importantly, we don't want to limit  
18 this hearing or the public comment process more  
19 generally to USTR's existing trade policies,  
20 strategies and approaches. That's why our  
21 initial notice didn't catalogue USTR's many  
22 efforts in this space, such as the USMCA Rapid

1 Response Labor Mechanism, the Vietnam Timber  
2 Agreement and the US-Japan Critical Minerals  
3 Agreement.

4 We certainly welcome any discussion of  
5 existing tools, but USTR's invitation was more  
6 open-ended, and we welcome blue-sky thinking  
7 about possibilities for the future. Thank you  
8 all for accepting that invitation and for joining  
9 us here today.

10 That brings me to my last point. Amid  
11 all of this heightened policy interest in supply  
12 chain resilience, it's important that we, as the  
13 federal government, recognize the fact that the  
14 actual building of supply chains isn't the sole  
15 work of the government. Rather, supply chains  
16 are born through the collective efforts of  
17 workers, businesses large and small, communities  
18 and civil society, enabled by sound government  
19 policy.

20 We need your partnership and expertise  
21 to develop thoughtful and durable policies and to  
22 help all Americans prosper and thrive. In this



1 spirit, in addition to this hearing today in DC,  
2 we're also convening hearings in St. Paul,  
3 Minnesota, New York City and virtually.

4 Thank you once again for being here  
5 and for working with us in this endeavor. Now,  
6 just a few process points before we get underway.

7 First, the schedule for today and  
8 tomorrow is posted on the USTR website and hard  
9 copies are available at the back of the room. On  
10 the website, just to go to USTR.gov and under  
11 trade topics you'll see a tab for supply chain  
12 resilience and the schedule is linked off that  
13 page.

14 For each panel, the run of show is  
15 that we'll first receive all testimony from  
16 witnesses in alphabetical order as shown on the  
17 schedule. This will ensure that each witness can  
18 speak for the allotted five minutes each before  
19 we move on to questions from the USG panel. In  
20 responding to questions, please do try to be  
21 concise so that we can proceed through our  
22 questions and hear from all witnesses on each

1 panel. Each USG panel is comprised of  
2 representatives from USTR as well as interagency  
3 colleagues and we'll let each panelist introduce  
4 themselves when they ask their first question.

5 A word about transcripts. As you can  
6 see, we do have a court reporter here with us  
7 today, who will prepare a transcript of today's  
8 and tomorrow's proceedings. USTR intends to post  
9 this transcript on our website as soon as  
10 possible after the conclusion of this hearing and  
11 each public hearing to follow.

12 Given that we're preparing a  
13 transcript, I encourage everyone to speak clearly  
14 into the mic and before you begin your testimony,  
15 please do state your name and introduce yourself.  
16 After the hearing, our docket will remain open  
17 through June 4 to receive post hearing comments.  
18 Note, that as stated in our April 3 Federal  
19 Register Notice, USTR will permit "any person" to  
20 submit post hearing comments so long as the  
21 comments respond to testimony provided at any of  
22 the four public hearings in this proceeding. So,

1 any person includes not only the testifying  
2 witnesses here today, but also anyone in the room  
3 who isn't testifying, as well as those of you  
4 listening in over Webex. You're all welcome to  
5 submit comments if you want to respond to  
6 anything stated during this hearing or any future  
7 public hearing in this proceeding.

8 If any witnesses are asked questions  
9 that require further research or factual  
10 information, it's also acceptable to state that  
11 you'll respond and follow-up in a post hearing  
12 comment.

13 Lastly, I want to acknowledge the  
14 tremendous contributions of my USTR colleagues,  
15 Claire Blanton and Amanda Hardy, Ken Sneed and  
16 USTR's IT team and Tyrell Burch and Sharon  
17 Bellamy at the ITC. Thanks for all your  
18 diligence and support in making this public  
19 hearing come together.

20 With that, let's proceed with our  
21 first panel. Mr. Ferry, you have the floor.

22 MR. FERRY: Thank you, Victor. My

1 name is Jeff Ferry and I'm the Chief Economist  
2 for the Coalition for a Prosperous America. CPA  
3 represents domestic producers of food, fiber and  
4 goods across the US. Our members appreciate  
5 Ambassador Tai's crucial work to improve  
6 America's trade policy with a worker-centric  
7 vision that moves on from misguided comprehensive  
8 trade agreements that exacerbate the US trade  
9 deficit and depress worker incomes.

10 We welcome this hearing because it is  
11 an important step towards pursuing a national  
12 trade and industrial strategy that not only  
13 improves national security, but also economic  
14 prosperity for all Americans, a faster economic  
15 growth rate and more opportunities to find  
16 employment in well-paid jobs that enhance self-  
17 esteem, enable continuous learning and strengthen  
18 American families.

19 Supply chain resilience cannot be  
20 separated from a healthy domestic manufacturing  
21 sector, and a healthy domestic manufacturing  
22 sector cannot exist or survive as long as we have

1 a trillion dollar goods trade deficit. CPA's  
2 unique domestic market share index shows that the  
3 domestic producer share of annual manufactured  
4 goods consumption in the US has declined by nine  
5 percentage points since 2005. This represents  
6 some 700 billion dollars of business lost to  
7 American workers in our home market. This lost  
8 revenue is more than our total exports to Mexico,  
9 Germany and China combined.

10 Imports continue to rise much faster  
11 than exports for several reasons, including the  
12 export-driven policies of foreign nations, US  
13 policies that favor consumption more than  
14 production, dumping in the US market by foreign  
15 exporters, undervalued foreign currencies often  
16 driven by currency management or manipulation in  
17 China and elsewhere, and finally, the huge  
18 overvaluation of the US dollar due to our  
19 misguided free floating exchange rate policy. In  
20 the latest OECD data, average US income at 77,000  
21 dollars a year is 45 percent above the OECD  
22 average and almost five times Mexico's average

1 annual income of 16,000 dollars a year. So, the  
2 brutal reality is that without intelligent trade  
3 policy, goods manufacturing will continue to  
4 leave our shores and go to places with lower  
5 costs, and American workers will continue to be  
6 the ones who pay the costs.

7 What does intelligent trade policy  
8 consist of? First of all, it is not independent  
9 of industrial policy, tax policy and other  
10 policies. We need a whole of government approach  
11 to US economic policy to maintain and enhance the  
12 prosperity of the American people and to ensure  
13 national security by creating secure supply  
14 chains based as much as possible within the  
15 United States. Import restrictions, in other  
16 words, tariffs or quotas and financial support  
17 for key industries, such as tax credits, are all  
18 valid and valuable tools to achieve these ends.  
19 Tariffs and quotas are necessary for critical  
20 industries, especially those where China is  
21 stimulating vast overproduction, such as electric  
22 vehicles and solar module manufacturing. An

1 effective trade policy can counter foreign  
2 overproduction. For example, in spite of Chinese  
3 overproduction of steel, the US steel tariffs  
4 have led to the creation of over 15 new steel  
5 making and milling facilities in the US,  
6 employing thousands of steel workers at high  
7 incomes. Tariffs have the additional advantage  
8 that they generate revenue for the US Treasury.  
9 They can thus be used to offset the costs of tax  
10 credits or other subsidies.

11 Incentives such as tax credits, grants  
12 and loans have been important to generate new  
13 investment in sectors like renewable energy and  
14 semiconductors, but the policies need to be  
15 implemented throughout the supply chain with more  
16 concrete goals. So far they have been limited to  
17 the parts of the supply chain with the most  
18 political clout. For example, in EVs, there is  
19 support for vehicle production, but insufficient  
20 support for investing and building a US battery  
21 and motor supply chain to give us complete supply  
22 chain resilience. Instead, we are relying on

1 Chinese and Korean battery suppliers.

2 In semiconductors, we have supported  
3 the chip makers with some 50 billion dollars, but  
4 those chips that will be made here will still  
5 need to go to Asia to be assembled into circuit  
6 boards and computers and phones. Meanwhile, on  
7 the upstream side, China continues to dominate  
8 and restrict export of the base metal gallium, an  
9 essential building block for compound  
10 semiconductors used in defense equipment as well  
11 as millions of household products.

12 A related point is that the IRA tax  
13 credits have been made available to Chinese solar  
14 companies that build facilities in the US. This  
15 will increase and reinforce Chinese dominance,  
16 even monopoly control of the solar power  
17 generation industry and leave us reliant on China  
18 for our supplies. All these industrial policies  
19 need to be orchestrated with a clearly defined  
20 set of objectives. We should set a target of  
21 achieving US self-sufficiency in all industries  
22 critical to national security and economic



1 security and design policies to achieve that  
2 target. Self-sufficiency means significant  
3 production at home and, where necessary,  
4 production abroad in more than one reliable  
5 foreign market and we should ensure that these  
6 targets extend throughout the supply chain so we  
7 are truly resilient. It's true that there are  
8 many critical minerals which cannot be found in  
9 the United States, but mineral refining can and  
10 should be done in the US. This is the strategy  
11 China has used to make itself number one --

12 CHAIR BAN: Thank you, Mr. Ferry. Mr.  
13 Ferry, just noting that you are over time. If  
14 you could wrap up. Thank you.

15 MR. FERRY: Can I have a concluding --

16 CHAIR BAN: Yes, please, thank you.

17 MR. FERRY: Paragraph, please? If  
18 there's one word that sums up the goals of the  
19 policies I advocate, it is productivism. This  
20 means the US as a nation must emphasize  
21 production ahead of consumption because you can  
22 only consume as much as you can produce. If we

1 go on consuming close to a trillion dollars more  
2 than we produce, at some point the foreign loans  
3 will run out and that is how empires end. Thank  
4 you.

5 CHAIR BAN: Thank you, Mr. Ferry. Ms.  
6 Hunter?

7 MS. HUNTER: Thank you. My name is  
8 Abigail Hunter and I serve as the Executive  
9 Director for SAFE's Center for Critical Mineral  
10 Strategy. My comments today will focus on the  
11 role of trade policies enhancing the resiliency  
12 of critical mineral supply chains used in  
13 electric vehicles with a specific emphasis on  
14 battery materials and the rare earth elements  
15 that go into electric motors.

16 The United States faces a significant  
17 import dependence along the midstream and  
18 upstream portions of these supply chains where  
19 the biggest chokepoints and bottlenecks exist.  
20 Despite our concerted efforts to ramp up domestic  
21 production, the hard truth is that we simply do  
22 not have enough resources to meet our long term

1 demand alone. We will continue to rely on  
2 trading partners to access materials for our  
3 downstream industries. This is not a temporary  
4 challenge, but rather a structural issue that  
5 requires strategic long term approaches.

6 This where trade policies come in as  
7 crucial tools in America's arsenal for two key  
8 reasons. First, trade policies help us secure  
9 materials to meet domestic demand ensuring that  
10 our downstream industries have resources they  
11 need to flourish and compete. Second, they  
12 address the destructive dynamics that distort  
13 critical minerals markets, undermine US  
14 competitiveness, stifle our ability to establish  
15 new thriving domestic industries and perpetuate  
16 ongoing supply chain concentrations.

17 These are the very forces behind the  
18 growing concentration of nickel production in  
19 Indonesia and the sluggish progress in supply  
20 chain diversification. If left unchecked,  
21 current destructive dynamics pose a significant  
22 threat to our economic and national security. We

1 face three interconnected challenges here --  
2 nonmarket practices, opaque supply chains, and a  
3 race to the bottom in standards, each demanding  
4 targeted solutions.

5           Perhaps the biggest of the three  
6 challenges we face is the fact that US industries  
7 are forced to compete against Chinese state  
8 subsidies and nonmarket practices. China's  
9 stranglehold on critical mineral supply chains is  
10 not the result of market forces, but of  
11 deliberate state intervention and support. We've  
12 seen existing tariff and tool limitations as a  
13 result of the fact that a big chunk of our  
14 minerals are embedded in end products often from  
15 opaque sources that change hands and  
16 jurisdictions multiple times before they reach  
17 the US market. Our friends and allies face a  
18 similar challenge. Close coordination with  
19 partners, especially those that play key roles  
20 along these supply chains will be crucial in  
21 harmonizing efforts and countering Chinese  
22 nonmarket practices.

1                   Second, closely tied to the first  
2 challenge is this aforementioned opacity of  
3 supply chains, as it allows Chinese materials  
4 embedded in other products to seep into our  
5 markets undermining efforts to diversify the  
6 supply chains. To combat this, we should  
7 consider how to craft policies that target  
8 critical minerals within the domestic products  
9 we're importing and coordinating with allies on  
10 trade measures to close loopholes. This will  
11 require a high degree of supply chain  
12 transparency and traceability as well as close  
13 cooperation with industry to ensure that these  
14 measures are effective and not overly burdensome.

15                   The third challenge undermining US  
16 competitiveness, especially upstream, is a race  
17 to the bottom in standards. We can counter this  
18 by promoting adherence to strong environmental  
19 and labor principles and taking action to slow  
20 trade in cheaper, dirtier products. Trade  
21 policies here would not only protect domestic  
22 industry, but also promote more sustainable and

1 equitable global supply chains. By wielding  
2 trade policy tools strategically, the US can  
3 create a more level playing field for its nascent  
4 critical minerals industries providing them the  
5 necessary breathing room to scale up and become  
6 globally competitive.

7 At the same time, trade policies must  
8 be carefully calibrated to avoid unintended  
9 consequences, such as inadvertently harming  
10 downstream industries or alienating key partners.  
11 There are inherent tradeoffs between protecting  
12 costlier nascent industries, including domestic  
13 ones and addressing pressures in the downstream  
14 as they work to access affordable materials. So,  
15 a balanced, incremental approach is needed, one  
16 that takes into account the complex  
17 interdependencies of critical minerals  
18 ecosystems.

19 The US should move away from its  
20 largely fragmented and reactive approach to trade  
21 policy for these sectors. To date, we've focused  
22 on narrow issues or segments of the supply chain

1 rather than taking a comprehensive view of the  
2 entire supply chain from mine to market or  
3 advancing proactive policies to better complement  
4 the whole of government approach needed. But  
5 let's be clear, trade policy is not a magic  
6 bullet. A multitude of factors beyond Chinese  
7 nonmarket practices contribute to the high  
8 critical mineral production costs in the United  
9 States, including permitting, high cost of inputs  
10 like energy, access to skilled labor, issues that  
11 trade policy cannot solve alone. This is where  
12 other government programs under the Bipartisan  
13 Infrastructure Law, IRA, CHIPS and Science Act,  
14 utilization of the Defense Production Act, all  
15 come into play to ensure domestic demand,  
16 innovation and industrial strategy play their  
17 important parts as well.

18 Similarly, global initiatives to  
19 coordinate needed investment, such as the  
20 Minerals Security Partnership, the Partnership  
21 for Global Infrastructure Investment help bolster  
22 international production and processing capacity.

1 Chipping away at the high levels of supply  
2 concentration to the benefit of us and to our  
3 strategic trading partners. When deployed in  
4 concert with all the other efforts to promote  
5 domestic production, encouraging recycling and  
6 fostering international cooperation, trade policy  
7 emerges as a vital pillar of our holistic  
8 strategy.

9 In short, securing critical mineral  
10 supply chains is a complex and multifaceted  
11 challenge requiring a comprehensive approach  
12 reflective of the interdependencies and  
13 complexities of critical minerals ecosystems. We  
14 must adopt a measured incremental approach making  
15 hard decisions with long term supply chain  
16 resiliency in mind. We must craft trade policies  
17 in close collaboration with allies to really move  
18 the market and finally, we must show willingness  
19 to adapt as circumstances inevitably change.  
20 These actions can enhance our resiliency and  
21 ensure the US is well positioned to lead in  
22 industries of the future.



1                   Our written comments provide far more  
2 examples than I gave to these points, but we  
3 really appreciate USTR's and USITC's attention to  
4 this crucial issue and I thank you for the  
5 opportunity to share our perspective today.

6                   CHAIR BAN: Thank you, Ms. Hunter.  
7 Mr. Lynn?

8                   MR. LYNN: Thank you all for this  
9 opportunity. It's an honor to be here today.  
10 I'm Barry Lynn and I'm the Executive Director of  
11 The Open Markets Institute.

12                   After the second World War, the  
13 American people acted to ensure that such a  
14 horror never happened again. They did so through  
15 deterrents, building a military second to none.  
16 As important, they did so through visionary  
17 competition and trade policy. The goal here was  
18 to weave the peoples of the world together in an  
19 international system designed to ensure the  
20 security and prosperity of the United States and  
21 of our allies and to eliminate any will to war.

22                   Our first step was to break the

1 fascist concentrations of industrial control in  
2 Germany and Japan and establish laws to prevent  
3 remonopolization. Second, was to foster targeted  
4 industrial interdependence among the former  
5 enemies. The model effort was the European coal  
6 and steel community which joined West Germany to  
7 France, Italy, the Netherlands and Belgium. Coal  
8 and steel fused multi-nation control over entire  
9 industries to strict prohibitions against  
10 monopoly.

11           The US and its allies carried this  
12 vision of strategic interdependence carefully  
13 regulated to prevent chokepoints to the world  
14 through the Bretton Woods system. We extended  
15 these ideals to telephony, satellites and the  
16 internet setting simple rules to ensure that all  
17 vital communications infrastructures always serve  
18 our democracies. For Americans, none of these  
19 ideas were new. All were based on ideals and  
20 policies we traced to the Declaration of  
21 Independence. This original American vision is  
22 the opposite of laissez-faire. It calls for

1 using the state to break all dangerous  
2 concentrations of power and to protect the nation  
3 against all foreign mercantilists. America's  
4 post war vision proved a fantastic success. Coal  
5 and steel laid the foundation for today's  
6 European Union. Bretton Woods laid the  
7 foundation for prosperity and democracy across  
8 much of the rest of the world. Most important,  
9 this vision helped prevent a third World War.

10 It was one of the great political  
11 achievements of all time, but in the 1990s, the  
12 US government undid this system. The stated  
13 goals were sound to extend the benefits to more  
14 peoples after the cold war, but the means were  
15 wrong. The US abandoned the simple competition  
16 rules that had prevented chokepoints, protected  
17 jobs and distributed responsibility and thus, we  
18 unleashed the monopolists and mercantilists, and  
19 these powers often encountered swiftly  
20 concentrated control, capacity and risk. They  
21 did so in ways that today create shortages and  
22 inflation and slow and warp innovation, that

1 today disrupt and corrupt our democracies and  
2 choke our liberties. That today create a threat  
3 of cascading cross border industrial collapse and  
4 increase the risk of war.

5 Our task today is sobering, but the  
6 opportunities are exhilarating. Respond wisely  
7 and we can return to the path of Truman and  
8 Eisenhower, of Monnet and Adenauer. Response  
9 wisely and we can rebuild a true political  
10 economy of peace and security and resiliency and  
11 prosperity.

12 The great news is President Biden and  
13 his team fully understand this moment. We see  
14 this in their use of industrial policy, like the  
15 CHIPS Act and IRA to break chokepoints and in  
16 aggressive tariffs and alliances such as the  
17 Global Arrangement to provide the US and our  
18 allies with the time and resources to rebuild  
19 essential factories. In the USTR's choice of  
20 resiliency as a guiding principle for the next  
21 generation international system.

22 As we move to this next stage of the

1 work, we can learn a few things from the past.  
2 First, bright line rules are key. The only way  
3 to truly protect national security and good jobs  
4 and resiliency and promote world peace is by  
5 breaking chokepoints and imposing easy to  
6 understand rules to prevent reconcentration.

7 Second, trade and industrial policy  
8 are subsets of competition policy. We should  
9 view all of them as a single system of rules,  
10 governed by the same reasoning.

11 Third, we must target using tariffs  
12 and quotas and other tools, the biggest threats  
13 first. We must begin today to break the most  
14 dangerous chokepoints in chemicals, drugs,  
15 machine tools, materials and other vital  
16 industries.

17 Fourth, communication platforms are  
18 infrastructure. We should treat dominant online  
19 platforms like Google and Facebook as we treated  
20 the essential communication platforms of the past  
21 and apply common carrier style rules.

22 Fifth, we should be patient with our

1 allies. From 2001 until 2021, the US government  
2 bullied many of our closest partners in trade and  
3 competition policy. Usually, we were wrong. We  
4 will have much work to do to regain their trust.  
5 Thank you.

6 CHAIR BAN: Thank you, Mr. Lynn. Mr.  
7 Paul.

8 MR. PAUL: I'm Scott Paul, President  
9 of the Alliance for American Manufacturing.  
10 Thank you for the opportunity to testify today on  
11 promoting supply chain resilience. At AAM, we  
12 have published scores of research that sounded  
13 the alarm about supply chain vulnerabilities as  
14 well as the impact of China's myriad unfair trade  
15 practices. Reports from distinguished academics,  
16 former military leaders and cabinet secretaries.  
17 I have a couple of them here from 2012 and from  
18 2013, on supply chain vulnerabilities.

19 None of these warnings, unfortunately,  
20 were heeded and recent history has unfortunately  
21 shown we were correct. Only a global pandemic  
22 and massive supply chain chaos together with a

1 shift in long held views across administrations  
2 on tariffs and trade enforcement measures as well  
3 as this administration's industrial policies,  
4 have created the space for a new conversation.  
5 It is refreshing that USTR seeks to ensure we do  
6 not repeat the mistakes of the past. This is an  
7 important step in achieving the goals of supply  
8 chain resiliency, a bottom up, middle out  
9 economic strategy and a modern American  
10 manufacturing rebirth.

11 Our written submission offers dozens  
12 of specific policy recommendations across 15  
13 pages and 7,000 words. I'll summarize some of  
14 these recommendation here, noting that many of  
15 these require congressional enactment and others  
16 require administration action. An overarching  
17 theme of these recommendations is the notion that  
18 trade and investment policies must work to  
19 enhance rather than undermine domestic incentives  
20 for manufacturing.

21 Another theme is prioritizing the  
22 expansion of all stages of manufacturing in the

1 United States including upstream inputs that are  
2 critical for the completion of final product  
3 assembly or manufacture. And a third theme, is  
4 the defending of US interests from countries,  
5 most notably the People's Republic of China, that  
6 are willing to weaponize supply chains to advance  
7 their political and security interests to the  
8 detriment of others. That's why we've urged the  
9 modernization of US trade enforcement laws to  
10 keep up with new and evolving tactics used by the  
11 PRC and other countries to circumvent US trade  
12 laws. Specifically, we support the Leveling the  
13 Playing Field 2.0. We support reform of US de  
14 minimis rules. We support the Fighting Trade  
15 Cheats Act which enhances penalties for  
16 fraudulent and grossly negligent violations. We  
17 support the continuation of Section 232 Tariffs  
18 on Steel and Aluminum. We also support the  
19 continuation of the Section 301 China Tariffs and  
20 in some cases, particularly with respect to  
21 automotive products, to strengthen them. We  
22 support acting to review and then to suspend or



1 revoke permanent normal trade relations for China  
2 as recommended by the Bipartisan US-China  
3 Economic and Security Review Commission.

4 We commend USTR for conducting a  
5 Section 301 investigation on China's maritime  
6 logistics and shipbuilding sector. We support  
7 full implementation and enforcement of the Uyghur  
8 Forced Labor Prevention Act and for enforcing and  
9 tightening USMCA rules of origin for all  
10 automotive content. There are several other  
11 trade policy recommendations that we support, but  
12 for the sake of time, I will leave those for the  
13 record.

14 I would note that trade and investment  
15 policies should prioritize strong rules of origin  
16 and discourage loopholes that can weaken them,  
17 such as so called tariff shift mechanisms from  
18 non-signatory countries and trade agreements and  
19 roll-up provisions that potentially allow steel,  
20 aluminum and other inputs originating from China  
21 or other countries, non-signatory countries, that  
22 become a major contributor to global

1       overcapacity.

2                   Producers across supply chains respond  
3       to policies set by Congress and the  
4       administration. Where strong trade and  
5       investment measures are in place, supply chains  
6       will be stronger. Moving forward, it's important  
7       to monitor for circumvention and evasion of these  
8       measures. I would note that the Treasury  
9       Department indicated in a recent report, real  
10      manufacturing construction spending has doubled  
11      between the end of 2021 and 2023 with a marked  
12      increase in computer electronic and electrical  
13      manufacturing. Even though some of this boom  
14      began before the CHIPS and Science Act was  
15      enacted, the anticipated support for these  
16      industries yielded early outcomes. This trend in  
17      new manufacturing construction in these  
18      industries is continuing and expanding.

19                   And one final note before I close,  
20      Congress and the administration have directed  
21      significant funding for the development of a  
22      nationwide charging network for electric

1 vehicles. Because this funding has been coupled  
2 with a Buy America requirement, in a very short  
3 period, the US has gone from having almost no  
4 domestic production of EV fast chargers to more  
5 than 40 US-based EV charger factories  
6 representing billions in private sector  
7 investment. So, these incentives can work.

8 We greatly appreciate that the Biden  
9 administration is working to expand US  
10 manufacturing capabilities, which are beneficial  
11 to our supply chain resilience. We look forward  
12 to continuing this work and we commend USTR's  
13 focus on this issue. Thank you.

14 CHAIR BAN: Thank you, Mr. Paul. Mr.  
15 Rangel.

16 MR. RANGEL: Good morning, thank you  
17 for the opportunity of being here. My name is  
18 Daniel Rangel, I'm the Research Director of the  
19 ReThink Trade Program of American Economic  
20 Liberties Project.

21 Economic Liberties is a DC-based think  
22 tank and advocacy organization focused on

1 addressing concentrated economic power in the  
2 United States and ReThink Trade is an economic  
3 liberties program to replace decades of corporate  
4 captured trade policies to deliver on broad  
5 public interests.

6 Economic Liberties recently published  
7 a report regarding domestic and international  
8 competition problems in the semiconductor  
9 industry and how implementation of the 2022 CHIPS  
10 and Science Act might be able to work on them.  
11 Here's our report.

12 This report was included in our  
13 submission for the investigation and my testimony  
14 will focus on the supply chain resiliency aspects  
15 of this recent work. We applaud the USTR for  
16 undertaking the important mission of restoring  
17 America's broken supply chains after four years  
18 of mismanagement, hyperglobalization and  
19 corporate control. The pandemic revealed brittle  
20 supply chains from areas as diverse as medical  
21 supplies, semiconductors, pharmaceuticals and  
22 basic household goods. Of all of these sectors,

1 the semiconductor industry received the most  
2 attention.

3           Shortages of inexpensive legacy chips  
4 led to work stoppages and factor shutdowns across  
5 the world contributing to the sky rocketing  
6 prices for many chip-dependent products such as  
7 cars. This problem did not come suddenly out of  
8 nowhere with the pandemic. As detailed in our  
9 report, the US semiconductor industry was once  
10 competition, vibrant with a resilient domestic  
11 industrial base. By contrast, today it is overly  
12 concentrated in a few key firms, whose supply  
13 chains are unsustainable spread across the globe.  
14 But with the fabrication of silicone chips  
15 geographically concentrated in East Asia, the  
16 semiconductor industry has experienced decades of  
17 anti-competitive mergers, exclusive dealings,  
18 pattern of use, financial engineering and the  
19 extreme concentration of the foundry market. All  
20 of which, have contributed to the need for the  
21 CHIPS Act in the first place.

22           Since 2010, intrasector requisitions

1 have shrunk the number of independent US  
2 semiconductor firms by over 40 percent. At the  
3 same time, the US global share of cheap  
4 fabrication only fallen. Our report explains how  
5 there are two segments in this market that must  
6 each be considered with respect to rebuilding  
7 supply chain resilience. For leading edge, logic  
8 cheap fabrication offshoring has gone hand in  
9 hand with a shift to a monopoly state capitalized  
10 fabless and financialized model. High profit  
11 margins throughout the logic supply chain are  
12 only possible due to the market power of fabless  
13 firms and founders.

14           These models facilitated by the  
15 regulatory environment of the past four years  
16 with weak anti-trust policies, excessively strong  
17 patent rights, low to no tariff environment and  
18 loose financial policy has resulted in the direct  
19 fabrication of leading edge chips now being  
20 concentrated in a single Taiwanese firm, TSMC.  
21 Without additional guard toys, the CHIPS Act will  
22 throw money at monopolies creating even greater

1 sector imbalances and undermining the long term  
2 viability of American's semiconductor sector.

3 Mature node chips face the same  
4 offshoring problems, but for different reasons.  
5 Rather than a clear monopoly problem, the mature  
6 node market is characterized by boom and bust  
7 cycles, overcapacity and thin margins. These  
8 problems combined with China's ambitions to  
9 dominate the mature node segment through  
10 subsidies and other government support, suggests  
11 that the CHIPS Act one ups subsidy model for  
12 domestic fabs will be insufficient to maintain a  
13 resilient domestic supply of mature node chips.  
14 The successful implementation of the CHIPS Act  
15 and long term semiconductor industry vibrancy, as  
16 well as the administration's broader supply chain  
17 goals require equal attention to competition  
18 policy as to industrial policy using all tools  
19 available.

20 Our report includes recommendations to  
21 reinvigorate competition, create more resilient  
22 supply chains and stabilize the markets for both

1 leading edge logic and mature node chips markets,  
2 such as direct chips funding with the goal of  
3 promoting a competitive market of at least four  
4 leading edge foundries in the US, create  
5 guaranteed demand for new entrants, establish  
6 dual sourcing requirements for chip buyers,  
7 require open patent practices in the industry  
8 through the National Science and Technology  
9 Council and enforce more aggressive limitations  
10 on buybacks and dividends.

11           Specifically regarding trade related  
12 actions associated with legacy chip supply chain  
13 issues, the report includes the following  
14 recommendations. Increasing most favored nation  
15 tariffs on certain electronic devices to reshore  
16 and friend-shore the end use portions of the  
17 supply chain. The administration has several  
18 statutory authorities to implement these changes.  
19 Revise rules of origin in existing free trade  
20 agreements to increase the regional value counted  
21 required for electronic goods to gain  
22 preferential access to the US market.



1           Finally, there are other legislative  
2 actions that should be considered to protect  
3 domestic industrial base for mature node chips  
4 such as a tax on finished consumer electronics  
5 paid by firms that excessively offshore their  
6 cheap procurement or a subsidy for buyers of  
7 mature node chips fabricated in the US.

8           I close again by thanking USTR for  
9 undertaking this important work of restoring  
10 America's broken supply chains and the  
11 opportunity to share our work through this  
12 hearing.

13           CHAIR BAN: Thank you, Mr. Rangel.  
14 And, last for this panel, Mr. Tucker.

15           MR. TUCKER: My name is Todd Tucker.  
16 I am a political scientist and Director of  
17 Industrial Policy and Trade for the Roosevelt  
18 Institute, the non-profit research organization  
19 and partner of the FDR Presidential Library and  
20 Museum. Thank you for the opportunity to testify  
21 today.

22           My comments will focus on how trade

1 and investment policy may be designed to promote  
2 supply chain resilience in the face of supply  
3 shocks and a changing economic and climate  
4 landscape.

5           The first point I'd like to make, the  
6 climate crisis poses new governance challenges  
7 for supply chains. The climate crisis is an  
8 existential threat to humanity and the country.  
9 US economic, military and intelligence agencies  
10 deem climate change one of the top risks to  
11 economic and national security. Until recent  
12 years, it was rare for the United States to  
13 experience an extreme weather event that caused  
14 more than a billion dollars in damage. Today,  
15 these are happening on average once a month with  
16 severe consequences for economic growth and  
17 national competitiveness.

18           While climate change is a global  
19 problem, the response must necessarily come  
20 through national governments. To be successful,  
21 these governments must tend to their legitimacy  
22 and to the health of their national economies.

1 This means that while decarbonization must move  
2 quickly, it must also ensure that the United  
3 States and other countries maintain viable  
4 pathways to transitioning their industries and  
5 workers and adjust in an equitable manner that  
6 guarantees energy abundance and security of  
7 supply. This balancing act was recently noted by  
8 Senior Advisor for Climate John Podesta, who  
9 stated that even as we invest in America, we will  
10 not kick away the ladder behind us.

11 Much of the current trade tool kit was  
12 designed for a different point in history with a  
13 different energy system. In the last half of the  
14 20th century when much trade and investment rule  
15 writing took place, energy was drilled out of the  
16 ground for outsized economic rents in countries  
17 that behaved as a revenue maximizing cartel.  
18 Going forward, energy will be manufactured by  
19 producers in factories and facilities that could  
20 in theory be located anywhere in the world, but  
21 this production and practice faces challenges of  
22 profitability, price volatility and dominance by

1 adversarial countries that are willing to lose  
2 money to secure dominance.

3           This shift in our energy system poses  
4 two distinct but interrelated challenges for US  
5 international economic policy. The first of  
6 these challenges is the challenge of positive  
7 externalities. Manufactured clean energy  
8 production is characterized by precisely this,  
9 what economists call positive externality. This  
10 means that the social gains to humanity from the  
11 production and the avoided loss of life, liberty  
12 and property and habitat outweigh the private  
13 gains to producers, leaving all else equal,  
14 important to emphasize that, to underproduction.  
15 Here, government has a role to play in  
16 internalizing this externality through subsidies  
17 to producers, like the IRA and other policies.

18           Trade and investment policy makers  
19 have historically looked down on these subsidies,  
20 but a new approach could be more accommodating of  
21 those that solve well specified positive  
22 externality problems. Economists estimate that

1 in sectors like wind and hydrogen and other  
2 sectors, production will lag around the world,  
3 far below what is needed to meet climate  
4 commitments. So, since we're far from the  
5 saturation point around the world, there's room  
6 for all countries to engage in this type of  
7 subsidies if they can afford to do so.

8 There are a number of proposals for  
9 better aligning trade and investment policies  
10 with pro-climate subsidies including new green  
11 boxes for permitted subsidies, legal interpreted  
12 flexibilities and peace clauses, and I give  
13 references in my written remarks.

14 The second is the challenge of  
15 economic development in supply chains. A key  
16 phrase in my discussion above on internalizing of  
17 positive externalities was the phrase all else  
18 equal. Of course, as real world policy makers  
19 and those of you on the dias know, all else is  
20 rarely equal in today's global economy. China's  
21 non-market economy practices loom large. Under  
22 initiatives like the Made in China 2025 Plan,

1 China has set the goal of dominating many of the  
2 clean energy industries and supply chains of the  
3 future. With a willingness to lose money and  
4 efficiency in the name of global market share and  
5 exporting its underconsumption problem, the  
6 Chinese strategy poses potentially existential  
7 challenges for US industries and workers that are  
8 attempting to find their place in the clean  
9 energy transition. This includes actual and  
10 potential workers in electrical vehicles, ship  
11 building, solar batteries and more as many of my  
12 fellow panelists have noted.

13           The US and EU governments are  
14 attempting to address these actual and potential  
15 overcapacity concerns by taking a fresh look at  
16 their trade policy tool kits. In the US, this  
17 has meant upgrading the trade enforcement tool  
18 kit to include a greater look at social dumping,  
19 including how un- or under enforcement of labor  
20 and environmental obligations lead to unfair cost  
21 advantages.

22           International supply chain policy can

1 also play a useful complementary role in  
2 balancing decarbonization and economic  
3 development goals. The US/EU initiative around  
4 the Global Arrangement on Sustainable Steel and  
5 Aluminum offers a sectoral path towards joint  
6 trade restrictions that reward decarbonization  
7 and penalize overcapacity. These negotiations  
8 should be pursued with additional countries like  
9 the United Kingdom, Australia and Canada in  
10 addition to or instead of the EU. These  
11 bilateral and plurilateral initiatives provide a  
12 natural channel for exchanging information on  
13 best industrial policy practices used in other  
14 advanced democracies to simultaneously promote  
15 supply chain resilience, equity and  
16 sustainability. Thank you for your time.

17 CHAIR BAN: Thank you to all of our  
18 panelists on Panel One. I'm just noting that we  
19 are slightly ahead of schedule or at least we  
20 were. I think we're going to try to wrap up at  
21 11:25 because I think we started early.

22 Why don't we jump into questions, and

1 I'll kick off. Mr. Ferry, so we did review CPA's  
2 written comment and we note that you underscore  
3 the importance of maximizing domestic production  
4 and you propose specifically increasing domestic  
5 manufacturing by about 50 percent to reach a  
6 target of 17 percent of GDP, which we understand  
7 to be the developed country average, according to  
8 your submission.

9           You also note, however, that with  
10 regard to essential minerals and goods that we  
11 cannot or will not make here, "small bilateral  
12 agreements with diverse nations are appropriate  
13 with an eye on not precluding production growth  
14 in the US."

15           So, two questions, first just to  
16 clarify, by characterizing the agreements as  
17 small, are you referring to a narrow sector or  
18 product coverage or is it something else? And  
19 second, based on this 17 percent target you  
20 proposed, and the acknowledgment that there are  
21 products that we "cannot or will not make", other  
22 than present availability, what is your sense of



1 some of the criteria that should guide us in  
2 assessing what those products could be if the  
3 goal is to enter into targeted agreements  
4 covering those goods? Thank you.

5 MR. FERRY: Okay, so that's a  
6 multifaceted question, Victor. I think my answer  
7 is, as I said in my oral testimony, it's all  
8 about prioritizing the industries that are linked  
9 to national security and economic security and  
10 using policies to incentivize growth and  
11 manufacturing production in those industries and,  
12 you know, I could list some, but I think you get  
13 the idea. Everything related to the EV supply  
14 chain from the minerals through to the finished  
15 vehicle and the charging stations is an example,  
16 and the chips industry from the silicon and the  
17 gallium and the arsenide and all that stuff,  
18 right up to the finished smart phone. If you're  
19 going to build a domestic supply chain, you need  
20 to ensure that there's domestic production  
21 throughout and where you can't do that in the US,  
22 where it needs to be done overseas, it can be

1 done overseas. There's no reason not to have  
2 supply agreements with specific other nations  
3 once you've ensured that you're investing in  
4 domestic production.

5 The danger is to try to punt  
6 everything to so called friends and not invest in  
7 the US supply chain, that won't help us. The 17  
8 percent number you mentioned is more about the  
9 direction. In other words, the first derivative  
10 than the actual number. Today, about 10 percent  
11 of US GDP is manufacturing, which is pretty close  
12 to the lowest in any advanced nation in the world  
13 and the advanced nations with high percentages of  
14 manufacturing in GDP, like South Korea, are where  
15 we see faster economic growth particularly for  
16 workers. We need to get that 10 percent or so  
17 moving upwards and get it up as much as we can,  
18 but that's over, let's say, a 10-year time frame.  
19 Does that address all the aspects of the  
20 question?

21 CHAIR BAN: Yes, I believe so and just  
22 to clarify, the small descriptor in your written

1 statement. That refers to a narrow sector or  
2 product coverage? Is that your proposal?

3 MR. FERRY: It refers to both small  
4 sectors and also to small nations. I think the  
5 thinking there is let's imagine a small nation in  
6 Africa that has a mineral we need and don't have  
7 domestically. Well, we need that mineral, but if  
8 we do a broad based trade agreement with that  
9 small nation, you can be sure that American  
10 multinationals will say, aha, here's another  
11 place where people are working for two bucks an  
12 hour, we can move production of a whole range of  
13 other sophisticated goods into that country,  
14 produce at subnormal standards, regarding  
15 environment and labor treatment, cut wage costs  
16 and bring in more imports to the US, so that's  
17 what's to be avoided. The specific minerals, the  
18 specific products we need from overseas -- that's  
19 fine and that can be done on a sector by sector  
20 or product by product basis. But, too often, as  
21 I'm sure you've seen like I've seen, the US  
22 Congress gets hold of a trade agreement and the

1 US Congress is beholden to the special interests,  
2 which are often private equity firms which don't  
3 care about a specific mineral. I mean to give  
4 you an example, they want to move production  
5 abroad of say syringes used in the healthcare  
6 industry and then we end up in the situation  
7 we're in right now where the FDA steps in and  
8 says those Chinese syringes are substandard and  
9 should not be imported and now we have a shortage  
10 of syringes.

11 It's that sort of complex situation  
12 that the government, that you policy makers  
13 should be aware of.

14 CHAIR BAN: Thank you, Mr. Ferry. One  
15 more question on CPA's submission. It states  
16 that "phased in future indefinite duties are an  
17 obvious tool to incentivize investment and growth  
18 in domestic manufacturing". Can you elaborate on  
19 this and clarify especially indefinite and what  
20 the meaning of indefinite is? Are you talking  
21 about indefinite from a time horizon standpoint  
22 or from a magnitude standpoint? Thank you.

1 MR. FERRY: Long term time horizon.  
2 What we feel very strongly about is that the US  
3 government has too many systems which are short  
4 term and temporary and if you've been in  
5 business, and I worked in the technology industry  
6 for 15 years, you can't make an investment when  
7 the government might change its policy from year  
8 to year.

9 The best examples are AD/CVD duties  
10 which are often imposed, and we saw this in  
11 solar, well, we'll give you duties for four years  
12 and they'll go down and I should say this to my  
13 friends in the ITC, they'll go down by a certain  
14 percent, like one or two points, every single  
15 year and they will expire in four years. It's  
16 sort of a legalistic framework you solar  
17 importers have done something wrong, so we're  
18 going to give you four years punishment just  
19 like, you know, we give a shoplifter 90 days in  
20 jail to hopefully teach him a lesson. But  
21 business doesn't work that way. If we want  
22 American companies to invest in solar module

1 manufacturing, we should say to them look, we  
2 know the Chinese are committed to overproduction,  
3 therefore, we need indefinite, in other words,  
4 long term or permanent, whatever is the  
5 appropriate word, I'll leave to the lawyers, but  
6 having been involved in investment decisions, I  
7 would think of 10 years is the kind of decision  
8 that a solar module maker, a large solar module  
9 maker, would feel comfortable saying, right,  
10 we're now going to invest on a large scale in the  
11 US because we know we've got 10 years of rock  
12 solid protection from Chinese price cutting and  
13 overproduction.

14 CHAIR BAN: Thank you, Mr. Ferry. Ms.  
15 Hunter, a question for you. So, SAFE's written  
16 comment notes that applying a tariff to China-  
17 sourced critical minerals embedded in downstream  
18 products is challenging given limited supply  
19 chain transparency and you noted this, I think,  
20 as well in your oral testimony. You then propose  
21 an alternative solution to tariffs on downstream  
22 products, which would be to collaborate with

1 allies by using a model similar to the Global  
2 Arrangement for Sustainable Steel and Aluminum  
3 under negotiation between the US and the EU.

4           Would that alternative still be  
5 premised on a significant degree of supply chain  
6 transparency for those finished goods that  
7 incorporate critical minerals? And, relatedly,  
8 under that alternative proposal, if there were  
9 tariff related incentives created, then might  
10 those incentives help motivate supply chain  
11 participants to overcome any lack of  
12 transparency? Thanks.

13           MS. HUNTER: Thanks for this question  
14 and to respond to your first part of it, on  
15 essentially the loopholes and the need for allied  
16 partnership, we hear anecdotally that for  
17 companies here that are trying to produce  
18 upstream products, they have to sell to third  
19 countries, like Korea or Japan, where the  
20 processing currently exists and there, they're  
21 competing with Chinese prices where the 301  
22 tariffs are obviously not in place. So, as a

1 result of that, and then those Korean and  
2 Japanese partners are able to export to the  
3 United States and not have the subject of the 301  
4 tariffs along their supply chain, just on the end  
5 product. So, it's inhibiting domestic  
6 competitiveness in the short term as we stand up  
7 domestic industries for that processing part of  
8 the supply chain. It's something that we're very  
9 cognizant of and it necessitates the  
10 collaboration because even in talking to these  
11 companies and our allied partners, they're wholly  
12 aware of where they're getting their materials  
13 and how they can bypass 301 tariffs and sell to  
14 us competitively. We need to be able to  
15 harmonize these types of restrictions with our  
16 partners so that we're not leaking in lower  
17 standard material that doesn't reflect our goals  
18 when it comes to trade policy and our values.

19 On the utilization of a common market  
20 or a common tariff or TRQ system, like the Global  
21 Arrangement on Sustainable Steel and Aluminum  
22 might do, I think that it needs to essentially,



1 as noted in our comments and my testimony today,  
2 the holistic supply chain of these materials and  
3 it needs to be really hand in glove with  
4 producing countries today. I think with the  
5 global arrangement of sustainable steel and  
6 aluminum predominantly from what I've understood  
7 of conversations between the EU and the US, the  
8 US and the EU aren't major producers of aluminum.  
9 They are big importers of aluminum from countries  
10 like Canada and Norway, who have been able to be  
11 resilient to the overproduction, overcapacity in  
12 China of aluminum because they have low cost  
13 inputs, namely here, electricity. Being able to  
14 take that supply chain approach, couple it with a  
15 tariff, might allow us to ultimately create a  
16 more competitive common market in the interim  
17 period as we're trying to compete with China and  
18 stand up these much needed industries. Does that  
19 answer your question?

20 CHAIR BAN: Yes, thank you, Ms.

21 Hunter. I may have a few more questions, but for  
22 now I'm going to turn to my colleague, Mr. Chang.

1                   MR. CHANG: Hi. My name is Won Chang,  
2 Department of Treasury, Office of International  
3 Trade and Investment Policy. My first question  
4 is for Ms. Hunter, SAFE.

5                   In your submission, you advocate for  
6 a comprehensive proactive approach to trade  
7 policy to ensure a long term resilience and  
8 sustainability of critical mineral supply chains.  
9 What concrete suggestions do you have for US  
10 efforts and policy with regard to critical  
11 minerals supply chains?

12                  MS. HUNTER: SAFE is actively working  
13 on a trade policy report where we're hoping to  
14 really delineate more clearly our policy  
15 recommendations on this, so certainly more to  
16 come on concrete suggestions. I would say for  
17 now that we need to and this was noted in my  
18 testimony, we need to be able to weigh the  
19 domestic policy environment and the policies that  
20 are helping trying to make US industry  
21 competitive, like the foreign entity of control  
22 provisions within the 30(d) tax credits,

1 specifically not referring to the different  
2 definition in the CHIPS Act, but the one specific  
3 to clean vehicle supply chains, that in itself is  
4 somewhat of a trade policy in creating specific  
5 compliance streams of material and whether they  
6 can enter the United States and then also  
7 identifying high standard and secure sources  
8 through the proxy of free trade agreement  
9 identified countries to be able to stand up these  
10 supply chains. That's, I guess, part of the  
11 comprehensive approach of it, is considering the  
12 existing policy environment that we're operating  
13 in and then on the other side of it, in terms of  
14 the full supply chain approach, I think it goes  
15 to Victor's question with regards to where are  
16 these materials going and not necessarily taking  
17 a segment by segment approach. I mean I think  
18 that our competitor here has a far more holistic  
19 strategy and we need to be able to kind of weigh  
20 that similarly as we try to stand up these  
21 industries.

22 They are able to absorb losses along

1 the supply chain and we have a competitive  
2 dynamic where we have new industries emerging,  
3 new industry players emerging at different  
4 segments, all of whom have their own specific  
5 margin that they're trying to capture as they're  
6 producing this and we're necessarily  
7 uncompetitive to this very highly vertically  
8 integrated players that work closely with  
9 government and enjoy indirect and direct  
10 subsidies across their supply chains so that they  
11 can produce the final end product that is far  
12 cheaper than ours.

13           It's just kind of taking a step back  
14 and I'm using EVs as an example because it is the  
15 leading indicator driving a lot of mineral  
16 conversation demand today, but I think to the  
17 testimony of several other people here, this can  
18 be applied to other clean energy technologies as  
19 minerals are the foundational elements of a lot  
20 of these new technologies that will drive our  
21 society no matter what. This is not a matter of  
22 the green transition necessarily, it is a great

1 benefit to it, but certainly we are competing in  
2 an electrified and digitized future and we need  
3 to be able to appreciate the full scope of that.  
4 I hope that answers your question and I'm happy  
5 to share the report which will have those  
6 recommendations when it is complete.

7 MR. CHANG: Great, thank you. Another  
8 question for you, many mineral-rich countries are  
9 showing interest in restricting the exportation  
10 of unprocessed mineral wars with the goal of  
11 localizing processing. You flagged the lack of  
12 US domestic capacity in the midstream and the  
13 need for greater diversification globally, so I'm  
14 curious about your take. Does SAFE have a  
15 perspective on the supply chain effects of these  
16 measures? Thanks.

17 MS. HUNTER: This is a really, really  
18 important question as I was listening to Mr.  
19 Ferry's response, I feel like that is the biggest  
20 threat to going about approaching supply chain  
21 agreements with much needed mineral partner  
22 countries, this trend towards export controls and

1 exportation of material project, right.

2 We see this trend as these countries  
3 want to and should benefit greatly from their  
4 resource potential and developing their economic  
5 industries. We have spent time in Lusaka and  
6 Kinshasa working directly with the Zambian and  
7 DRC governments on value add contribution  
8 domestically and the same challenges that exist  
9 with our holistic supply chain here and making it  
10 competitive exist there in terms of being able to  
11 actually have the surrounding infrastructure and  
12 energy needs to be able to support this advanced,  
13 advanced, advanced type of manufacturing that  
14 needs stability of electricity inputs. They need  
15 to have surrounding infrastructure to be  
16 competitive, so while this is a trend that  
17 exists, it is not one that is easily implemented  
18 without surrounding infrastructure development  
19 and investment.

20 Here again comes the need for  
21 comprehensive coordination across government  
22 agencies because we have many important programs

1 within USAID, USTDA, The Partnership for Global  
2 Infrastructure Investment that I mentioned, that  
3 are trying to make these surrounding investments,  
4 which are in some ways enabling the ability of  
5 these export controls to come into place. We  
6 have to creatively think about how we're  
7 simultaneously supporting these countries on  
8 their economic development journey, but not  
9 necessarily cutting ourselves off at the knees  
10 with needed material inputs.

11           The other thing I would say is a lot  
12 of these midstream steps people think are super  
13 clean, certainly we're working on innovations to  
14 make them cleaner in the United States, that  
15 should be employed and that should necessitate  
16 tech transfer in many instances, but they're not  
17 always valued in a domestic context. It is good  
18 to find the comparative advantage and desires  
19 with our trading partners to see if they would  
20 like to do certain levels of refining, smelting,  
21 things that we, in our environmental requirements  
22 and laws, become quite challenging to deploy

1 here. So, there's that complementarity that we  
2 can approach in negotiating these small  
3 agreements, as Mr. Ferry put it, with our trading  
4 partners and hopefully overcome the rising export  
5 controls.

6 CHAIR BAN: Thank you. Ms. Parekh.

7 MS. PAREKH: Good morning. My name is  
8 Doreen Parekh. I'm with the Department of  
9 Commerce's Supply Chain Center. My first  
10 question is for Mr. Lynn. Your comment  
11 underscores that in promoting resilience, we need  
12 to prioritize goods and services sectors. How  
13 would you recommend undertaking this  
14 prioritization? Do you recommend starting with  
15 the sectors you identified in response to  
16 question five, which you note, exhibit dangerous  
17 concentrations of capacity and control, including  
18 chemicals, electronic components, processes  
19 materials, ocean shipping and machine tools?

20 MR. LYNN: Yes, I mean that's an  
21 extremely important question. Thank you for it.  
22 It's really vital that at this moment in time



1 that we have a clear hierarchy in how we address  
2 threats. There's a lot of different threats in  
3 the world and there's a lot of people promoting  
4 different threats, but one of the things that we  
5 need to be thinking about is what happens if  
6 there is a conflict in East Asia today or  
7 tomorrow or if China just chooses to close its  
8 borders. What would be the effects on  
9 neighboring nations, but also what would be the  
10 effects mainly right here. What we see and None  
11 of this is new. As Scott was pointing out  
12 there's this supply chain report that he put out  
13 in 2013, 2014. I can bring you a copy of US  
14 China Economic and Security Review report from  
15 2002, summer of 2002 which all of these threats  
16 were laid out by the China Commission, 22 years  
17 ago. We have done nothing thus far on dealing  
18 with threats such as active pharmaceutical  
19 ingredients. We have done nothing thus far.  
20 We've had a couple of hearings in the last  
21 administration, but we have done nothing on  
22 chemicals.

1                   We have done nothing on a number of  
2 other issues. Now we have done and it is really  
3 important to recognize the steps that we have  
4 taken on, initial steps, on minerals and  
5 materials on EV, on chips. As has been pointed  
6 out all of these efforts thus far are incomplete.  
7 None of these systems are secure. There doesn't  
8 yet seem to be kind of a vision, a holistic  
9 vision, about how to secure supplies under any  
10 conditions, that's why I point out that we need  
11 to actually be thinking about some kind of a rule  
12 of four that's designed to distribute our supply  
13 chain dependencies.

14                   The key thing is that right now as a  
15 priority, we need to be accelerating what we're  
16 doing with chips. We need to be accelerating  
17 what we're doing with EVs, but we need to be now  
18 addressing these other threats in chemicals and  
19 in pharmaceuticals and antibiotics. We need to  
20 be doing that today. We should have been doing  
21 it 20 years ago.

22                   So that would be the takeaway is that

1 this is a good start. It's a magnificent start  
2 compared to any of the previous presidents that  
3 we've had since Reagan, but it is thus far an  
4 extremely incomplete start.

5 MS. PAREKH: Thank you very much for  
6 your response. My next question is for Mr. Paul.  
7 What sectors in the manufacturing industry should  
8 the US government prioritize for analysis for  
9 supply chain resiliency?

10 MR. PAUL: Thank you for the question.  
11 I think that we do have a framework for that  
12 analysis that has been partially established.  
13 The comprehensive supply chain review that the  
14 administration undertook of critical sectors in  
15 2022 is helpful in that regard. I will not try  
16 to name all seven of those off the top of my  
17 head, but they range from metals to critical  
18 minerals, active pharmaceutical ingredients and  
19 what have you and so I think those serve as a  
20 good framework.

21 Outside of that, but some of this is  
22 inclusive as well, is the automotive and

1 aerospace sectors in the United States which are  
2 both high value and have national security  
3 crossovers, but depend on healthy commercial  
4 markets and supply chains to thrive in the United  
5 States, both from an innovation of production and  
6 a work force perspective. These sectors also  
7 include long value chains in the United States  
8 that touch virtually every other type of  
9 manufacturing that you're going to get into.

10 I think an emerging sector that I  
11 think the US government is interested obviously  
12 in reestablishing in the United States, is  
13 microelectronics and related products. There,  
14 we're at the very cusp, I heard testimony from  
15 Mr. Rangel and others just about the efforts in  
16 semiconductors, but that's an industry where  
17 we've lost a lot of capacity in the United  
18 States, but it's made us both vulnerable, we've  
19 also lost market and job opportunities because of  
20 that.

21 Then, we need to also look at sectors  
22 in manufacturing that are subject to persistent

1 unfair trade practices and global overcapacity  
2 and those include, but are not limited to,  
3 commodity manufacturing like steel, aluminum,  
4 glass and other sectors, but I think those should  
5 be prioritized as well. Thank you.

6 MS. PAREKH: Thank you very much for  
7 the response. My next question is for both Mr.  
8 Rangel and Mr. Tucker and it's about risks and  
9 vulnerabilities in supply chains. Mr. Rangel,  
10 I'd be interested to hear your thoughts about  
11 what are the risks that need to be addressed in  
12 semiconductor supply chain. Mr. Tucker, I'd be  
13 interested in hearing how you would suggest  
14 proposing how to measure climate change risks.  
15 So, first to Mr. Rangel.

16 MR. RANGEL: Thank you for the  
17 question. I think that the CHIPS Act got us half  
18 of the way in addressing some of the risks that  
19 we lay out in our report and which we have  
20 submitted to the RFI, which is basically the  
21 problems of a fabless allied capital and a  
22 monopolized industry on one end of the market.

1                   The issue with the mature node segment  
2                   is that it faces very different problems compared  
3                   to those that the leading edge chips have and it  
4                   is particularly related to overcapacity due to  
5                   the fact that there are massive subsidies coming,  
6                   particularly from China that are not going to  
7                   guarantee that there's enough market for US made  
8                   chips. That's why we consider that it's very  
9                   important to understand that part of the equation  
10                  and figure out ways to guarantee a domestic  
11                  market for the new chips that are going to start  
12                  coming out of country.

13                  I'm just going to read a statement  
14                  from the CEO of Global Foundries when it was  
15                  announced that this particular foundry was going  
16                  to get a grant. He said, with unsure capacity  
17                  and technology on the horizon, as an industry we  
18                  now need to turn our attention to increasing the  
19                  demand for US made chips, which makes very clear  
20                  that now the focus should be on the demand and  
21                  how to assess all of those risks.

22                  MR. TUCKER: Thank you for the

1 question on how to measure and think about some  
2 of the climate change risk to supply chains.  
3 Like others have mentioned, I think the Biden-  
4 Harris administration supply chain reports from  
5 2021-2022, do a really good job of level setting  
6 on what are some of the key risks. I would add  
7 to that also the recent climate assessments from  
8 the Pentagon and from the National Director of  
9 Intelligence. I think if you take those  
10 materials together, you identify at least two  
11 categories of significant climate risk. One is  
12 sort of material and financial risk, which is  
13 that in some cases you're going to have  
14 geographies that are going to have essentially  
15 too much water or too little water and that's  
16 going to affect production capacity.

17 Barry Lynn has written a book over  
18 here, my fellow panelist, on the impact that a  
19 single event like an earthquake could have in  
20 disrupting global supply chains for chips. The  
21 same could be said for any number of climate  
22 impacts and disasters that could, especially in

1 hyperconcentrated supply chains could take  
2 production offline, not only for that country and  
3 that facility, but for indeed, the whole planet.

4           Related to those material risks are  
5 the financial risks. We're already seeing some  
6 of the real challenges facing insurance markets  
7 right now from whether that's addressing some of  
8 the climate risk to shorefront communities or  
9 whether that is we're seeing, not necessarily  
10 directly climate related impact, but the  
11 Baltimore Bridge recently that's also been  
12 impacting insurance markets and so I think that  
13 nature and that magnitude of problem is what  
14 we're likely to see in the future and why it's  
15 particularly important to have resilient  
16 production methods and geographies that can  
17 withstand those kind of shocks.

18           In addition to the material and  
19 financial risk, I would say the Biden-Harris  
20 administration and the Pentagon have also  
21 identified political risk. I mentioned the  
22 challenges that will come with countries trying



1 to balance their decarbonization programs with  
2 their economic development programs and so I  
3 think that it can very easily become seen rightly  
4 or wrongly as a zero sum game, where almost any  
5 bet and any investment is worth it if you think  
6 it can perhaps get you a little bit of an  
7 advantage if a country thinks it can get a little  
8 bit of an advantage in the market. I think  
9 that's part of what we're seeing for from China  
10 which is a willingness to lose a lot of money to  
11 sort of be the monopoly supplier of the future.

12 Those shifts and those calculations  
13 can move pretty quickly and I think it's  
14 important for US policy makers to be similarly  
15 nimble as we think about our industry policy  
16 response. Thank you.

17 MS. PAREKH: Thank you very much.

18 CHAIR BAN: Thanks, Ms. Parekh. I  
19 have a few more questions and if we have some  
20 extra time we can open it up for any response or  
21 rebuttal. Just to pick up from Mr. Tucker, just  
22 first an administrative matter. I think in your

1 testimony, you referenced a written submission  
2 and I just want to be clear that we have your  
3 request to testify, but if you're referring to  
4 another submission, I don't think we received it  
5 yet. If it's a post hearing comment, we'll look  
6 forward to that, but just noting that.

7           The question I have is, I think in  
8 your testimony, you did refer to this sort of  
9 room for subsidization and, I think, you noted a  
10 caveat that it would apply to countries that  
11 could afford it or something to that effect. My  
12 question is really about sort of like minded  
13 partners, trading partners and allies who may not  
14 be in a position, or they may not be willing or  
15 able to provide substantial financial support to  
16 fuel the energy transition. What are your  
17 thoughts on including those partners? Do you  
18 foresee sort of this architecture of supply  
19 chains that you divide between sort of pieces  
20 that require financial support in certain  
21 countries and sort of lighter parts of the supply  
22 chain elsewhere, and can you speak to that?

1                   MR. TUCKER: Yes, thank you for the  
2 question. I think you could divide the countries  
3 in the world to a sort of a few different  
4 categories. There's the countries that can  
5 afford to do a robust industrial policy and are  
6 doing it, like the United States. There's those  
7 that could be doing more, but due to various  
8 constitutional and other sort of legal  
9 constraints and political constraints are  
10 choosing not to do as much as they could and I  
11 think in that category we could put perhaps the  
12 European Union. There's the countries that can  
13 afford to do it and are going at 1000 percent,  
14 like China, we see that in a lot of sectors,  
15 where it's not very well calibrated to anything  
16 other than just kind of market dominance.

17                   I think you raised a really important  
18 question, which was sort of what about the rest  
19 of the world? What about the countries that  
20 don't have adequate resources to invest in their  
21 industries? I mean one, I think this is an area  
22 where we have Mr. Chang from Treasury here. I

1 mean I think this is an area where work on the  
2 global minimal tax and the international tax  
3 negotiations are a way to more fairly and  
4 equitably distribute tax revenue between various  
5 producing countries. I think if we were to fully  
6 implement that, that would free up additional  
7 resources for developing nations to spend. I  
8 think there are other instances where a number of  
9 developing countries find it easier to collect  
10 revenue. A lot of social scientists and  
11 economists have studied this and find it easier  
12 administratively to collect revenue through the  
13 tariff system rather than through income and  
14 other taxes, just as a matter of state capacity  
15 and an administrative capacity.

16 Policy over the last few decades has  
17 generally looked down on tariffs as a means of  
18 revenue collection, but for developing countries,  
19 especially in sub-Saharan Africa that can be a  
20 very important revenue source. I think looking  
21 at how to give some flexibilities there to  
22 restore that can also be useful. I think also

1 looking at ways that intellectual property  
2 rights, flexibilities can free up resources is an  
3 important step.

4 Then, I think going forward from the  
5 US perspective, what can we be doing to encourage  
6 resource mobilization, both within and for  
7 developing countries. I think that The Climate  
8 Fund that we're negotiating internationally is an  
9 important step in that direction. I think also  
10 domestically looking at ways that we can pair  
11 measures to protect our industries as they  
12 transition and incur these green premiums and  
13 whether that's the form of carbon fees or carbon  
14 order adjustment mechanisms as is currently being  
15 considered on a bipartisan basis in Congress, I  
16 think is really important.

17 I think you can also pair that with  
18 efforts to do what some are calling a Green  
19 Marshall Plan, which is to define ways to use  
20 resources to encourage our allied partners in  
21 developing countries to find their place in  
22 supply chains and use tools like the Development

1 Finance Corporation and Export-Import Bank to  
2 encourage those partnerships. Some of that goes  
3 beyond sort of the immediate remit of USTR, but I  
4 think if you have a whole of government approach,  
5 there's a lot of things you can do and I think  
6 especially on the USTR side, looking at ways to  
7 design trade and investment agreements so that  
8 they both encourage countries to invest in the  
9 highest value most important and strategic  
10 sectors, but then also giving the policy  
11 flexibility to do so, I think, will be an  
12 important part of the mix. Thank you.

13 CHAIR BAN: Thank you, Mr. Tucker.

14 Mr. Rangel, so as relevant to trade policy, your  
15 report and I believe also in your testimony, your  
16 report proposed an increase in MFN duty rates on  
17 end use products that contain certain chips as a  
18 way to support domestic chip makers, that was my  
19 understanding. I just wanted to clarify whether  
20 this recommendation assumes that the location of  
21 chip production is the driver of country of  
22 origin for those end use products and just wanted

1 to understand the rationale behind that  
2 recommendation around an MFN change. Thank you.

3 MR. RANGEL: That recommendation is  
4 based on the understanding that a lot of the  
5 processes that go after the fabrication of the  
6 chip, particularly for the leading edge  
7 contemporary, which is very capital intensive and  
8 requires a lot of resources, they are rather low-  
9 value added activities. In that regard, we  
10 recognize that it is likely that some of those  
11 steps in assembly and packaging and testing of  
12 the chips and also the assembly of the  
13 electronics are not likely to be reshored to the  
14 US, but if there is a Most Favored Nation tariff  
15 increase that would allow some of that activity  
16 to be friend-shored or near-shored into countries  
17 that have FTAs with the US, then the idea will be  
18 to incentivize the location of those activities.  
19 But it will have to be hand in hand with our  
20 proposal of fixing the rules of origin of these  
21 agreements. As they stand today, in particular,  
22 regarding electronics, there's only change of

1 tariff classification requirement. In that way  
2 even if we get to a point in which we're able to  
3 raise the Most Favored Nation tariff on other  
4 products, it's going to be easy for producers in  
5 FTA partners to just use foreign-sourced chips  
6 and foreign sellers or assemble electronics and  
7 send them to the US, which is not the objective  
8 of the CHIPS Act and the broader supply chain  
9 strategy of this administration.

10 If those two strategies go hand in  
11 hand, it will be easier to generate more  
12 regionalized supply chains that support both the  
13 goals of the CHIPS Act but also, to echo your  
14 other questions, the development prospects of  
15 other countries.

16 CHAIR BAN: Thank you, Mr. Rangel.  
17 One more question for Mr. Paul and this is  
18 actually related to this discussion just now with  
19 Mr. Rangel about rules of origin. So, Mr. Paul,  
20 in your written comment you note that tariff  
21 shift rules operate as a type of loophole in our  
22 rules of origin from your perspective and you do



1 point to regional value content and labor value  
2 content rules under the USMCA as a better model.  
3 I think you reiterated this in your oral  
4 testimony.

5 Is it your view that certain sectors  
6 are better suited to RVC and LVC rules than  
7 others, and can you speak to some of the criteria  
8 you'd apply if we had to think about prioritizing  
9 sectors for deploying these different or more  
10 ambitious rules of origin? Thank you.

11 MR. PAUL: Mr. Ban, that's an  
12 excellent question. I would like to answer some  
13 of that through a follow on written submission to  
14 think through that a little bit, but I think in  
15 general, the concern that we're raising is that  
16 through programs like GSP or our Free Trade  
17 Agreements, there are rules of origin at various  
18 levels, countries that aren't party to those  
19 agreements often times can have producers that  
20 have a surprising amount of content, get into a  
21 product and then get tariff-free access to the US  
22 market without having to conform with any of the

1 rights or responsibilities or reciprocity of the  
2 agreement.

3 That is the general framework and you  
4 see this in all of our Free Trade Agreements as  
5 well as the GSP program and other mechanisms. I  
6 think that as we look to modernize it, the labor  
7 value content and other mechanisms are going to  
8 be valuable. We also need to do more frequent  
9 reviews of this because even under the USMCA,  
10 there are now products that weren't prevalent or  
11 traded widely that are now in the USMCA market  
12 after just six or seven years or so. A more  
13 frequent review and applying a higher rules of  
14 origin threshold and looking at different ways in  
15 terms of calculating the content, again, I think  
16 are the principles. Unpacking that into how  
17 complex the product is is obviously something  
18 that we'll have to consider and I'd like to be  
19 able to followup on that.

20 CHAIR BAN: Thank you, Mr. Paul and we  
21 welcome a submission on that by June 4. Give me  
22 one minute. So, we have approximately two

1 minutes before our early end time of 11:25 since  
2 we started five minutes early. I'd like to open  
3 the floor to the panelists for any response or  
4 additional elaboration. Mr. Lynn.

5 MR. LYNN: Just a couple quick  
6 comments. One, actually related to rules of  
7 origin, I mean no rules of origin system and  
8 we've kind of touched on this a couple of times,  
9 but I just want to reiterate, no rules of origin  
10 system can function without transparency. No one  
11 is mapping these systems. There are no efforts  
12 to map these systems. There's no effort thus far  
13 by the government to create any kind of  
14 transparency with a couple of exceptions, such as  
15 Uyghur goods, but absent a map, we don't  
16 understand where the risk is. We just don't.

17 Also, without a map, we don't  
18 understand where our powers are. We don't  
19 understand where our levers are. We don't  
20 understand where the levers are that are in our  
21 friends' borders. One of the things that we need  
22 to be focusing on right now is creating a map of

1 risk and the levers that we control.

2 One other thing is we have to be  
3 focusing also on instances in which our allies  
4 are actually getting themselves into more trouble  
5 than they already are. In the United States  
6 there's been kind of a clamp down on the shifting  
7 of capacity out of the US borders into China.  
8 That is not true of Germany. Germany is a NATO  
9 partner of ours. We are sort of basically more  
10 or less engaging in a war alongside Germany.  
11 Germany right now is taking capacities that we  
12 rely on, that Europe relies on and they are  
13 shifting them willy nilly into China. BASF is an  
14 instance. It's like one of the things we should  
15 be looking at is cases in which not just taking  
16 present problems and dealing with the existing  
17 chokepoints by breaking them, but we actually  
18 have to be focusing on cases in which the problem  
19 is being made worse by the uncontrolled actions  
20 of allies.

21 CHAIR BAN: Thank you, Mr. Lynn. Did  
22 I see a hand? Ms. Hunter? Briefly, thank you.

1 MS. HUNTER: Just maybe adding some  
2 information on that and responding to Mr. Ferry's  
3 earlier comment about the danger of punting to  
4 friends and allies. I think we have to recognize  
5 too that we have the same challenges that are  
6 facing the US, plaguing the US systems. They  
7 exist in capitalist countries all over the world,  
8 our friends and competitors. I would note that  
9 in the case of BASF, they're really struggling to  
10 compete in the European context as a result of  
11 the way the Inflation Reduction Act has  
12 incentivized competitiveness here and so we need  
13 to have some harmonization and coordination to  
14 make sure that we don't have what Mr. Lynn is  
15 describing continue, right.

16 It is in part, part of our kind of  
17 myopic decision making with a domestic focus that  
18 sometimes prompts our partners to take these  
19 routes that essentially undermine our overall  
20 goals. I would say I spend a lot of time with  
21 companies in allied countries, with companies  
22 that are in lower income countries that want to

1 develop projects, especially in the upstream and  
2 the midstream, and they are desperate for the  
3 support or kind of coordinated incentives that  
4 would enable their investments to move forward to  
5 supply to the United States and so I would just  
6 say that while we need to make sure we have a  
7 very robust supply chain here, I am very much  
8 supportive of that. Diversification does begin  
9 at home. We have to think about how we need  
10 coordinated action and I would just say that I  
11 don't think that the incentives are (audio  
12 interference).

13 CHAIR BAN: Sorry, we lost your audio  
14 for a minute when you started talking about  
15 incentives seeping.

16 MS. HUNTER: Just the picture of it  
17 from kind of the competitive landscape for a  
18 multinational company or smaller company  
19 headquartered in an allied country. They don't  
20 necessarily see as much action or attention on  
21 the part of the US government and the systems  
22 that do exist that have been alluded to, like the

1 Development Finance Corporation, the US EXIM  
2 Bank, USTDA and others, they're very slow moving  
3 to the challenge. So, this isn't happening  
4 rapidly where we're losing the ability to have  
5 these new manufacturing capacities that are quite  
6 new for us to even bring here to our shores, it  
7 kind of is all happening at once so I would just  
8 kind of provide that additional context to the  
9 other panelists' points.

10 CHAIR BAN: Thank you, Ms. Hunter.  
11 And thank you to all of our panelists. That  
12 concludes Panel One. Thank you very much for  
13 your testimony. If those of you on Panel Two  
14 could please advance to the tables up front,  
15 we'll try to get started within five minutes if  
16 not sooner if everyone's here. Thank you. All  
17 right, I see our next panel is here.

18 (Pause)

19 MR. BURCH: Would the room please come  
20 to order?

21 CHAIR BAN: All right, good morning  
22 once again. Welcome to our second panel. I

1 think we will dispense with opening, but as you  
2 know, we are going in alphabetical order. I  
3 think you overheard our prior panel, alphabetical  
4 order, five minutes each, and then we'll turn to  
5 Q&A at the end. With that, let's jump in with  
6 our first panelist, Mr. Gresser.

7 MR. GRESSER: Thank you very much. As  
8 a point of departure, supply chains are not new  
9 ideas, but they've grown steadily more  
10 sophisticated as communications and logistics  
11 improve, as regional integration recedes,  
12 especially in Asia.

13 The multinational, multi-industry  
14 collaboration to develop, manufacture, and  
15 deliver COVID-19 vaccines in 2020 and 2021,  
16 essentially from a standing start, is a  
17 remarkable example of the benefits it can bring.

18 But they can also create risks.  
19 Modern supply chains can be opaque, not only to  
20 outside observers but participants, raising the  
21 chance of unexpected failure in crisis. And  
22 concentrated sourcing in individual countries or



1 individual vendors, as USTR's FRN observes, can  
2 amplify this.

3 In terms of policy, a basic goal might  
4 be confidence that, faced with a military crisis,  
5 pandemic, or similar shock, major U.S. industries  
6 could resume normal production in a reasonable  
7 time.

8 Before turning to questions on this  
9 though, I feel some of the FRN's initial premises  
10 need some rethinking to avoid inadvertently  
11 ruling out useful ideas and policy tools. In  
12 particular, it has a rather negative view of  
13 efficiency.

14 Efficiency is an important feature of  
15 successful economies, of course not the only such  
16 feature. To succeed at home or abroad, most  
17 firms need to produce goods and services that  
18 match their competitors' quality and price. And,  
19 in a macro sense, efficiency helps keep inflation  
20 under control which, as we've seen, is very  
21 important to the American public.

22 Second, we should have confidence in

1 our values and not see our high labor and  
2 environmental standards as, per se.  
3 disadvantages. EPA and other literature note  
4 that well designed environmental regulation has  
5 brought economic benefit and is not invariably  
6 very costly. Likewise, a high wage, high morale,  
7 U.S. workforce is an asset, not a weakness.

8 And third, the FRN seems to me both  
9 overly gloomy about the U.S. economy and a bit  
10 puzzling in describing trade policy's role in it  
11 over the last several decades as distinctive of  
12 very deep tariff cuts and focus on efficiency.

13 Agreements from 1988 to the 2010s did  
14 cover more issues, but efficiency was not really  
15 a core concern. And tariff cuts from the 1930  
16 to the 1980s were actually quite a lot faster and  
17 deeper than they've been more recently. And in  
18 fact, in the actual last decade, tariffs did not  
19 fall, but rose.

20 Turning now to some of the FRN's  
21 questions, Question 9 asks what factors drive  
22 supply chains in sourcing decisions, and how does

1 trade and investment policy impact them?

2           When I've asked businesses this,  
3 responses have typically included things like the  
4 availability of skilled labor and technical  
5 experts, the quality of infrastructure, stable  
6 and transparent legal, regulatory, tax, trade,  
7 and other systems, social compliance, including  
8 on labor and environmental issues, tariff  
9 advantages, including those provided by FTAs or  
10 preferences, perceived risks and instabilities in  
11 a particular country from geopolitics to the  
12 availability of visas and, quite importantly,  
13 existing familiarity with a country or a vendor.

14           Priorities among these vary by  
15 industry and likely by firm. But some principles  
16 generally apply, in my experience, quality and  
17 reliability, favorable policy environment, cost  
18 control, speed to market, and avoidance of risk.

19           Question 11 then asks about the data  
20 which might help us assess risk and develop a  
21 policy to ameliorate it. Here, as my PPI  
22 colleague, Dr. Michael Mandel, observes, the

1 current trade statistics we use, which generally  
2 show large flows of goods and services back and  
3 forth, are not sufficient. And they don't tell  
4 us nearly what we would need.

5 To analyze supply chain functioning  
6 and develop maps of the types mentioned in the  
7 previous panel, we need data helping identify  
8 industry and sometimes firm over-reliance on  
9 single countries and on specific vendors of  
10 crucial inputs.

11 We would need ways to identify these  
12 specialized inputs available from only a few  
13 sources. And we would need secure means of  
14 informing U.S. and allied businesses that appear  
15 to be at risk.

16 Such a system will require extensive  
17 business confidential information and will take  
18 time to develop. A starting point would be to  
19 consult the specialized agencies which regularly  
20 use this type of data, such as the FDA in  
21 approvals to regulated imports, and the Commerce  
22 Department's Bureau of Industry and Security in

1 export control work.

2           Finally, and quite important, Question  
3 9 asks about trade and investment policy tools  
4 available for supply chain resilience.  
5 Fundamentally, I think we should see them as  
6 falling into two baskets.

7           One offers incentives and cost savings  
8 to firms using reliable and diverse sources  
9 through FTAs, through preferences, sometimes  
10 eased import transits like those offered by  
11 CTPAT.

12           The second, with tools like import  
13 bans or elevated tariffs, provides disincentives  
14 or raises costs for using disfavored sourcing.

15           Both of these have a place, and the  
16 second is sometimes necessary. But although it  
17 is sometimes necessary, the first basket is  
18 preferable, among other reasons, because  
19 disincentives raise U.S. costs and diminish U.S.  
20 competitiveness, and also can do unexpected  
21 damage.

22           For example, the ITC study of the 232

1 tariffs on steel and aluminum found or estimated  
2 that these tariffs had increased the output of  
3 the steel and aluminum industries by about 2.2  
4 billion but had shrunk the output of auto parts,  
5 machinery production, and tool making by about  
6 3.5 billion.

7 So that is the type of tradeoff that  
8 sometimes occurs. Sometimes it's necessary, but  
9 we want to avoid it whenever possible.

10 CHAIR BAN: Mr. Gresser, just noting  
11 there was a slightly late start on your clock.  
12 So if you could wrap up, that would be great.  
13 Thank you.

14 MR. GRESSER: Yes. So it's important  
15 to consider in the tools, and use the tools the  
16 second basket provides as trade policies to  
17 achieve all it should in supply chain resilience,  
18 and other areas, in growth, high quality jobs,  
19 and farm income, to alliance building and  
20 inflation control. Thank you.

21 CHAIR BAN: Thank you, Mr. Gresser.  
22 Mr. Kennedy?

1 MR. KENNEDY: As America has been  
2 mostly talking about friendshoring, China is  
3 actually doing it. With the U.S. imposing  
4 massive tariffs, the PRC has pivoted to selling  
5 intermediate goods to America's friends, making  
6 them packaging hubs for largely Chinese goods.

7 Reduction in America's imports  
8 directly from China camouflage Beijing's  
9 expanding exports to Latin America and Southeast  
10 Asia. Studies show the Chinese content America  
11 consumes has not diminished.

12 What has diminished is America's  
13 standing with a recent survey of Southeast Asia  
14 nations showing they now prefer China over  
15 America. You cannot tariff your way to  
16 friendshoring or economic security.

17 The elephant in the room is that it  
18 will take -- it's difficult, if not impossible,  
19 to achieve supply chain resilience without new  
20 trade agreements set up for mutual market access.

21 We learned that pandemics drive a  
22 surge in demand for certain products. Here

1 diversification of suppliers would help surge  
2 supply, but preparatory stockpiles are necessary.

3           Natural gas in Europe demonstrated how  
4 geopolitical tensions can spark a sudden need to  
5 find alternative supply sources. Europe was able  
6 to quickly friendshore, because demand was  
7 softened by a mild winter, and there were  
8 multiple natural gas suppliers, including the  
9 U.S., to surge supply.

10           America must be prepared for  
11 constraints more serious than a pandemic and  
12 Europe's need to shift away from Russian gas  
13 combined. It must be prepared for possible  
14 geopolitical tensions where demand for some items  
15 will surge at the same time as supplies shrink,  
16 either due to sanctions or economic coercion.

17           As we saw in Ukraine, demand for some  
18 item, like military equipment, surged beyond  
19 current stockpiles. Ukraine also demonstrated  
20 how supplies suddenly shrank as a broad alliance  
21 of nations imposed extensive sanctions while the  
22 aggressor countered by cutting off supplies.



1                   Unlike with Russian energy supplies,  
2                   the categories that would face acute supply chain  
3                   risk in any future face-off are not fungible  
4                   products with multiple suppliers. Specific  
5                   categories include semi-conductors,  
6                   pharmaceuticals, and critical minerals. These  
7                   categories include supply chain links dominated  
8                   by a low cost supplier with a track record of  
9                   defending its market leadership with predatory  
10                  pricing.

11                  A degree of interdependence with China  
12                  helps deter aggression. This argues against  
13                  broad decoupling, yet over-dependence on critical  
14                  categories signals a vulnerability that could  
15                  tempt aggression.

16                  In these categories, America must de-  
17                  risk more aggressively. America doesn't have the  
18                  workforce capacity to fulfill all the labor  
19                  intensive, low value-added yet essential steps in  
20                  these supply chains, nor is it blessed with  
21                  sufficient mineral resources to meet demand.

22                  America can and should do more

1 domestically, yet believing it can meet these  
2 needs without friends is delusional. America  
3 will not have a resilient chip supply chain  
4 unless its investments in semi-conductor  
5 fabrication facilities are matched by investments  
6 to provide the labor-intensive packaging and  
7 testing. Today this is concentrated in countries  
8 where supply could be constrained during periods  
9 of tensions.

10 Friends are unlikely to help America  
11 reduce its over-dependence on China by making the  
12 investment required to build plants, and train  
13 the workforce necessary, and taking the risk to  
14 enter a competitive market without the long term  
15 demand signal that a trade agreement represents  
16 and the rules of origin that come with it.

17 China supplies 29 of 82 active  
18 pharmaceutical ingredients where one country  
19 accounts for 75 percent or more of U.S. imports.  
20 Friends are unlikely to make the investment  
21 required to provide a diversified source of APIs  
22 without the assurance a trade agreement

1 represents.

2 America remains highly dependent on  
3 the PRC for critical minerals and rare earths.  
4 Here again, with the long-term payback, a long-  
5 term demand signal is necessary.

6 While trade agreements necessarily  
7 could be country or category specific, doing so  
8 adds to the complexity in supply chains making  
9 them more brittle. Sector-specific agreements  
10 also communicate to the global south that America  
11 doesn't want to cultivate friends. It just wants  
12 your minerals.

13 Multilateral agreements with a diverse  
14 set of nations, efficient rules of origin, and  
15 high environmental labor standards are possibly  
16 the best path.

17 In any event, America's supply chain  
18 resiliency would be accelerated by truly  
19 friendshoring by entering into new trade  
20 agreements with mutual market access.

21 CHAIR BAN: Thank you, Mr. Kennedy.

22 Mr. Murphy?

1                   MR. MURPHY: Thank you very much to  
2 the panel for the chance to appear today. The  
3 U.S. Chamber of Commerce represents the interests  
4 of millions of American companies of every size,  
5 sector, and state. And our interests on  
6 international trade, investment, and supply  
7 chains are broad and deep.

8                   The Chamber is a strong proponent of  
9 the view that trade on net offers substantial  
10 benefits to the American people. And the need  
11 for a more forward-leaning trade agenda that  
12 includes the negotiation of additional market-  
13 opening trade agreements is also something I  
14 addressed in our comments.

15                  Because our time's limited, I'll make  
16 some general points on supply chain resilience,  
17 partly to correct some common mis-perceptions and  
18 mis-diagnoses of many of the supply chain  
19 challenges in recent years.

20                  First, the diversified sourcing  
21 options provided by open trade can make economies  
22 more resilient. In recent years, a wide variety

1 of product markets, where demand is almost  
2 entirely met by domestic production, have been  
3 subject to disruption.

4 Infant formula, nitrogenous  
5 fertilizer, and eggs are examples of products  
6 where domestic production was meeting almost the  
7 entirety of domestic consumption. And yet those  
8 disruptions occurred. These examples show that  
9 autarky does not guarantee resilience.

10 Second, shortages caused by an unusual  
11 surge in demand cannot be mitigated through on-  
12 shoring. To illustrate, the U.S. ITC, in a  
13 report issued in December 2020, found that U.S.  
14 production of the famous N-95 masks we used  
15 during the pandemic accounted for roughly 80  
16 percent of the U.S. market before the pandemic.

17 In other words, production of these  
18 masks was never sent offshore; rather, painful  
19 shortages arose because the pandemic caused  
20 demand to rise 40-fold.

21 Such a difficult to address surge in  
22 demand was foreseeable and foreseen in decades of

1 pandemic preparedness plans which advised that  
2 the only way to get ahead of the problem would be  
3 to stockpile key products in advance, an endeavor  
4 that was attempted but never fully funded.

5 For many other products, a COVID-19  
6 era demand surge arose largely from the \$6  
7 trillion in supplemental U.S. government outlays  
8 to states and governments, and state and local  
9 governments' households and businesses, enacted  
10 by Congress during the Trump and Biden  
11 administrations.

12 This support caused U.S. spending on  
13 durable goods to surge to a level 25 percent  
14 higher in 2021 than two years earlier. This was  
15 an unprecedented surge in demand. While  
16 production of goods ranging from semi-conductors  
17 to white goods actually expanded briskly,  
18 industry simply could not keep up with the  
19 breakneck expansion and demand fueled, in part,  
20 by government outlays.

21 Public policy must grapple with the  
22 challenges of devising good policies to address

1 shortages driven by an extraordinary surge in  
2 demand that outpaces even growing supply. But  
3 those solutions will be unsuccessful if they  
4 erroneously identify broken production chains as  
5 the culprit.

6 Third, supply chain resilience based  
7 on nearshoring, friendshoring, or ally-shoring  
8 should not rely on a too-narrow list of  
9 countries. Just as reliance on a single foreign  
10 source for critical inputs can obviously be a  
11 vulnerability, relying only on a few may be less  
12 than optimal as well.

13 To this point, WTO Director General,  
14 Dr. Ngozi, in January of last year, said when  
15 people talk of friendshoring, I get a little  
16 nervous, because I don't know who's a friend.  
17 When you say that, I never hear any countries in  
18 Africa mentioned.

19 The U.S. business community certainly  
20 agrees with this perspective. Given that 95  
21 percent of the world's consumers and 80 percent  
22 of its purchasing power lie outside the United

1 States, American companies are keen to strengthen  
2 trade ties with Africa, the Americas, Asia,  
3 Europe, the Middle East, and Oceania.

4 While obvious non-friends, such as  
5 state sponsors of terrorism, stand out, the list  
6 of countries where U.S. commercial and other  
7 interests are well served by strengthening those  
8 ties, including through new free trade  
9 agreements, is long.

10 In our comments, the Chamber outlines  
11 additional information on the extremely varied  
12 realities before sectors such as  
13 biopharmaceuticals, critical minerals, and semi-  
14 conductors. And I'd be happy to dig into those  
15 in the Q&A. Thank you.

16 CHAIR BAN: Thank you, Mr. Murphy.

17 Mr. Pickel?

18 MR. PICKEL: Thank you for the  
19 opportunity to discuss this important topic here  
20 today. I'm John Pickel, and I lead the supply  
21 chain policy work stream at the National Foreign  
22 Trade Council.



1                   Supply chains are structured by  
2 industry to be naturally resilient in support of  
3 their customers and workforce. They balance  
4 variables including risk, predictability,  
5 quality, technical capability, capacity,  
6 reliability, and cost.

7                   Two things in the March 7th Federal  
8 Register notice run counter to current supply  
9 chain conditions and factors that encourage  
10 resilience. Trade and investment policies have  
11 not created a race to bottom.

12                   Open rules-based trade facilitates the  
13 inputs needed by manufacturers to make American  
14 exports that advance our economic security.  
15 Similarly, the concept of trade policy,  
16 "hollowing out the American industrial base," is  
17 flawed.

18                   Exports of U.S. manufactured products  
19 are experiencing a 30-year high and domestic  
20 manufacturing positions currently outnumber  
21 employees seeking to fill them. Moreover, the  
22 movement of goods and services between countries

1 is promoting the use of technology and automation  
2 that improves efficiency and is attracting the  
3 next generation of American manufacturing  
4 workers.

5 As you consider views on this topic,  
6 I suggest the final product include a few  
7 elements, first, a government-wide construct of  
8 resilience that includes the avoidance of  
9 disruptions, as well as the ability to quickly  
10 recover, and the identification of consistent  
11 risks that government and industry should  
12 mitigate through collaboration.

13 Clarification of the relationship  
14 between USTR efforts and other agencies' efforts  
15 would avoid duplication and gaps in industry  
16 engagement as well.

17 The final product should reflect two  
18 truths of supply chain resilience. First,  
19 limiting sources will always have an inverse  
20 relationship with supply chain resilience.

21 Second, promoting the presence of U.S.  
22 companies in other economies, and motivation to

1 trade with American businesses and consumers, are  
2 among the most effective ways to drive high  
3 standards in other countries, particularly on  
4 environment and labor standards.

5 Comments submitted by NFTC provide  
6 more detailed answers to questions posed than  
7 time allows here. But I'd like to highlight a  
8 few themes.

9 Diversified sourcing, risk mitigation,  
10 compliance, due diligence, and other foundations  
11 of resilient supply chains are known disciplines  
12 to industry. They have been in practice for  
13 decades and provide a foundation for quick  
14 rebounds when faced with disruptions.

15 On-going comprehensive review of  
16 sector-specific supply chains would benefit from  
17 regular industry input and should focus on  
18 vulnerable key inputs for critical supply chains.

19 Here are a few examples. Over the  
20 counter medication shortages can be mitigated by  
21 improving access to active pharmaceutical  
22 ingredients and key starter materials through

1 diversified sourcing from trusted partners and  
2 economic incentives to support advanced  
3 manufacturing capability.

4           Prioritizing critical mineral supply  
5 and recycling in trade engagements would  
6 accelerate adoption of clean and renewable energy  
7 technologies that rely on rare earth elements,  
8 especially those involving batteries.

9           Printed circuit boards are  
10 increasingly vulnerable and critical components  
11 of electronic devices. To ensure the  
12 effectiveness of semi-conductor manufacturing  
13 efforts, PCB availability should be prioritized  
14 to support ICT equipment, medical devices, and  
15 defense systems.

16           Finally, expanding advanced  
17 manufacturing and domestic food processing would  
18 expand supply chain resilience, overall food  
19 security, and strengthen export competition  
20 globally.

21           USTR is well situated to promote  
22 predictability, efficiency, and agility that

1 underpins resilient supply chains. Here are a  
2 few final recommendations.

3 First, the USTR should support  
4 enactment of the bipartisan Medical Supply Chain  
5 Resiliency Act which improves access to  
6 healthcare goods by eliminating trade barriers  
7 with U.S. allies who have shown a high level of  
8 dependability and compliance in the health  
9 sector.

10 Second, encourage trade facilitation  
11 policies of our trading partners, including  
12 economically significant de minimis policies that  
13 allow U.S. exporters to enter other countries  
14 duty-free.

15 Third, advance our shared goal of  
16 preventing items made using forced labor from  
17 entering U.S. supply chains by engaging trading  
18 partners to address this scourge at the source.  
19 Border enforcement in this area is important but  
20 only occurs after forced labor has occurred and  
21 is executed through inefficient processes that  
22 place stress on ports.

1           Addressing root causes through  
2           engagement with trading partners would have a  
3           more effective impact on the use of this  
4           abhorrent practice and promote resilience.

5           Finally, USTR should work to develop  
6           standards and automated systems capabilities  
7           across economies that promote a clear path to  
8           compliance with the broad spectrum and growing  
9           number of government data requirements  
10          encountered by supply chains.

11          Thank you for your attention to these  
12          issues, and I look forward to any questions and  
13          working with you on these matters going forward.

14          CHAIR BAN: Thank you, Mr Pickel.

15          Mr. Taylor:

16          MR. TAYLOR: Good afternoon. And  
17          thank you for allowing me to testify today. My  
18          name's Aaron Taylor, and I serve as the senior  
19          director for Tax and Trade at the Global Business  
20          Alliance, also known as GBA.

21          GBA represents nearly 200 of the  
22          world's most well known companies which are

1       headquartered in countries that are long time  
2       friends and allies of the United States.

3               On average, GBA members each employ  
4       12,000 Americans making them major U.S.  
5       employers. GBA advocates for policies  
6       encouraging international companies to grow their  
7       U.S. operations, increase American employment,  
8       and support U.S. economic growth.

9               International companies directly  
10       employ 7.9 million U.S. workers and reinvest more  
11       than \$200 billion of their profits back into  
12       their U.S. operations annually.

13              The largest recipient of this job  
14       creating investment is the manufacturing sector  
15       with international employers providing jobs to  
16       2.8 million U.S. manufacturing workers and  
17       accounting for 23 percent of America's total  
18       manufacturing workforce.

19              Today I want to focus on two questions  
20       that we answered in the comments that GBA  
21       submitted. First, in response to the question,  
22       how can U.S. trade and investment policy, in

1 conjunction with relevant domestic incentive  
2 measures, better support growth and investment  
3 in domestic manufacturing and services.

4 Adopting policies that promote and  
5 support investment from friendly countries is a  
6 critical way for the United States to deepen its  
7 economic relationships while also building more  
8 resilient supply chains.

9 We applaud the efforts of this  
10 administration to incentivize investments in  
11 certain sectors, such as the semi-conductor  
12 industry, through the implementation of the CHIPS  
13 and Science Act.

14 However, additional actions can be  
15 taken to ensure the United States remains the  
16 most attractive place in the world for businesses  
17 to invest. Removal of the Section 301 tariffs  
18 imposed by the prior administration in 2018,  
19 would be a great start.

20 Tariffs are taxes paid by U.S.  
21 consumers and are counterproductive to economic  
22 growth. Since the tariffs have been in place,



1 they have cost Americans \$129 billion according  
2 to Americans for Free Trade. It is past time for  
3 this burden to be removed from the American  
4 economy, especially as inflation continues to  
5 linger and consumers bear the brunt of increased  
6 costs.

7           Secondly, in response to the question  
8 how can U.S. trade and investment policy promote  
9 a virtuous cycle and race to the top through  
10 stronger coordination and alignment on labor and  
11 environmental protections with allies, it should  
12 be noted that 75 percent of the \$5.2 trillion in  
13 cumulative foreign direct investment in the  
14 United States comes from companies globally  
15 headquartered in eight countries, Japan, Canada,  
16 United Kingdom, Germany, France, Ireland,  
17 Switzerland, and the Netherlands, again, all long  
18 time friends and allies.

19           According to the 2022 Environmental  
20 Performance Index, which ranks 180 countries on  
21 their progress toward improving environmental  
22 health and protecting ecosystem vitality, all of

1 these nations, among others, outrank the U.S. in  
2 terms of environmental performance. The U.S.  
3 currently ranks 43rd. If you want to achieve a  
4 race to the top, we should start by catching up  
5 to the leaders.

6           If I may speak on Free Trade  
7 Agreements, the U.S. has a free trade agreement  
8 with Canada but does not have a free trade  
9 agreement with other strategic partners. When  
10 the administration works with like-minded allies  
11 on these issues, it should consider market access  
12 benefits and bilateral agreements.

13           New rules and standards with trading  
14 partners to prevent subsidies, economic coercion,  
15 and anti-competition practices, will allow  
16 companies to expand their investment in the  
17 United States.

18           If the U.S. were once again to pursue  
19 free trade agreements with these like-minded  
20 nations, the benefits that would cascade from  
21 these strengthened ties would be a powerful  
22 incentive for other countries to implement

1 comparable standards.

2           Lastly, related to promoting a race to  
3 the top, as USTR is a member of the Committee on  
4 Foreign Investment in the United States, we refer  
5 to it as CFIUS, please maintain your commitment  
6 to the United States' open investment policy and  
7 ignore undue political pressure when conducting  
8 reviews.

9           CFIUS should never become a tool for  
10 domestic competitors to do what they failed to  
11 achieve in the competitive market. It should not  
12 morph into industrial policy masquerading as  
13 national security. Efforts to delay or derail  
14 CFIUS reviews could have dire consequences for  
15 America's investment climate.

16           A critical factor in the United  
17 States' attraction to international companies is  
18 our country's commitment to the rule of law and  
19 the predictability and stability of a regulatory  
20 framework. I urge you to maintain this standard  
21 and continue to resist political efforts to  
22 unduly influence the Committee's work. And I

1 thank you for the opportunity to testify.

2 CHAIR BAN: Thank you very much, Mr.  
3 Taylor.

4 Ms. Thornton, the floor is yours.

5 MS. THORNTON: Good afternoon. My  
6 name is Jennifer Thornton. And I currently serve  
7 as the vice president for Trade and International  
8 Policy at the Business Roundtable.

9 The Business Roundtable, or BRT, is an  
10 association of chief executive officers of  
11 America's leading companies, representing every  
12 sector of the U.S. economy. Business  
13 Roundtable's CEOs lead U.S. based companies that  
14 support one in four American jobs and almost a  
15 quarter of U.S. GDP.

16 The Business Roundtable supports the  
17 Biden-Harris administration's efforts to  
18 implement policies, to promote additional  
19 resilience, and critical supply chains.

20 Prior to the COVID-19 pandemic,  
21 geopolitical and economic forces had caused many  
22 U.S. multinationals to begin moving regional

1 manufacturing and sourcing footprints closer to  
2 end markets.

3           Since the pandemic, these efforts have  
4 intensified, particularly as U.S. policy makers  
5 undertake measures to de-risk our bilateral  
6 economic relationship with China and national  
7 security sensitive sectors. The Business  
8 Roundtable has supported these measures.

9           To inform the supply chain  
10 diversification strategies of our member  
11 companies, the Business Roundtable has conducted  
12 its own supply chain initiative over the past  
13 year focused on mapping and identifying critical  
14 supply chains in which U.S. dependency on China  
15 is particularly pronounced.

16           The Business Roundtable also has  
17 commissioned economic research to help its CEOs  
18 understand the potential for diversification of  
19 manufacturing and sourcing from China to other  
20 economies.

21           This work has underscored the  
22 persistent tariff and non-tariff barriers that

1 make it difficult for U.S. producers to replicate  
2 supply chains in new markets. It is also exposed  
3 a complex array of domestic tax, workforce, and  
4 regulatory challenges that prevent companies from  
5 moving some critical supply chains back home.

6 As USTR works to develop an  
7 international trade policy strategy to promote  
8 supply chain resilience, the Business Roundtable  
9 encourages it to bear in mind the following  
10 points.

11 First, private sector initiatives to  
12 create more agile supply chains are well  
13 underway. As Business Roundtable supply chain  
14 executives seek to implement these initiatives,  
15 cost is only one among many factors they  
16 consider. Identifying markets with a  
17 technological workforce and transportation  
18 networks to support that manufacturing is key.

19 The existence of trade agreements that  
20 protect investments from arbitrary government  
21 measures, insulate innovative manufacturing  
22 processes from IP theft, and ensure access to

1 data flows so that companies can adjust  
2 production capacity remotely, are often  
3 determinative.

4 The innovative economic framework  
5 agreements that the Biden administration has  
6 launched to date do not contain such disciplines.  
7 Nor do they contain sufficiently deep and  
8 meaningful commitments in other areas that would  
9 encourage U.S. companies to move their supply  
10 chains to the territories of those trading  
11 partners.

12 Second, American manufacturers and  
13 farmers depend on global supply chains for  
14 intermediate inputs and raw materials to produce  
15 many goods here at home at a competitive price.  
16 Without access to those inputs, some of that  
17 domestic production will cease. No modern  
18 economy will ever be entirely self-sufficient,  
19 and the U.S. economy is no exception.

20 Third, many U.S. companies have  
21 created extended supply chains to serve customers  
22 in foreign markets, service existing customer

1 equipment, and compete more effectively with  
2 foreign producers. These supply chains should be  
3 reinforced, because they support American exports  
4 and support U.S. economic growth.

5 Furthermore, when U.S. companies  
6 establish supply chains abroad, they generally  
7 also expand their operations here at home.  
8 Economic data confirms that the foreign  
9 activities of most U.S. multinationals complement  
10 their U.S. activities rather than substitute for  
11 them.

12 This activity has created millions of  
13 new higher paying jobs for Americans as well as  
14 supported significant capital investment in R&D  
15 spending in the United States.

16 Fourth, economic research confirms  
17 that reliance on both foreign and domestic  
18 sources for intermediate inputs made economies  
19 more resilient in the face of pandemic related  
20 lockdowns than they would have been had supply  
21 chains been entirely renationalized.

22 This demonstrates that supply chain



1 resilience can depend on increasing economic  
2 integration with the rest of world rather than  
3 decreasing it.

4 Fifth and finally, as USTR embarks on  
5 this project, the Business Roundtable asks it to  
6 recognize that it cannot better insulate the U.S.  
7 economy from future supply chain risk without  
8 continuing to fight for the interests of U.S.  
9 based multinationals in the global economy.

10 As USTR's organic statute provides,  
11 this includes negotiating binding commitments  
12 with key trading partners to eliminate barriers  
13 to trade that deny substantially equivalent  
14 competitive opportunities for the commerce of the  
15 United States and foreign markets.

16 Thank you for your time.

17 CHAIR BAN: Thank you, Ms. Thornton.

18 We'll commence with questions. And I  
19 will begin with a question to Mr. Gresser,  
20 although I welcome also any brief comments from  
21 Mr. Pickel or Mr. Murphy as your submissions also  
22 touched on origin issues.

1           So, Mr. Gresser, your discussion of  
2 rules of origin was duly noted and appreciated.  
3 I want to focus on the USMCA example you gave  
4 comparing pre-rule change preference utilization  
5 and post-rule change preference utilization. And  
6 I wonder if that's truly apples-to-apples.

7           Is it possible that, following  
8 implementation of a stricter rule of origin, the  
9 utilization rates of the duty preference may dip,  
10 but that lower utilization could actually  
11 correspond to an increase in local content within  
12 the trade agreement territory? Because the rules  
13 are operating differently.

14           If that's possible, is there any  
15 better metric than utilization of the preference  
16 for getting at the true supply chain impact of  
17 the change in rule of origin? Thank you.

18           MR. GRESSER: Thank you. It's a very  
19 important and kind of a difficult question. But  
20 the passage you're referring to is -- I've been  
21 studying the ITC's DataWeb which gives quite a  
22 lot of data on U.S. imports and exports under

1 different metrics.

2           The automotive imports of U.S. from  
3 Mexico are about 2.1 million vehicles per year.  
4 In the last couple of years of the NAFTA, they  
5 report about 20,000 cars coming in or vehicles  
6 coming in under MFN tariffs, so about 1 percent.  
7 In 2023, they reported 468,000 cars coming in  
8 under MFN, so about 20 percent of the vehicles  
9 from Mexico.

10           At face value, that would mean quite  
11 a lot, although not a majority, of companies are  
12 choosing not to use the USMCA. If they choose  
13 not to use it, they're paying a 2.5 percent  
14 tariff, but they are also excused from the rules  
15 of origin.

16           It doesn't say -- you can't get from  
17 the data how much Mexican/U.S./Canadian content  
18 is in these 468,000 cars. And it may also be  
19 that this is a temporary adjustment to new and  
20 quite demanding rules that will fade over time.

21           But it may also be the case that this  
22 is showing a decision that the rules of origin

1 are so expensive as to not be worth using. And  
2 if that latter is the case, then that would mean  
3 ultimately, over time, there will be a lot more  
4 foreign content in these cars. Because they'll  
5 do whatever it is that allows the cheapest and  
6 most easy assembly.

7 So my own view is that this is  
8 something that bears analysis and watching. I am  
9 not personally confident that it shows a failure  
10 of USMCA yet. But it does show that that's  
11 possible.

12 And I think before we conclude that a  
13 stronger rule of origin is always going to be  
14 better, and always mean less foreign content, we  
15 should examine this particular one very closely  
16 because of its general rule, general lessons, and  
17 because the automotive part of USMCA is such an  
18 important part of the American auto industry.

19 CHAIR BAN: Thank you, Mr. Gresser.

20 Any other contributions at this point,  
21 Mr. Murphy or Mr. Pickel?

22 MR. MURPHY: I would just add that

1 like everything else under the sun, rules of  
2 origin appear to suffer from diminishing returns.  
3 What we at the Chamber have heard extensively,  
4 including during the negotiations that produced  
5 the USMCA, was that you can make rules of origin  
6 so demanding that you have an outcome which  
7 appears to be indicated by the data that Mr.  
8 Gresser mentions here.

9           Also concerned, as mentioned in my  
10 comments, that the extremely complex rules of  
11 origin in the textile and apparel sector with  
12 Central America are so burdensome that there's a  
13 missed opportunity there. It's certainly very  
14 much in the U.S. interest, from a variety of  
15 perspectives, to see a robust and growing apparel  
16 industry in Central America.

17           It is from a commercial perspective,  
18 I believe, the top market in the world for U.S.  
19 textile exports, thread, yarn, cloth, that go  
20 into apparel which is shipped to -- which is cut  
21 and sewed in Central America.

22           But what we have seen instead is the

1 region has not been as competitive as hoped, and  
2 this certainly appears, in our judgement, to tie  
3 into the immigration crisis that suffered -- that  
4 we've seen at the southern border with Central  
5 Americans.

6 Heading northward, in part because of  
7 a lack of legitimate business opportunities in  
8 the region, so from U.S. export perspective and  
9 from, you know, the interests of the United  
10 States in seeking stability and rule of law in  
11 that region of the world, it would appear that  
12 rules of origin, you know, could use greater  
13 scrutiny and greater leniency on areas such as  
14 the short supply list.

15 CHAIR BAN: Thank you.

16 Mr. Pickel?

17 MR. PICKEL: So not too much to add  
18 there. What I will just sort of echo is that  
19 I've also heard instances where, you know, there  
20 are industries and individual companies that are  
21 making the calculation to not utilize a  
22 preference program due to restrictive rules of

1 origin which may not be particularly surprising.

2 But I would just add an element to  
3 that of level of confidence of sort of the long  
4 term application of consistent interpretation of  
5 rules of origin, in terms of building processes  
6 to conform to the understanding at that point in  
7 time.

8 CHAIR BAN: Thank you. My next and  
9 last question for now is for Mr. Murphy and Mr.  
10 Pickel.

11 So the Chamber and the NFTC suggest  
12 that the U.S. should prioritize what you  
13 characterize as high wage or high skilled  
14 manufacturing. And I wonder how you account for  
15 supply chain benefits that may be derived from  
16 certain sectors that you may see as potentially  
17 lower wage or less advanced.

18 For example, there are linkages  
19 between textile and apparel manufacturing and PPE  
20 production. And elsewhere in your comments you  
21 note the importance of building capacity to  
22 produce printed circuit boards in North America

1 including commodity PCBs.

2 And it seems that commodity PCBs would  
3 be lower wage or less advanced relative to  
4 essential PCBs. So more generally, how do you  
5 recommend thinking about development priorities  
6 within the U.S. industrial base?

7 MR. MURPHY: I think at the Chamber  
8 we're often struck, when we meet with foreign  
9 officials and foreign business representatives,  
10 the degree to which it is policy in many  
11 countries, just take Korea as an example, to  
12 pursue policies that keep the cost of basic  
13 industrial inputs low, products such steel, for  
14 instance.

15 And this is part of an industrial  
16 strategy in these countries that is aimed at  
17 enhancing the competitiveness of value added  
18 industries that employ many more people. Here in  
19 the United States, for instance, for every one  
20 job in steel manufacturing there are sixty jobs  
21 in downstream industries.

22 And if insufficient attention is paid



1 to this concern, of keeping costs low, over time  
2 you undermine the competitiveness of these value  
3 added industries. And so this is the kind of  
4 concern that we hear articulated from time to  
5 time.

6 MR. PICKEL: So I would agree with  
7 John. And I would just add that, you know, I  
8 would lean on some of the other information that  
9 was provided in our written statement that  
10 alludes to the way that manufacturing industry,  
11 or industry, is being transformed in the United  
12 States, and the ability of a younger, evolving  
13 workforce to be able to take a more active role  
14 in how those processes are developed and their  
15 level of autonomy.

16 So I think there may be a little bit  
17 of a separation as well from the, you know, the  
18 perception that a current sort of link in the  
19 current value chain as being low wage earning  
20 would continue to be that way. So I think that  
21 bears some more discussion but understand the  
22 question, where it came from.

1 CHAIR BAN: Thank you. With that, I  
2 will turn it to Mr. Chang.

3 MR. CHANG: Hi, Won Chang, Department  
4 of Treasury, Office of International Trade and  
5 Investment Policy. My first question is for Mr.  
6 Gresser.

7 Your discussion of Question 11  
8 illuminates the challenges around supply chain  
9 data collection, and mapping, and the limits of  
10 conventional trade statistics.

11 One alternative to large scale mapping  
12 with data collection might be a system that  
13 places the onus on traders to collect and retain  
14 that data subject to verification in order to  
15 access a benefit or avoid a penalty. For  
16 example, compliance with the rules of origin or  
17 forced labor supply chain tracing are other  
18 systems of data.

19 Do you have a view on this model of  
20 gathering supply chain data?

21 MR. GRESSER: It sounds quite  
22 promising. I would like to learn more about how

1 these are working in practice before I really  
2 have a very strong opinion.

3 But the premise of asking people  
4 involved in trade to collect and save more data,  
5 to report to the government on the vendors  
6 they're choosing, and for the government be able  
7 to handle this in a secure way without damaging  
8 their competitiveness would, I think, add a lot  
9 of insight into how supply chains operate, and  
10 help us identify both cases where industries were  
11 too reliant on single countries, which is  
12 probably less of a challenge, and more important,  
13 to identify cases where many companies are using  
14 the same vendor of a sensitive product, sort of  
15 suggesting that this might be a point of failure  
16 and crisis.

17 So yes, I think that's quite a  
18 positive idea you've raised.

19 MR. CHANG: Thank you. My next  
20 question is for Mr. John Murphy, U.S. Chamber of  
21 Commerce. With respect to bio pharmaceutical  
22 supply chains, you noted the difference between

1 innovative versus generic supply chains.

2 And particularly you noted that the  
3 generic pharmaceuticals, which represent 90  
4 percent of all medicines consumed in the U.S.,  
5 the concern is that the U.S. is reliant on a  
6 single source for active pharmaceutical  
7 ingredients, i.e., China. What do you believe is  
8 the most effective policy to address this supply  
9 chain concern?

10 MR. MURPHY: Thank you for the  
11 question. As you note, differentiating between  
12 the innovative industries and the generic is an  
13 important, I think, precursor to the  
14 conversation. But this dependence on Chinese API  
15 has been widely noted.

16 And I think across industry and those  
17 who've studied the problem closely, there's some  
18 frustration with many proposals in the Congress  
19 to address it. I've seen many bills come out on  
20 this. They call for a study, maybe they offer a  
21 small tax break.

22 But what the generic pharmaceutical

1 manufacturing industry has said, including the  
2 Association for Accessible Medicine in a paper  
3 that they put out that I cite, is these kinds of  
4 steps are insufficient.

5 What would be needed to actually  
6 produce onshore, these pharmaceutical precursors  
7 in quantity, would be long term guaranteed price  
8 contracts to do so, to give them the surety that  
9 making these potentially multi-billion dollar  
10 investments could be born out.

11 Apparently there is underused capacity  
12 that would make this somewhat less expensive.  
13 But there hasn't been much follow through on this  
14 kind of an idea. It's expensive. And this is a  
15 good example, I think, of how many of these  
16 decisions about whether and how government should  
17 be working with industry, and providing direct  
18 support for industry, for diversification of  
19 supply chains for onshoring, you run into real  
20 cost problems.

21 And at a time when the United States  
22 is running significant fiscal deficits, to govern

1 is to choose. And policy makers, at the end of  
2 the day, this is in many ways a political  
3 decision.

4 MR. CHANG: Thank you.

5 CHAIR BAN: All right. We'll go next  
6 to Ms. Ruiz.

7 MS. RUIZ: Sofia Ruiz, Department of  
8 State, Office of the Chief Economist.

9 My first question is for Ms. Thornton  
10 regarding, in your written comment on production  
11 cost arbitrage, you noted that Business  
12 Roundtable members expect that production cost  
13 arbitrage will become less relevant to supply  
14 chain sourcing decisions in the future, that this  
15 process will be supported by technology and the  
16 expansion of advanced manufacturing processes.

17 How do you see this trend varying by  
18 sector and varying to the degree in which  
19 advanced manufacturing processes are relevant and  
20 applicable by sector?

21 And then a subsequent question is,  
22 also in your submission you also expressed

1 support for high standard labor and environmental  
2 chapters in U.S. trade agreements.

3 What role do you see trade policy as  
4 playing in mitigating production cost arbitrage,  
5 kind of, duties chapters?

6 MS. THORNTON: I should first say  
7 that, in preparing our comments in response to  
8 the FRN, we did a very extensive survey of the  
9 membership on these questions. And we heard time  
10 and time again that cost is not the determinative  
11 factor in the decision making of the supply chain  
12 executives at our member companies about where to  
13 relocate manufacturing and sourcing facilities as  
14 they look to de-risk from China.

15 They're very focused on whether the  
16 potential partner that they identify and the  
17 country in which they are considering investing  
18 has an investment climate that supports the  
19 manufacturing capabilities or the sourcing  
20 capabilities that they are seeking to locate  
21 there.

22 They're very focused on workforce,

1 they're very focused on transportation networks,  
2 and the ability to get their products from their  
3 facilities to the ports. They're a lot less  
4 focused on whether or not the cost of labor is  
5 cheaper than in China, for example. So this is  
6 what we heard time and time again from our  
7 members.

8 On the question of enforceable labor  
9 and environment standards in our trade  
10 agreements, as we note in the submission,  
11 Business Roundtable was one of the first trade  
12 associations to come out strongly in favor of  
13 these standards.

14 We think it's incredibly important,  
15 not just for American workers but for leveling  
16 the playing field that our members are competing  
17 on around the world. Because our members take  
18 compliance with international labor standards  
19 extremely seriously and are investing tremendous  
20 amounts of capital in environmental compliance  
21 and climate mitigation programs.

22 So, you know, the U.S. government, we



1 know that this has been a priority for the Biden  
2 administration. And there is real concern that,  
3 unless we include in our trade agreements  
4 meaningful market access and liberalization  
5 commitments that will actually drive investments  
6 by U.S. companies into the markets of our trading  
7 partners, we're not going to be able to extract  
8 those concessions from the trading partners.

9 We see these as twin sides of the same  
10 coin. Our trade agreements have to be focused on  
11 liberalizing markets so that our companies can  
12 operate more effectively and efficiently in those  
13 markets. They also have to be focused on raising  
14 standards, raising standards around labor  
15 practices, raising standards around environmental  
16 practices, raising standards around IP  
17 protection.

18 And the other thing we really tried to  
19 emphasize in our submission, and we heard time  
20 and time again from our members, is that the  
21 ability to access data flows is critical for  
22 ensuring supply chain agility.

1           The supply chain executives with whom  
2 we spoke who are based in the United States need  
3 to be able to access that industrial data in  
4 order to shift supply chains when necessary to  
5 prevent disruptions here at home. And we're  
6 troubled that this administration hasn't chosen  
7 to include some of those very important digital  
8 trade protections in its innovative framework  
9 agreements.

10           MS. RUIZ: So very relevant that you  
11 brought up data, Ms. Thornton. Another question  
12 for you relating to traceability, so in your  
13 written comment you noted that traceability  
14 deeper than a few tiers down into a supply chain  
15 remains extremely difficult to achieve.

16           And could you be specific about the  
17 resource, practical, and informational  
18 constraints faced by your members that make  
19 supply chain tracing difficult, and if you have  
20 any success stories about how tracing methods  
21 have improved over the last few years in response  
22 to this transition.

1 MS. THORNTON: Our members stressed  
2 time and time again in their submissions to us  
3 that traceability is a huge priority for them,  
4 not only because of U.S. government policy and  
5 the imperative of assuring that they have no  
6 forced labor at any level of their supply chain,  
7 but because of the obligations that their  
8 shareholders have placed on them in this area.

9 I think the supply chain traceability  
10 issues are challenging three, four levels down in  
11 the supply chain. Our members are committed to  
12 trying to address those issues, but they have  
13 asked us to ask you to be cognizant of those  
14 challenges as they are trying to diversify out of  
15 China.

16 It is a huge economic and national  
17 security imperative for the United States that we  
18 create redundancies in some of these critical  
19 supply chains outside of China. And our members  
20 are fully committed to advancing the goals and  
21 objectives of the U.S. government around  
22 eliminating forced labor from their supply

1 chains.

2 But it will take time as our members  
3 relocate their manufacturing and sourcing  
4 facilities into new markets to establish that  
5 kind of visibility in their supply chains.  
6 They're committed to doing it, but it will take  
7 time.

8 And they simply asked us to really  
9 impress upon the U.S. government that this has to  
10 be a factor as they are working to comply with  
11 these obligations. New investment climates, new  
12 countries, provide new challenges.

13 MS. RUIZ: So one last question from  
14 me. And this is open to, I suppose, all of you.  
15 Because all written comments touched on this.  
16 And what are -- how can trade policy incentivize  
17 investments by American companies abroad in  
18 sectors that would be considered critical to  
19 supply chain resilience but which may not, at the  
20 moment, have sufficient market incentives to  
21 prompt entry such as critical minerals?

22 MR. MURPHY: Just briefly, it's --

1 U.S. government policy, I think, should reflect a  
2 close collaboration with industry about what the  
3 real factors are that will be determinative in  
4 providing real incentives to direct investments  
5 to one country versus another.

6 In my comments, I cited a chamber  
7 report where we looked at nearshoring  
8 opportunities across Mexico, the Caribbean Basin,  
9 and parts of Latin America. And it varies country  
10 by country.

11 What are the impediments? In some  
12 countries it may be a security situation, in  
13 others, it's logistics, the ability to move goods  
14 quickly through ports and the quality of services  
15 that allow that. Devising the right policies  
16 should reflect the changing circumstances country  
17 by country.

18 You mentioned specifically critical  
19 minerals. In our comments we addressed that to  
20 some degree as well. Certainly we hear from our  
21 members more desire to have domestic mining which  
22 is difficult. There are impediments to opening

1 new mines in the United States.

2 Some of those result from federal  
3 decisions, including a Biden administration  
4 decision recently about prohibiting a road from  
5 being created in Alaska that would allow  
6 introduction of a new mine in Alaska, a very  
7 large project, potentially.

8 But with regard to other countries  
9 it's, you know, U.S. law provides favorable  
10 treatment for our FTA partners which is 20  
11 important countries. Quite a few of them have  
12 significant mineral reserves and mining  
13 industries. But at times it's a little bit  
14 arbitrary.

15 So take Argentina, for instance, not  
16 an FTA partner, a friend of the United States,  
17 considered a major non-NATO ally of the United  
18 States, but not treated the same under U.S. law  
19 as the country just over the Andes. And that's  
20 worthy of greater scrutiny.

21 The Congress has strong opinions about  
22 this issue and what goes into a critical minerals

1 agreement, and whether and how that can be deemed  
2 equivalent to FTA treatment. Quite a few members  
3 of Congress are opposed to that.

4 But industry would strongly counsel  
5 the administration to work closely with the  
6 Congress to devise a path forward there for some  
7 countries. Because, you know, where minerals lie  
8 under the ground is a question of geology as much  
9 as anything, right.

10 MR. GRESSER: Yes, could add a little  
11 bit to that in terms of the trade policy  
12 incentives available to us. Note here from the  
13 Office of the Chief Economist, one thing that's  
14 really worth looking at is Dr. Bown's papers for  
15 the Peterson Institute on the COVID vaccine  
16 supply chains which say a lot about why, like,  
17 who are the favored partners, who are the natural  
18 partners for very advanced and high technology  
19 insensitive products?

20 For diversification away from China,  
21 in the sense of are there other middle income  
22 countries or low income countries that could be

1 useful, trade policy does offer a few tools. The  
2 WTO's Trade Facilitation Agreement bears a lot of  
3 attention, because it has great potential to, if  
4 it's fully implemented, reduce the cost and speed  
5 up the transits for developing countries all over  
6 the world, particularly Sub-Saharan Africa, Latin  
7 America, and so forth.

8 We have a number of trade preference  
9 programs, those for Sub-Saharan Africa and Haiti  
10 are up next year. I also note that the  
11 generalized system of preferences, which is a  
12 tariff benefit for use in a number of Southeast  
13 Asian countries, Middle East countries, has been  
14 lapsed for almost four years. That's, to me, a  
15 big failure of U.S. policy recently.

16 And finally, in addition to FTAs and  
17 things that have tariffs and market access, the  
18 Department of Homeland Security operates a couple  
19 of programs, CTPAT and CSI, the Customs Trade  
20 Partnership Against Terrorism and the Container  
21 Security Initiative, which have worked closely  
22 with courts, and with businesses, and logistics



1 companies to kind of security proof flows of  
2 goods trade against terrorism.

3 That might be a model that could be  
4 applied elsewhere. If you are a CTPAT compliant  
5 company, your container will get, you know,  
6 faster passage through a U.S. port. That's quite  
7 attractive to retailers, to businesses buying  
8 inputs here and so forth. So I think those are  
9 things to explore as, you know, as important  
10 pieces in the -- or tools in the toolkit.

11 MR. PICKEL: I would just add to that.  
12 I think, I don't want to overlook the value of  
13 clear standards and the use of facilitation  
14 standards that are already in place. So I'll use  
15 the example of, you know, promoting circularity  
16 and recycling and how that lines up in certain  
17 cases with our shared desire to prevent items  
18 made using forced labor coming into the country.

19 You asked a little while ago about  
20 traceability. And I think that that is a tool  
21 that is continuing to evolve. And this dynamic  
22 between circularity and labor conditions, I

1 think, is a good case study, right?

2           Because as you have materials that are  
3 being recycled, for example, how far back in that  
4 recycled materials supply chain, value chain, can  
5 you go to determine that there was no forced  
6 labor going back to potentially raw materials in  
7 some cases, right.

8           So if you have a material that's many  
9 decades old, pre-dates, you know, a new legal  
10 standard related to labor standards and so forth,  
11 what are the standards now that you have this  
12 recycled material that's been made into an  
13 entirely new product, right?

14           So I think clarifying what the role of  
15 products like traceability, or products like  
16 blockchain that can provide other visibility  
17 points into different supply chains, how the  
18 government sees those tools and how suppliers  
19 around the world can lean on those capabilities  
20 going forward.

21           I would say also, you know, on the  
22 trade facilitation front, to the extent that

1 these processes can be automated and somewhat  
2 harmonized across economies is particularly  
3 important.

4 In the area of forced labor, in  
5 environmental standards, deforestation for  
6 example, we see evolving standards developing  
7 that would greatly benefit from the development  
8 of, you know, when we say standards, what is the  
9 actual path to compliance to meet that standard?  
10 And how can that be met in an efficient means  
11 through automation?

12 Because the willingness to comply with  
13 that is there. The question is the how, right?  
14 And how do we do that together?

15 CHAIR BAN: Thank you. I think I'll  
16 turn next to Mr. Cramer.

17 MR. CRAMER: Thanks, Victor. I'm Jim  
18 Cramer. I'm from the Commerce Department's  
19 Supply Chain Center. Thank you, everybody, for  
20 your time today.

21 I could start with Mr. Murphy, if  
22 that's okay. I've read your submissions portion

1 on the importance of logistics with great  
2 interest.

3           Could you comment more about what  
4 policy actions the U.S. government may be able  
5 take to support American transportation,  
6 logistics, or distribution industries that are  
7 either bringing products to shore or  
8 transporting them within our borders, with an aim  
9 to enhance our overall U.S. economic supply chain  
10 resiliency.

11           MR. MURPHY: Thank you. The study I  
12 just mentioned that was, indeed, the chief most  
13 broadly reported priority across multiple  
14 markets, really the biggest factor that foreign  
15 governments can focus on, and this is  
16 particularly focused on Latin America, to secure  
17 better improvements here.

18           I'm not sure that I have much more to  
19 say beyond some of the elements that have already  
20 been mentioned here just in the past few minutes,  
21 you know, the measure like CTPAT, more fulsome  
22 implementation of the Trade Facilitation

1 Agreement, single window operations, working with  
2 partner governments to ensure that they have  
3 proper express delivery clearance procedures.

4 Brazil, for instance, I think for the  
5 first time, has implemented such procedures after  
6 decades of advocacy by industry. All those  
7 things are an important part of the picture.

8 MR. CRAMER: Great, thank you.

9 My second and final question, and I'll  
10 turn it back over to you, Victor, afterwards, is  
11 for Mr. Gresser.

12 Thank you for your comments on data  
13 earlier in your testimony, and it's important for  
14 supply chains, and highlighting in your testimony  
15 some of the possible data sources like the FDA or  
16 BIS, and some of the challenges, accessing or  
17 using such information, particularly from the  
18 U.S. government, like how to best store,  
19 transfer, and secure information, particularly  
20 that which is business confidential.

21 At the Supply Chain Center, we're  
22 looking at creating frameworks or mechanisms to

1 understand supply chain challenges of industries  
2 of the future, industries which may only become  
3 profitable, or maybe even only exist in two or  
4 three decades, so to get ahead of potential  
5 issues in the future.

6 Do you have thoughts on key sources of  
7 information that exist now on where supply chain  
8 data on such industries do or don't exist?

9 MR. GRESSER: In many cases, I think  
10 the information will only exist within particular  
11 companies at the moment. Though I'm sure you can  
12 draw some out from their tax forms and so forth.

13 But my colleague at PPI, Dr. Michael  
14 Mandel, really looked closely at the '21 and '22  
15 supply chain reviews and noticed that the reviews  
16 did not once, in his findings, use any data from  
17 the Bureau of Economic Analysis, referred only  
18 one time Bureau of Labor Statistics, did not make  
19 much use of census. It was mostly from  
20 interviews and meetings directly from  
21 participants in supply chains.

22 So I think it would, you know, your

1 ambition seems really important and very useful.  
2 I would think it would be useful to convene the  
3 government's statistical agencies, you know, have  
4 each of them do a bit of an audit.

5 How much data do they produce that  
6 helps to identify supply chain bottle necks?  
7 What do they think they might have missed, are  
8 there success stories that they can learn from in  
9 the past, and kind of develop a road map for them  
10 about what the government has but isn't using,  
11 and what the government doesn't have at all and  
12 will need.

13 And then I think that would be a kind  
14 of important contribution to this whole concept  
15 of developing a more reliant, or resilient and  
16 reliable supply chain system for the United  
17 States.

18 MR. CRAMER: Great, thank you very  
19 much.

20 Thanks, Victor, over to you.

21 (Simultaneous speaking.)

22 MR. KENNEDY: If I may add to your

1 question about 20 years out, we've talked a lot  
2 about wanting to know data traceability, where  
3 it's coming from, comply with labor standards and  
4 others. We've also talked about expedited  
5 shipping by having awareness as to what's in the  
6 container.

7 We're looking to check where we have  
8 vulnerabilities, but 20 years out with AI  
9 advancing, there's going to be an ability that  
10 those that want to figure out our choke points,  
11 how they exploit our vulnerabilities as choke  
12 points, and that data is flowing through ports  
13 that are outside the world.

14 As you know the PRC has ownership  
15 interests in over 100 ports. We have interests  
16 in None. We have less than one percent of the  
17 ships that are U.S. flagged.

18 So the vulnerabilities we face with  
19 data increasingly becoming available deeper and  
20 deeper into the supply chain, we need to be  
21 paying attention to the security issues of who  
22 has availability to that data, and how do we



1 secure it, and how do we not have that create a  
2 vulnerability outside our shores.

3 CHAIR BAN: Thank you, Mr. Kennedy.

4 I'll just note briefly on process, we  
5 did start a few minutes early. So we're going to  
6 try to end at 12:47, get folks out a few minutes  
7 early.

8 So I wanted to come back to Ms.  
9 Thornton, your testimony. First of all, I  
10 appreciate the Business Roundtable for taking the  
11 time to confer with your members and getting the  
12 survey input. That's very much appreciated, and  
13 appreciate your members contributions as well.

14 I wanted to make sure I understood  
15 your members' interests. So I think I heard on  
16 the one hand, I think it was part of a response  
17 to the FRN question about sort of factors that  
18 drive supply chain sourcing decisions, right.

19 And I think your position was, well,  
20 cost is not really the driver, it's so much more.  
21 It's work force, it's infrastructure, right,  
22 being close to the end consumer, et cetera. And

1 that's helpful and noted.

2 I think on the other hand you did  
3 underscore that market access is critical, right,  
4 for trade agreements. And I would note that in  
5 many cases, even if I think on average, right,  
6 our U.S. tariff profile is rather low.

7 Is there tension there? And if not,  
8 can you reconcile that so that we can understand  
9 how your members are thinking about these two  
10 issues as they interrelate?

11 MS. THORNTON: Thank you for that  
12 question.

13 I think, you know, I think we can all  
14 agree our bound tariff rate is extremely low.  
15 The problem is that the bound tariff rates of our  
16 trading partners are not. You know, the average  
17 bound tariff rates are quite a bit higher.

18 And as our companies look to implement  
19 their China+1 strategies, they are looking to  
20 move some of that production back to the United  
21 States. But a lot of it they want to remain in  
22 the region so that they can source customers, and

1 supply customers there, and service customers  
2 there. And that depends on having access to  
3 reliable inputs that are tariffed at lower rates.

4 And that's one of the key components  
5 of the market access negotiation, is using the  
6 power of our market, and our multinationals, and  
7 the promise of their potential investment in a  
8 given market to encourage our trading partners to  
9 lower those bound rates.

10 It's also important, however, that our  
11 companies have real assurances that when they  
12 make those costly commitments to move their  
13 supply chains into a given market, they have some  
14 protections against discriminatory and arbitrary  
15 government conduct that we know they will face,  
16 even in countries that are very much solicitous  
17 of U.S. investment, simply because of the level  
18 of their development, persistent rule of law  
19 issues.

20 And we understand the administration's  
21 desire to think creatively about our  
22 international economic agreements. But it seems

1 to us that one of the promises of IPEF, at least  
2 to the trading partners, was increase U.S. FDI in  
3 country.

4 And from the perspective of our  
5 members, if that is the carrot, then the U.S.  
6 government must also be securing commitments from  
7 those trading partners to refrain from  
8 discriminating against our companies when they  
9 make investments there.

10 So I actually don't think there is a  
11 tension. And, you know, we believe, and one  
12 thing I should affiliate myself with a lot of the  
13 statements of my fellow panelists, we do think  
14 there were some fundamental misstatements  
15 regarding the history of U.S. trade policy in  
16 the FRN.

17 We really do believe that the past 40  
18 years of U.S. trade policy have been equally  
19 focused on creating free and fair trade. And  
20 that's extremely important to the member  
21 companies of the Business Roundtable.

22 CHAIR BAN: Thank you for that

1 clarification. It's much appreciated.

2 I may turn it back to Mr. Cramer for  
3 further question.

4 MR. CRAMER: I'm good, thank you.

5 CHAIR BAN: I guess I did have a  
6 general question. And this can be directed to  
7 any of the panelists. But also curious  
8 specifically about COVID. And COVID is  
9 referenced in the FRN sort of as part of the  
10 impetus for rethinking and evaluating supply  
11 chains.

12 Wondering whether there are any data  
13 sources or methodologies that helped your members  
14 get through the supply chain challenges  
15 specifically presented by the pandemic. And if  
16 so, could you explain how they worked?

17 MR. MURPHY: It's a good question.  
18 And whether or not there's that kind of good data  
19 sources, I don't have the answer to it. I think  
20 Mr. Gresser alluded to Chad Bown's work. So Ms.  
21 Ruiz, you can go back and ask Chad.

22 It's a telling case story though. I

1 remember speaking regularly during those days of  
2 the great rush to make vaccines to administer to  
3 the American people in late 2020 and early 2021,  
4 and the use of DPA and rated orders that the  
5 administration executed at the time.

6           It was very challenging for industry.  
7 I think the companies knew what they needed to  
8 do, they needed to greatly increase production of  
9 many of the inputs, membranes, and chemicals that  
10 are used in vaccine production.

11           And the capacity to increase  
12 production was limited. They could increase it,  
13 they could increase it very quickly, but not as  
14 much as the spectacular demand at the time.

15           And the rated orders really largely  
16 had the effect of moving product from one company  
17 to another, giving priority to this vaccine  
18 manufacturer and taking it away from another.

19           I remember working with these  
20 companies at the time, and with the  
21 administration. The people in the White House  
22 who were directing this at the time were very

1 smart, knew what they were doing.

2 But I came away from the entire  
3 experience really with the impression that  
4 industry had done the most important thing which  
5 was they knew what goods, what inputs needed to  
6 be increased exponentially, as fast as they  
7 could.

8 And the implementation of the DPA at  
9 the time was more about moving those products  
10 around in a way that maybe helped, but maybe  
11 didn't help as much as was thought at the time.  
12 And so in that case, I find it to be a cautionary  
13 tale. And I look forward to a much more  
14 comprehensive overview of this phenomenon such as  
15 the kind that you're asking about.

16 CHAIR BAN: Thank you very much. We  
17 have, again, two minutes remaining before the end  
18 of our time. Do any panelists want to come in  
19 with any final thoughts?

20 Ms. Thornton:

21 MS. THORNTON: I just want to return  
22 to the question of rules. Because we understand

1 the concerns that the administration has signaled  
2 about transshipment and other countries' non-  
3 market economies benefitting from our FTAs as a  
4 result of those rules.

5 We also, you know, acknowledge that  
6 when they are too stringent they can force  
7 importers to just choose to import based on the  
8 MFN duty rate rather than the preferential rate  
9 that's afforded under the agreement. But we  
10 would encourage the U.S. government to think  
11 about the power of our network of FTAs.

12 And the Business Roundtable, you know,  
13 thought a lot about cumulation across FTAs in  
14 2006, the last time, you know, trade policy was  
15 perceived as really stuck.

16 And we resurfaced that with our  
17 members. And there was a fair amount of support  
18 for that idea. And you'll see in our comment  
19 letter we reference, you know, the power of the  
20 Free Trade Commissions in our existing  
21 agreements.

22 We think it's really important that



1 the U.S. government consider convening those Free  
2 Trade Commissions across all of our agreements to  
3 see how we can use our existing trading  
4 relationships that are underscored and cemented  
5 by our FTAs to deal with some of these problems.

6 Minerals could be extracted in the  
7 territories of some of our existing FTA partners,  
8 shipped to other FTA partners for processing, and  
9 then re-exported to the United States.

10 So we would just encourage the U.S.  
11 government to think about those other potential  
12 uses for existing FTAs in our rules.

13 CHAIR BAN: Thank you, Ms. Thornton.

14 I think that brings us to our early  
15 stop time of 12:47, and we'll go off the record,  
16 and take a break for lunch. Thank you, everyone.

17 (Whereupon, the above-entitled matter  
18 went off the record at 12:47 p.m. and resumed at  
19 1:30 p.m.)

20 PANEL CHAIR WHITE: Good afternoon,  
21 everyone, and welcome. We're going to get  
22 started now. I'm Katherine White, Chief Textiles

1 and Apparel Negotiator at USTR. I will Chair our  
2 next panel, Panel 3. I'm joined by interagency  
3 colleagues from the Departments of Commerce,  
4 Labor, and Treasury.

5 We look forward to hearing from the  
6 stakeholders present today about ways to promote  
7 supply chain resilience in the Textiles and  
8 Apparel sector. The Biden-Harris administration  
9 is committed to crafting trade policies that  
10 support industry revitalization and resilience.  
11 Strengthening America's textile and apparel  
12 industry is a key part of these efforts and a  
13 priority for USTR.

14 Thank you to the witnesses for taking  
15 the time to participate in the public comment  
16 process and to share your views at this important  
17 juncture in the development of US trade policy.

18 As a reminder, we ask each witness to  
19 introduce themselves before they begin their  
20 testimony. My interagency colleagues will  
21 introduce themselves when they ask their first  
22 question. With that, we'll get started with our

1 first witness, Ms. Kimberly Glas.

2 MS. GLAS: Thank you so much. My name  
3 is Kimberly GLas. I'm the President and CEO of  
4 the National Council of Textile Organizations,  
5 and we represent the domestic industrial base  
6 from fiber, yarn, fabric to finished textile  
7 products, which supports five hundred thousand  
8 workers across the United States and produces  
9 sixty-five billion dollars in output annually.

10 I have previously testified before the  
11 ITC, and we have submitted numerous comments to  
12 USTR about China's unchecked foreign predatory  
13 trade practices and its impacts on industry. I  
14 detailed that in my written testimony.

15 But for the purposes of today, I want  
16 to focus on our strategic, insightful ways to  
17 help promote supply chain resiliency.

18 I applaud you for having this  
19 discussion today. This is long overdue. There's  
20 a lot of talk in Washington about what are  
21 strategic supply chains. We often hear battery  
22 semiconductor, ships, steel, aluminum. I agree.

1 All of those are strategic. I'm here to amplify  
2 on behalf of the US textile and apparel industry  
3 that we are a strategic supply chain. Textiles  
4 are everywhere. We can't live our lives without  
5 them. Our industry provides the equipment to  
6 protect our warfighters in uniform. We made life  
7 saving PPE at the height of COVID when nurses  
8 were forced to wear garbage bags. The airbags in  
9 your car, the car seat where you put your most  
10 loved ones, the component parts for airplanes to  
11 keep them flying.

12 Any fragility in our supply chain is  
13 a national and economic security threats to us  
14 all. There's large breadth in the domestic  
15 supply chain that are immediate threat, based on  
16 a number of factors where we need the  
17 government's help. No less than fourteen US  
18 textile factories have permanently shuttered in  
19 recent months. An estimated one hundred thousand  
20 jobs have been lost in the US and the broader  
21 Western Hemisphere. The US alone shed twenty-six  
22 thousand jobs in 2023, primarily in rural areas

1 across the United States, where we are the  
2 primary tax base.

3           There are several key things that the  
4 US government could do right now to alleviate the  
5 pressure on our industry. We have factories that  
6 survived the Great Depression, the Great  
7 Recession, and COVID that are not surviving this.  
8 We are -- in order for a US textile plant to be  
9 in operation today, you have to be innovative,  
10 you have to be automated.

11           There's a multitude of factors that  
12 are forcing our industry to shutter its plants.  
13 We must immediately close the de minimis tariff  
14 loophole. Four million packages are entering the  
15 US each day, duty free under this loophole.  
16 Three million a day last year. This trade is  
17 growing astronomically.

18           These packages are largely uninspected  
19 with an estimated half of the packages being  
20 textile and apparel goods, with China being the  
21 largest beneficiary. These entries are not  
22 subject to Section 301 duties, have been linked

1 with forced labor violations, as well as  
2 dangerous and counterfeit goods and illicit drugs  
3 like fentanyl, precursors, and pills coming  
4 through de minimis.

5 This tariff structure is rewarding  
6 this insanity. The administration has existing  
7 authorities to close this dangerous loophole  
8 right now. We ask the administration to use its  
9 authorities.

10 Congress also has a responsibility to  
11 address this pervasive trade threat, and must  
12 pass legislation to make statutory reform for  
13 this outdated and destructive loophole. We need  
14 a race to the solutions to stop the bleeding.  
15 We're not at the start line yet. We need to  
16 dramatically ramp up Customs Enforcement and  
17 penalize bad actors. We applaud Secretary  
18 Mayorkas and the Department of Homeland Security  
19 for putting out a stepped up Textile and Apparel  
20 enforcement plan.

21 The devil is in the details. We need  
22 persistent and aggressive follow up in the

1 following areas for this to make a critical  
2 difference. This includes on-site inspections,  
3 targeted enforcement efforts, significantly  
4 increasing civil and criminal penalties for  
5 predatory bad actors, public amplification of bad  
6 actors to deter fraud and illegal trade. We need  
7 increased isotopic and lab testing of imported  
8 goods.

9 In this particular environment -- in  
10 the global environment on Textile and Apparel  
11 with approximately forty percent of the duties  
12 paid are on our sector, there is a rampant  
13 incentive to cheat. And we are seeing that  
14 whether it's through our free trade agreements,  
15 UFLPA violations, or other predatory trade  
16 practices.

17 We need to reform the trade remedy  
18 process to help alleviate injuries to upstream  
19 producers who have no standing, when finished  
20 items are coming into the US marketplace  
21 displacing their business. We need to  
22 immediately pass a Miscellaneous Tariff Bill.

1 This used to be like passing apple pie. We all  
2 agreed on it.

3 The lack of an MTB has forced my  
4 plants to offshore some of their production and  
5 lose critical business because they can't have  
6 access to rayon and acrylic which are not made  
7 here in the United States.

8 We must reject proposals to expand the  
9 Generalized System of Preferences for textile and  
10 apparel goods. There's a reason these have been  
11 excluded. And we have vociferous support from  
12 our regional allies that this would erode their  
13 preferences, and destroy jobs in the United  
14 States, and reward nonparties to those agreements  
15 with duty free access.

16 We need to preserve, protect, and  
17 promote the Yarn Forward Rules of Origin and  
18 reject any proposals under the guise of quote  
19 flexibilities. That has been critical to the  
20 investments of the US textile industry, and we  
21 greatly appreciate Ambassador Tai's and USTR and  
22 the Biden administration's support.



1           We need to increase the China Section  
2 301 penalties on textile and apparel to serve as  
3 a deterrence for the price -- predatory price  
4 practices that the Chinese are deploying that are  
5 putting us out of business. We must fully  
6 implement the Make PPE in America Act and expand  
7 domestic procurement opportunities, which I  
8 outlined in my testimony.

9           We further must expand the Defense  
10 Production Act and highlight that this industry  
11 is a strategic industry that deserves and -- and  
12 should have a continuous government support to  
13 help with next generation products.

14           We also should enhance tax incentives  
15 to bolster domestic and regional production, both  
16 for US textile production, but for producers who  
17 are for -- some of our brands and retailers who  
18 are buying qualifying goods.

19           And in closing, I just want to say,  
20 with the right response we can help reverse this  
21 current trajectory in domestic textile  
22 manufacturing and have beneficial outcomes. We

1 can help ensure we have resilient supply chains  
2 to make the critical products we need, and reduce  
3 greenhouse gas emissions, and support local  
4 communities. So thank you so much for the  
5 opportunity to testify today. I'm happy to take  
6 questions.

7 PANEL CHAIR WHITE: Thank you, Ms.  
8 Glas. Mr. Gold, I invite you to testify next.

9 MR. GOLD: Thank you very much for  
10 holding today's hearing. My name is Jonathan  
11 Gold, and I'm the Vice President for supply chain  
12 and customs policy for the National Retail  
13 Federation. NRF is the world's largest retail  
14 trade association and empowers the industry that  
15 powers the economy. Retail is the nation's  
16 largest private sector employer contributing \$5.3  
17 trillion to the annual GDP and supporting one in  
18 four US jobs, so fifty-five million working  
19 Americans work for retail directly or indirectly.

20 The ability to ensure the products are  
21 available for the consumer depends on a safe,  
22 efficient, predictable and resilient supply

1 chain. We all saw firsthand, the cascading  
2 disruptions caused when supply chains were  
3 completely overwhelmed from beginning to end  
4 during the pandemic. Significant efforts by the  
5 private sector and governments enabled supply  
6 chains to recover and trade flows have returned  
7 to pre-pandemic growth levels.

8 While the pandemic-induced supply  
9 chain disruptions were unique in size and global  
10 in nature, disruptions in the supply chains are  
11 not uncommon. Retailers know to expect the  
12 unexpected. Be it weather -- weather incidents,  
13 labor disruptions, or something else, risk  
14 mitigation is a fundamental component of retail  
15 supply chain plans.

16 This year alone, retailers are dealing  
17 with supply chain disruptions from ongoing Houthi  
18 attacks on commercial vessels in the Red Sea,  
19 restrictions on the use of the Panama Canal, and  
20 most recently, a shutdown of the vessel traffic  
21 at the Port of Baltimore because of the tragic  
22 collapse of the Francis Scott Key Bridge.

1                    Yet trade continues to flow. Retail  
2 supply chains adjust and cargo continues to get -  
3 - to get where it needs to go. This shows supply  
4 chain resiliency and mitigation practices in  
5 action.

6                    An endless list of factors drives the  
7 retailer supply chain and sourcing decisions.  
8 The list varies with the product. Generally, the  
9 key factors include quality production, capacity  
10 requirements, availability of skilled workforce,  
11 adherence to standards codes of conduct and rule  
12 of law, local infrastructure considerations, port  
13 capacity and sailings, as well as many others.

14                    There is no one size fits all  
15 approach. Each company has a different strategy,  
16 depending upon their business model, and what  
17 level of risk they're willing to accept within  
18 their supply chain. Many retailers manage these  
19 risks by diversifying their supply chains. This  
20 includes working with supplier partners and  
21 transportation providers that share core values  
22 and can respond when an incident occurs.

1           Transparency and visibility within the  
2 supply chain have become even more important.  
3 That visibility is important to understand what  
4 is happening within a supply chain, attempt to  
5 identify a potential disruption event before it  
6 occurs, and be able to respond accordingly to  
7 limit any potential impact.

8           While we appreciate USTR examining its  
9 role in the supply chain resiliency, NRF views  
10 resiliency as a whole of government function. No  
11 single agency can promote resiliency alone. USTR  
12 certainly plays a critical role of opening  
13 markets, both foreign and domestic, that have  
14 expensive and time consuming -- time consuming  
15 barriers to trade, while ensuring our trading  
16 partners play the role -- play by the global  
17 trade rules which they have committed.

18           Given the important role, US retailers  
19 are concerned that USTR is guided by an  
20 inaccurate picture of how policy can and does  
21 support supply chain resiliency. I want to take  
22 just a moment to address USTR's assessment within

1 the FRN that global supply chains have been  
2 designed to maximize short term efficiency and  
3 minimize costs, leading to greater vulnerability  
4 and unsustainable dependencies and furthermore,  
5 have promoted trade that may not reflect our core  
6 values.

7 NRF wholeheartedly disagrees with this  
8 assessment. The efficiencies and costs and  
9 reference have led to benefits for American  
10 workers, consumers and companies. The  
11 administration's own economists agree. The  
12 Council of Economic Advisers 2024 economic report  
13 points out, there are well documented gains from  
14 trade and cross border investment flows. The  
15 benefits of global integration include lower  
16 inflation, greater variety of goods and services,  
17 more innovation, higher productivity, good jobs  
18 for American workers, and exporting sectors,  
19 foreign direct investment in US industries, and a  
20 higher likelihood of achieving our climate goals.

21 The Report also highlights that lower  
22 income families benefit most from imports with

1 increased -- increased variety of products and  
2 reduced costs. This is consistent with what NRF  
3 members have witnessed and too quickly dismissed  
4 by USTR as a benefit of trade.

5 I would also like to highlight the  
6 millions of jobs that are tied directly or  
7 indirectly to trade in the global value chain.  
8 In our 2021 joint as -- joint association study  
9 in ports worked for American workers, we found  
10 the imports support more than 21 million American  
11 jobs across the country, including a net positive  
12 in every US state.

13 As we evaluate trade policies and  
14 supply chain resiliency, we need to make sure  
15 that those policies are based on an accurate  
16 assessment of the costs and benefits of trade.  
17 And modeled to address challenges and  
18 opportunities for 21st century supply chain.  
19 This means more modern Rules of Origin and  
20 systems to provide more opportunities for supply  
21 chain diversification, not less.

22 Tariffs, managed trade, and

1 protectionism will not help improve supply chain  
2 resiliency. We caution the administration from  
3 concluding that the fastest way to promote supply  
4 chain resilience is to onshore or reshore more  
5 manufacturing. The resiliency we saw during the  
6 pandemic was made possible because retailers and  
7 others had redundancies built into the supply  
8 chains and were able to shift sourcing of key  
9 products, suppliers in whatever country they  
10 worked that had capacity.

11 Let's learn from the 2022 baby formula  
12 shortage. US production of infant formula  
13 accounted for ninety-eight percent of US  
14 consumption. This provided to be a major  
15 vulnerability. When one major production  
16 facility was shut down, it caused the crisis. We  
17 helped to alleviate the crisis -- the crisis --  
18 We helped alleviate the crisis with the ability  
19 to import more infant -- infant formula. This  
20 was only made possible by suspending the duties  
21 and addressing other regulatory issues.

22 US trading investment must go hand in



1 hand with domestic policies to support growth in  
2 the US economy overall. This needs to include  
3 efforts to improve and expand market access for  
4 US farmers, service providers, retailers, and  
5 manufacturers overseas. We highlighted many of  
6 these issues -- We have many issues in this topic  
7 and our previous comments to USTR's worker  
8 centered trade policy.

9 In closing, we again call upon USTR to  
10 negotiate new trade agreements, focused on the  
11 needs of a 21st century's global supply chain and  
12 advanced supply chains leniency. Thank you again  
13 for the ability to testify today.

14 PANEL CHAIR WHITE: Thank you, Mr.  
15 Gold.

16 Mr. Herman.

17 MR. HERMAN: Thank you for the  
18 opportunity to testify at today's hearing. I am  
19 Nate Herman. I'm the Senior Vice President for  
20 Policy at the American Apparel and Footwear  
21 Association.

22 Three point two million American jobs

1 depend on our industry. As a result, those jobs  
2 also depend on access to foreign customers,  
3 access to global supply chains, or both for their  
4 existence.

5 Our industry wants resilient supply  
6 chains. We want to limit risk, increase  
7 proximity to markets and suppliers, avoid supply  
8 chain disruptions drive sustainability, and  
9 foster responsible supply chains, and more.  
10 Resilient supply chains rely on certainty,  
11 clarity, and flexibility.

12 Signals from Washington certainly made  
13 clear that it's time to diversify away from  
14 China. But at the same time we have witnessed  
15 inaction by the administration and Congress to  
16 negotiate new free trade agreements. And we've  
17 seen little effort by the administration or  
18 Congress to renew expiring trade programs, or  
19 update existing trade agreements to make them  
20 more resilient.

21 Successful agreements and reliable  
22 programs are fundamental building blocks for

1 resilient supply chains. Supply chains not  
2 depending on China.

3 Further, good agreements and reliable  
4 programs reinforce American values on the  
5 environment and labor. What do I mean? Rules of  
6 Origin and FTAs and trade programs aimed to  
7 preserve the benefits of duty free trade for the  
8 beneficiaries. However, restrictive rules of  
9 origin intended to close the back door which can  
10 impose substantial hurdles and administrative  
11 burdens.

12 For apparel, the Yarn Forward Rule  
13 requires everything from the yarn-forward to be  
14 made in the US or FTA partners. It is, with few  
15 exceptions, an all or nothing rule. If ninety-  
16 five of the garment is originating, and five  
17 percent is not, you fail. That means you pay  
18 full duties.

19 Yarn-Forward can, and has, worked for  
20 certain companies and for certain supply chains.  
21 But the rigidity of Yarn-Forward also limits  
22 apparel investments, which limits apparel demand,

1 which limits textile investment. With this  
2 vicious cycle, and with no flexibility, the size  
3 of the pie never grows. And supply chains don't  
4 get more resilient.

5 Just look at the numbers. Mexico, our  
6 closest FTA partner spent two point nine billion  
7 dollars in apparel in the US last year,  
8 accounting for three point seven percent of all  
9 US exports. Seems like a big number.

10 But let's compare that with twenty  
11 years ago. In 2003, Mexico exported over seven  
12 billion dollars in apparel to the US, accounting  
13 for over eleven percent of all US apparel  
14 imports. Similarly, US imports apparel from  
15 CAFTA-DR have been stagnant. In 2008, apparel  
16 imports from CAFTA-DR countries accounted for ten  
17 point five percent of the US apparel market. Yet  
18 fifteen years later, these -- the share of  
19 apparel imports from CAFTA-DR countries is only  
20 ten point four percent.

21 CAFTA-DR does have built-in  
22 provisions, such as short supply that should

1 enable CAFTA-DR to be more resilient. If working  
2 properly, short supply should provide companies  
3 the flexibility to source certain materials not  
4 available in CAFTA-DR countries, while otherwise  
5 complying with Yarn-Forward Rule.

6 But use of the short supply has been  
7 stymied by an overly restrictive interpretation  
8 of the rules. So you have restrictive rules and  
9 the inability or unwillingness to modernize FTAs.  
10 Add to that the three plus year expiration of the  
11 GSP program and questions on the long term  
12 renewal of the African Growth and Opportunity Act  
13 and Haiti preferences, and what you get is no  
14 certainty, no clarity, no flexibility. The  
15 antithesis of resilient supply chains.

16 The concept of resilient supply chains  
17 is also code for trying to create more US  
18 manufacturing. A goal we heartily support. But  
19 the single biggest threat to US manufacturing in  
20 our sector, bigger than all others combined,  
21 comes from the US government's own addiction to  
22 forced labor.

1 Federal Prison Industries otherwise  
2 known as UNICOR or FPI, pays US prisoners as  
3 little as a dollar ten an hour. Under US law,  
4 FPI receives significant preferences that  
5 essentially gives FPI the first right of refusal  
6 on US government contracts, including the ability  
7 to win contracts set aside for small, minority  
8 owned, and women owned businesses.

9 Moreover, US taxpayer dollars have  
10 been used to promote FPI foreign investors as  
11 quote, the best of American manufacturing without  
12 the cost unquote, under the Select USA program.  
13 FPI undermines US apparel and footwear  
14 manufacturers by ridding them of critical  
15 contracts used to maintain and expand the  
16 American workforce.

17 What's worse, the US government is  
18 actively promoting an entity that violates at  
19 least four, but as many as seven, of the  
20 International Labor Organizations' eleven forced  
21 labor indicators. These are the very same  
22 indicators US Customs and Border Protection uses

1 to enforce the US forced labor statute and UFLPA  
2 against US imports of products made with foreign  
3 forced or prison labor.

4 Thank you for your time. Happy to take  
5 any questions.

6 PANEL CHAIR WHITE: Thank you, Mr.  
7 Herman.

8 Ms. Hughes, I invite you to testify.

9 MS. HUGHES: Thank you. Thanks very  
10 much for the opportunity to join you today. I'm  
11 Julia Hughes, President of the US Fashion  
12 Industry Association.

13 Unlike some of the groups that will  
14 provide comments during these days of hearings,  
15 the supply chain for the fashion industry is  
16 global. For decades, and one could say for  
17 centuries, the textile and apparel supply chain  
18 requires inputs in production from around the  
19 globe in order to be successful. It's not a  
20 flaw. It's a key feature of the fashion supply  
21 chain.

22 So just to kind of walk through what

1 does that really mean, how do we rely on the  
2 global supply chain. So, the example that I  
3 often use is a bale of cotton. Let's say it's  
4 grown outside Lubbock, shipped to Europe to be  
5 made into yarn. Yarn shipped to Korea to be made  
6 into fabric, then shipped to Vietnam to be made  
7 into apparel, and then it might be shipped back  
8 to the US and sold at a retail store in Texas.  
9 Or it might be shipped to a retail store in  
10 Singapore, or Japan, or Dubai, or London. With  
11 the revenues strengthening the iconic brands that  
12 comprise our American member companies.

13           So when we look at the discussion of  
14 supply chains, we reflect that business model.  
15 And it's also reflected in the fact -- and my  
16 colleagues have mentioned it as well -- of the  
17 jobs that are maintained because of this  
18 resilient global supply chains as support jobs  
19 here in the US from brands and retailers.

20           In our written testimony, we refer to  
21 a study that found that more than seventy percent  
22 of the value of an imported garment manufactured



1 outside the US, still seventy percent of that  
2 value is here in the United States. Based on the  
3 activities here from the creative process, to  
4 product development, to the logistics that get it  
5 to the store, or to the distribution center to go  
6 direct to a consumer.

7 At the same time, I want to just  
8 reiterate that American brands and retailers are  
9 committed to high standards for social compliance  
10 and environmental compliance and sustainability  
11 in our supply chains. And we bring those values  
12 with us with our partners around the world.

13 So, what are we asking from USTR and  
14 the administration as we talk about how to  
15 maintain resilient supply chains is, can we work  
16 together to improve market access and to  
17 challenge all types of trade barriers? So, let  
18 me just spend a few of the minutes that I have  
19 talking about that.

20 My colleagues from NRF and AAFA  
21 mentioned open markets and predictable trade are  
22 needed for resilient fashion supply chains. US

1 leadership and multilateral organizations, such  
2 as the World Trade Organization and US  
3 negotiations with key trading partners for free  
4 trade agreements and preference programs are  
5 essential.

6           Since consumer products such as  
7 apparel are charged some of the highest tariff  
8 rates, we also look to trade policy to support  
9 American creativity and American jobs by opening  
10 markets around the world. Trade does not have to  
11 be a race to the bottom. And frankly, the  
12 history of textile and apparel trade shows that  
13 it is one of the best ways to support economic  
14 development in developing countries to improve  
15 working conditions, and especially create  
16 opportunities for women.

17           Brands and retailers are at the  
18 forefront of social compliance, due diligence,  
19 and the commitment to eliminate child labor and  
20 forced labor. One issue that we want to  
21 highlight is the discussion of FTA Rules of  
22 Origin. That's a specific question that was

1 asked, and you know, the very definition of  
2 fashion of course, as you know, is that trends  
3 change quickly.

4           Fabrics and demand today weren't even  
5 on an idea board when the current FTAs were  
6 negotiated. So, you know, we have special  
7 restrictions on making changes to the rules of  
8 origin as the implementing legislation for the  
9 FTAs require the congressional approval of Rules  
10 of Origin changes in the textile and apparel  
11 sector.

12           All of this has to be considered in  
13 the context of the capabilities of the US textile  
14 industry, where there are strong supporters.  
15 Fashion brands and retailers are the customers of  
16 the domestic industry. But the global nature of  
17 our sector means that no -- in no domestic  
18 industry, even ours, with its capital,  
19 investment, and innovation is going to be able to  
20 supply all the elements of the supply chain for  
21 all types of apparel.

22           So, what is our recommendation? Trade

1 policy needs to recognize that the future for  
2 American workers and American families must  
3 reflect the importance of reliable multi country  
4 supply chains, as should be evident from the  
5 discussion you've heard so far today, successful  
6 trade agreement Rules of Origin are a balancing  
7 act. If the Rule of Origin is too strict, the  
8 agreement is unusable and does little to promote  
9 both the US exports and originating imports, a  
10 dynamic that I think none of us want to see.

11 So for the textile and apparel sector,  
12 frankly, there's less risk of other countries  
13 taken advantage of a backdoor -- one of the  
14 questions that I know we were asked to address --  
15 than the risks that we see that Rules of Origin  
16 can discourage new sourcing to move to our FTA  
17 partners. And that's something that I know we've  
18 talked about with all of you and will continue  
19 to.

20 So thanks again for the opportunity to  
21 participate today. And I really look forward to  
22 the questions to talk about supply chain

1 resilience. Thank you.

2 PANEL CHAIR WHITE: Thank you, Ms.  
3 Hughes. Ms. Stochl, you may proceed.

4 MS. STOCHL: Thank you. I'm Emily  
5 Stochl, Vice President of Advocacy at Remake.

6 On behalf of Remake, thank you for the  
7 opportunity to provide input on supply chain  
8 resilience in the apparel sector. Remake is a  
9 civil society organization, advocating for labor  
10 rights in the apparel industry through solutions  
11 that create good jobs with dignity.

12 The predominant fast fashion business  
13 model, both domestically and abroad relies on the  
14 overproduction of cheaply manufactured apparel  
15 that degrades quickly, implementing a take, make,  
16 and waste model where a hundred billion garments  
17 are produced annually.

18 Increased order volumes and squeezed  
19 timelines place intense pressure on suppliers who  
20 are incentivized to compete for business by  
21 cutting corners and driving down wages. This is  
22 our sector's race to the bottom. The US imports

1 twenty-eight point eight billion dollars and  
2 ultra-fast fashion apparel from China, up nine  
3 hundred percent from thirty years ago.

4 Shein alone accounts for one-fifth of  
5 the global fast fashion market measured by sales.  
6 Combined with Temu, together they send more than  
7 six hundred thousand ecommerce packages to the  
8 United States every day, explaining the de  
9 minimis loophole with each sub-eight hundred  
10 dollar shipment. Workers at Shein factories  
11 frequently work up to eighteen hour days with no  
12 weekends and just one day off per month. At one  
13 factory, workers were paid a base salary of four  
14 thousand yuan per month to make at least five  
15 hundred pieces of clothing per day.

16 Bangladesh is the third largest  
17 apparel source for the United States. A May 2023  
18 caloric study found that workers earning the  
19 national minimum wage of eight thousand BDT per  
20 month spent forty-four percent of their monthly  
21 salary on food, yet consumed eight percent less  
22 than the nationally recommended nutritional

1 standard. In other words, this workforce is  
2 experiencing malnutrition in mass due to low  
3 wages.

4 Workers advocated for a minimum wage  
5 of at least twenty-three thousand BDT a month and  
6 were met with intimidation layoffs and police  
7 violence. In November 2023, a new monthly  
8 minimum wage of twelve thousand five hundred BDT  
9 was set, which is severely inadequate based on  
10 the cited caloric study. Meanwhile, prices paid  
11 for goods have remained mostly flat, creating  
12 intense and unrealistic market pressures.

13 In an effort to stay competitive in  
14 the sector, inter government -- international  
15 governments race to the bottom by suppressing  
16 workers' wages and rights. Further exacerbating  
17 these issues, costs associated with climate  
18 breakdown are now pushed onto manufacturers,  
19 squeezing worker wages down even more.

20 Cornell's ILR reports that remedy will  
21 require redistribution of such costs and risks,  
22 and that these dynamics must be considered in

1 trade policy between producing countries and  
2 trade partners. Failure to understand these  
3 intersectional risks across supply chains will  
4 not only negatively affect worker wellbeing, but  
5 long term operational resilience, reputational  
6 risk, and profits for companies and shareholders  
7 alike.

8           When competitors use forced labor,  
9 exploit customs laws, and engage in other illegal  
10 practices to keep prices artificially low  
11 domestic and responsible -- responsible apparel  
12 sufferers.

13           Our domestic work represents nearly a  
14 hundred thousand American cut-and-sew workers.  
15 They too face wage theft under a system of piece-  
16 rate pay by which garment workers are paid per  
17 garment sewn rather than by the minimum wage. As  
18 a group of American garment workers suffer the  
19 second highest rate of wage theft of all workers  
20 with some earning as little as two dollars and  
21 sixty-eight cents an hour, far below the federal  
22 minimum wage. These abuses are systemic as



1 layers of contracting separate brands from their  
2 garment workers, creating an opaque supply chain  
3 with no oversight.

4           The proposed Federal FABRIC Act builds  
5 on California's Garment Worker Protection Act as  
6 a precedent setting labor rights template and  
7 also proposes major incentives to accelerate  
8 domestic apparel production and cement the US as  
9 a global leader in responsible apparel  
10 production. Three hundred and sixty-five  
11 businesses, manufacturers, and civil society  
12 organizations endorse this bill, believing we  
13 must create the race to the top on responsible  
14 business and level the playing field for our  
15 domestic manufacturers.

16           There is an estimated five billion in  
17 global -- a five billion global market for  
18 responsibly produced apparel developing, and with  
19 proper investment, there is an opportunity to  
20 create technology oriented high value domestic  
21 jobs.

22           But the ability to access these

1 economic returns will require worker centric  
2 trade policy to actively create a race to the top  
3 environment, where responsible business can  
4 compete and thrive, and labor rights provisions  
5 that reflect the US government's core values and  
6 labor standards are upheld.

7 Our top line recommendations include  
8 the closing of two loopholes. First, close the  
9 de minimis exemption loophole which allows a  
10 package of goods valued at eight hundred dollars  
11 or less to come into the country duty free. This  
12 has been aggressively exploited by ecommerce  
13 companies like Shein to ship millions of products  
14 to the US.

15 As important as closing this loophole  
16 is ensuring competitive and dignified work  
17 throughout apparel manufacturing. Shein has  
18 already expressed interest in expanding their use  
19 of manufacturing sites and warehouses in Mexico  
20 in order to leverage the US Mexico Canada  
21 agreement to continue undercutting its American -  
22 - our American businesses and jobs that simply

1 cannot compete with its exploitative labor model.

2 Much attention will need to be given  
3 to the USMCA to ensure compliance with labor laws  
4 and the US government will need to aggressively  
5 utilize the monitoring and enforcement tools  
6 contained within the agreements, such as the  
7 Rapid Response Mechanism.

8 We also recommend partnering with  
9 Congress as a constitutional partner to increase  
10 the relationship between domestic labor policy  
11 and international trade. It's imperative that in  
12 our pursuit of supply chain resilience, we ensure  
13 labor rights protections that create good jobs  
14 with dignity, both domestically and with our  
15 allies. Per this goal, we recommend closing the  
16 piece-rate pay loophole in the Fair Labor  
17 Standards Act and supporting investment for  
18 reshoring to create more good domestic apparel  
19 jobs.

20 Addressing the impacts of the apparel  
21 sector is one of the foremost labor issues of our  
22 time, but with the right response, I'm confident

1 we could end this industry's crisis in our  
2 lifetime.

3 I thank you for the opportunity to  
4 testify and welcome any questions you may have.  
5 In my follow up comments, I'll include some  
6 resources and additional reporting on these  
7 issues.

8 PANEL CHAIR WHITE: Thank you, Ms.  
9 Stochl.

10 Mr. Voit, I invite you to testify.

11 MR. VOIT: Good afternoon. My name is  
12 Tim Voit, and I have served as an advisor to the  
13 Textile and Apparel ITAC for over fifteen years  
14 and have been on the front line of US trade  
15 policy for over twenty-five years as the  
16 International Sales Manager at Thomaston Mills, a  
17 midsize US manufacturer of bedsheets and fabrics,  
18 with a hundred and fifty people working at two  
19 plants in Georgia and South Carolina.

20 During my career, I've seen tremendous  
21 job losses in our sector and an increasing  
22 dependence on China and other Asian sources for a

1 wide range of finished products inputs by the US  
2 private sector and federal government. Despite  
3 the positive opportunities provided by NAFTA,  
4 CAFTA, and the USMCA to our industry, much of the  
5 productive capacity of the United States to make  
6 soft goods for national defense, as well as for  
7 the consumer market, has been eliminated.  
8 Production has been instead concentrated in often  
9 adversarial, high carbon intensity countries with  
10 flimsy environmental and labor standards.

11 Factory and job losses in our domestic  
12 manufacturing center have intensified, and  
13 vulnerabilities to critical supply chains are  
14 multiplying in the current environment. Since  
15 the initial rush to reshore during the COVID  
16 emergency and subsequent supply chain disruptions  
17 in Asia, the tide has gone out further than it  
18 ever had previously. Our old bad habits from  
19 before the pandemic have only become worse.

20 The flood of products arriving by the  
21 de minimis loophole and sold under cost from  
22 China and South Asia has only added to the

1 extreme stress felt by the remaining US  
2 manufacturers like Thomaston Mills, as well as  
3 manufacturers in our hemispheric partners. It's  
4 hitting everybody in multiple countries.

5 Companies like ours remain and still  
6 serve the US Defense supply base and general  
7 market. But never before it could be under so  
8 much stress from factors of which we have no  
9 control. I strongly recommend the following  
10 policy adjustments for the sake of our national  
11 security as well as our environmental and  
12 economic health.

13 First, Congress needs to adopt changes  
14 to effectively procure US textiles per the spirit  
15 of the Berry Amendment, and the GSA and other  
16 federal government agencies need to enforce true  
17 TAA compliance. For decades, US government  
18 agencies have circumvented the requirements that  
19 Berry Amendment and purchasing below the minimum  
20 purchase threshold of a hundred and fifty  
21 thousand to two hundred and fifty thousand per  
22 budget year depending on the budget year.

1           Effectively, our bed linens and towels  
2           are products of Thomaston Mills. This allows  
3           military bases to buy important linens from China  
4           and Pakistan. This is what our troops sleep on,  
5           and could be cut off in the event of a conflict.  
6           Uniforms are procured in a service wide basis and  
7           fall under Berry. But many other textile  
8           products do not. Our impression is that these  
9           are primarily sourced from China and Pakistan due  
10          to the cheap price points, loopholes, and lax  
11          enforcement.

12                 I strongly recommend the Berry  
13          threshold be abolished or limited to ten thousand  
14          dollars per budget year and textile procurement  
15          be rerouted to the federal marketplace, not to  
16          Amazon, which has the origin controls, as has  
17          been suggested recently.

18                 Second, federal government agencies  
19          require a supply chain statement on Berry and TAA  
20          compliant purchases. TAA compliance is  
21          unfortunately, in many cases, a fig leaf for  
22          China. Far too often very little value is added

1 to the final step of the product into compliant  
2 country. A detailed list of origin countries and  
3 suppliers should be required for Berry and TAA  
4 compliant purchases.

5 For Textiles and Apparel this should  
6 at a minimum have the fiber origin to exclude  
7 Xinjiang and other prohibited cotton's yarn  
8 origin, fabric origin, and the location of dyeing  
9 and finishing. Textile importers responsible for  
10 the decimation of us who have traditionally  
11 protested the release of this information.

12 However, it is critical to monitor  
13 every step of the supply chain. Having this  
14 information be public on federal government  
15 purchases, and perhaps even all imports would  
16 encourage compliance and root out abuses here in  
17 America and worldwide.

18 Third, CAFTA and USMCA supply chains  
19 need to be defended from dumping. Yarn spinners,  
20 weavers, dye houses, and knitters in our supplier  
21 countries are under as much pressure as the US  
22 domestic industry from subsidizing carbon



1 intensive imports from East and South Asia.  
2 While we and other textile producers are  
3 encouraged to source by the administration in  
4 this region, to encourage development and limit  
5 migration is virtually impossible to do so -- do  
6 this in confidence while the few suppliers that  
7 remain are under extreme price pressure and  
8 investment discouraged by dumping.

9 Joint anti-dumping investigations that  
10 actions with our partner countries are much more  
11 overdue for artificially cheap fabrics and  
12 finished products that flow in and crush what  
13 producers remain.

14 Number four, close the de minimis  
15 loophole. It should be obvious by now that this  
16 loophole has been abused by Chinese producers.  
17 The harm done to producers in the USA and our  
18 hemispheric trade region is tremendous, and  
19 urgent action is needed.

20 Fifth, Congress should pass the MTB,  
21 which has been held up since 2019 and repeatedly  
22 held hostage to other initiatives. It should

1 exclude finished items made in China from the  
2 legislation, as this process was always intended  
3 to support American manufacturing and not  
4 preference imported made up items. Duty relief  
5 should be retroactive to 2020, when it should  
6 have began.

7 In closing, let me emphasize time is  
8 of the essence. Our industry proved its value  
9 during the COVID era. The reversion and  
10 amplification of the trends and aggressive trade  
11 practices against our workers and our  
12 environmentally sustainable practices has been  
13 disheartening. Even more distressing is the  
14 enhancement of our dependence on China and the  
15 environmentally ruinous practices.

16 Thank you for your time, and I look  
17 forward to your questions.

18 PANEL CHAIR WHITE: Thank you all for  
19 your testimony.

20 We will now proceed to the question  
21 and answer portion of the panel. As Chair, I  
22 will ask the first round of questions.

1           Ms. Glass, in your testimony, you  
2 discussed the challenges confronting the textile  
3 industry in the global trade arena. And you've  
4 made a strong case for why we should consider  
5 textiles a strategic supply chain. Could you  
6 elaborate on how strategic arrangements with  
7 trusted partners, or friend-shoring, and with  
8 regional partners, or nearshoring, can make  
9 textile and apparel supply chains more resilient  
10 and more secure?

11           MS. GLASS: Thank you for that  
12 question. In our industry -- to elaborate on  
13 Tim's comments has seen a lot of change over the  
14 last -- since the accession to the WTO by the  
15 Chinese that has been well documented with the  
16 offshore of industry. As a result of those  
17 globalized pressures because of the subsidies,  
18 rampant labor and environmental abuses competing  
19 on a non-level playing field, our industry both  
20 makes apparel here, but also works on making  
21 apparel or finished textile items with our free  
22 trade agreement partners, primarily USMCA and

1 CAFTA-DR. So we are a coproduction chain.

2 So we have five hundred thousand  
3 workers here in the United States, seventy-  
4 percent of what we make here in the US is  
5 exported to our Western Hemisphere Free Trade  
6 Agreement partners, and comes back under the  
7 rules of origin with duty free market access.  
8 That supports 1.5 million workers in our Western  
9 Hemisphere.

10 I want to amplify some of the comments  
11 made about trade going down from the Western  
12 Hemisphere over a period of time. They are also  
13 victims of the Chinese and other predatory trade  
14 practices in this sector.

15 This is essential for our industry.  
16 We have invested twenty billion dollars over the  
17 last ten years because of the rules of origin.  
18 That is an investment based rule. When  
19 Ambassador Tai and the administration talk about  
20 worker centric trade policy, it's about how to  
21 lift all boats and opportunities for workers both  
22 here in the US and with our partner allies.

1           And so it is critical. You've seen  
2 over the last couple of years prior to this  
3 recent downward trajectory that we had two  
4 billion dollars of new investments both in the US  
5 and our Western Hemisphere as brands and  
6 retailers were looking to pivot some of their  
7 supply chains into the Western Hemisphere because  
8 nearshoring and proximity to market is critical  
9 to their success as well.

10           So when -- right now our industry --  
11 some of our plants are running at fifty percent  
12 capacity. You can't stay in operation at fifty  
13 percent capacity some of the headwinds that the  
14 Western Hemisphere are facing are the same  
15 globalized pressures, especially with the Chinese  
16 in a desperate economy, with the people in China  
17 not buying as many consumer products.

18           So I want to say that yarn-forward is  
19 absolutely critical to the investments made.  
20 It's why Vice President Harris noted us as the  
21 industry with significant investment to help  
22 stabilize Central America, but it has also

1 destabilized in recent months because of the  
2 downward trajectory from China and other Asian  
3 countries that are putting some economic forces  
4 our way.

5 Also please know de minimis is  
6 rewarding everybody else. It is undermining our  
7 US and Western Hemisphere trade partners.  
8 Nothing can be seen in a vacuum. WTO accession,  
9 China's predatory trade practices, de minimis,  
10 UFLPA violations, all this is contributing to  
11 some of the problems associated with the current  
12 affairs right now. So if we want transparency in  
13 supply chains, you want to know where that yarn  
14 and fabric is coming from? Source close to home  
15 -- or source from home.

16 MR. HERMAN: Katie, would I be able to  
17 add something to that?

18 PANEL CHAIR WHITE: Sure, please, Mr.  
19 Herman.

20 MR. HERMAN: Yeah. And first of all  
21 the -- the allegations that Kim made, we have  
22 never seen any proof of any of those allegations

1 that there's this immense cheating or  
2 transshipment going through or UFLPA violative  
3 forced labor product coming through Central  
4 America and Mexico. We have seen no evidence.  
5 We've repeatedly asked for that evidence. We've  
6 asked National Council Textile Organizations.  
7 We've asked the US government.

8 The US government announced the  
9 textile enforcement strategy last month and has  
10 been implementing it for two months, have done  
11 lots of audits, lots of inspections. We have  
12 seen no results or proof of any sort of what Kim  
13 was talking about.

14 But if you really want to talk about  
15 strategic and nearshoring and friendshoring, but  
16 also supporting resilient supply chains, you  
17 should be looking at something like cumulation.  
18 So you support all your Free Trade Agreement  
19 partners, your friends. You support the Western  
20 Hemisphere, you support your neighbors by  
21 allowing cumulation you can still have a Yarn-  
22 Forward Rule of Origin. But if you accumulate

1 between free trade agreements and trade  
2 preference programs, then you are succeeding.  
3 You're providing the flexibility that our members  
4 need and the resiliency that we need, while still  
5 ensuring that only your friends and neighbors  
6 benefit.

7 So I strongly encourage you to  
8 consider that as well.

9 MR. VOIT: I'd also encourage all of  
10 you, if I may, to look at incoming shipments into  
11 Mexico and Central America, our free trade  
12 partners, from China and Pakistan. You'll -- I  
13 can give you a list of twenty producers in those  
14 countries that have been run out of business in  
15 the last twenty years by China and Pakistan, and  
16 some of the prices that are coming in -- even,  
17 especially right now from China and Pakistan.

18 You know, unfortunately sourcing those  
19 to -- when the producers are being taken away,  
20 and investment discouraged, is very difficult  
21 given -- and cooperation with those countries  
22 needs to be part of the equation to restore a



1 supply chain that does not include or be  
2 overwhelmingly from China and high carbon Asian  
3 producers.

4 PANEL CHAIR WHITE: Thank you both for  
5 those additional comments.

6 Several of you testified about  
7 incorporating more sustainable practices into  
8 textile and apparel supply chains in your oral or  
9 written testimony. Could you discuss how US  
10 trade and investment policies, beyond high  
11 standard, and enforceable commitments in US trade  
12 agreements can promote stronger labor and  
13 environmental practices in the textiles and  
14 apparel sector? Additionally, what incentives  
15 exist to ensure that sourcing partners are  
16 adhering to improved labor standards?

17 Mr. Gold, may we begin with you?

18 MR. GOLD: Sure, I think this all  
19 comes down to what we're negotiating in a free  
20 trade agreement. I think having a free trade  
21 agreement that provides benefits for all parties,  
22 and it's getting back to having strong market

1 access, having discussions on tariffs, including  
2 labor and environment, which we strongly support  
3 having that in a free trade agreement, but living  
4 up to the rules of what's in the FTA.

5 My members strongly support having  
6 those elements in there. They all have strong  
7 programs within their own companies to try and  
8 bring those programs to the countries where  
9 they're -- they're sourcing. Having the FTA in  
10 place -- having warranties in places to help  
11 promote that -- that ability abroad.

12 So I think having again, getting back  
13 to some of the traditional FTAs where you have  
14 market access from tariffs, digital trade rules,  
15 as well as labor and environmental part of it, is  
16 going to help to promote that.

17 I think, look, we support what the  
18 administration is doing with -- with IPEF and  
19 things like that. But those are notional. I  
20 mean, we don't have strong binding commitments as  
21 a part of that. So having again, back to the  
22 basics on free trade agreements, and market

1 access, the ability to reduce tariffs, labor, and  
2 environment all together, I think is you know,  
3 where we need to kind of take this. I mean,  
4 that's going to help promote that.

5 PANEL CHAIR WHITE: Thank you.

6 Mr. Herman --

7 MS. HUGHES: Can -- Can I comment too?

8 Just briefly. I mean, I think it also goes back  
9 to the point of, let's look at the US role in  
10 multilateral organizations, and we very much  
11 support a strong US leadership role, whether it's  
12 at the International Labor Organization, or the  
13 OECD, where we're following their due diligence  
14 guidelines and -- and indeed, from the beginning,  
15 pre passage and definitely after passage of  
16 UFLPA, our associations have made recommendations  
17 to the administration to please work with our  
18 trading partners globally so that we could  
19 harmonize and look at enforcement on strong  
20 forced labor -- elimination of forced labor, and  
21 other labor requirements that we would align with  
22 the EU and with other -- the major importing

1 countries in particular, so that the rules would  
2 be similar and would be something that our  
3 members can all comply with around the world.

4 So I think there are a lot of  
5 opportunities there, and we'd be happy to work  
6 with the administration on how to do that,  
7 particularly in -- in the enforcement schemes  
8 internationally.

9 MR. HERMAN: I -- I think it's a very  
10 important part, and we applaud the administration  
11 for their work and helping getting forced labor  
12 statute over the finish line in the European  
13 Union. And we've worked with our counterparts  
14 there as well, to ensure strong, transparent, and  
15 effective standards for the forced labor statute.

16 And agree with Julia that we -- the --  
17 what we need is the partnership of the government  
18 to work together to be transparent. That's  
19 particularly important with forced labor, but  
20 very critical of other issues. We've worked very  
21 closely with the administration on issues that  
22 happen in Bangladesh, and Cambodia, and Jordan,

1 and Guatemala and elsewhere. And we want to  
2 continue that work because if we can work  
3 together in partnership, we all have various  
4 leverage that we can make a real difference on  
5 the ground.

6 PANEL CHAIR WHITE: Thank you.

7 Ms. Stochl, did you have anything to  
8 add?

9 MS. STOCHL: Yeah. I would just add  
10 that trade agreements without complementary  
11 policies in labor and infrastructure investment  
12 won't produce prosperity for American businesses  
13 or our allies. As I mentioned in my testimony,  
14 we often see the shuffling of these jobs. But if  
15 we cannot create good jobs with dignity, we won't  
16 get to the end goal of worker centric policy that  
17 we're seeking.

18 PANEL CHAIR WHITE: Thank you all for  
19 your responses. I have additional questions, but  
20 I want to make sure that my interagency  
21 colleagues have the chance to ask questions as  
22 well. So, I will now invite Jennifer Knight,

1 Deputy Assistant Secretary for Textiles, Consumer  
2 Goods, and Materials at the US Department of  
3 Commerce to ask the witnesses questions.

4 MS. KNIGHT: Thank you.

5 Ms. Glas, you mentioned a number of  
6 policies in your testimony. Can you elaborate on  
7 how you think these policies can increase the  
8 workforce and create jobs domestically, and with  
9 our regional trade partners?

10 MS. GLAS: Thank you. We -- We've --  
11 in our recommendations and in my testimony, there  
12 are some defensive interests for industry and  
13 there are some offensive interests. And we  
14 recognize that some of the policies will require  
15 congressional action, and other policies are  
16 things that the administration could do right  
17 now.

18 I want to associate myself with Tim's  
19 comments on government procurement. There's ways  
20 to tighten up their government procurement  
21 process, lend transparency to it, and ensure some  
22 of the loopholes that exist there are tightened

1 under current law. There's the current  
2 opportunity, as we're all hearing about Shein and  
3 Temu and the rise of these fast fashion retailers  
4 these Chinese conglomerates, that the  
5 administration could do tomorrow, to help  
6 alleviate the pressure on our industries and  
7 certain brands and retailers who are also being  
8 impacted in this particular --

9 The velocity of what's coming at the  
10 industry as a whole is hard to even measure right  
11 now. We've never seen anything quite like this,  
12 which requires, what are the policy solutions in  
13 the immediate bucket that can be deployed to help  
14 stop the bleeding. And then, what are some other  
15 policies longer term, like domestic tax  
16 incentives, regional purchasing incentives for  
17 compliant products that meet high standards,  
18 including the Rules of Origin.

19 So I -- I want to make sure that I'm  
20 delineating to you we can immediately step up  
21 customs enforcement. That -- An action plan is  
22 under way and I just want to note that our

1 industry is being presented with a lot of false  
2 affidavits from bad actors that make it look like  
3 they were purchasing US yarns or fabrics. So we  
4 are seeing that on the ground. And what Tim  
5 recently said about Pakistan, China, other kinds  
6 of goods coming through our free trade  
7 agreements, unfortunately, that is happening.

8 But we also have designed a system  
9 where we're rewarding de minimis shipments. So  
10 the bad actors in order to compete in this  
11 particular duty free environment are also trying  
12 to skirt some of the rules because they're --  
13 customs is really not looking. So that's, you  
14 know, I'm not giving you the fulsome answer, but  
15 there's some component parts in both immediate,  
16 medium term, and long term buckets that I think,  
17 as a whole, could benefit everybody.

18 MS. KNIGHT: Thank you.

19 Mr. Gold. You refer to liberal --  
20 liberal -- liberalizing Rules of Origin and FTAs  
21 and reforming short supply to promote and expand  
22 supply chains and diversify sourcing



1 opportunities. Would you have suggestions on how  
2 to incentivize increased investments in the US  
3 and FTA regions to support these supply chains?

4 MR. GOLD: I think, you know, as part  
5 of the liberalization, again, if you want to talk  
6 about resilience, you got to have options out  
7 there. And I think now my members would  
8 certainly welcome the opportunity to invest both  
9 here as well as near shore if the investments  
10 were there, if the opportunities are there, if  
11 what they need as far as the products, the  
12 fabrics, the yarns are available.

13 Unfortunately, that's not always  
14 available. So you've got to look for other  
15 places to do that. That's why making  
16 improvements to the FTAs, making improvements to  
17 the short supply process, that's all important.  
18 But I think we can't get behind investing more  
19 here if those products are not available for what  
20 we need.

21 And again, this is all based upon the  
22 consumer demand that has exploded over the years.

1 So my members are trying to keep up with that  
2 consumer demand if you got what they want, what  
3 they need, and when need it. So they need that  
4 optionality. So again, my members are trying to  
5 work with domestic manufacturers, both here as  
6 well as in the region, and they want to invest,  
7 but they can't find the materials they need to  
8 meet the needs for the products they need to make  
9 for the consumer. And that's part of the  
10 challenge.

11           Again, we've had members that you  
12 know, that are looking to invest under the Vice  
13 President's initiative in the Western Hemisphere.  
14 They've gone investing in the -- in the region.  
15 They're not utilizing DR-CAFTA, though, because  
16 the products they're making don't qualify. But  
17 they want to make those investments.

18           So I think we've got to look at how  
19 this all works together to be able to do that.  
20 But my members certainly want to invest and  
21 support. We've got to find ways to make that  
22 happen.

1 MS. KNIGHT: Thank you.

2 One question for Thomaston Mills. Can  
3 you elaborate on how to pursue carbon adjustment  
4 taxes in the USA and our hemispheric trade  
5 partners, as the pricing from East and South Asia  
6 is in part, possible due to cheap coal and low  
7 pollution standards?

8 MR. VOIT: That's obviously a very  
9 complex situation. Now shorter supply chains  
10 tend to be friendlier, environmentally and carbon  
11 intensity, especially with eighty percent of the  
12 power being generated in a lot of these countries  
13 by coal, meaning the supplier countries in Asia.  
14 So you know, a measure -- accurate measures of  
15 carbon intensity is the way to start an approach  
16 to -- to measure, you know, the environmental  
17 damage the climate damage that a particular  
18 product does, that particular supply chain does.  
19 So that's complex. So I'm not going to be able  
20 to give you a formula there.

21 But it could be a starting point  
22 because I mean, there's a lot of companies that

1 are redoing their stores, or in our industry or  
2 doing redoing their hotels, but they're filling  
3 it with high carbon intensity products. And so  
4 their carbon footprint is much -- much larger  
5 than just what their buildings emit.

6 So it's -- I can't give you an answer.  
7 But it's going to need to be examined in detail  
8 because the -- the environmental damage that our  
9 supply chains are causing, and the way business  
10 is conducted, especially with the de minimis is  
11 probably the worst example. Because when you're  
12 shipping single packages, it's much more carbon  
13 intensive.

14 So, I don't have an immediate solution  
15 or formula. I'm just observing that this could  
16 be a way to reform supply chains that needs to be  
17 examined.

18 MS. KNIGHT: Thank you. I -- I also  
19 have a couple of more questions, but may I turn  
20 it back to you to let others have opportunity?

21 PANEL CHAIR WHITE: Sure. Feel --  
22 Free to ask an additional question if you'd like.

1 We have time. Yes.

2 MS. KNIGHT: Okay. A question for  
3 Remake, please. Can you elaborate on the role  
4 that you feel that wages and other labor  
5 practices and policies have in building resilient  
6 textile and apparel supply chains?

7 MS. STOCHL: Absolutely. As I  
8 mentioned, it's about creating the Race to the  
9 Top for American businesses and our allies. And  
10 some of these harmful policies that we've talked  
11 about the de minimis loophole, etc, have made  
12 that impossible for American business. And in  
13 order to level the that playing field, we need to  
14 address some of these things to make it so that,  
15 you know, responsible businesses, domestic  
16 businesses, can compete and thrive.

17 Your question about the role that  
18 labor plays, I think that well balanced worker  
19 centric policy can stimulate good jobs here at  
20 home, while also protecting labor rights, and  
21 that the two go hand in hand and have to be  
22 addressed simultaneously.

1                   Also, so many of the climate issues  
2                   that we've talked about briefly here today, do  
3                   also go hand in hand with the -- the labor rights  
4                   work that we do. I would agree that shorter  
5                   supply chains can help address these issues. I  
6                   would also go so far to say that make sure --  
7                   making sure that workers are paid fairly, and  
8                   that their rights are being protected can also  
9                   help us to address these issues as well.

10                   MS. KNIGHT: Thank you.

11                   Now, I really will turn it back to  
12                   you.

13                   PANEL CHAIR WHITE: Thank you, Ms.  
14                   Knight.

15                   I now invite Ms. Romero-Alston, Senior  
16                   Advisor for Strategic Partnerships and  
17                   Stakeholder Engagement at the US Department of  
18                   Labor to ask her questions.

19                   MS. ROMERO-ALSTON: Thanks, Katie.  
20                   And I just want to appreciate all of your  
21                   testimonies and insights, written and oral, and  
22                   appreciate the invitation to be here. We know

1 that there's a specific conversation tomorrow, I  
2 believe, on labor, but we felt really important  
3 particularly for this conversation with the  
4 sector, to be at the table and in dialogue with  
5 you all. And appreciate your ongoing engagements  
6 and conversation.

7 The -- The limitations that we know on  
8 auditing as a primary tool -- as the primary tool  
9 for identifying labor rights risks and supply  
10 chains have been well documented -- documented  
11 for years and research has gotten elevated  
12 attention recently. For us, part of this is  
13 because it doesn't adequately engage collective  
14 worker voice as what we think is central to the  
15 process, and also lacks the connection to  
16 accountability or the question of remedy to  
17 address those identified risks and issues. In  
18 short, we know audits are a tool, but they're  
19 voluntary and they -- they lack enforcement.

20 One thing that is of particular  
21 importance for us is strengthening the freedom of  
22 association and collective bargaining as helpful

1 in identifying and preventing issues that are  
2 harder to address through other mechanisms.

3 I would love to hear from you about  
4 what guidance you all give with your members  
5 around these enabling rights of freedom of  
6 association into your sourcing models, and your  
7 engagement with suppliers, and how we can be  
8 incorporating and strengthening and complementing  
9 that through our efforts in policy.

10 I will -- It's open to whoever wants  
11 to respond to that. But perhaps Mr. Herman, I  
12 will give you the first word.

13 MR. HERMAN: Thank you for the  
14 question.

15 You -- You describe it correctly,  
16 audits are a tool. They're a necessary tool, but  
17 by no means a sufficient tool to really get a  
18 full picture of what's happening in a factory, in  
19 a region, or a country as it involves labor  
20 rights. And there are many other factors that  
21 play into that, as you said, the ability to have  
22 worker voice worker grievance mechanisms, freedom



1 of association, the larger political environment  
2 in the region or country. There's a lot of  
3 factors that play into that.

4 And so we try and help our members  
5 understand all those opportunities and all those  
6 options there and how to employ them in their own  
7 factories. A lot of -- A lot of our members are  
8 employing worker grievance mechanisms to try and  
9 hear voices. Not just a one off, one time, once  
10 a year audit, but also throughout the year  
11 hearing from workers. They also have supported  
12 us, in turn supporting the US government's  
13 efforts in many places and our own efforts to try  
14 and protect freedom of association in countries  
15 like Cambodia, in -- and the Western Hemisphere  
16 in Central America and elsewhere. And so we are  
17 very active in lobbying and advocating for the  
18 industry with foreign governments and our  
19 counterparts around the world to push for that.

20 So that's where, as Julie talked about  
21 before, that would be a very important part of  
22 the partnership with the US government. You have

1 eyes and ears on the ground everywhere. You're  
2 seeing things that we might not be seeing, when  
3 we're working in an individual factory. And so  
4 we can work together to really try and solve  
5 things holistically. Not just try and deal with  
6 issues factory by factory, which is what our  
7 members are seeing because we're only working  
8 with one supplier, two or three suppliers in a  
9 country.

10 And so that's -- that's really what we  
11 try to do, is we try and provide more holistic  
12 view we advocate on that holistic view. That  
13 involves not just audits, but worker voice  
14 freedom of association, government's capacity,  
15 and governments -- the way the government  
16 influences and interacts with labor and workers.  
17 So we focus on all those issues.

18 MS. ROMERO-ALSTON: Thanks.

19 MS. HUGHES: Can I -- Can I jump on  
20 that just to go slightly further to say that the  
21 -- the opportunities that we've had to work  
22 collaboratively with folks in the administration,

1 so the public private partnerships looking at  
2 these issues, have been really valuable.

3 And I think back to, you know, the end  
4 of last year in early this year with Bangladesh,  
5 when there was a crisis going on in Bangladesh,  
6 and the administration was very open with us and  
7 talking with us about what's happening both on  
8 the ground and what the opportunities were. And  
9 you know, separately, in an area that still is  
10 developing on the issue of Uzbekistan and what's  
11 happening with labor conditions in Uzbekistan,  
12 where I again, feel like we've had a lot of good  
13 engagement with agencies within the  
14 administration that's helpful for our members to  
15 make sure that -- excuse me -- that they can  
16 communicate to their suppliers. Here's what's  
17 really -- Here's what's happening. And here's  
18 what our expectations are as well.

19 MS. ROMERO-ALSTON: Thank you. Just  
20 a follow up on that. This particularly probably  
21 for Mr. Gold or Mr. Herman or Ms. Hughes or Ms.  
22 Glas as sort of a membership based organizations.

1 We would love to hear a little bit more about the  
2 type of information, or the guidance you all give  
3 your member organizations about labor rights  
4 conditions at supplier factories, and how you  
5 help them understand how that affects your --  
6 their sourcing decisions.

7 And then in that, I think, the way in  
8 which that -- how you view the sort of the  
9 effective outcomes focused private enforcement  
10 orientations, and you talked a bit about this, of  
11 workers' rights as part of building a more  
12 resilient supply chain in connection to these  
13 sourcing decisions that you're also helping them  
14 sort out.

15 MR. HERMAN: Yeah. I -- we -- We talk  
16 with our members. We have social responsibility  
17 committee, that's our largest committee and our  
18 trade association, with over eleven hundred  
19 individual members from our member brands, and --  
20 and other members. And we hold -- We've sent out  
21 weekly notes with information, we hold biweekly  
22 calls with those members. We have meetings three

1 times a year. We have one conference a year  
2 that's devoted to these topics. We put on  
3 webinars, we put on briefings, we hold calls,  
4 many cases with people at the US Department of  
5 Labor, and -- and with other agencies in the US  
6 government to try and inform our members about  
7 what's going on.

8           Again, we also do advocacy. So we  
9 based on the information that we've gathered and  
10 conversations with members we do. We advocate  
11 with foreign governments meeting them in person.  
12 When I was in Cambodia last fall, I was meeting  
13 with government representatives, but also through  
14 letters and -- and other mechanisms to try and  
15 push them forward on various labor rights issues.

16           So we spend a lot of time educating  
17 our members about what's happening and how it  
18 could impact them, and also trying to find ways  
19 to resolve the situation and move the ball  
20 forward.

21           MS. ROMERO-ALSTON: Mm-hmm.

22           MR. GOLD: Just to add to that, just

1 real quick. I think it's both neat, and Julie  
2 pointed out, having the partnership of the  
3 Government to understand what's happening in  
4 those specific locations is critically important,  
5 especially for our members collectively, to  
6 understand what the U.S. government's take is on  
7 this situation and what need to happen.

8 I know, again, as Julie noted, the  
9 calls, joint calls we did on Bangladesh, you  
10 know, really in a year, was extremely useful and  
11 members really appreciated the insight from U.S.  
12 government on what was happening and what needs  
13 to happen.

14 So again, that's where that  
15 partnership is so critical to understand what's  
16 happening and what needs to be done. So that's  
17 an example of what needs to continue to address  
18 those kinds of situations.

19 MR. HERMAN: And just one note on  
20 that, that the three, our three organizations  
21 plus the Retail Industry Leader Association  
22 launched back in 2020 what we call the Joint

1 Association Forced Labor --

2 MS. HUGHES: 2019.

3 MR. HERMAN: 2019, I'm sorry, October  
4 2019.

5 MS. HUGHES: Pre-COVID.

6 MR. HERMAN: Yeah, pre-COVID. The  
7 Joint Association Forced Labor Working Group,  
8 which now has bloomed to include 20 different  
9 industry groups, about 250 different companies  
10 who are working together to try and address the  
11 issue of forced labor.

12 We, through that, and through Julie's  
13 leadership and Erin Hiatt at RILA, we've been  
14 trying to provide all of our members information  
15 on what kind of tools and resources are out there  
16 to help them address this very important issue,  
17 how to do traceability in their supply chains.

18 So, we've made a lot of efforts in  
19 that area. And that's, again, we talk every  
20 other week and we send weekly emails out to them  
21 as well.

22 L: I'm going to do a time check. Do

1 I have time for one more question? Or do you  
2 want to pass it on? Okay, that's fine. Thank  
3 you.

4 CHAIR BAN: Thank you. I will now  
5 invite Mr. Chang, International Economist at the  
6 U.S. Department of Treasury to ask his questions.

7 MR. CHANG: Thank you. I just have  
8 one question for the American Apparel and  
9 Footwear Association, but others can also answer  
10 this question as well, if you wish.

11 Among the tools the United States has  
12 available to promote supply chain resilience in  
13 the apparel and footwear sectors, which does the  
14 AAFA believe should be a U.S. policy priority?  
15 Thanks.

16 MR. HERMAN: So as I referenced in my  
17 testimony, and thank you very much for the  
18 question, I think it really is trying to look at  
19 trade policy differently as a way to create the  
20 flexibility, the certainty and the clarity.

21 That's renewing the Generalized System  
22 of Preferences program including new rules that



1 help on the other issues that we're very  
2 concerned about and pushing the values that we  
3 want to push. But renewing that, since it's been  
4 expired for other three years, making sure that  
5 we renew now programs like the Haiti Preferences,  
6 the African Growth and Opportunity Act, pushing  
7 new free trade agreements.

8           The reason that things like the Rapid  
9 Response Mechanism that Erica mentioned earlier  
10 have been so successful, because they're backed  
11 up by a free trade agreement. And you can't have  
12 that. You have to have a carrot and a stick.  
13 You can't do just the stick. You have to give in  
14 order to get.

15           And free trade agreements allow us to  
16 do that, enable us to do that. We were not able  
17 to have something like Rapid Response Mechanism  
18 without a free trade agreement. And so, that's  
19 very important too.

20           We need to be looking at that. And  
21 then we need to look at innovative ways to try to  
22 make our current free trade agreements more

1 successful, frankly, and more resilient. And  
2 things like cumulation would be a part of that.

3 It would make a world of difference if  
4 you can meet beyond the rules of origin and using  
5 materials from all of the free trade agreements  
6 the United States has, or the trade preference  
7 programs the United States have.

8 You would be successful in doing that,  
9 and you would benefit our friends and our  
10 neighbors. Thank you.

11 MR. CHANG: Thanks. Also, if there's  
12 anyone else who wants to add anything to that?

13 MS. HUGHES: If you don't mind, I  
14 would just like to say that, you know, why are we  
15 here today, and then part of that is to make the  
16 case -- I remind everyone -- that supply chain  
17 resilience isn't just about encouraging  
18 manufacturing in the U.S. That's a very  
19 important piece of it.

20 But for a sector like ours, the  
21 fashion sector where we're never going to be a  
22 hundred percent -- able to be manufactured a

1 hundred percent in the U.S., that we want to make  
2 sure that supply chain resiliency and policies  
3 look at that aspect, not just the end of  
4 logistics, but how the entire supply chain works  
5 for sectors like ours.

6 MR. CHANG: Thank you.

7 MR. HERMAN: Sorry. Now, can you hear  
8 me? Okay. On clarity and transparency, the  
9 reason our industry and the regional industries  
10 have invested is because they knew what the rules  
11 have been. The rules haven't changed. There's  
12 certainty to that. There's transparency in it.

13 If there are items that currently are  
14 not available, our industry doesn't want to stand  
15 in the way. Our industry is welcoming any  
16 opportunity, especially when they're running at  
17 50 percent capacity to make a variety of  
18 different kinds of things. So I just want to put  
19 that out there.

20 The other thought, just kind of  
21 grabbing onto the last question, related to UFLPA  
22 and consistency, we have strong -- we have a

1 renewed USMCA agreement with enhanced labor and  
2 environment standards. But they don't have,  
3 within their own countries, a UFLPA ban on things  
4 like cotton, where these things can bleed into  
5 supply chains, even for their own marketplace.

6 I think we need to have a more  
7 aggressive posture with some of our international  
8 trade partners to have parity so that when people  
9 are making sourcing decisions, you know, if we  
10 could have a formulation between our USMCA  
11 countries or CAFTA-DR, Korea FTA, that everyone  
12 understands that, you know, we should all be  
13 banning Xinjiang cotton.

14 Twenty percent of the world's cotton  
15 is from Xinjiang. Eighty percent of cotton-based  
16 apparel made in China is made with Xinjiang  
17 cotton. It's bleeding through supply chains.  
18 It's hiding in different places. And it is  
19 getting into our closets, and it's coming into  
20 the U.S. marketplace.

21 So I think there's got to be a lot  
22 more international work with our trade agreement

1 countries to educate them about what's happening  
2 and what's happening on the ground. I thought  
3 there was a really interesting hearing earlier  
4 this week and Under Secretary Thea Lee testified  
5 about audits and sort of the deficiencies in  
6 current audit systems that I think many members  
7 of Congress know, especially when sourcing  
8 products from certain areas of the world.

9 CHAIR BAN: Thank you. Well, thank  
10 you all for participating in today's panel on  
11 promoting supply chain resilience in the textiles  
12 and apparel sector. We greatly appreciate our  
13 witnesses taking the time to share their  
14 perspectives with us on this important topic.

15 Please note, after the hearing, the  
16 USTR docket will remain open through June 4th to  
17 receive post hearing comments. As provided in  
18 USTR's April 3 Federal Notice, USTR will permit  
19 any person to submit post hearing comments so  
20 long as the comments respond to testimony  
21 provided at any of the four public hearings in  
22 this proceeding.

1                   We look forward to our continued  
2 engagement with all of you. Thank you again for  
3 being here today.

4                   (Pause.)

5                   PANEL CHAIR GUDICELLO: Hello. Good  
6 afternoon. We're going to get started now. My  
7 name is Rebecca Gudicello. I'm Deputy Assistant  
8 United States Trade Representative for Market  
9 Access and Industrial Competitiveness. And I'll  
10 be the chair for Panel 4.

11                   We're looking forward to hearing from  
12 a number of stakeholders in the Steel, Aluminum  
13 and Metal sector. As a reminder, each witness  
14 should introduce themselves before beginning, and  
15 then my inter-agency colleagues will introduce  
16 themselves when they ask their first question.

17                   And now I will get started with our  
18 first witness, Mr. Aboud. Thank you.

19                   MR. ABOUD: Good afternoon. My name  
20 is Matt Aboud, and I'm the Senior Vice President  
21 of Strategy and Business Development for Century  
22 Aluminum Company. I thank the Office of the

1 United States Representative for the opportunity  
2 to speak with you today.

3 Century is the largest remaining  
4 producer of primary aluminum in the United  
5 States. We have three U.S. smelters in Sebree,  
6 Kentucky, Hawesville, Kentucky and Mt. Holly,  
7 South Carolina. And we employ nearly 2,000  
8 American workers, about half of which are  
9 unionized.

10 As you may know, the U.S. was once the  
11 world's largest producer of aluminum. However,  
12 due to unfair competition and other challenges,  
13 such as energy costs, our primary aluminum  
14 industry has been in decline for years.

15 In fact, in 2000 -- sorry, 2022,  
16 Century was forced to idle our own Hawesville  
17 facility, the last remaining U.S. smelter capable  
18 of producing commercial quantities of high purity  
19 aluminum for national defense applications. We  
20 must reverse this industry trajectory.

21 Demand for aluminum in the U.S.  
22 continues to grow and will only accelerate in the

1 coming years as aluminum is a key input to enable  
2 our green energy transition as it is heavily  
3 utilized in EVs, renewable energy generating  
4 equipment, transmission cables and many more.

5 The United States recently announced  
6 several billion dollars in grants from the  
7 Department of Energy's Office of Clean Energy  
8 Demonstrations to reduce industrial sector  
9 emissions. And Century was thrilled to be  
10 selected as a recipient of a \$500 million award.

11 Century looks forward to using this  
12 grant to build a modern, sustainable, primary  
13 aluminum smelter that will double the domestic  
14 primary capacity and create over 1,000 well-  
15 paying United Steel Worker manufacturing jobs.

16 Support for this project and others  
17 like it was recently echoed by White House Senior  
18 Advisor, John Podesta, who stated, the  
19 administration wants its manufacturing base to be  
20 "the cleanest and most competitive in the world."

21 And he specifically highlighted  
22 Century's new green aluminum smelter. Clearly, a



1 whole of government approach is needed to bring  
2 this incredible project, and potentially others  
3 like it, to a reality.

4 At Century, we believe the pathway to  
5 securing the domestic primary aluminum industry  
6 is centered on four key pillars. First, the U.S.  
7 government continue to provide incentives that  
8 inject capital and modernize and expand the  
9 industry such as those provided for under the IRA  
10 and BIL.

11 If implemented correctly, these  
12 programs can allow the primary aluminum industry  
13 to, once again, invest, grow and thrive.  
14 However, not every incentive needs to be in the  
15 hundreds of millions of dollars.

16 Century recommends the Biden  
17 administration implement additional policies to  
18 encourage smaller but necessary near-term  
19 investments which are essential to secure  
20 critical mineral supply chains in the U.S.

21 Another vitally important initiative  
22 of the IRA is the Section 45(x) manufacturing tax

1 credit. If implemented as intended, this credit  
2 will also inject important capital into the  
3 primary aluminum industry and support its  
4 expansion and modernization.

5 However, the Department of Treasury  
6 recently issued proposed regulations which could  
7 significantly limit the effectiveness and purpose  
8 of the 45(x). It is critical that the  
9 administration, through an inter-agency approach,  
10 engage with Treasury to ensure that the  
11 regulations implemented in Section 45(x) are  
12 amended, consistent with Century's comments so  
13 that the credit is applied as intended.

14 The second pillar is a development of  
15 a coordinated government approach to greening the  
16 grid and investing in green energy storage.  
17 Primary aluminum production is traditionally  
18 emissions intensive with the main driver of these  
19 emissions coming from the electricity consumed  
20 during the smelting process.

21 The patchwork nature of the nation's  
22 current electrical grid and the various entities

1 responsible for maintaining grid reliability  
2 hamper the federal government's ability to drive  
3 important policy goals.

4 We urge the administration to consider  
5 a federally supported or guaranteed industrial  
6 energy pricing in exchange for industrial users  
7 adopting greener operating standards.

8 The third pillar is trade enforcement  
9 and trade policy. Remedies such as the Section  
10 232 duties have stabilized the industry for now.  
11 However, global excess capacity continues to  
12 threaten the U.S. producers.

13 Trade enforcement tools need to be  
14 strengthened and new tools introduced to address  
15 imbalances and threatened caused by carbon-  
16 intensive, unallied, heavily subsidized non-  
17 market excess capacity.

18 We believe the U.S. must maintain the  
19 Section 232 tariffs and any exclusions for USMCA  
20 countries must require that aluminum content is  
21 smelted and cast in North America.

22 Additionally, the administration

1 should call for a smelt and cast provision to be  
2 added to the USMCA's automotive Rules of Origin  
3 which would be similar to the melted and poured  
4 provision for steel that would be effective in  
5 2027.

6 Similarly, the U.S. must utilize all  
7 available policies and develop new tools to  
8 address largely unreported Chinese and Russian  
9 origin aluminum entering the U.S. market through  
10 Mexico, including encouraging Mexico to  
11 illuminate -- sorry, eliminate its duty exemption  
12 programs like MX.

13 And finally, the U.S. must implement  
14 green tariffs to offset imports of primary  
15 aluminum that are not produced from clean  
16 sources. This will increase resilience in our  
17 supply chain by incentivizing domestic production  
18 of low-carbon aluminum as well as shifting supply  
19 reliance from non-allied sources to trusted  
20 sources.

21 And finally, the last pillar, it is  
22 critical that the United States develop climate-

1 related industrial and trade policies based on  
2 accurate and complete GHG reporting as informed  
3 by the U.S. industry, including practices being  
4 explored by the USIIC's Section 332 investigation  
5 on greenhouse gas emission intensities.

6 Century commends the administration  
7 for taking the initiative to address this  
8 critical matter and appreciates the opportunity  
9 to share our industry perspectives to engage with  
10 the administration on this issue.

11 That concludes my testimony, and I'm  
12 happy to answer any questions.

13 PANEL CHAIR GUDICELLO: Thank you very  
14 much. Mr. Bell?

15 MR. BELL: Good afternoon and thank  
16 you for convening us today. I'm Philip Bell,  
17 President of the Washington, D.C. based Steel  
18 Manufacturers' Association.

19 USTR rightly recognizes that strong  
20 and resilient supply chains are necessary to  
21 ensure the prosperity of American workers,  
22 businesses and communities and foster a broad

1 industrial base.

2 SMA fully supports USTR's goal of  
3 crafting a new approach to trade and investment  
4 policy and promotes supply chain resilience. The  
5 SMA is the largest Steel Industry trade  
6 association in the United States in terms of  
7 steel producing members, steelmaking capacity,  
8 steel production, capital expenditures and total  
9 employment, including both union and non-union  
10 steelworkers.

11 Our members account for over 70  
12 percent of the steel made in the United States  
13 and that percentage is expected to rise to 80  
14 percent by 2030 and 90 percent by 2050, according  
15 to estimates from the U.S. Department of Energy.

16 This afternoon, I want to focus on  
17 three items that will promote greater supply  
18 chain resiliency and help accomplish the  
19 administration's supply chain objectives.

20 First, Section 232 measures on steel  
21 have been effective and should be adjusted to  
22 include certain downstream products. These

1 measures have successfully restored balance to  
2 the American steel market, providing American  
3 steel producers with an opportunity to recover  
4 and reinvest after years of unfair competition.

5           However, while Section 232 measures  
6 have restrained the surge of unfairly traded  
7 steel mill products, imports of certain  
8 downstream steel products are rapidly increasing.

9           To evade Section 232 duties as well as  
10 anti-dumping and countervailing duties, many  
11 foreign producers have used their substantial  
12 excess capacity to produce downstream products  
13 including fabricated structural steel and  
14 prestressed steel concrete strand, commonly known  
15 as PC strand.

16           These downstream products are then  
17 exported to the United States which lowers demand  
18 for American-made steel products such as wide  
19 flange beams and wired rod.

20           The Commerce Department has already  
21 recognized this phenomenon, resulting in the  
22 adjustment of Section 232 measures to cover

1 certain derivative products that increased  
2 significantly in the years after the initial  
3 response. This action was also affirmed by the  
4 U.S. Court of Appeals for the Federal Circuit in  
5 2023.

6 The American fabricated structural  
7 steel industry is a major consumer of domestic  
8 steel mill products including parallel flange  
9 beams, channels, shapes and plate. These  
10 products are used in thousands of steel frame  
11 structures throughout the U.S., including some of  
12 the nation's most prominent stadiums, skyscrapers  
13 and bridges.

14 Fabricated structural steel and PC  
15 strand are the links between domestic steel mills  
16 and the construction industry and is therefore  
17 critical for our country's construction supply  
18 chain and national security.

19 The administration can bolster supply  
20 chain resilience for critical infrastructure by  
21 adjusting 232 measures to cover fabricated  
22 structural steel and PC strand products.



1           Second, the effective implementation  
2 of domestic content requirements is critical to  
3 supply chain resilience. In particular, the U.S.  
4 Dept of Treasury and the Internal Revenue Service  
5 issued guidance for implementing provisions of  
6 the IRA that, while commendable in many respects,  
7 fail to reflect the underlying legal requirements  
8 and the policy objectives of the IRA's domestic  
9 iron and steel requirement.

10           The guidance treats certain iron and  
11 steel products, including offshore wind monopile  
12 foundations and steel torque tubes that are used  
13 in solar arrays as manufactured products and,  
14 thus, excludes them from the domestic iron and  
15 steel requirement.

16           As a result, these vital links in the  
17 U.S. renewable supply chain may continue to be  
18 produced from imported steel which is generally  
19 produced with steel that has higher emissions due  
20 to their production process.

21           USTR should coordinate with all U.S.  
22 government agencies to ensure that domestic

1 content rules are implemented effectively and in  
2 a manner that supports USTR's own supply chain  
3 resiliency objectives.

4 Finally, global export restrictions on  
5 ferrous scrap and other steelmaking raw materials  
6 threaten steel decarbonization efforts and the  
7 competitiveness of the American steel industry.

8 Low-emission steel will be the  
9 fundamental building block for solar arrays, wind  
10 towers, electric vehicles and other products and  
11 infrastructure that are essential for  
12 transitioning to a greener economy. A strong  
13 domestic steel industry and freely traded raw  
14 materials are paramount to ensuring the  
15 availability of the low-emission steel required  
16 for the green transition.

17 As many steel producers seek to  
18 decarbonize by converting low-emissions  
19 technologies that rely more heavily on fair  
20 scrap, such as the members of the SMA, many  
21 countries have implemented or are proposing rules  
22 that restrict scrap exports.

1                   These policies hoard scrap in domestic  
2 markets and impede the growth of circular economy  
3 steelmaking worldwide. For instance, the  
4 European Union recently imposed significant  
5 restrictions on scrap exports by amending its  
6 waste shipment regulations.

7                   The United Kingdom is considering a  
8 similar policy. Notably, China imposes a 40  
9 percent export tax on ferrous scrap. And  
10 depending on global scrape prices, this can be a  
11 high enough amount to serve as a de facto export  
12 ban.

13                   If scrap restrictions continue to  
14 proliferate, the competitiveness of the American  
15 steel industry and efforts to decarbonize the  
16 sector will be threatened.

17                   In conclusion, the SMA appreciated the  
18 opportunity to share ideas with you today. And  
19 we enthusiastically support USTR's efforts to  
20 strengthen the U.S.'s supply chain. We look  
21 forward to the opportunity to be a leading voice  
22 in this process, and I'll be happy to answer any

1 questions.

2 PANEL CHAIR GUDICELLO: Thank you very  
3 much. Mr. Gibson?

4 MR. GIBBS: Good afternoon. My name  
5 is Elliott Gibbs, and I'm the Vice President of  
6 Raw Materials and General Procurement at  
7 Outokumpu Stainless USA.

8 I've worked in various roles focused  
9 on steel scrap for more than 15 years and have  
10 been with Outokumpu for seven years.

11 On behalf of Outokumpu, I sincerely  
12 thank USTR for its continued efforts to  
13 strengthen critical domestic supply chains.

14 Today, I would like to share  
15 Outokumpu's insights into some of the key issues  
16 the domestic stainless steel industry is facing.

17 Outokumpu proudly serves the  
18 U.S. stainless steel market as the second largest  
19 producer. As you're well aware, stainless steel  
20 is a critical material for many applications  
21 important to national security such as aerospace  
22 and transportation.

1                   Outokumpu strongly supports the  
2                   actions taken by the administration to date.  
3                   Through continued enforcement of the Section 232  
4                   and other trade remedy actions, Outokumpu  
5                   America's achieved profitability in 2021 for the  
6                   first time in after over a decade of production.

7                   For a resilient supply chain we first  
8                   need to secure the long-term availability of  
9                   domestic stainless steel scrap. Stainless steel  
10                  requires a variety of alloys including nickel, a  
11                  critical mineral whose global production is  
12                  increasingly controlled by U.S. adversaries.

13                  All U.S. made stainless steel is  
14                  produced exclusively through Electric Arc Furnace  
15                  production which relies heavily on recycled high  
16                  nickel content stainless steel scrap for its  
17                  alloy content.

18                  But the domestic supply of stainless  
19                  steel scrap is at risk. Countries like China are  
20                  increasingly shifting towards EAF production,  
21                  driving up global scrap demand. Countries are  
22                  imposing export restrictions on scrap to protect

1 their own domestic scrap supplies.

2           Meanwhile, virtually all U.S. scrap  
3 collected in coastal regions is being exported to  
4 foreign countries. This is due to the logistical  
5 hurdles and high cost to transport scrap to  
6 domestic stainless steel producers. Without a  
7 secure domestic supply chain for high nickel  
8 stainless scrap, U.S. stainless steel production  
9 could be in danger.

10           We urge USTR to invest in  
11 infrastructure and craft policies incentivizing  
12 domestic sales so that these critical raw  
13 materials are not lost to foreign producers.

14           Second, we call for more transparency  
15 regarding country of melt and pour of traded  
16 steel. The melt and pour stage of stainless  
17 steel production drives most of the resulting  
18 products' emission, cost and value. Therefore,  
19 verified data on the country of melt and pour  
20 should be required for all traded steel products.

21           Outokumpu appreciates the Government's  
22 efforts to require country of melt and pour

1 information from steel imports license applicants  
2 but we respectfully suggest that the data be  
3 broken down for more types of stainless steel  
4 products on the melt and pour dashboard.

5 More transparency regarding steel  
6 products' country of melt and pour will promote a  
7 better understanding of steel trade flows and aid  
8 our partnership with the Government relating to  
9 enforcement efforts.

10 Third, we respectfully ask USTR to  
11 revisit existing free trade agreements rules of  
12 origin in the Section 232 duty exclusion for  
13 steel from Canada and Mexico. The domestic  
14 industry has seen some foreign exporters utilize  
15 these routes as a back door into the U.S. steel  
16 market.

17 For example, the U.S.-Australia FTA  
18 confers origin and duty preference on stainless  
19 steel melted and poured in other countries and  
20 minimally processed in Australia. This means  
21 that stainless steel from non-parties like China  
22 benefit from duty preference under some FTAs.

1           Although USMCA closes this loophole  
2           for preferential tariff treatment, it has been  
3           reopened as it relates to Section 232 duties.  
4           Because the country of origin rules for products  
5           from Canada and Mexico are structured such that  
6           simple rolling in these countries confers origin,  
7           foreign exporters have effectively avoided  
8           Section 232 duties of steel melted and poured  
9           outside of the USMCA region.

10           Lastly, we respectfully ask USTR to  
11           work with Commerce and other agencies to improve  
12           transparency and consistency of the Section 232  
13           exclusion request process.

14           Full enforcement of this remedy,  
15           combined with the other initiatives discussed in  
16           Outokumpu's comments will provide domestic  
17           manufacturers like Outokumpu the confidence in  
18           the U.S. market needed to make sound business and  
19           investment decisions.

20           Thank you for the opportunity to  
21           testify today. I'm happy to answer any questions  
22           you might have.



1                   PANEL CHAIR GUDICELLO: Thank you very  
2 much, Mr. Gibbs. Mr. Johnson?

3                   MR. JOHNSON: Thank you very much to  
4 USTR, to the panelists and to ITC staff for this  
5 opportunity to speak with you today. Charles  
6 Johnson, President and CEO of the Aluminum  
7 Association.

8                   Our association represents over 70  
9 percent of aluminum producers and aluminum  
10 product manufactures shipped in the United States  
11 and Canada. We are responsible for over 164,000  
12 direct jobs in the United States and over 700,000  
13 jobs, according to Department of Labor  
14 methodology.

15                   That's \$92 billion in direct economic  
16 impact and our industry is growing. We are in  
17 one of the largest expansion phases that we have  
18 seen since the 1980s.

19                   We have seen over \$10 billion in  
20 investment announcements for plants and  
21 operations to meet this new demand and to shorten  
22 supply chains which has been a major focus of our

1 industry due to the impacts of COVID, from the  
2 growth that I just spoke of, and from the  
3 geopolitical trends which destabilized many of  
4 our international supply chains in recent years.

5 As Mr. Aboud said, the production of  
6 primary aluminum in the United States has  
7 decreased rapidly since the turn of the century.  
8 In the early 2000s, we operated over two dozen  
9 smelters in the United States. Today we operate  
10 four, and two are partially curtailed.

11 If all existing smelters in the United  
12 States were operational today, we could only meet  
13 about one-third of present U.S. primary aluminum  
14 demand. We strongly support investments to the  
15 IRA and others, including the investments that  
16 Mr. Aboud referenced but also investments  
17 throughout the aluminum supply chain that could  
18 lead to growth in the primary sector in the  
19 United States.

20 The aluminum industry in the United  
21 States has a close trading relationship with  
22 Canada. Seventy-five percent of the primary

1 aluminum used last year by U.S. aluminum  
2 producers was produced in Canada, some of the  
3 lowest carbon aluminum in the world.

4 In 2022 \$47 billion worth of aluminum  
5 and aluminum products were traded in North  
6 America. We do not produce nearly enough primary  
7 aluminum to meet demand, and we seek to expand  
8 production in the United States and to maintain  
9 close trading relationships with our partners who  
10 are providing the primary aluminum that we need  
11 to expand today because over 90 percent of our  
12 jobs in the industry are in the downstream  
13 industry that produces and fabricates with  
14 aluminum, and not in the primary segment.

15 Beyond primary aluminum, we also must  
16 maintain market conditions that allow for the  
17 recycling of aluminum. In 2022, 80 percent of  
18 the aluminum used by U.S. producers was recycled  
19 aluminum. The unfair trade practices that we  
20 have seen in the upstream, specifically with  
21 China, are practices that we are concerned we  
22 will see replicated in the downstream including

1 in the recycling sector.

2 And so, we are examining and working  
3 with USTR on policies that can ensure our access  
4 to secondary or recycled aluminum materials in  
5 the future so that we can meet the future demand  
6 growth that we have seen, which is a 40 percent  
7 demand growth in aluminum use through 2050.

8 I'd like to turn now to the policies  
9 that we are advocating for a resilient supply  
10 chain for U.S. aluminum production and for the  
11 use of our products in downstream materials.

12 First, critical mineral policy is  
13 important to our industry, not just because  
14 aluminum is considered to be a critical mineral  
15 but because the entire alphabet of critical  
16 minerals that the U.S. is advocating for today  
17 have long been used in our industry to alloy our  
18 metal.

19 Aluminum is the magic metal because of  
20 magic alloys. And so we must maintain access to  
21 those supply chains for those critical minerals  
22 in order to continue to make the aluminum

1 products that are used in our markets.

2 Second, electric energy policy. We  
3 advocate for reasonably priced and reliably  
4 priced electricity and natural gas for our  
5 industry. And so U.S. energy policy, writ large,  
6 is a major component of continued expansion of  
7 our industry in North America.

8 And finally, trade policy. Our  
9 industry relies today on a rules-based trade  
10 environment that addresses the State  
11 subsidization of aluminum in China and for robust  
12 trade enforcement by the U.S. border.  
13 Antidumping laws are essential for our market.

14 And also, the production of or the  
15 management of high quality and transparent trade  
16 data through traditional trade data reporting as  
17 well as through the aluminum import monitoring  
18 system that the U.S. and Canada have implemented  
19 are vital for our industry.

20 So, there are four areas of trade  
21 policy that we view as critical. First,  
22 proactive trade policy that addresses root

1 causes. We strongly support the 301 tariff  
2 regime that has been enacted as the proper tool  
3 to reach into the domestic policies that are  
4 considered to be unfair trade practices and to  
5 address those issues where they exist.

6 Also looking forward, efforts to  
7 address carbon in trade policy are strongly  
8 supported by our industry, and those efforts must  
9 address nonmarket capacity and nonmarket economy  
10 behavior in order for us to remain competitive as  
11 we address decarbonization.

12 Second, to treat the symptoms of these  
13 issues, we have been a strong advocate for anti-  
14 dumping and countervailing duty laws as well as  
15 mechanisms within trade agreements like the USMCA  
16 and rules of origin to address these issues at  
17 the U.S. border.

18 As I stated earlier, data is critical  
19 to this process, and so the aluminum import  
20 monitoring system that the U.S. has implemented  
21 has been hugely beneficial to our industry as  
22 well as in Canada, and we call -- we have called

1 for repeatedly Mexico honoring their agreement to  
2 implement an import monitoring system.

3 And I will stop there.

4 PANEL CHAIR GUDICELLO: I'm sorry.

5 Thank you, Mr. Johnson. We'll have time to  
6 continue this during the Q&A. Mr. Perryman,  
7 please?

8 MR. PERRYMAN: Good afternoon. My  
9 name is Frank Perryman. I'm the President and  
10 CEO of Perryman Company, a fully integrated  
11 domestic titanium mill products producer.

12 Perryman Company was founded in 1988.  
13 We're headquartered in Houston, Pennsylvania,  
14 about 30 miles outside of Pittsburgh. Perryman  
15 is a family-owned manufacturer with 711 dedicated  
16 employees. Perryman melts premium grade  
17 aerospace titanium ingot and manufactures  
18 titanium mill products for customers in the  
19 medical, aerospace and defense industry.

20 Titanium sponge and titanium mill  
21 products are essential the U.S. defense industry  
22 and national security. Titanium sponge is a

1 critical precursor in the manufacture of titanium  
2 mill products.

3 While the United States currently  
4 possesses one-third of the world's titanium melt  
5 capacity, the U.S. has no domestic titanium  
6 sponge production, leaving the U.S. titanium  
7 industry wholly dependent on imports of the  
8 titanium sponge required to produce titanium mill  
9 products essential to the defense, aerospace and  
10 medical industries.

11 U.S. titanium producers require a  
12 diverse, resilient and secure source of titanium  
13 sponge. But the available sources of premium  
14 quality titanium sponge are severely limited.

15 Perryman and other domestic producers  
16 of advanced titanium mill products have only two  
17 US-allied sources of premium quality titanium  
18 sponge -- the nations of Japan and Kazakhstan.

19 To achieve a strong domestic titanium  
20 value chain, we support the elimination of duty  
21 rates for imports of titanium sponge from U.S.-  
22 allied nations such as Japan. Recent bipartisan



1 legislation, Securing America's Titanium  
2 Manufacturing Act, would do precisely that.

3 This, in turn, will make domestic  
4 titanium producers competitive with our non-  
5 allied foreign counterparts, specifically China  
6 and Russia, who do not pay duties on titanium  
7 sponge until domestic titanium sponge production  
8 can be re-established.

9 Additionally, we implore the U.S.  
10 government to utilize funding opportunities to  
11 promote the development of domestic titanium  
12 sponge production through public-private  
13 partnerships.

14 Perryman supports the DPA Title III  
15 project proposed by ATI to establish a domestic  
16 titanium sponge production facility in Utah which  
17 will facilitate a robust domestic supply chain  
18 for titanium sponge and feedstock.

19 Domestic mill producers have relied on  
20 a secure supply of titanium sponge from Japan for  
21 decades. But the geographical concentration of  
22 titanium sponge production is in politically

1 sensitive areas, and it continues to threaten the  
2 supply chain resiliency.

3 Russia invasion of Ukraine combined  
4 with China's aggression in the Pacific Rim  
5 exposes the United States to supply chain -- to  
6 supply disruption or complete shut-down at great  
7 risk to our defense industrial base.

8 The domestic production of titanium  
9 sponge will provide the foundation needed for a  
10 strong long-term U.S. supply chain and in turn,  
11 stable supply for the U.S. defense industry.

12 Third, we support the USTR taking a  
13 two-prong approach to leverage trade and  
14 investment policy to bolster titanium supply  
15 chain resilience. USTR should support allied  
16 shoring of titanium sponge while simultaneously  
17 protecting against Chinese encroachment on this  
18 critical sector.

19 Recent global supply constraints in  
20 the titanium sponge market have pushed domestic  
21 titanium producers to import titanium sponge from  
22 China despite the security and supply risks in

1 relying on China as a supplier.

2 China's growth in the titanium sponge  
3 and downstream titanium mill products industries  
4 undermines American producers of titanium  
5 products for aerospace and defense.

6 Finally, I encourage the USTR and  
7 others participating in the White House Council  
8 on Supply Chain Resilience to coordinate  
9 regularly with domestic titanium mill products  
10 industry. Ours is a critical industry with only  
11 a handful of participants, so we always have our  
12 fingers on the pulse of the international  
13 developments affecting our value chain.

14 We welcome the opportunity to provide  
15 insight to the federal government and to  
16 collaborate, to pursue actions to strengthen the  
17 U.S. titanium supply chain and promote domestic  
18 production of titanium mill products.

19 Thank you for the opportunity, and I  
20 look forward to your questions.

21 PANEL CHAIR GUDICELLO: Thank you very  
22 much to all the witnesses for their testimony.

1 Now we'll move on to the question period. And  
2 I'll remind and ask my colleagues to introduce  
3 themselves before their first question.

4 I will start off and my question is  
5 for any of the panelists. Since many of you, in  
6 your testimony and submissions, touched on the  
7 impact of global excess capacity and unfair trade  
8 practices, beyond existing trade tools, which  
9 measures should the United States consider to  
10 address the challenges of global and non-market  
11 excess capacity?

12 Are there measures that the United  
13 States should encourage allies and partners to  
14 undertake, either jointly or in collaboration  
15 with others or on their own?

16 Which countries should the United  
17 States prioritize to work with to address this  
18 challenge? If you just want to raise your hand,  
19 if you're interested in responding, I'm happy to  
20 call on you. Mr. Perryman? Thank you.

21 MR. PERRYMAN: Frank Perryman,  
22 Perryman Company. The quickest way to start to

1 address that is opportunities of reshoring.

2 When there are opportunities to bring  
3 it back into the United States and have a full  
4 North America supply chain solution, that keeps  
5 our domestic base from moving outside of our,  
6 what I'll call, our critical partners and keep it  
7 in North America. There are opportunities to do  
8 that, that do need to be investigated.

9 PANEL CHAIR GUDICELLO: Thank you.

10 Mr. Bell?

11 MR. BELL: Yes, I think that there are  
12 three things that can be done to help deal with  
13 global excess steel capacity.

14 One, we would like to see the  
15 resuscitation of the global arrangement on  
16 sustainable steel and aluminum talks. We think  
17 that this is very important because it addresses  
18 something that we've known for a long time.

19 There is a nexus that exists between  
20 trade policy and climate policy. And if we focus  
21 on the high-emitting steel producers, who are  
22 also the ones who are leading the charge in

1 global excess steel capacity, we can actually  
2 have a win/win situation.

3 We have the dual benefit of,  
4 hopefully, lowering excess steel capacity but  
5 also lowering carbon emissions.

6 The second thing is that all of the  
7 resources necessary should be given to the ITC to  
8 successfully conclude their 332 investigation on  
9 carbon emissions by the January 25th deadline.

10 This undertaking is very large. The  
11 team there is doing a fantastic job. But without  
12 this data, we can't negotiate from a position of  
13 strength of clarity.

14 For the first time, we'll have carbon  
15 emissions data on 54 different product  
16 categories, and this will become the closest  
17 thing we can do to making apple-to-apples  
18 comparisons with steel produced abroad.

19 And then, finally, I would encourage  
20 the administration to support the PROVE IT Act  
21 which also is going to confirm what many of us on  
22 this panel know, that we produce the lowest

1 emission steel in the world.

2 PANEL CHAIR GUDICELLO: Thank you.

3 MR. JOHNSON: From the aluminum  
4 industry, if I could, quickly on that question.  
5 Just alignment in North American on border  
6 measures that the U.S. has taken to address  
7 state-subsidized in China is vital for our  
8 industry.

9 As the U.S. has been successful for  
10 our industry in addressing many of these issues,  
11 we have pushed those issues onto our closest  
12 trading partners, Canada and Mexico. And so a  
13 North America region which is aligned on border  
14 measures to address state-subsidized Chinese  
15 metal and Russian discounted metal is vital for  
16 our industry.

17 PANEL CHAIR GUDICELLO: Thank you.

18 We're going to move on but we'll come back.

19 Okay.

20 MS. KNIGHT: Good afternoon. My name  
21 is Jennifer Knight. And I'm the Deputy Assistant  
22 Secretary for Textiles, Consumer Goods, Materials

1 and Critical Minerals and Metals in the  
2 International Trade Administration. I think I  
3 have the longest title in the U.S. government.

4 For Mr. Johnson, this may be a little  
5 bit repetitive but in your submission and  
6 testimony, you touched on the importance of  
7 enhanced trade monitoring to track aluminum  
8 products entering the United States.

9 How should USTR work with other  
10 government agencies, such as Commerce, to enhance  
11 U.S. trade monitoring efforts to address trans-  
12 shipment and circumvention of our existing trade  
13 measures?

14 How should we encourage Canada, Mexico  
15 and other trading partners to develop similar  
16 monitoring mechanisms to those administered in  
17 the United States?

18 MR. JOHNSON: Oh, where do I begin?  
19 There would be quite a long answer to this to get  
20 into detail. I would say, very topically, that  
21 the import monitoring system in the U.S. and  
22 Canada has been vital to our industry and that we



1 must have that data from Mexico in order to enjoy  
2 a privileged trade relationship with Mexico.

3           The issue in Mexico today is twofold.  
4 First, there's been no -- they have not honored  
5 the commitment to even implement an import  
6 monitoring system, the most vital component of  
7 which would be country of last cast and country  
8 of last smelt for our industry.

9           Last year, though -- sorry, in 2022,  
10 Mexico stopped reporting regular trade data. So  
11 we, right now, over 60 percent of the aluminum  
12 and aluminum products entering into Mexico have  
13 no clear origin data attached to them.

14           And so, we have advocated strongly,  
15 first, for a restart of trade data reporting and  
16 for an enhancement of it through import  
17 monitoring. And we have done -- that advocacy  
18 has taken place during multiple agencies within  
19 the United States. And so any and all effort has  
20 been undertaken.

21           Second, there's a timeliness issue  
22 which can be worked on with Customs and border

1 patrol so that we can look at trade data more in  
2 real time as the U.S. is doing now. And we would  
3 like to see that with Mexico as well because  
4 without that timeliness, some of this data is not  
5 actionable.

6 And so, I'll stop there, and  
7 underneath that iceberg, there would be a lot  
8 more data. We can follow up.

9 PANEL CHAIR GUDICELLO: Okay, and I'll  
10 just remind the witnesses that there is the  
11 opportunity to submit post hearing comments, and  
12 happy to have any additional detail. Very  
13 quickly --

14 MR. ABOUD: And I'll just add to Mr.  
15 Johnson's comments that, of course, what we're  
16 worried about is we're worried about the items  
17 that are protected through either 301, 232 or  
18 anti-dumping duties get shipped to a third-party  
19 country, transformed to a downstream or  
20 fabricated product and then enter the country  
21 that way.

22 So I think if you look at the Century

1 testimony, we highly suggest that, for the  
2 aluminum industry, we implement a smelted and  
3 cast provision, much like steel have on melted  
4 and poured.

5 That, with the monitoring or with the  
6 transparent reporting, that would, hopefully,  
7 cease some of the activities that we're seeing  
8 today.

9 MS. EZRAN: Good afternoon. My name  
10 is Irene Ezran. I'm an economist with the  
11 Treasury in the Office of International Affairs  
12 in the Trade Team.

13 My question is for Mr. Gibbs, Mr. Bell  
14 and/or Mr. Johnson. In your submissions, you  
15 note the importance of scrap as a key low-carbon  
16 commodity for your sectors. Given the emergence  
17 of export restrictions on scrap around the world  
18 and your concern about the market distorting  
19 impact these measures have, what could the  
20 administration do to discourage such policies, in  
21 your view?

22 What's your response to proponents of

1 these export restrictions, specifically the view  
2 that these restrictions enable domestic low-  
3 carbon steel production?

4 MR. GIBBS: Well, I think stainless  
5 steel scrap is a little bit of a different animal  
6 than ferrous scrap. So what we see in the U.S.,  
7 in specific, is we have a need for high nickel  
8 stainless steel scrap. It's about 8 percent  
9 nickel. And we are competing with Russia, China  
10 or China-influenced countries that own  
11 approximately 70 percent of all the global nickel  
12 resources today.

13 Because of that, we've used scrap as  
14 a critical resource or mineral even, in this  
15 case, for U.S. steel stainless production. So  
16 the way the U.S. stainless steel production works  
17 is, it's based out of electric arc furnace  
18 production.

19 Unlike the journey that carbon steel  
20 has went through with originally integrated steel  
21 now transforming into EAFs, we've always been  
22 producing through electric arc furnace

1 applications.

2           And with stainless's life cycle being  
3 20, 30, 40 years, we see the scrap come back to  
4 us after quite a bit longer of time than maybe  
5 typical ferrous scrap. So we have some  
6 differences between, I think, the scrap circular  
7 economy between stainless and carbon steel.

8           MR. BELL: Philip Bell, President of  
9 the Steel Manufacturers' Association. In regard  
10 to the SMA members who produce steel via the  
11 electric arc furnace process, the issue really is  
12 around the type of scrap that is available.

13           The U.S. does have a scrap surplus.  
14 In fact, on average, the United States exports  
15 about 20 million tons of scrap per year. And as  
16 Mr. Gibbs alluded to, normally these are from  
17 scrap processors in the coastal regions of the  
18 United States that are sending their scrap abroad  
19 to, you know, Asia and Turkey.

20           But the issue is, is that there are  
21 certain grades of scrap that are very important  
22 to the domestic EAF industry. This is often

1 called prime scrap, scrap that is made with lower  
2 residual chemicals like copper so that they can  
3 be used in high-end applications such as  
4 automotive manufacturing.

5 So I think one of the things that we  
6 can do is focus on those restrictions to make  
7 sure that they don't, basically, distort the  
8 markets and eliminate a very important flow of a  
9 very important type of scrap which is prime  
10 scrap.

11 PANEL CHAIR GUDICELLO: Thank you very  
12 much. My question is for Century Aluminum,  
13 Aluminum Association, that you just testified  
14 about the importance of rules of origin and  
15 existing free trade agreements such as USMCA and  
16 suggested potential modifications including smelt  
17 and cast to -- and our efforts to secure critical  
18 domestic supply chains including in the primary  
19 aluminum smelting industry.

20 Wondering if you could just elaborate  
21 a little bit more on that recommendation. Thank  
22 you. Please, Mr. Johnson?

1 MR. JOHNSON: Our recommendations  
2 around rules of origin are dealing with the issue  
3 that we have seen which is that aluminum, primary  
4 aluminum, unwrought aluminum as well as semi-  
5 fabricated aluminum -- our trade data shows that  
6 there are -- there is a -- there's not no, but  
7 there's less of that material of Chinese origin  
8 moving into the U.S. market from either Canada or  
9 Mexico.

10 But what we have seen in both Canada  
11 and Mexico is a series of effects. So less  
12 trans-shipment, much more disposition of that  
13 metal into derivative products which would --  
14 then we see as a circumvention of 301 tariffs.

15 Also, knock-on effects, we're seeing  
16 the aluminum industry which we are partnered with  
17 in Mexico and Canada. Those producers don't have  
18 access to their own market and so are seeking  
19 markets in the United States, sometimes as  
20 discounted prices.

21 And then finally, our own producers in  
22 the United States who previously had access to

1 those markets no longer have access to those  
2 markets, and so our markets have dried up in both  
3 Mexico and Canada.

4 The rules of origin as well as other  
5 interventions that can address derivative  
6 products are seen, to us, as the appropriate  
7 vehicle for addressing those market distortions  
8 we have seen as subsidized metal and discounted  
9 metal enters those two markets.

10 MR. ABOUD: Yes, to agree with Mr.  
11 Johnson, Matt Aboud, Century. Yes, we're seeing  
12 that, especially in Mexico. Mexico has become an  
13 area where third-party countries, specifically  
14 Russia -- because, of course, we have a 200  
15 percent tariff on Russian imports of aluminum --  
16 and China who, of course, we have multiple trade  
17 remedies against them.

18 They are using Mexico as hub of  
19 manufacturing so that the original primary metal,  
20 which is then being transformed into downstream  
21 sheet and extrusion and cast wheels are  
22 entering the country based on this highly



1 subsidized, oftentimes low-priced, metal. And  
2 it's undermining the domestic manufacturing here  
3 in the States.

4 MR. JOHNSON: If I could follow up,  
5 please, to USTR. Our industry as well, in a  
6 reaction to tariffs announced just last week in  
7 Mexico, we are meeting this week and again later  
8 this month in developing a proposal to USTR for  
9 other trade mechanisms that could be used to  
10 address this issue of derivative products.

11 PANEL CHAIR GUDICELLO: Thank you.  
12 Jennifer, please?

13 MS. KNIGHT: Sure. This is for Bell.  
14 In your submission, you expressed support for the  
15 Section 232 tariffs and noted the importance of  
16 extending them to additional downstream products  
17 including prestressed concrete, steel wire strand  
18 and fabricated structural steel.

19 How should the administration consider  
20 this request with respect to countries with which  
21 we have already reached alternative arrangements  
22 to the Section 232 tariffs?

1                   Are there any new tools or legal  
2 authorities that the USTR should seek to ensure  
3 the long-term viability of the industry?

4                   MR. BELL: Thank you very much.  
5 That's an excellent question. I think we have  
6 already seen that the Government can reconsider  
7 what's covered under the 232 tariffs. They've  
8 done it once before. It was upheld in court.

9                   These two product areas are very  
10 critical, fabricated structural steel and PC  
11 strand, for a lot of reasons. Not only  
12 infrastructure but for domestic security reasons.

13                   So I think that they should really  
14 look at the 232 and consider expanding it to  
15 encompass these products. And I think that's the  
16 easiest way to do it. We already kind of have  
17 some groundwork laid in that area.

18                   MS. EZRAN: This is for Mr. Perryman.  
19 Mr. Perryman, in your submission, you recommend  
20 eliminating duties on imports of titanium sponge  
21 from allies to decrease costs for domestic  
22 producers that could then free up financial

1 resources to support domestic production.

2 And you identified Japan as a critical  
3 supplier of titanium sponge. What other  
4 countries in addition to Japan would you consider  
5 for this?

6 Do you have views on the risks of  
7 trans-shipment through such countries?

8 MR. PERRYMAN: So when you look at the  
9 locations where titanium sponge is produced, you  
10 only have a couple that would be considered  
11 allies. You have Japan and Kazakhstan. You also  
12 have Ukraine. Ukraine production is very small.

13 It has been massively affected by the  
14 Russia-Ukraine war and we don't see that coming  
15 back online for many, many years to come, not --  
16 and I don't mean a couple years, probably ten to  
17 12 to 15 years, if it does come back online.

18 But it was a small facility and it was  
19 not premium grade titanium sponge. You have  
20 multiple grades -- standard grad and premium  
21 grade. Premium grade is what is used in our  
22 defense and aerospace industries.

1           So when you look at the locations that  
2 we have strong opportunities with and we are  
3 working with, you've got Japan and Kazakhstan.  
4 But Kazakhstan is in another geopolitical  
5 hotspot. Right now, they're at full capacity so  
6 it's not an opportunity for using them as a  
7 current additional source.

8           They are maxed out. But they also  
9 have logistics issues on getting their product to  
10 the rest of the Western world. Japan, on the  
11 other hand, has been a longtime partner, and they  
12 are very much an ally of ours, both  
13 geopolitically and in the industry.

14           Great partner, but they're in another  
15 hotspot as we look toward China's aggression  
16 toward Taiwan. A lot of the shipping lines that  
17 sponge that comes out of Japan go across the  
18 China Straits.

19           So that's where we -- there are -- we  
20 do have alternate sources but they're not in  
21 long-term good positions. You know, we go back  
22 to when Russia, at one point, was a friend.

1                   In 1990 I was part of a coalition with  
2 Boeing that went to Russia when they wanted to  
3 sell their products to the Western world. So 34  
4 years ago, Russia was not selling their products  
5 to U.S. sources.

6                   Now, 34 years later, they've  
7 completely integrated into our supply chain and  
8 are the largest supplier of titanium products in  
9 the world. What we're trying to avoid is  
10 watching the same thing happen in China that  
11 happened in Russia.

12                   We're on the cusp of that because of  
13 lack of global supply. That's why the  
14 opportunity to reshore is a very good source.

15                   PANEL CHAIR GUDICELLO: Thank you.  
16 Mr. Aboud, you highlighted in your testimony the  
17 role of domestic incentives under the Inflation  
18 Reduction Act and how these can strengthen U.S.  
19 primary aluminum smelting.

20                   Are there any new trade tools or legal  
21 authorities that USTR should seek to complement  
22 and ensure the long-term viability and

1 competitiveness of these investments?

2 MR. ABOUD: Thank you for the  
3 question. Matt Aboud, Century Aluminum. So when  
4 we look at the investment -- Inflation Reduction  
5 Act and the bipartisan infrastructure  
6 legislation, there are a lot of stimulating  
7 opportunities to further the demand side for  
8 aluminum.

9 And so as a producer and as the  
10 producing industry, we, of course, are waiting  
11 for our phone to ring, in other words. But on  
12 the other hand, if we are to build capacity and  
13 if we are going to make investments to supply  
14 what we see as being a very above average growth  
15 rate, these trade tools need to be in place.

16 So as we mentioned, the 232  
17 established now, what, six, seven years ago, has  
18 done a good job, a nice job of stabilizing the  
19 industry. And if they were going to be removed,  
20 I would argue that the confidence to invest and  
21 put private capital to work would be reduced  
22 significantly.

1           So our testimony suggests that that  
2 program should stay in place. But then, in  
3 addition, there are other trade remedies. There  
4 are anti-dumping, countervailing duties which  
5 just recently there was a determination on  
6 aluminum extrusions.

7           There were existing AD/CVD orders on  
8 Chinese aluminum extrusions, similar on rolled  
9 products and other flat rolled products. These  
10 are all building blocks to ensure that if a  
11 producer invests money into the industry there's  
12 a kind of belief that the unfair trade that's  
13 happening all around us, at least we have some  
14 defense against it.

15           So they go hand in hand. Stimulating  
16 projects through government incentives must be  
17 accompanied by the trade protections.

18           MS. KNIGHT: Thank you. This question  
19 is for any panelist. How important is it for  
20 your sectors to reduce dependencies and diversify  
21 sources of input that must be imported? And how  
22 can USTR support these efforts?

1                   Specifically, please provide any  
2 details on challenges your company or industry  
3 face with respect to obtaining essential mineral  
4 or material inputs?

5                   And what policies would you suggest to  
6 improve your access to these input?

7                   MR. JOHNSON: I can start. And I  
8 would say that the Aluminum Association's  
9 position is that less than domestic substitution  
10 for all inputs, which is going to be difficult if  
11 not impossible for all inputs, supply -- source  
12 diversification is something that our industry is  
13 focusing on.

14                   And any policies that help with  
15 diversification in the upstream for these  
16 critical minerals specifically but for other  
17 inputs is beneficial to our industry in  
18 stimulating supply chain resilience.

19                   We have seen upsets in our industry  
20 from price spikes for specific alloy inputs which  
21 we can provide some detail for you in the  
22 background. And those are almost all linked to



1 monopolies on supply for particular inputs.

2           And so we have a focus there both for  
3 primary aluminum but also for our alloy materials  
4 on our supply diversification.

5           MR. BELL: Philip Bell, Steel  
6 Manufacturers' Association. In regard to SMA  
7 members, I want to start by just applauding their  
8 innovation, entrepreneurial spirit and tenacity.

9           You may recall, when the Ukrainian war  
10 broke out there was very serious concern that the  
11 flow of pig iron into the United States would be  
12 dramatically reduced, and it was.

13           Yet, over the last two years, SMA  
14 members have reduced their reliance on pig iron  
15 by over 50 percent due to process optimization,  
16 more sophisticated scrap sorting and through  
17 looking at different ways to meet customer  
18 requirements.

19           I think what USTR can do is, number  
20 one, continue to work on trade flow restrictions  
21 but also, encourage innovation and make sure that  
22 there are funds, grants, loans, programs that

1 support innovative methods of finding other  
2 alternative raw materials or optimizing your  
3 production processes.

4 MR. GIBBS: And so, in the stainless  
5 industry we have about a 95 percent recycle  
6 content so one of the highest in the metal  
7 industry.

8 And like I said earlier, with Russia  
9 and China controlling the vast majority of the  
10 nickel resources now, over 70 percent, we've seen  
11 recently about 20 percent of the balance has been  
12 closed by Western producers.

13 So our recommendation would be to  
14 support our alloys -- or allies -- and any kind  
15 of nickel development that's possible, whether  
16 that's Australia or any other potential trade  
17 partners.

18 MR. PERRYMAN: Frank Perryman,  
19 Perryman Company. There's a lot of ways I could  
20 answer that question for you. But similar to Mr.  
21 Gibbs, that titanium industry uses a very high  
22 content of recycle in all of the products that

1 are produced for the aerospace, defense and  
2 medical industries.

3 But as we look at that, there is zero  
4 titanium sponge made in the U.S. And some of the  
5 things, as I listen to the panelists here today,  
6 we're trying to avoid what they're already, in  
7 that sense -- titanium's such a young material  
8 compared to the other products in front of me --  
9 they've already had the effect of what the  
10 titanium industry is about to go through.

11 The hurricane is on the horizon. And  
12 we're trying to avoid it before it does occur.  
13 So to reshore and bring domestic titanium sponge  
14 production into the U.S. along with working very  
15 closely with our allied countries, such as Japan,  
16 is the key.

17 And this ensures that we can support  
18 the defense industry if everything else does  
19 break down.

20 MS. EZRAN: This  
21 question is for any of the panelists. Which  
22 countries should the United States prioritize for

1 promoting exports of domestically produced goods  
2 in your sectors to diversify markets and reduce  
3 dependencies?

4 MR. ABOUD: Matt Aboud, Century  
5 Aluminum. I mean, obviously, we want to work  
6 with our existing trade partners. We want to  
7 work with countries that are trusted sources.  
8 And we want to work with countries that have a  
9 similar sustainability agenda.

10 It won't do us any good to be  
11 importing high-carbon products that would create  
12 carbon leakage into our country. And obviously  
13 we've seen the risks of getting too dependent  
14 upon non-friendly nations.

15 So I think it's the combination of our  
16 existing partners, other maybe trusted partners.  
17 But we still have to have the sustainability  
18 goals backing it up.

19 MR. JOHNSON: Research carried out by  
20 the Aluminum Association documents that  
21 regionality matters. And regional sourcing of  
22 aluminum matters. Aluminum products produced in

1 North America are two to three times less carbon-  
2 intensive than the same products produced in  
3 other global regions.

4 So carbon intensity is important  
5 because, as I said in my statements and our  
6 written testimony, sustainability and  
7 decarbonization of our downstream markets is  
8 what's driving the use of our metal.

9 So that's a major focus for us in  
10 terms of where we partner globally, including  
11 with the Gulf states and otherwise, Iceland.  
12 Then we also have had a longstanding partnership  
13 with the U.S. Defense Industrial Base countries  
14 and with related high-trade flows.

15 And as a follow-up on this question,  
16 our association documents the trade flows for  
17 aluminum and aluminum products from the U.S. to  
18 all our major trading partners. And we'll follow  
19 up with you with that data.

20 MR. BELL: Philip Bell, Steel  
21 Manufacturers' Association. When it comes to the  
22 domestic steel industry, we're in the unique

1 position that 90 percent of our exports go to one  
2 of two places -- our USMCA partners, Canada and  
3 Mexico.

4           So what we would like to see is to  
5 make sure that we have all three countries living  
6 up to the spirit of the USMCA. When you look at  
7 the amount of cross-border ownership, the  
8 millions of tons of raw materials, semi-finished  
9 materials and the millions of dollars of finished  
10 products that go across all three borders every  
11 day, it's very important that the USMCA is worked  
12 out in such a way that we avoid surges of  
13 particular products from our USMCA partners and  
14 that everyone is living up to the spirit of the  
15 agreement.

16           PANEL CHAIR GUDICELLO: Okay, thank  
17 you. Mr. Gibbs, I also wanted to come back to  
18 you on the first question about over capacity.  
19 So feel free to answer both of them in the --

20           MR. GIBBS: Okay, great.

21           PANEL CHAIR GUDICELLO: -- few minutes  
22 you have left. Thank you.

1 MR. GIBBS: Thank you. Yeah, actually  
2 similar theme here to the response. All the  
3 gentlemen really captured a lot of the theme of  
4 the stainless industry as well.

5 So continuing on with our current  
6 partners, looking at that global arrangement and  
7 seeing that, similar to aluminum, stainless is in  
8 the same boat with the carbon footprint for  
9 stainless produced in the U.S. is significantly  
10 lower than, say, the East by three to five times,  
11 depending on product mix.

12 PANEL CHAIR GUDICELLO: Great. Well,  
13 thank you very much. We greatly appreciate the  
14 testimony and the responses from all of our  
15 witnesses today.

16 As a reminder, there is the  
17 opportunity to submit post hearing comments. And  
18 it sounds like we definitely look forward to  
19 receiving some additional data on the questions  
20 that were posted. Thank you very much.

21 (Pause.)

22 MR. BURCH: Would the room please come

1 to order?

2 PANEL CHAIR GUDICELLO: Good  
3 afternoon. Thank you, everyone. We're going to  
4 get started now with Panel 5. We're looking  
5 forward to hearing from stakeholders from the  
6 steel and metals industry.

7 As a reminder, each witness should  
8 introduce themselves before they begin and my  
9 inter-agency colleagues introduce themselves when  
10 they ask the first question. My name is Rebecca  
11 Gudicello.

12 I'm a Deputy Assistant United States  
13 Trade Representative in the Office of Small  
14 Business Market Access and Industrial  
15 Competitiveness at USTR. With that, we'll begin  
16 with our first witness. Mr. Cornelius, please,  
17 five minutes.

18 MR. CORNELIUS: Good morning. My name  
19 is John Cornelius, and I am the President of  
20 Sumiden Wire Products Corporation, a domestic  
21 producer of pre-stressed concrete steel wire  
22 strand or PC-strand.



1                   Sumiden has been a proud domestic  
2 producer of PC strand for over 40 years. We  
3 manufacture PC strand in Dixon, Tennessee,  
4 Dayton, Texas and Stockton, California.

5                   I'm sitting before you today with over  
6 27 years' experience in the U.S. PC strand  
7 industry. During that time, I participated in  
8 multiple anti-dumping and countervailing duty  
9 cases.

10                  This industry has had to repeatedly  
11 defend itself against foreign suppliers willing  
12 to dump their excess capacity here in the U.S.  
13 market as well as defend against foreign  
14 companies producing PC strand with the aid of  
15 unfair government subsidies.

16                  I've also had a front row seat to  
17 experience the crushing and injurious effects of  
18 China's steel over capacity on our market as well  
19 as the broader global steel market.

20                  I'm here today representing my  
21 employer, Sumiden Wire, who, since 1979 has  
22 produced and supplied PC strand to vital

1 infrastructure projects all across the United  
2 States. Those include the iconic Charles River  
3 Cable Stayed Bridged in downtown Boston, the  
4 Cooper River Cable Stayed Bridge in Charleston,  
5 South Carolina and the Oakland Bay Bridge in  
6 California and many, many others.

7           Although it may be hard for you to  
8 see, I am wearing a lapel pin today from another  
9 bridge project we supplied in 2008. I was  
10 presented this pin by the former Minnesota State  
11 Bridge Engineer.

12           The pin is made to look like an  
13 interstate highway sign with the letters, 35-W on  
14 it as well as the date, August 1st, 2007. As you  
15 may remember on that fateful day, a steel trussed  
16 bridge in Interstate 35 West in Minneapolis  
17 unexpectedly and tragically collapsed, killing 13  
18 people and injuring 145 others.

19           In addition to the horrific impacts to  
20 those who were tragically killed or injured, the  
21 loss of the bridge had severe economic  
22 consequences for the Minneapolis region. It was

1 critical for the state of Minnesota and the  
2 region to rebuild the bridge as quickly and as  
3 safely as possible.

4 On January 7th, 2008, a short five  
5 months after the bridge collapsed, Sumiden Wire  
6 received a purchase order to supply over 1,650  
7 tons of PC strand to this project with the goal  
8 of opening the bridge by December of that same  
9 year.

10 The construction contract was  
11 structured with incentives for early completion  
12 and penalties for delay to ensure all parties  
13 worked together to replace this vital piece of  
14 infrastructure as expeditiously as possible.

15 This aggressive and critical project  
16 occurred during a period of time in 2007-2008  
17 when the global steel wire rod market was in a  
18 state of unprecedented demand. Wire rod is the  
19 only steel input we use to make PC strand. We  
20 cannot make PC strand without it.

21 Despite the supply chain challenge, we  
22 were able to work with our domestic suppliers to

1 procure the wire rod needed. And I am proud to  
2 say we were able to prioritize this project in  
3 our manufacturing operations.

4           Within less than 90 days between March  
5 and May 2008 we produced and supplied over 1,650  
6 tons of PC strand to the I-35 West bridge  
7 project. And I'm happy to say the bridge not  
8 only met the December 2008 deadline, it was open  
9 for traffic on September 18th, 2008, a full three  
10 and a half months ahead of schedule.

11           In light of a recent tragic event of  
12 a similar bridge collapse in Baltimore, I don't  
13 have to tell you how vitally important it is to  
14 have a healthy, thriving material supply of key  
15 domestic steel products including both wire rod  
16 and PC strand to support infrastructure projects  
17 here in the United States.

18           PC-strand, like many steel products,  
19 requires significant and ongoing investments into  
20 equipment and operations in order to remain  
21 globally competitive. That is increasingly  
22 difficult, however, when the U.S. market is

1 always the first place global suppliers of PC  
2 strand look to offload their excess supply at our  
3 expense.

4           When the Section 232 remedies were  
5 imposed on steel products including wire rod,  
6 foreign producers increased exports of PC-strand,  
7 a downstream derivative product, to avoid the  
8 Section 232 remedy on upstream steel wire rod.

9           While we have attempted to address  
10 these imports through trade cases, new sources  
11 continually pop up. Imported PC strand is also  
12 sold at ever lower prices, often lower than our  
13 costs of wire rod. They do this, not only to  
14 make inroads in the U.S. market but also because  
15 they are benefitting from the low-price steel  
16 inputs available from sources like China.

17           The consequences of these imports are  
18 lost jobs, idle capacity and declining profits,  
19 all of which my company has experienced directly.  
20 A comprehensive remedy for PC strand equivalent  
21 to the remedy opposed pursuant to Section 232 on  
22 wire rod is needed to support our industry and

1 our supply chain. Thank you.

2 PANEL CHAIR GUDICELLO: Thank you very  
3 much. Mr. Goettl?

4 MR. GOETTTL: Good afternoon. My name  
5 is Ed Goettl. I am Vice President for Market  
6 Development at Optimus Steel.

7 Optimus Steel produces steel wire rod  
8 in Beaumont, Texas which is about 90 miles east  
9 of Houston. Optimus Steel provides 365 well-  
10 paid, highly skilled manufacturing jobs, most of  
11 which are represented by the United Steel  
12 Workers.

13 Steel wire rod is essential to end  
14 uses that contribute to critical infrastructure,  
15 construction, automotive and consumer  
16 applications in the United States.

17 Wire rod is drawn down into wire for  
18 further manufacturing into products such as  
19 concrete reinforcing products including our very  
20 important customer base, domestic manufacturers  
21 of PC-strand.

22 Developing a more robust and resilient

1 manufacturing supply chain in which both PC  
2 strand and steel wire rod are essential must be  
3 prioritized if the United -- if the American  
4 infrastructure and industrial sectors are going  
5 to grow and thrive.

6 Support for the scrap-based production  
7 processes of the domestic wire rod industry also  
8 helps the United States achieve key  
9 decarbonization goals, securing the United  
10 States' global leadership in sustainable steel  
11 production.

12 The United States is the cleanest  
13 steelmaking country in the world. Globally,  
14 steelmaking contributes approximately 8 percent  
15 to total greenhouse gas emissions. In the United  
16 States, steelmaking accounts for just one  
17 percent.

18 Optimus Steel, like other domestic  
19 wire rod producers produce a steel using a low-  
20 emissions electric arc furnace method of  
21 steelmaking. We also ship large volumes of wire  
22 rod within 90 miles of our facility each month.

1 In other words, Optimus Steel meaningfully  
2 contributes to lowering emissions on a door-to-  
3 door basis within critical U.S. supply chains.

4 Unfortunately, the U.S. wire rod  
5 industry has struggle for decades with unfair  
6 import competition driven by global excess steel  
7 capacity.

8 The large U.S. wire rod market is an  
9 attractive target for low-priced imports that  
10 have repeatedly been found to injure American  
11 wire rod producers.

12 Optimus Steel and our industry welcome  
13 the imposition of the 232 tariffs as a relief  
14 from the high volume of wire rod imports from  
15 around the world.

16 The Section 232 tariffs, along with  
17 earlier trade remedy actions have benefitted my  
18 company by allowing us to reinvest in the  
19 business, expand capacity, increase production,  
20 and create more highly desirable U.S.  
21 manufacturing jobs.

22 Despite the relief provided by the



1 Section 232 tariffs, my company and other  
2 domestic wire rod producers are again being  
3 challenged not only by wire rod imports from  
4 places like Mexico but also by imports of  
5 downstream steel products made by our customers.

6 In particular, our customers producing  
7 PC strand are facing historically high levels of  
8 low-priced PC strand imports. Our customers are  
9 also harmed by that import competition because  
10 their foreign competitors are taking advantage of  
11 very low-priced wire rod from sources like China.

12 Low-priced imports allow PC strand  
13 imports to be sold in the United States often at  
14 or below our customer's production costs. As our  
15 customers in the PC strand industry suffer injury  
16 from low-priced imports seeking to evade the  
17 Section 232 tariffs on wire rod, my company is  
18 deprived of the intended benefits of the Section  
19 232 remedy because they are buying less wire rod  
20 from us.

21 We have been forced to curtail  
22 production and have seen our capacity to

1 utilization rate decline despite recent  
2 investments in our facility. We have had other  
3 capacity expansion plans that have been delayed  
4 due to the deteriorating market conditions.

5 Had our customers been able to sell  
6 more domestic PC strand in the U.S. market  
7 without the low-priced import competition,  
8 Optimus Steel would have been busier as well,  
9 rather than being forced to reduce output.

10 For these reasons, we urge the Biden  
11 administrative to expand the Section 232 tariffs  
12 to cover PC strand as a derivative product of  
13 wire rod. Failure to protect the domestic PC  
14 strand producers threatens to leave the United  
15 States reliant on imports for sensitive projects.

16 This would undermine the IRA and the  
17 IIJA legislation intended to shore up  
18 infrastructure supply chains, which should be  
19 used to support American workers and companies,  
20 especially a company like ours that is investing  
21 in our facility and growing the number of  
22 unionized workers we have.

1           The Section 232 tariffs must also be  
2 extended to cover derivative PC strand to support  
3 a more sustainable low-emission supply chain  
4 versus the much more carbon-intensive steel  
5 produced in other countries. That foreign steel  
6 is then also transported long distances to U.S.  
7 ports, creating further emissions.

8           The goals of promoting the health of  
9 a critical domestic steel industry like wire rod  
10 and reducing carbon intensity in steelmaking are  
11 complementary. They are both -- they can both be  
12 achieved by supporting the health of our  
13 customers who can increase our sales and  
14 production and keep our facilities running full.

15           That will result in a much more  
16 resilient supply chain and erase our reliance on  
17 foreign suppliers that may not share our values.  
18 Thank you.

19           PANEL CHAIR GUDICELLO: Thank you very  
20 much. Mr. Dillon, please.

21           MR. DILLON: Good afternoon. I'm Tim  
22 Dillon. I serve as Senior Vice President of

1 Sales and Marketing for LIBERTY Steel USA.  
2 Liberty produces steel wire rod at our mill in  
3 Peoria, Illinois where our workers are  
4 represented by an independent union.

5 We've also been producing wire rod in  
6 Georgetown, South Carolina. Just a couple weeks  
7 ago, however, we were forced to announce we'll be  
8 shifting our production focus in Georgetown away  
9 from wire rod.

10 A surge in imported steel led to a  
11 decrease in rod prices to a level below our rod  
12 production costs and the resultant need for us to  
13 shift away from rod production.

14 The Georgetown facility will remain  
15 operational as we continue to make steel wire and  
16 engineer welded mesh after the mill is put into  
17 care and maintenance. Unfortunately, though,  
18 approximately 50 USW workers will be affected by  
19 this change at our Georgetown facility and  
20 Liberty will be providing support to those  
21 employees impacted.

22 Liberty has made substantial

1 investments in our Georgetown facility in recent  
2 years while my company, like other rod producers,  
3 had suffered from significant volumes of low-  
4 priced import competition for a long time.

5 For a little while, we were optimistic  
6 that a series of successful unfair trade cases  
7 and the imposition of Section 232 tariffs on  
8 imports of wire rod would provide the relief  
9 necessary for my company and our industry to  
10 grow.

11 Given the investments we made in our  
12 operations and our workforce, it was especially  
13 difficult to conclude we'll have to idle our rod  
14 mill in Georgetown at the end of June, and until  
15 business improves.

16 And while we continue to produce wire  
17 rod at our mill in Peoria, the investments we've  
18 made and had planned to make in that facility are  
19 also put at risk by the steel import competition,  
20 creating the current unfavorable market  
21 conditions.

22 One specific way imports are adversely

1 impacting our wire rod business is the import  
2 competition that downstream domestic PC strand --  
3 the domestic PC strand faces. The wire rod and  
4 PC strand supply chain is vital to the United  
5 States infrastructure and supply chain goals.

6 But the future of that supply chain is  
7 threatened by imports. Domestic PC strand  
8 producers, customers of Liberty and other wire  
9 rod producers, have a history of themselves  
10 struggling with significant import competition.  
11 But they didn't receive the same benefits from  
12 the imposition of the Section 232 tariffs.

13 Today, domestic PC strand producers,  
14 that should be buying more domestic wire rod as  
15 they expand their business and grow their sales,  
16 are instead losing sales to imports.

17 The imports of PC strand do not face  
18 Section 232 tariffs and have cost advantages  
19 spurred by Chinese steel over capacity that has  
20 had far-reaching effects throughout the global  
21 steel market.

22 The direct result of PC strand import

1 competition in the U.S. market is that domestic  
2 PC strand producers are purchasing less wire rod  
3 because they are producing less PC strand as they  
4 lost sales volume.

5 If the domestic PC strand industry is  
6 not given a remedy to compete on fair footing  
7 against imports, the United States will suffer a  
8 tremendous hit to the resilience of the supply  
9 chain.

10 There will be less American made PC  
11 strand available for the vital transportation and  
12 infrastructure projects that this administration  
13 has been and should be prioritizing.

14 It will also mean fewer wire rod sales  
15 for my company and others in the wire rod  
16 industry. In fact, historically, PC strand was  
17 one of Liberty's largest customer bases. But we  
18 have seen sales to that industry erode  
19 tremendously in just the past few years.

20 Without a remedy, we will face even  
21 lower capacity utilization, even lower than what  
22 we are already experiencing. The idling of our

1 rod mill in Georgetown will be, unfortunately,  
2 just the tip of the iceberg in our industry.

3 For these reasons, I urge the  
4 administration to shore up the domestic  
5 industries producing the steel materials critical  
6 for infrastructure and other applications by  
7 extending the 232 tariffs to the derivative steel  
8 product PC-strand. Thank you for your time.

9 PANEL CHAIR GUDICELLO: Thank you very  
10 much, Mr. Dillon. Mr. Woltz, please?

11 MR. WOLTZ: Good afternoon. My name  
12 is H. Woltz. I'm the President, Chairman and CEO  
13 of Insteel Industries.

14 Insteel is the largest domestic  
15 producer of PC strand with manufacturing  
16 operations in Gallatin, Tennessee, Houston, Texas  
17 and Sanderson, Florida. Our corporate  
18 headquarters is in Mount Airy, North Carolina.

19 PC strand is a critical steel wire  
20 product used in bridges, highways, and other  
21 public transportation structures. There is no  
22 alternative reinforcement to PC-strand.



1           This administration has recognized the  
2 importance of a strong infrastructure system in  
3 the United States and maintaining a healthy  
4 domestic wire rod and PC strand industries is  
5 critical to ensure that the U.S. infrastructure  
6 needs are met.

7           During my long tenure at Insteel, we  
8 have been forced to address competition from low-  
9 priced and unfairly traded imports of PC strand  
10 on many occasions. We joined with other domestic  
11 producers to bring anti-dumping and  
12 countervailing duty actions against the unfairly  
13 traded imports several times.

14           While our actions have been  
15 successful, there seems to be no end to the  
16 whack-a-mole problem. Although we have 22 anti-  
17 dumping and CVD orders in place, new cheap  
18 sources of PC strand emerge from around the world  
19 with regularity.

20           Those low-priced imports over the  
21 years have displaced our sales and our market  
22 share, causing us to idle facilities and lay off

1 workers until the unfair trading practices were  
2 remedied.

3 Our challenge in competing with  
4 imports was exacerbated when the Section 232  
5 National Security Tariff was imposed on upstream  
6 products including wire rod but not on PC-strand.

7 Wire rod is the major input into the  
8 production of PC-strand, accounting for the vast  
9 majority of its costs. That remedy on wire rod  
10 caused foreign countries to shift exports to  
11 downstream products including PC-strand.

12 As imports of wire rod declined,  
13 imports of PC strand surged. And as Mr.  
14 Cornelius stated, these imports have entered the  
15 market at absurdly low prices, often below the  
16 domestic price of wire rod.

17 These low global prices of wire rod  
18 and PC strand are driven primarily by Chinese  
19 over capacity which has depressed global rod  
20 prices, allowing foreign producers of PC strand  
21 to sell into the U.S. market at ridiculously low  
22 prices.

1           The result of the surge of low-priced  
2 PC strand imports has been to harm my company,  
3 our industry and our domestic wire rod suppliers.  
4 We're losing sales and being forced to cut prices  
5 to compete with low-priced imports.

6           The impact to Insteel has been  
7 substantial. We've had to curtail production as  
8 we lost sales volume to imports which hurts our  
9 workforce and the affected communities. In the  
10 current quarter, we reluctantly met low foreign  
11 prices to sustain some presence in the market,  
12 although we're selling it at below cost.

13           We have investment plans that we've  
14 been forced to put on hold and we've failed to  
15 earn returns on prior investments. This  
16 condition is not sustainable for Insteel nor for  
17 the industry.

18           The consequences of low-priced import  
19 competition are felt throughout the supply chain.  
20 When a domestic PC strand producer loses market  
21 share as the industry deteriorates, domestic  
22 suppliers of wire rod see a commensurate

1 reduction in shipments and revenues.

2 Increased import penetration also  
3 means less domestic PC strand for the important  
4 transportation and building projects including  
5 critical projects that require rapid response and  
6 compliance with Buy America regulations.

7 Only through support of the entire  
8 domestic supply chain can there be continued  
9 growth and investment in U.S. manufacturing. The  
10 notice for this hearing asked participants to  
11 identify tools that could be used to bolster the  
12 supply chain.

13 Fortunately, a ready tool exists,  
14 which is expansion of the Section 232 tariff  
15 remedied to PC-strand. We join with our domestic  
16 wire rod suppliers to seek an expansion of  
17 Section 232 to include PC strand under the  
18 derivative products provision.

19 By expanding the program to include  
20 imports of PC-strand, which is a derivative  
21 product of steel wire rod, the domestic wire rod  
22 industry will benefit from the 232 tariff and the

1 domestic PC strand industry will be spared  
2 decimation at the hands of imports. Thank you.

3 PANEL CHAIR GUDICELLO: Thank you very  
4 much. Now I turn to our last witness, Mr.  
5 Houseman. Thank you.

6 MR. HOUSEMAN: Hello. My name is Ray  
7 Houseman. I'm a legislative director for the  
8 United Steel Workers or USW.

9 USW appreciates the opportunity to  
10 provide oral comments in response to the United  
11 States trade representatives' effort to promote  
12 supply chain resilience.

13 As the largest industrial union in  
14 North America, most USW members work in energy-  
15 intensive trade exposed industries. And its at  
16 least in direct competition with international  
17 trading partners.

18 Promoting supply chain resilience can,  
19 with the proper policies, ensure not just fair  
20 competition but uplift those with less, creating  
21 a more equitable and hopefully less combative  
22 world.

1           Our written comments provide detailed  
2 thoughts to a number of the questions posed by  
3 USTR and my oral comments today will attempt to  
4 summarize them with a bit of color and reflection  
5 on the people who benefit when we focus on supply  
6 chain resilience.

7           I think of Jill Stough, USW Local 7248  
8 member who recently came to this building before  
9 the International Trade Commission and  
10 successfully testified in the support of anti-  
11 dumping countervailing duty orders on brass rod.

12           She's worked at Wieland Chase for 43  
13 years, raised a family, and with her testimony  
14 defended nearly 200 workers who were at a  
15 critical junction in our water infrastructure  
16 supply chain.

17           In case you didn't know, brass is used  
18 in every -- nearly every fire hydrant you will  
19 ever see, and hopefully, is fairly used.

20           When you consider Jill and her union  
21 siblings are just part of nearly every community  
22 effort to provide resilience and prevent

1 catastrophe, you realize promoting supply chain  
2 resilience means a holistic industry policy with  
3 worker-centered trade as a centerpiece and can be  
4 transformative and create not just millions of  
5 good family-supporting American jobs but also  
6 pathways of workers to globally achieve the  
7 rights, values and conditions we hold dearly in  
8 our country.

9 Jill's standing up to artificially  
10 low-cost imports is an act of supply chain  
11 resilience, ensuring market competition is done  
12 fairly. And that is why the USW is supportive of  
13 actions to consistently use the tools already on  
14 the books to enforce and upgrade those tools for  
15 today's global environment.

16 That is why we support upgrades such  
17 as Leveling Playing Field Act 2.0, with the  
18 Fighting Trade Cheats Act and other efforts to  
19 ensure responsive trade enforcement mechanisms in  
20 Congress.

21 The union also believes that robust  
22 use of the tools already provided by law

1 regarding trade enforcement can create a  
2 combination of leverage and tools for negotiation  
3 with international competitors and also  
4 sustainable practices here in the U.S. market.

5           Whether that is continued 232  
6 negotiations, expansion of 232, as you've heard  
7 from other witnesses, the ongoing effort that  
8 USTR is doing on the 332 and the ongoing review  
9 of the 301 tariffs which the USW strongly  
10 supports as well against China and the ongoing  
11 investigation, the recently submitted by the  
12 union and five other partners on shipbuilding,  
13 301 -- these are all components of existing  
14 policy tools where we can strongly defend  
15 American workers and provide a fair and level  
16 playing field.

17           But when that playing field is less --  
18 impacts workers, it is also important that we  
19 provide every tool for those workers to recoup  
20 and rebuild and get back into the workforce. And  
21 that's why the union also supports a strong  
22 reauthorization of trade adjustment assistance.



1           And so, U.S. trade and investment  
2 policy should also promote a race to the top  
3 through stronger coordination in alignment of  
4 labor and environment protections. This must be  
5 a virtuous cycle, not the outdated notion of  
6 hyperglobalization.

7           And we should emphasize how delicate  
8 a balance this can be. The USW wants a friend-  
9 shoring -- it's not a substitute -- for a strong  
10 and resilient supply chain. And as we've heard  
11 today, workers in Texas right now are being --  
12 and in South Carolina -- are being negatively  
13 impacted from imports, primarily, out of Mexico  
14 in wire rod where we're seeing an 1800 percent  
15 increase.

16           Promoting supply chain resilience  
17 requires a deliberate effort to improve supply  
18 chain transparency and accountability. Strong  
19 rules of origin standards in our trade agreements  
20 include updating rule of origin standards in our  
21 existing free trade agreements.

22           And that should be a priority. Strong

1 rules of origin policies, when combined with  
2 labor and environmental protections that are  
3 rapid and enforceable, will ensure --will  
4 strengthen supply chains both here domestically  
5 but also with the countries where we chose to  
6 provide a significant economic benefit.

7 With the 2026 Joint Review of USMCA  
8 approaching, the U.S. should insist on robust and  
9 transparent application of the agreements' rules  
10 of origin including regional value content and  
11 labor value content requirements.

12 As we see multi-national firms often  
13 underestimate geopolitical risks of autocratic  
14 regimes, ensuring our trader partners also  
15 reflect the values we hold for our workers, our  
16 air, our water and our communities is vital to  
17 supply chain resilience.

18 Concluding, strong and resilient  
19 supply chains are desperately necessary for the  
20 national and economic security of our country.  
21 The steelworkers look forward to continuing our  
22 work with USTR and the administration as they

1 proceed with this important endeavor.

2 PANEL CHAIR GUDICELLO: Thank you very  
3 much, Mr. Houseman and thank you very much all of  
4 our witnesses. We appreciate your testimony. We  
5 will now move on to the question and answer  
6 period.

7 I'd like to remind my colleagues to  
8 please introduce yourself at your first question.  
9 And I'll take the liberty of asking the first  
10 question to any panelist who chooses to respond.

11 In your testimony today and in your  
12 submissions, you all expressed support for the  
13 Section 232 tariffs and some have noted the  
14 importance of extending these tariffs to  
15 additional downstream products, particularly PC-  
16 strand.

17 How should the administration consider  
18 this request with respect to countries with which  
19 we've already reached alternate arrangements to  
20 the Section 232 tariffs. Please just raise your  
21 hand and I'll be happy to call on anyone who'd  
22 like to respond. Thank you.

1                   MR. GOETTL: I'm not sure I heard the  
2 question. So if we -- if the 232 is extended to  
3 PC-strand, what was the question?

4                   PANEL CHAIR GUDICELLO: The question  
5 was with regards to the administrative  
6 arrangements that have -- excuse me, alternate  
7 arrangements that have been reached with certain  
8 countries with regards to the 232 and how we  
9 should interpret your recommendations to extend  
10 the 232 tariffs on PC-strands in connection with  
11 the specific countries that have had alternative  
12 arrangements -- so Mexico, Canada, et cetera.  
13 Thanks.

14                   MR. DILLON: Well, in the case of  
15 Mexico and Canada, those are -- that's a  
16 conversation about tariffs in general. What  
17 we're talking about is really extending the  
18 existing 232 tariffs to cover the downstream PC  
19 strand product so that it meets the original  
20 intention of 232 tariffs.

21                   I don't think that this is yet part of  
22 the conversations as far as the USMCA agreement.

1 MR. HOUSEMAN: Hi, this is Ray  
2 Houseman with USW. You know, I think in regard  
3 to alternative arrangements, you know, if you  
4 expand PC strand -- or 232's scope to include PC-  
5 strand, those alternative arrangements would  
6 provide the opportunity to have a negotiation and  
7 discussion with those countries regarding those  
8 issues regarding the growth of those materials  
9 exports into the United States market.

10 So, you know, this provides that  
11 additional leverage and the opportunity while at  
12 the same time, hopefully, pushing out some of the  
13 imports from subject countries.

14 PANEL CHAIR GUDICELLO: Thank you.

15 MR. WOLTZ: I would just add that the  
16 initial imposition of the 232 created probably an  
17 unintended but a very predictable asymmetry in  
18 our marketplace. And I'm speaking of PC-strand,  
19 not other products.

20 It is entirely predictable and, in  
21 fact, was predicted to the administration that if  
22 PC strand were not included, the tariff would be

1 circumvented as producers offshore ship  
2 downstream products when they can no longer  
3 compete in hot rolled wire rod market.

4 So I think this is simply a question  
5 of leveling the playing field -- no more and no  
6 less.

7 PANEL CHAIR GUDICELLO: Thank you.  
8 Ms. Knight, please?

9 MS. KNIGHT: Hi. My name is Jennifer  
10 Knight, and I'm the Deputy Assistant Secretary  
11 for Textiles, Consumer Goods, Materials and  
12 Critical Mineral and Metals in the International  
13 Trade Administration.

14 This is also a question for any of the  
15 panelists. Please provide details on the most  
16 significant challenges your company and the steel  
17 industry face with respect to obtaining essential  
18 mineral and material inputs including but not  
19 limited to energy and machinery sourced  
20 domestically and abroad.

21 And what policies would you suggest to  
22 improve your access to these inputs?

1                   MR. GOETTL: I would just answer for  
2 Optimus Steel, that's not my area of expertise,  
3 but that's something we can have a conversation  
4 within our company and respond later, if that  
5 would be all right. Thank you.

6                   MR. HOUSEMAN: Hi, Ray Houseman with  
7 USW. I think about -- I was recently in Montana.  
8 And we were at the East Boulder Stillwater Mine  
9 where they mine platinum and palladium, other  
10 products.

11                   But another key product that comes out  
12 of there is copper. And that copper actually was  
13 getting sent to a new core facility to be added  
14 into steel for iron bars, basically for  
15 construction bar.

16                   And I think for us, like this  
17 opportunity is a combination of ensuring that our  
18 trade policies don't inadvertently prevent us  
19 from expanding or opening domestic mining  
20 opportunities.

21                   Copper, for example, has been --  
22 recent reports have indicated for, in the copper

1 area, for example, a significant -- and while  
2 it's not considered critical mineral, it is  
3 definitely a critical mineral for a host of  
4 commodities.

5 And I think we look at this  
6 opportunity here to make sure that we don't set  
7 trade policies that allows for bad actors and  
8 operators in international mining operations to  
9 undercut domestic supply products.

10 Another key, like, for example, is  
11 cobalt. Idaho is working really hard. There was  
12 producers in Idaho working really hard to build a  
13 supply chain here domestically. But  
14 unfortunately, Chinese producers primarily  
15 undercut the global market.

16 So it requires policy responses that  
17 are definitely within USTR and Congress's purview  
18 to better sustain and create, you know, the  
19 ability for a domestic market to develop.

20 So that sometimes includes tariff  
21 policy but it also includes trade engagement to  
22 ensure that our trading partners are not



1 polluting their air and water at an expense that,  
2 you know, we find -- would find unacceptable  
3 here.

4 MS. KNIGHT: Thank you very much.

5 MS. RUDMAN: Had some minor technical  
6 difficulties. Thank you all. Thank all the  
7 panelists for your testimony. My name's Chelsea  
8 Rudman. I'm an International Labor advisor for  
9 Trade Policy at the Bureau of International Labor  
10 Affairs, Department of Labor.

11 My question is for Mr. Houseman,  
12 although would welcome any input from other  
13 panelists. In your written testimony you  
14 mentioned the importance of collaboration among  
15 trusted networks to counteract labor rights  
16 violations in supply chains including by  
17 negotiating strong enforceable transparent labor  
18 provisions in trade negotiations and trade  
19 agreements.

20 If you could write your ideal labor  
21 provisions, what would be included and what  
22 enforcement mechanisms do you think would be most

1 effective in enforcing those provisions?

2 MR. HOUSEMAN: Appreciate the  
3 question. Ray Houseman, USW, for the record.  
4 You know, for the union, we see the ability for  
5 the Rapid Response Mechanism to create and  
6 effective change.

7 You look at over 20,000 worker in  
8 Mexico have been able to basically create an  
9 independent union and seen significant wage  
10 gains.

11 Those wage gains, you know, have led  
12 to workers in, for example, like, Goodyear in  
13 Mexico -- that facility now workers there are  
14 making more or less the equivalent of the federal  
15 minimum wage, which is not ideal, but when you  
16 start with the fact that they were making less  
17 than -- around \$2.13 before, you realize that  
18 we've reduced that competitive edge on the  
19 market, on the labor policy alone.

20 So having these strong, quick and  
21 Rapid Response Mechanisms that are -- they're  
22 faster than a lot of the traditional trade

1 mechanisms. It's something that really is  
2 important.

3 And when you look at the historical  
4 impacts of U.S. labor law, that was kind of a  
5 goal of the National Labor Relations Act, was to  
6 create this quick, fast way of creating  
7 adjudication for workers on an individual basis  
8 so they wouldn't have to fight in courts.

9 And so we see the expansion of NRM and  
10 then policies like the labor value content where  
11 we recognize that we shouldn't let wages, hours  
12 and working conditions be the comparative  
13 advantage between trading partners.

14 MS. EZRAN: Good afternoon. My name  
15 is Irene Ezran. I'm an International Economist  
16 in Treasury's Office of International Trade and  
17 Investment.

18 My question is as well for United  
19 Steel Workers. Mr. Houseman, I note from your  
20 submission that you support the reauthorization  
21 of trade adjustment assistance, TAA. Can you  
22 explain how TAA has helped your workers adjust to

1 changing trade patterns? And how do you think it  
2 could be made more effective?

3 MR. HOUSEMAN: Sure, Ray Houseman,  
4 USW. You know, look, the first goal is to not  
5 have trade adjustment assistance happen. If we  
6 can keep plants open, that's what we want to do.

7 But, you know, I look at I've helped  
8 over 12,000 workers qualify for TAA benefits and  
9 I've gotten the stories of them becoming nurses  
10 in their communities and being able to live in  
11 their community still as opposed to having to  
12 move and find a job elsewhere.

13 I've had members who have been able to  
14 really -- look, I've gone through the program  
15 myself after a plant closure and got a master's  
16 in public administration. And I think that helps  
17 me with my job today.

18 So I think about this opportunity  
19 where you get two years of job retraining  
20 benefits. You are able to collect a benefit. I  
21 think about those benefits and how they helped,  
22 you know, keep me paying my mortgage.

1           And so when you have that opportunity  
2           to just kind of reskill and when you realize the  
3           census data highlights that they make -- workers  
4           who go through the TAA program on average make  
5           over \$50,000 over, I think it's a 10-year period.  
6           They make \$50,000 more than those that did not go  
7           through the program, and to completely upskill,  
8           this is an opportunity.

9           Now, should we -- we don't want, you  
10          know, again I've had members talk about it being  
11          burial insurance. We don't necessarily want to  
12          get there. But when the worst happens, we need  
13          to make sure that it's available for those  
14          workers.

15                 PANEL CHAIR GUDICELLO: Thank you very  
16                 much. This is a question to any of the  
17                 panelists. In your submissions you touched on  
18                 the importance of trade enforcement and the need  
19                 to address circumvention of existing measures,  
20                 particularly, 232 tariffs.

21                 How can the rules of origin in our  
22                 existing free trade agreements such as USMCA be

1 strengthened to secure critical domestic supply  
2 chains in the steel industry and for downstream  
3 steel-intensive products and to address the  
4 concerns you have noted regarding circumvention  
5 or avoidance of the 232 tariffs through product  
6 transformation?

7 I will just note at this time that  
8 there is the opportunity for post hearing  
9 submissions so if any of our witnesses would like  
10 to reflect further on that very lengthy question,  
11 we would be happy to receive your responses and  
12 opinions through the post hearing testimony -- or  
13 excuse me, submissions.

14 I think we'll go ahead and move on  
15 then, definitely. Thank you.

16 MS. KNIGHT: Sure. This question is  
17 for any of you involved in the private sector  
18 here. How important are export sales to your  
19 companies?

20 And which countries should the United  
21 States prioritize for promoting exports of  
22 domestically produced goods in your sectors to

1 diversity markets and reduce dependencies?

2 MR. DILLON: Exports are not important  
3 to our sales at Liberty, LIBERTY USA.

4 MR. WOLTZ: Tim may be correct that  
5 exports aren't important. But my company has a  
6 natural geographic advantage to export PC strand  
7 to the Caribbean and to Central America. And we  
8 found is we've been run out of those markets by  
9 the very same issue that we noted today.

10 And that is over capacity in China has  
11 caused very low pricing for all hot roll products  
12 including steel wire rod around the world. And  
13 PC strand producers in foreign countries are  
14 acquiring that Chinese wire rod at very low  
15 prices and they have basically run us out of the  
16 Caribbean and Central America.

17 So where exports were never a huge  
18 portion of our business, they were a regular  
19 portion of our business, and no longer are they.

20 MS. KNIGHT: Thank you. Chelsea?

21 MS. RUDMAN: This question is open for  
22 anyone on the panel. Your written testimonies

1 and your verbal testimonies lay out the  
2 importance of expanding Section 232 tariffs to  
3 cover PC strand in order to eliminate the  
4 differential tariff agreement that has resulted  
5 in higher levels of low-priced imports of PC  
6 strand which not only harms domestic companies  
7 but your workers and the communities in which  
8 they operate.

9 Are there other trade policy tools  
10 that you could point to or elaborate on that  
11 would also have positive effects for your  
12 companies and American workers?

13 MR. HOUSEMAN: Hi, this is Ray  
14 Houseman with USW. I think, you know, look,  
15 robust enforcement of the Buy America Act, for  
16 example, would be a good place to help move the  
17 supply chain in some ways to ensure that, you  
18 know, products like wire rod and PC strand get  
19 the preference of our nation's infrastructural  
20 laws.

21 I think another area is we have to  
22 look at our Export-Import Bank and the ability to



1 better foster. And I think if the recent Buy  
2 American efforts at the Import-Export Bank where,  
3 if you can show that you have an export market of  
4 about 25 percent of your business, or if someone  
5 further upstream is providing 25 percent of their  
6 products into exports, you can qualify for low-  
7 cost loans and other areas.

8 How we better promote that is, I  
9 think, something that's extremely important,  
10 particularly in, where, as you're hearing here in  
11 the wire rod and PC-strand, this is very -- in  
12 the steel industry, it's -- there's a lot of this  
13 that's really regional and really important to  
14 local communities.

15 And it is one of the first products  
16 that tends to be -- it's very quick to turn up  
17 and build out and you can, as you hear, you're  
18 seeing the threat of imports, not just in wire  
19 rod but PC strand and that ability to lose that  
20 international market share.

21 It's crazy to me to think that we have  
22 free trade agreements with most of -- with

1 significant countries in the CAFTA, Latin America  
2 region, and yet our producers cannot compete in  
3 those areas.

4 Now, in part, that's because of the  
5 international subsidies that the People's  
6 Republic of China has done, but a host of other  
7 producers. So additional policies to foster  
8 export facilitation combined with strong domestic  
9 policies and robust trade enforcement gives an  
10 opportunity for American producers which follow  
11 the Clean Air Act, Clean Water Act and American  
12 labor laws to compete both domestically and  
13 internationally.

14 MR. GOETTL: Ed Goettl, Optimus Steel.  
15 I would say if there was a way to look at an  
16 entire supply chain, so today the wire rod  
17 producers have to try to get trade remedies  
18 separately from that, the PC strand industry has  
19 to get trade remedies, I'm not aware of a way  
20 that we can, as an entire supply chain, go and  
21 get relief for the issues that we're facing.

22 Because our customers lose an order,

1 we lose an order. But yet, we can't go together,  
2 in any way that I'm aware of, to deal with the  
3 issues on trade that we have.

4 MR. DILLON: I would also just say  
5 that I don't know that we're really talking about  
6 -- I know that we're talking about expanding the  
7 232 to PC-strand. But in reality, I think we  
8 missed this the first time around.

9 This was really part of the intent  
10 that we were going after to this industry, this  
11 industry being the wire rod industry. And a big  
12 part of the wire rod industry is PC-strand. And  
13 I think we looked at it wrong when we established  
14 the tariffs in the first place.

15 And I think what we're really trying  
16 to do is just review that initial assessment of  
17 tariffs and how they should be applied.

18 MR. GOETTL: PC strand was not looked  
19 at individually as derivative product. It was  
20 looked as a basket of goods, and that basket did  
21 not meet certain thresholds. And so the whole  
22 basket was thrown out.

1           When, if people would have looked at  
2           our contention is, is that if PC strand in and of  
3           itself would have been looked at as a derivative  
4           product, it would have gotten coverage as some  
5           other products got.

6           PANEL CHAIR GUDICELLO: Great. Thank  
7           you very much. Just one additional question for  
8           Mr. Houseman or any other panelists.

9           A number of you touched on global  
10          excess capacity in the steel industry and  
11          mentioned unfair trade practices by certain  
12          countries.

13          Are there any measures that the United  
14          States should consider undertaking beyond our  
15          existing tools to address the challenges of the  
16          global nonmarket excess capacity? And should we  
17          work with any particular allies or countries on  
18          these efforts? Thank you.

19          MR. HOUSEMAN: Ray Houseman, USW.  
20          Yes, I believe that the efforts to negotiate on  
21          the global arrangement shows that there is a need  
22          to address, particularly in steel products, this

1 issue of global excess capacity.

2 I've been going through our recent  
3 convention documents and our documents related to  
4 our legislative policy for the last 40 years, and  
5 we've been dealing with excess capacity growth in  
6 a host of countries for quite a while.

7 And when you look at the existing  
8 anti-dumping and countervailing duty orders, you  
9 realize that many of these orders have been  
10 placed for a number of decades. And it has been  
11 an industry that has been robustly aggressively  
12 attacked in the domestic industry, in part,  
13 because many countries see it as an opportunity  
14 to quickly expand manufacturing growth.

15 The global arrangement discussions  
16 would be a great method to approaching a single  
17 commodity to try and set a standard of like-  
18 minded producers in countries to address carbon  
19 intensity but also push out this excess capacity.

20 When you look at Southeast Asia's  
21 growth in the steel industry alone, you're  
22 looking at something around, over 100 million

1 tons of new capacity coming online in Southeast  
2 Asia, primarily fueled by People's Republic of  
3 China's foreign investment regime.

4 And that -- those materials are not  
5 all going to be -- just land in their own  
6 markets. We face a new threat that is likely to  
7 come. And if we aren't -- if we don't get our  
8 global allies lined up to address this issue --  
9 it's not an individual, any country per se or any  
10 people per se.

11 It is those producers. And we just  
12 need to recognize that producers across the globe  
13 need to compete on a fair and level playing field  
14 and not use their capacity overhang to wash out  
15 and capture market share at the expense of U.S.  
16 workers and American factories.

17 MS. KNIGHT: This is a question for  
18 any of you and we've kind of been touching on  
19 this throughout. But what are the most notable  
20 supply chain trends in the steel industry? And  
21 does it include onshoring or foreign investments  
22 in the industry supply chains in the U.S., Mexico

1 and Canada? And has this been beneficial or not?

2 MR. GOETTL: Ed Goettl, Optimus Steel.

3 We are seeing onshoring but it has not come to  
4 the point where it's turning our market demand  
5 around. We're still in a decline and hopefully  
6 that onshoring will continue to accelerate and  
7 that will help this entire supply chain here at  
8 the table.

9 MS. RUDMAN: This question is for Mr.  
10 Houseman. In your testimony you note the role  
11 that trade agreements and trade policy play in  
12 addressing the climate crisis. And you've  
13 touched on it in your remarks.

14 What are the most critical labor  
15 topics to cover in trade and supply chain  
16 dialogues around industrial decarbonization?

17 MR. HOUSEMAN: Thanks for the  
18 question. Ray Houseman, USW, for the record. I  
19 think, for the union, we see a comprehensive  
20 approach to trying to, I think that, for example,  
21 the USTR's effort regarding to better capture  
22 U.S. industries' emissions.

1           And as has been testified earlier,  
2           the, you know, U.S. industry is very low, has a  
3           low-carbon intensity. So for the union, being  
4           able to better address this issue through a  
5           combination of policies to just recognize that  
6           international actors don't necessarily have the  
7           same carbon policy set in place as the U.S.  
8           currently does and the investments that we're  
9           making currently.

10           Like, for example, in the Inflation  
11           Reduction Act and elsewhere, we should be  
12           ensuring that we maximize the domestic  
13           manufacturing capacity from those investments as  
14           much as possible.

15           That will benefit producers like  
16           everyone here at the table but also ensure that  
17           when we are building these new wind towers or  
18           when we are building the supply chain around it,  
19           they're actually looking towards manufacturing  
20           here domestically.

21           And so I think, you know, that  
22           requires, you know, robust enforcement. It



1 requires ongoing negotiation at the global stage  
2 to kind of hit emissions and also recognize that  
3 some countries and some actors in those countries  
4 will not move at the same rate that we need to  
5 move to address the global climate issue.

6 PANEL CHAIR GUDICELLO: I think we  
7 have exhausted our questions from the panelists  
8 and myself. So thank you very much to all the  
9 witnesses for your testimony and your responses  
10 to our questions.

11 Just to remind everyone that there's  
12 an opportunity to submit post hearing comments if  
13 you wish to do so. Again, thank you very much.  
14 Appreciate it.

15 (Pause.)

16 MR. BURCH: Would the room please come  
17 to order?

18 MS. OETKEN: All right, we're going to  
19 start about two minutes early. So I'm Jennifer  
20 Oetken. I'm the Director for Labor Affairs at  
21 USTR, and I'll be chairing this panel, Panel 6.  
22 I'm joined on the panel by my colleagues from the

1 Department of Treasury, Department of Commerce  
2 and Department of Labor.

3 So we are really looking forward to  
4 the discussion on this panel. We're going to be  
5 hearing from stakeholders from several NGOs that  
6 focus on labor rights and human rights.

7 As a reminder, each witness should  
8 introduce themselves before they begin with their  
9 testimony. You're going to have five minutes  
10 each for your testimony. And then when we move  
11 to the question and answer session, my inter-  
12 agency colleagues will first introduce themselves  
13 before they ask their question.

14 So let's get started now with Ms.  
15 Laura Peralta. You have five minutes. Thank  
16 you.

17 MS. PERALTA-SCHULTE: Hello. My name  
18 is Laura Peralta-Schulte and I am Senior Director  
19 of Policy for NETWORK Lobby for Catholic Social  
20 Justice. We were founded by Catholic Sisters 52  
21 years ago in the United States to promote racial,  
22 social, and economic justice. I'm very, very

1 pleased to have the opportunity to offer comments  
2 today related to supply chain resiliency.

3 NETWORK is part of a worldwide  
4 Catholic movement committed to integral ecology.  
5 We believe that for the Earth -- to care for the  
6 Earth and to care for each other is linked  
7 because we are all interconnected. Climate  
8 change presents a threat to all creation and  
9 particularly to vulnerable populations living in  
10 poverty around the globe. They already suffer  
11 from poverty and insecure living first and worst.  
12 In a majority of instances, these communities  
13 bear little responsibility for contributing to  
14 greenhouse gas emissions, primarily responsible  
15 for climate change.

16 As the U.S. works to ensure critical  
17 supply resiliency and to transition away from  
18 fossil fuels, we must recognize that justice for  
19 workers, for our Indigenous family, for our  
20 planet must be centered so progress for the U.S.  
21 does not come at the expense of others. We  
22 believe it is in fact in the U.S. interest to

1 prioritize these issues as conflicts in areas of  
2 resource extraction have caused multiple supply  
3 chain disruptions.

4           The transition towards electric cars  
5 and other new green energies has set off a global  
6 competition to extract minerals. We know that  
7 demand for these minerals is expected to rise  
8 almost four fold by 2030. The road many of these  
9 minerals take to consumers is littered with human  
10 rights abuses. The global mining industry is  
11 known and a pervasive abuser of human rights;  
12 women and children, peasant communities, and  
13 Indigenous peoples are disproportionately harmed  
14 by extracted projects. CMAs must prioritize  
15 effective safeguards throughout supply chains to  
16 protect life, to protect health, and to protect  
17 the vitality of these communities.

18           I do not and cannot speak for the  
19 communities that will be impacted by your  
20 decisions. They must be consulted and they must  
21 be central in this process. I share instead a  
22 list of principles our Catholic partners in the

1 global south, particularly in Latin America and  
2 Africa have created for a just transition to  
3 clean energy and to create resilient supply  
4 chains.

5 First, agreements must contain free  
6 prior informed and informed consent for  
7 Indigenous communities located on or near  
8 proposed mining sites. Engagement must be  
9 meaningful. Communities have the right to say no  
10 because that is fundamental to self  
11 determination. Agreements must have strong labor  
12 rights, environmental rights, human rights, and  
13 Indigenous rights standards with strong  
14 enforcement mechanisms that allow impacted  
15 communities redress. These requirements must be  
16 binding on all partners and supplying companies  
17 throughout the supply chain. Agreements must  
18 ensure communities throughout the supply chain  
19 are fairly compensated. This might include novel  
20 forms of relief like debt relief, technology  
21 transfer, and other forms of assistance to  
22 mitigate impacts on vulnerable communities and

1 the planet.

2 To reduce greenhouse gas emissions  
3 associated with critical minerals, any CMA must  
4 include binding time bound commitments to phase  
5 out fossil fuels during smelting and refining and  
6 use zero carbon chemicals during processing.  
7 Finally, the U.S. must look holistically at a do  
8 not harm principle. This means ensuring that  
9 supply chain solutions do not add to greenhouse  
10 gas emissions.

11 My friends, this is a once in a  
12 generation opportunity to ensure work has dignity  
13 and to provide the health and well being of  
14 people and the planet. This is our chance as the  
15 United States to raise standards and take  
16 meaningful steps to tackle climate change. We  
17 respectfully ask -- one might say we pray that  
18 the U.S. is guided by justice to hear the cry of  
19 the Earth and the cry of the poor as we  
20 transition away from fossil fuels and build  
21 resilient supply chain networks. Thank you so  
22 much.

1 PANEL CHAIR OETKEN: Thank you, Ms.  
2 Peralta-Schulte for that testimony. Now we'll go  
3 to Mr. Dean Pinkert for your testimony.

4 MR. PINKERT: Thank you. I'm Dean  
5 Pinkert. I'm Special Advisor to Corporate  
6 Accountability Lab or CAL. CAL is a civil  
7 society non-profit organization dedicated to  
8 improving and facilitating the use of mechanisms  
9 for corporate accountability focusing  
10 particularly on human rights in the environment.

11 USTR's call for comments on supply  
12 chain resilience includes a question about how  
13 U.S. Trade Investment Policy can promote a  
14 virtuous cycle and race to the top. This  
15 important question reflects the priorities of the  
16 Administration's Global Labor Policy as  
17 articulated in the President's November 2023  
18 Global Labor Directive. Among other valuable  
19 commitments, that directive embraces a whole of  
20 government approach to forced labor. As the  
21 Administration recognizes, supply chains are not  
22 truly resilient when they rely on abusive

1 practices such as forced labor.

2 Implementation of a robustly funded  
3 whole of government Global Labor Policy will  
4 ensure that labor rights are protected and that  
5 laws intended to address labor abuses are  
6 enforced. For example, the ban on imports of  
7 products tainted by forced labor under Section  
8 307 of the Tariff Act and the Uyghur Forced Labor  
9 Prevention Act is not solely the responsibility  
10 of U.S. Customs and Border Protection or CBP. We  
11 believe a number of other agencies can play an  
12 enhanced role in enforcement, including ILAB, the  
13 Department of Homeland Security, Homeland  
14 Security Investigations, the State Department,  
15 and USTR.

16 As the Administration continues to  
17 develop its global approach to labor policy, we  
18 caution against reliance on multi-stakeholder  
19 initiatives, also known as MSIs. These are  
20 voluntary collaborations, meaning they're not  
21 enforceable between businesses, civil society,  
22 and other stakeholders. However well intended,



1 they have a poor track record of preventing labor  
2 and other abuses.

3           The only approach to prevention that  
4 is consistent with the Administration's policy is  
5 to support where possible the role of workers and  
6 independent unions in advancing democratic  
7 principles and human rights. As the Global Labor  
8 Directive points out and I quote, "Worker  
9 empowerment is essential to the advancement of  
10 sustainable economic growth, inclusive  
11 international development, human rights,  
12 democratic resilience, fair competition, and a  
13 growing -- and growing a strong Middle Class in  
14 the United States and abroad. This vision cannot  
15 be achieved without a steadfast commitment as a  
16 matter of basic human rights to freedom of  
17 association and collective bargaining.

18           Workers in affected communities must  
19 also play a central role in remediating existing  
20 abuses as opposed to prevention of future abuses.  
21 Company sponsored audits of working conditions,  
22 also known as social audits are part of the

1 problem, not the solution in this regard as has  
2 been repeatedly demonstrated over the years. A  
3 recent discussion of this issue occurred in a  
4 March 2024 report by CAL entitled "Hidden  
5 Harvest" in which we found that the social  
6 auditing model is not fit for purpose to address  
7 labor and environmental abuses in the Indian  
8 shrimp industry. A worker driven approach is far  
9 superior. ILAB could help CBP to  
10 institutionalize workers role in determining  
11 whether withhold release orders under Section 307  
12 should be modified as a result of remediation.  
13 In addition, we support efforts underway by CBP  
14 to ramp up its own ability to conduct thorough  
15 verifications of corporate compliance with  
16 Section 307.

17 Finally, we believe now is a critical  
18 time for the United States and its key trading  
19 partners to come together on a strategy for  
20 combating forced labor. Key parts of that must  
21 be number one, a resolute approach to state-  
22 imposed forced labor relying on the UFLPAs model.

1 Two, addressing circumvention of import  
2 restrictions such as by re-export of detained  
3 goods to third countries, transshipment through  
4 third countries to the United States to evade  
5 detention, and bifurcation of supply chains  
6 within an exporting country. And three, sharing  
7 information about supply chains suspected to have  
8 been tainted by forced labor.

9 Most of our trading partners don't  
10 wish to become dumping grounds for goods tainted  
11 by human rights violations, nor do they wish to  
12 be used in other ways to help violators evade  
13 import restrictions. The U.S. Government needs  
14 to work closely with these trading partners and  
15 institutionalize the exchange of relevant  
16 information and analysis. For foreign  
17 governments that are actively seeking to  
18 undermine elements of the U.S. import ban on the  
19 other hand, USTR should give careful  
20 consideration to initiating Section 301  
21 investigations. Thank you again for the  
22 opportunity to provide input on these important

1 issues.

2 PANEL CHAIR OETKEN: Thank you, Mr.  
3 Pinkert for your testimony. Now we'll move to  
4 Ms. Charlotte Tate.

5 MS. C. TATE: Thank you for the  
6 opportunity to testify today. I'm Charlotte  
7 Tate. I'm the Advocacy Lead for the Coalition to  
8 End Forced Labour in the Uyghur Region. We're a  
9 coalition of Uyghur-led groups, faith-based  
10 groups, investors, human rights organizations,  
11 and trade unions, all united to end state-imposed  
12 forced labor of Uyghur and other Turkic and  
13 Muslim majority peoples throughout China.

14 The government of China is actively  
15 promoting the development and growth of  
16 industries such as green tech and renewable  
17 energy in the Uyghur region. Numerous supply  
18 chains are now concentrated in the region, which  
19 has made many every day products reliant on  
20 Uyghur force labor. Some of these key industries  
21 include critical minerals, solar panels,  
22 automotive, and electric vehicles. In each of

1 these industries, manufacturing and processing  
2 activities use coal-based energy resulting in  
3 very high carbon emissions, demonstrating a  
4 disregard for environmental standards, alongside  
5 a disregard for human rights. Securing more  
6 ethical and stable supply chains that are  
7 critical to the renewable energy transition  
8 should be an urgent priority for all governments.

9           Alongside the following  
10 recommendations, the U.S. Government should  
11 introduce and encourage trade partners to  
12 introduce additional measures that will enable  
13 diversification of renewable energy technology  
14 supply chains. This should include the use of  
15 development, finance, and other financial  
16 incentives in collaboration with the renewable  
17 sector to develop alternative supplies and  
18 materials.

19           To date, far too many companies  
20 continue to source products linked to state-  
21 imposed forced labor of the Uyghur, which  
22 undercuts efforts of companies that are genuinely

1 working to address forced labor risks in their  
2 supply chains in efforts to create more resilient  
3 supply chains. Thus far, voluntary corporate  
4 efforts have been insufficient and it is  
5 essential that governments adopt and enforce  
6 legislation and policies that require companies  
7 to address links to Uyghur forced labor and their  
8 supply chains.

9 My recommendations are focused on  
10 three key areas; improved enforcement of the  
11 Uyghur Forced Labor Prevention Act for the UFLPA,  
12 strengthening the global response to Uyghur  
13 Forced Labor, and enhancing supply chain  
14 traceability and transparency. First, on UFLPA  
15 enforcement, polysilicon, cotton, and tomatoes  
16 remain the only three priority industries for  
17 enforcement despite numerous reports linking new  
18 industries to Uyghur Forced Labor.

19 Civil society and academics have  
20 submitted thousands of suggested additions to the  
21 UFLPA entity list and yet since the launch of the  
22 entity list, there have only been ten new

1 additions. As a member of the Force Labor  
2 Enforcement Task Force, USTR should work to  
3 ensure that additional industries are added to  
4 the list of priority industries for UFLPA  
5 enforcement. In particular, considering adding  
6 additional industries where there is potential  
7 for industry-wide change, whether that is due to  
8 extensive links to the Uyghur region and/or  
9 particularly opaque supply chains like aluminum.  
10 And the number of entities to the UFLPA entity  
11 list should be swiftly expanded.

12 Second, diplomatic strategy. Through  
13 the UFLPA diplomatic strategy, the U.S.  
14 Government should encourage its trade partners to  
15 adopt legislation comparable to the UFLPA so that  
16 no other market provides a safe harbor for goods  
17 made with Uyghur forced labor. And in future  
18 trade agreements, the U.S. Government should  
19 include the requirement of adopting a forced  
20 labor import prohibition like the USMCA. Such  
21 efforts would help to close off market access  
22 internationally to goods made with state

1 sponsored force labor.

2 A global response would remove the  
3 financial benefits to companies tempted to  
4 operate a bifurcated supply chain, which allows  
5 companies to continue to benefit from Uyghur  
6 forced labor while avoiding legal accountability  
7 under the U.S.'s import ban.

8 The U.S. should also engage in data  
9 sharing of enforcement efforts under the UFLPA  
10 with trade partners so that other countries are  
11 made aware when a shipment is denied entry to the  
12 U.S. market under the UFLPA, which may then be  
13 re-exported to another jurisdiction. Such  
14 coordination of forced labor enforcement efforts  
15 would further encourage companies to proactively  
16 address any links to Uyghur forced labor and  
17 ultimately promote a race to the top.

18 Third, regarding the importance of  
19 traceability for supply chain resilience. Supply  
20 chain resilience is enhanced through full  
21 visibility of the entire supply chain so that  
22 companies know where to address risks and prevent



1 disruptions. Companies must fully trace their  
2 supply chains to the raw material level to  
3 achieve its full visibility, which is necessary  
4 for companies to do in order to ensure they're  
5 compliant with the UFLPA. Deeper enforcement of  
6 the UFLPA will drive wide scale change across  
7 industries as companies will need to map their  
8 supply chains and act on this information unlike  
9 any other forced labor legislation before it.  
10 For there to be the necessary visibility into  
11 whether companies are sufficiently tracing their  
12 own supply chains, the U.S. Government should  
13 consider the adoption of supply chain disclosure  
14 legislation, especially for commodities at high  
15 risk for Uyghur forced labor.

16 Finally, the public disclosure of  
17 import data is critical to tracing and monitoring  
18 forced labor risks in supply chains. The U.S.  
19 Government should make data on shipments arriving  
20 by air, truck, or rail publically accessible as  
21 is the case with ocean freight data and encourage  
22 trade partners to do the same. Thank you again

1 for the opportunity to testify today and I look  
2 forward to any questions.

3 PANEL CHAIR OETKEN: Thank you, Ms.  
4 Tate. Now we'll move on to Ms. Reynolds Taylor's  
5 testimony.

6 MS. TAYLOR: Thank you for the  
7 opportunity to testify today. I am Reynolds  
8 Taylor, an attorney with Global Labor Justice, a  
9 non-governmental organization dedicated to  
10 holding corporations and investors accountable  
11 for labor exploitation and rights violations  
12 within their supply chains. And to promoting  
13 worker empowerment through freedom of association  
14 and the right to organize and bargain  
15 collectively.

16 It is clear across sectors and  
17 geographies that the only sustainable method for  
18 alleviating labor harm throughout supply chains  
19 is to build worker power. When workers have  
20 agency, security, and the right to negotiate  
21 meaningfully with the industry stakeholders who  
22 dictate their pay, the conditions under which

1 they work, and the stability of their employment,  
2 exploitation struggles to take root. The United  
3 States has long recognized that empowered work  
4 forces, strong labor protections, and vibrant  
5 industrial relations are key to sustaining  
6 productive and resilient national and global  
7 markets.

8           This policy was reiterated by the  
9 Biden Administration in its 2023 global labor  
10 strategy which describes worker power as  
11 essential to the advancement of sustainable  
12 economic growth. Under this directive, U.S.  
13 Government agencies are charged with leveraging  
14 all available tools to ensure labor rights  
15 globally. One such tool available to the USTR is  
16 the use and promotion of enforceable brand  
17 agreements, which are necessarily worker-driven  
18 and which when negotiated in good faith, ensure  
19 the strength, sustainability, and resiliency of  
20 supply chains from the bottom up.

21           Enforceable brand agreements or EBAs  
22 for short, are legally binding agreements between

1 brands, suppliers, and workers within a  
2 particular supply chain that establish worker-led  
3 accountability and oversight mechanisms to  
4 protect rights and remediate violations at each  
5 tier of the supply chain. An effective EBA will  
6 be enforceable, transparent, democratically  
7 negotiated and implemented, provide for remedy,  
8 install workers as monitors, and create systems  
9 for suppliers and brands to consistently fulfil  
10 human rights and due diligence mandates.

11 Critically, the bargaining process  
12 through which an EBA is developed helps form  
13 productive and trust-based relationships between  
14 labor and industry stakeholders. These  
15 relationships are critical for maintaining  
16 resilience as future challenges threaten supply  
17 chain stability. A key example of this is the  
18 Dindigul Agreement. In 2022, after evidence of  
19 wide spread sexual harassment and violence was  
20 exposed at an Indian garment supplier, a robust  
21 organizing campaign by workers, organizations,  
22 and trade unions resulted in a binding agreement

1 by a major supplier and several brands to  
2 remediate gender-based violence and other labor  
3 violations within the supply chain.

4           These negotiations transformed the  
5 relationship and shifted the power balance  
6 between the supply chain actors and the affected  
7 workers. When the U.S. Government subsequently  
8 issued an import ban against goods produced  
9 within this supply chain, citing GBVH as an  
10 indicator of forced labor, workers organizations  
11 were able to work with the supplier and brands to  
12 quickly have the ban lifted. They did so by  
13 demonstrating to U.S. authorities that the  
14 bargaining process, which resulted in the binding  
15 agreement was evidence of remediation.

16 Negotiated and enforceable supply chain  
17 agreements are compelling evidence of worker  
18 power existing where exploitation once did. In  
19 this way, the Dindigul Agreement acted as a safe  
20 harbor for the supplier and brands, insulating  
21 them from what would have otherwise been a severe  
22 supply chain shock.

1           As increased resources are invested in  
2 trade sanctions and regulatory mechanisms  
3 designed to combat forced labor, initiatives that  
4 we actively and fully support, EBAs offer the  
5 opportunity to invest in foundational structures  
6 and relationships that when agreed upon by all  
7 stakeholders guard against the occurrence of  
8 forced labor and other serious violations of  
9 fundamental labor rights. This is investment in  
10 prevention as a form of remedy and as a tool to  
11 avoid the need for future trade-based remedial  
12 action.

13           We urge the USTR to leverage the  
14 success of the Dindigul Agreement to promote  
15 similar agreements across other supply chains  
16 where labor violations are endemic. We know  
17 first-hand that the negotiation and  
18 implementation of EBAs in the Taiwanese seafood  
19 sector, Uzbek cotton sector, and Honduran melon  
20 sector to name only a few would radically  
21 transform and strengthen those supply chains, all  
22 of which are important to the U.S. market and all

1 of which have been materially weakened by  
2 repeated failures to secure fundamental labor  
3 protections for workers.

4 EBAs have the capacity to enhance  
5 organizing power across entire sectors,  
6 strengthen national labor movements, and align  
7 incentives across supply chain actors. Without  
8 building worker power, workers and corporations  
9 alike will continue to suffer the race to the  
10 bottom. By promoting the use of EBAs, the USTR  
11 can move the United States toward a more  
12 sustainable, more resilient high road approach to  
13 global trade. Thank you.

14 PANEL CHAIR OETKEN: Thank you, Ms.  
15 Taylor. So now we're going to move to the  
16 question and answer portion of the panel. I'm  
17 going to start with a question and then we're  
18 going to alternate among colleagues from the  
19 inner agency.

20 So my first question is for Ms. Tate.  
21 So one of your key recommendations in your  
22 testimony, as well in the comments that had

1 posted to the docket said that forced labor  
2 import bans should be paired with supply chain  
3 disclosure legislation for high-risk commodities.  
4 Could you provide more details on what supply  
5 chain disclosure requirements should include?  
6 Are there existing -- Is there existing  
7 legislation that other governments or perhaps  
8 states have adopted that you would endorse or  
9 recommend as a model?

10 MS. TATE: Thank you for the question.  
11 So such legislation should require that companies  
12 file a report annually with the SEC, stating that  
13 they don't source high-risk commodities from the  
14 weaker region such as aluminum or polysilicon.  
15 And it should also require companies list country  
16 of origin, smelters or refineries for the  
17 minerals that they're sourcing -- materials that  
18 they're sourcing. And then you could also look  
19 for example at the Dodd-Frank Act for conflict  
20 minerals as well. Thank you.

21 PANEL CHAIR OETKEN: All right, thank  
22 you so much for that response. Now I'm going to



1 turn to my colleague, Ms. Rudman.

2 MS. RUDMAN: Hi. Good afternoon.

3 Thanks to all the panelists for your testimony.

4 My name is Chelsea Rudman. I'm an international  
5 labor advisor for Trade Policy at The Bureau of  
6 International Affairs at the Department of Labor.

7 My first question is for Ms. Taylor of  
8 GLJ-ILRF, although others can chime in as many of  
9 you referenced this subject. So considering that  
10 your testimony highlighted the role of  
11 enforceable binding agreements in supply chains  
12 that use rigorous union and worker-led processes,  
13 how would you proposed continuing to build such  
14 agreements in geographies where grass roots  
15 worker organizations and migrant organizations  
16 are cycled and repressed. What do such  
17 agreements look like where labor rights might  
18 exist on the books, but are not actually  
19 enforced?

20 MS. TAYLOR: Thank you for the  
21 question. I think I'll start by saying that of  
22 course there are sectors where workers struggle

1 to freely associate for the base reason that they  
2 are spread out, incredibly isolated, and like you  
3 said lack fundamental labor rights on the books.  
4 With that said, we take the position that there  
5 is organizing across sectors, across geographies,  
6 whether that looks like a structured forum that  
7 most of us would recognize or not, it does exist.  
8 And so we see EBAs as having the ability to play  
9 a role in any sector. And in fact, we see them  
10 as a way to shape sectors and markets that are  
11 just taking form.

12 So as an example, in the Uzbek cotton  
13 sector, the Uzbek cotton sector recently  
14 underwent a transition opening up to the private  
15 sector after decades of being fueled by state-  
16 imposed forced labor. Now this was a huge win  
17 for the Government and for the sector at large,  
18 but the work is not done. So now these are  
19 historically very vulnerable workers and the  
20 reforms that were introduced in order to open  
21 the sector to foreign investment were largely  
22 economic and did not focus on ensuring

1 fundamental labor rights. And yet, there's an  
2 opportunity here where it's a very vertically  
3 integrated sector.

4 Brands are very interested in finding  
5 opportunities to source cotton that can be  
6 traced. And in Uzbekistan, because of this  
7 vertical integration, cotton can be traced very  
8 easily and so we're looking at an opportunity for  
9 brands to come in and actually shape this market  
10 -- help shape this market from the bottom up.

11 And as this country starts to build those  
12 fundamental labor rights and starts to learn how  
13 to enforce them, brands and independent unions  
14 can be -- can essentially grow up together and  
15 help shape that.

16 One other example I'll use is we think  
17 EBA is really going to give an opportunity to be  
18 creative. So in the Taiwanese seafood sector,  
19 you know, freedom of association is incredibly  
20 difficult because fishers are going out for 10 or  
21 11 months at a time on vessels without any access  
22 to their families, let alone their

1 representatives from a workers organization or a  
2 union. So we might look at that and say the  
3 structure of this sector has inherent indicators  
4 of what might become forced labor. And yet, we  
5 have workers that have been campaigning and  
6 demanding access to wi-fi on these vessels as a  
7 fundamental labor right because then they would  
8 be able to communicate with one another and begin  
9 to organize. And an EBA is the type of agreement  
10 that could enable something like that to happen.  
11 Thank you.

12 MR. PINKERT: I'd like to add a little  
13 bit to that. Where you have a situation where a  
14 government is not actually honoring freedom of  
15 association and collective bargaining rights and  
16 is not making sure that workers have those rights  
17 available to them, that could be an unfair trade  
18 practice. You could have a situation where that  
19 is enabling the exports from that country to be  
20 exported at a lower price because those rights  
21 are not being honored and that could impose a  
22 burden on U.S. companies. So I know that we

1       could talk about specific instances of this,  
2       depending on what sectors you're interested in.  
3       But the bottom line is that there could be  
4       actions taken to enhance the environment in which  
5       collective bargaining and freedom of association  
6       would be occurring. And I would encourage USTR  
7       to look into that.

8                   MS. PERALTA-SCHULTE: If I can just  
9       add a little bit to that as well. As we're  
10      looking at critical mineral agreements, I think  
11      that the Administration has incredible leverage  
12      in these areas, both to mandate higher standards  
13      enforcement and to incorporate provisions like  
14      the one my colleague named and work some of the  
15      Rapid Response Mechanisms in the USMCA as a  
16      matter of course that is tax payer dollars that  
17      are going to be subsidizing that. It gives us  
18      leverage and I would really encourage the  
19      Administration as you are moving forward in  
20      Indonesia or another place is to take those  
21      issues very seriously. And if it requires  
22      assistance to governments to comply, you know,

1 put that on the table, but use it as an  
2 opportunity.

3 PANEL CHAIR OETKEN: Thank you all for  
4 your responses to that question. Now I'm going  
5 to turn to Ms. Knight for her questions.

6 MS. KNIGHT: Hi. I'm Jennifer Knight.  
7 I'm the Deputy Assistant Secretary for textiles,  
8 consumer goods, materials, and critical minerals  
9 and metals in the International Trade  
10 Administration in Commerce. My question is from  
11 Mr. Pinkert. Do you have any recommendations for  
12 procedural improvements to the U.S. Government's  
13 Forced Labor Enforcement Task Force activities,  
14 which considers the enforcement of products  
15 imported from the Uyghur Xinjiang region?

16 MR. PINKERT: Thank you for that  
17 question. I think that one of the issues that  
18 comes up recently in court in the Ninestar  
19 litigation is this question of getting companies  
20 that are complaining about being put on the  
21 Entities List, getting them to go through the  
22 removal process that has been set up by the

1 FLETF. In order to -- at least according to the  
2 action by the court on the preliminary adjunction  
3 in that case, in order to get companies to have  
4 to go through the removal process before running  
5 off to court to challenge a listing, the FLETF  
6 has to give more reasons for putting the  
7 companies on the Entities List in the first  
8 place.

9 Now obviously there's a lot of  
10 difficulty with classified information and  
11 perhaps even intelligence-related information  
12 that might go into that decision. But at least  
13 according to the court on that preliminary  
14 junction motion, there's a need to give a little  
15 more detail to the companies. I think that's  
16 important because it would be better to handle  
17 this through an administrative process than to be  
18 running off to court and having to deal with  
19 that.

20 In addition to that, I just think that  
21 it's really important for the FLETF to continue  
22 to add companies to the Entities List or I should

1 say, add entities to the Entities List in  
2 particularly where there's participation in labor  
3 transfer programs. And then finally, it's really  
4 critical that the FLETF continue to staff up and  
5 reach out to the NGO community to make sure that  
6 as much as possible is being done to supplement  
7 the work that's being done by CBP. Thank you.  
8 Charlotte.

9 MS. TATE: Thanks, Dean. If I could  
10 comment. I know that there's been a lot of work  
11 in the past, I think 18 months since the law went  
12 into force in establishing processes and  
13 procedures by the FLETF. And I also recognize  
14 that a lot of the agencies on the FLETF are being  
15 asked to do something they haven't done before.  
16 And just to say I really hope to see the fruits  
17 of those processes in the coming months with many  
18 more entities added to the Entity List in  
19 additional high priority sectors. Thank you.

20 PANEL CHAIR OETKEN: Thank you for  
21 those responses. Now I'm going to turn to Ms.  
22 Ezran to give her -- to ask her questions.



1 MS. EZRAN: Hi. Good afternoon. My  
2 name is Irene Ezran. I'm an international  
3 economist with Treasury's Office of Trade and  
4 Investment Policy. My question is for Ms. Laura  
5 Peralta. How can USTR strengthen its  
6 partnerships with civil society organizations,  
7 including methods to better engage with workers  
8 in U.S. global supply chains?

9 MS. PERALTA-SCHULTE: That is a very  
10 good question and one that my colleagues can  
11 undoubtedly jump in on. You know, and I will  
12 just use examples that come to mind from my  
13 experience. You know, there are very deep ties  
14 to religious communities in Africa. And so we  
15 have been working very closely with our Jesuit  
16 partners in Kenya and there's a whole network of  
17 particularly Christian and Catholic organizations  
18 who monitor these issues, do reports on these  
19 issues, are very attuned to the needs of the  
20 community and are a really good resource for  
21 folks to touch base with. It is not your  
22 traditional discussion as it relates to, you

1 know, the normal trade discussions, but they are  
2 very embedded in community and are a structure  
3 that could very well have at least one partner.

4           There are challenges of course as, you  
5 know, some societies don't have the kind of  
6 infrastructure that we have here. But what I've  
7 also found there, in Peru, and other places is  
8 that communities are pretty tightly connected.  
9 And you know, by going to specific partners,  
10 there are often networks that you can tap into  
11 for the kind of advice and guidance that you  
12 might be looking for. Again, it just looks a  
13 little differently. I definitely -- I know my  
14 partners probably have some suggestions as well.

15           MS. TATE: Maybe I could just add, I  
16 would encourage the USTR to try to meet groups  
17 where they are. So whether that involves meeting  
18 people in-person, going to community events to  
19 get input, just being adaptive with how you're  
20 able to take on feedback and open to the ways  
21 that you could receive feedback. And then of  
22 course, as well being adjustable with the type of

1 groups you're meeting with. In some context, of  
2 course, you could meet with unions or worker-led  
3 organizations or in the context of the Uyghur  
4 region, it would be impossible to meet with  
5 Uyghur workers. So perhaps in those situations,  
6 you could meet with impacted communities in the  
7 diaspora.

8 PANEL CHAIR OETKEN: All right. I'd  
9 like to turn now to the testimony around  
10 enforceable brand agreements. So this is -- this  
11 is directed specifically to Ms. Taylor, but if  
12 others want to also add in here, we would  
13 appreciate the feedback. So any, I guess more  
14 concrete recommendations on the trade incentives  
15 that USTR could use to incentivize companies to  
16 enter into these binding agreements with workers?  
17 And also just -- Yeah, any recommendations that -  
18 - in terms of using USG policy to incentivize  
19 major brands to enter any type of binding  
20 commitment with workers would be useful.

21 MS. TAYLOR: That's a great question.  
22 Thank you. So I'll start with the importance of

1 implementing strong labor chapters in trade  
2 agreements. I talked about the Taiwanese seafood  
3 sector a few minutes ago. USTR is currently in  
4 negotiations along with ILAB to introduce a  
5 strong labor chapter into the U.S./Taiwan  
6 initiative on 21st Century trade. So we see that  
7 as a very, very important step towards  
8 incentivizing brands to take this step.

9           You know, also using enforcement power  
10 under trade agreements and under bilateral labor  
11 action plans. The first example that comes to  
12 mind is the U.S./Honduran Labor Rights Monitoring  
13 and Action Plan under CAFTA. You know, this is  
14 an agreement that already exists where USTR and  
15 the U.S. Government already has leverage to work  
16 with the Honduran government to improve labor  
17 standards across sectors in that country. And  
18 we, you know, for example have worked with melon  
19 farmers in Honduras, working for Fyffes, an Irish  
20 company, which is owned by a Japanese company and  
21 these melons then go to the U.S. So this is sort  
22 of the definition of a -- of a very global supply

1 chain. And despite this action plan  
2 being implemented for a number of years, just  
3 looking at this particular supply chain, the  
4 union is still struggling to be recognized.  
5 There's rampant retaliation, discrimination, wage  
6 and hour, health and safety violations. And yet,  
7 we see the Honduran government and the Ministry  
8 of Labor taking very important steps, but what we  
9 need is the companies to walk alongside them.  
10 And USTR has important leverage under CAFTA to  
11 help them do that.

12 You know, also including consultation  
13 as a value in agreements. An example of where  
14 this has happened is the Indo-Pacific economic  
15 framework for prosperity agreements related to  
16 supply chain resilience. EBAs ultimately depend  
17 on the relationship between all of these supply  
18 chain actors. The processing of putting one  
19 together builds those relationships, but there  
20 has to be -- or it's easier if there is some  
21 semblance of relationship going into that  
22 process. And that starts with good faith -- good

1 faith consultations. And we still see companies  
2 that refuse to even enter into sort of base level  
3 consultations, including that as a core value in  
4 agreements is a good step.

5           And then I will let my colleagues jump  
6 in, in a second. But the last one I'll mention  
7 is working with Treasury, Labor, other U.S.  
8 agencies to promote development finance policies  
9 that encourage -- encourage clients of the DFIs  
10 where the U.S. is an investor to look at EBAs as  
11 a sign of a client's capacity to comply with  
12 safeguards. So that's where the U.S. Government  
13 could use its voice and its vote on the Board of  
14 the IFC and these other development finance  
15 institutions to say, you know, we know that you  
16 can comply with fundamental labor rights,  
17 domestic labor law, international labor law  
18 because we see that you've already gone through  
19 the process or recognizing these other  
20 stakeholders. And finding a way to ensure  
21 sustainably that labor rights are protected.

22           MR. PINKERT: I would just like to add

1 that I think it's really important in trade  
2 negotiations that the United States not be the  
3 only part to the negotiation that is maybe asks  
4 on behalf of Labor. That Labor unions, Labor  
5 organizations, workers in other countries also  
6 have leads that need to be addressed in trade  
7 negotiations. And the United States, I know it's  
8 a little paradoxical to insist that other  
9 interests be honored and brought into these  
10 discussions, but it would be worthwhile for the  
11 United States to insist that those workers views  
12 be reflected in the negotiations.

13 PANEL CHAIR OETKEN: Thank you so much  
14 for those responses. Now I'll turn back to Ms.  
15 Rudman for her question.

16 MS. RUDMAN: So this question's for  
17 anyone on the panel. Several of you mentioned  
18 social audits. So social compliance auditing is  
19 an industry that is poised to grow generally \$27  
20 billion by 2026. It's an industry that's been  
21 around for some time now. As several of you  
22 noted, social audits only provide a single

1 snapshot in time of conditions at a facility and  
2 therefore frequently miss labor rights  
3 violations. They often do not meaningfully  
4 engage workers in the process of identifying or  
5 remediating labor rights violations. Going  
6 forward, how do you see the social auditing  
7 industry addressing these challenges?

8 MS. TATE: Maybe just to speak about  
9 state-imposed forced labor and audits for a  
10 moment. It is not possible to conduct a credible  
11 audit in the Uyghur region. It is such a  
12 repressive environment that workers are not able  
13 to speak freely to an auditor without fear of  
14 retaliation to themselves or their families or  
15 fear of internment. Uyghur live under constant  
16 surveillance, both in public and private spaces  
17 so it is not possible to speak to an auditor  
18 without being surveilled by the Chinese  
19 government. And additionally, audits are not  
20 designed to identify state-imposed forced labor.

21 And so what I would love to see from  
22 the auditing industry is for auditors to speak



1 out publically about the limitations of their  
2 services in context like the Uyghur region. But  
3 I think maybe my colleagues can speak a bit more  
4 to your question to other labor abuses.

5 MS. TATE: Yeah, I will jump in  
6 quickly just to say that we see an important  
7 aspect of any successful effective enforceable  
8 supply chain agreement to be the implementation  
9 of worker-driven, worker-led monitoring for all  
10 the reasons that my colleagues have pointed out.  
11 That third party social auditing really has been  
12 shown time and time again to be unfit for  
13 purpose. You know, worker-driven monitoring on  
14 the other hand has been shown to be highly  
15 effective. Workers are obviously the most  
16 familiar with -- with their working conditions  
17 and with the processes that led them into  
18 employment and are just generally better equipped  
19 to spot indicators of forced labor, especially of  
20 course when supported by robust freedom of  
21 association and the right to collectively  
22 bargain.

1                   And then I will also just point out  
2                   that while we believe that worker-led monitoring  
3                   is critical to ensuring any of these rights on a  
4                   long-term resilient basis, that retaliation  
5                   against worker monitors and monitors coming from  
6                   unions or workers organizations is rampant across  
7                   sectors. And of course this is form of threat  
8                   and intimidation that is meant to intimidate and  
9                   further isolate workers. And then also tamp down  
10                  on the very effective monitoring that these  
11                  worker-led monitoring processes can bring to you,  
12                  which is another reason why aligning incentives  
13                  across supply chain actors and making it this  
14                  whole of government approach to being able to  
15                  look at both how's the monitoring taking place  
16                  and then what is the reaction to the monitoring  
17                  by the supplier and the companies involved?

18                  MR. PINKERT: I agree with everything  
19                  that my colleagues have said on this. I would  
20                  just like to add a couple of things. First of  
21                  all, the national action plan that was recently  
22                  announced by the U.S. Government specifically

1 recognized the retaliation issue in the context  
2 of complaints that might be filed with the  
3 national contact point. And so I think the U.S.  
4 Government is already on record as recognizing  
5 that retaliation is a critical issue that needs  
6 to be addressed whenever there is a process in  
7 which workers are able to provide evidence or  
8 testimony to confront abuses.

9 In addition, with regard to the  
10 worker-led processes that Ms. Taylor was  
11 testifying about, I would cite as a model the  
12 coalition of Immokalee Workers and what they've  
13 done. And I would say that as Ms. Lee with ILAB  
14 testified to recently, in situations where unions  
15 might not be particularly accepted -- an accepted  
16 participant in the process, sometimes you have to  
17 develop these workarounds. And that's exactly  
18 what happened with the Coalition of Immokalee  
19 Workers. And so I think it's a really worthwhile  
20 approach to explore sometimes in conjunction with  
21 traditional union collective bargaining. And  
22 sometimes as an alternative where the collective

1 bargaining and freedom of association is not as  
2 well established.

3 MS. PERALTA-SCHULTE: If I can just  
4 add, I totally love the Immokalee Workers. They  
5 are a wonderful group to cite. I just want to  
6 say social audits have implications in the  
7 environmental space as well. We just hosted  
8 Bishops and a number of folks from the Amazon  
9 region, nine countries in Latin America where the  
10 issue of environmental harm deforestation is  
11 rampant. It is mining, not that kind of critical  
12 minerals at least yet that we're talking about  
13 here, but we're talking about gold that is lined  
14 with mercury. We're talking about a number of  
15 other issues. 127 Indigenous warriors, I will  
16 call them, had been murdered last year alone. It  
17 is dangerous. So making sure that whatever  
18 social audits you are looking at apply both to  
19 the labor context and the environmental context  
20 are important.

21 Finally I'll just add, I was head of  
22 the International Department of a Fortune 100

1 company many years ago. Supply chain, at least  
2 for our company, it was pharmaceutical, it was a  
3 number of other consumer products. It was an art  
4 science. It was a very calculated, very clear  
5 process that you had whole departments monitoring  
6 and tracking. So I just want to kind of give you  
7 my insight from that experience. That when  
8 companies are forced to do things, particularly  
9 if there is pressure of bad publicity, they do  
10 them.

11 So again, I just encourage you to both  
12 set up the systems and make sure that we're  
13 holding the companies accountable because they  
14 know how to do it in the field. That is a very  
15 well oiled machine, at least it was in my company  
16 and it was not unique.

17 PANEL CHAIR OETKEN: All right. Thank  
18 you for the responses to that question. We are  
19 at time, so I want to thank you so much for  
20 taking time out of your day to come here and  
21 testify for our Labor-related panel. I do want  
22 to remind you that our docket will remain open

1       until June 4th for post-hearing comments. So any  
2       person can submit comments as long as they're  
3       related to any testimony that was given today at  
4       today's hearing or tomorrow's hearing. So you  
5       have until June 4th to post any responses or  
6       provide any additional information to the  
7       questions that we asked today. So I want to  
8       thank you very much. I want to thank my  
9       panelists and yes, I hope we all have a good  
10      evening.

11                       (Whereupon, the above-entitled matter  
12      went off the record at 5:50 p.m.)

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Date: 05-02-24

Place: Washington, DC

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