

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

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PUBLIC HEARING FOR THE
2024 BIENNIAL REVIEW ON TRADE IN AUTOMOTIVE
GOODS UNDER THE UNITED STATES-MEXICO-CANADA
AGREEMENT

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WEDNESDAY
FEBRUARY 7, 2024

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The Hearing was convened via
Videoconference, at 10:00 a.m. EST, Justin
Hoffmann, Deputy Assistant U.S. Trade
Representative for Market Access and Industrial
Competitiveness, presiding.

INTERAGENCY COMMITTEE ON TRADE IN AUTOMOTIVE
GOODS

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ALISON UMBERGER, Attorney-Advisor, Office of
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DAVID COFFIN, Acting Division Chief for the
Advanced Technology and Machinery
Division, Office of Industry and
Competitiveness Analysis, U.S.
International Trade Commission

WITNESSES

GOVERNOR MATT BLUNT, President, American
Automotive Policy Council
ANN WILSON, Executive Vice President of
Government Affairs, MEMA the Vehicle
Suppliers Association
KENNETH CARMON, President of Bay Brokerage and
Vice President of the International Motor
Vehicle Trade Association
JASON WADE, Top Administrative Assistant to the
President, International United Auto
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1 P-R-O-C-E-E-D-I-N-G-S

2 10:00 a.m.

3 MR. HOFFMANN: Good morning, everyone.

4 Welcome. I am calling this public hearing to
5 order. My name is Justin Hoffmann. I am a
6 Deputy Assistant USTR for Market Access and
7 Industrial Competitiveness within the Office of
8 the United States Trade Representative.

9 Today, USTR, in conjunction with the
10 Interagency Committee, the Interagency Autos
11 Committee, is holding a public hearing as part of
12 its biennial review of the United
13 States-Mexico-Canada Agreement, the USMCA, with
14 respect to trade and automotive goods.

15 This is the second of five such
16 reviews that USTR and the Interagency Autos
17 Committee will prepare as mandated under the 2020
18 USMCA Implementation Act. That Act requires USTR
19 and the Interagency Autos Committee to provide a
20 summary of actions taken by producers to
21 demonstrate compliance with the USMCA automotive
22 rules of origin, use of the alternative staging

1 regimes, enforcement of such rules of origin, and
2 other relevant matters. The Act also requires
3 USTR and this Committee to examine whether the
4 USMCA automotive rules of origin are effective
5 and relevant in light of new technology, changes
6 in content, production processes, and the
7 character of automotive goods.

8 The results of the review will be
9 published in a report the USTR will submit to
10 Congress and publish on its website no later than
11 July 1 of this year.

12 Before we begin, I wanted to provide
13 just a few logistics about the hearing.

14 All public submissions as part of this
15 review and the hearing are available for public
16 review on the regulations.gov docket under Docket
17 Number USTR-2023-0013. A written transcript of
18 today's hearing will be posted to the same
19 location approximately seven business days after
20 today's hearing.

21 USTR will reopen the docket on
22 regulations.gov to receive post-hearing briefs

1 and any additional information from today's
2 witnesses or any other interested party. The
3 deadline for such submissions will be 5:00 p.m.,
4 Eastern Standard Time, on February 28, and a
5 notice with all these details will be published
6 in the Federal Register coming soon.

7 This hearing is virtual and is being
8 livestreamed on the USTR.gov website and is open
9 to the press.

10 We ask each of the witnesses today to
11 limit their remarks to five minutes to summarize
12 or expand upon their pre-hearing submission, and
13 after testimony from the full panel, the
14 Interagency Autos Committee will have the
15 opportunity to ask questions. All questions will
16 come from agency representatives. There will be
17 no questions accepted from the floor, either to
18 the Committee or to other witnesses.

19 So, with that, I would now like to
20 introduce the government officials joining me on
21 today's panel.

22 Leading off for the Department of

1 Commerce, we have Elizabeth Clark. She is the
2 lead of the Automotive Team in the Office of
3 Transportation and Machinery of the International
4 Trade Administration.

5 For the Department of Labor, we have
6 Adam Huggins, who is a Senior Policy Advisor in
7 the Division of Immigration, Farm Labor and Trade
8 in the Wage and Hour Division.

9 Representing the Department of State
10 is Larry Grippo, Economic Officer in the Office
11 of Multilateral Trade Affairs in the Bureau of
12 Economic and Business Affairs.

13 For the Department of Treasury, we
14 have Won Chang, International Economist, Office
15 of International Trade and Investment Policy.

16 Representing the U.S. Customs and
17 Border Protection is Alison Umberger. She is an
18 attorney/advisor in the Office of Trade.

19 And for the International Trade
20 Commission, we have David Coffin, who is the
21 Acting Division Chief for the Advanced Technology
22 and Machinery Division in the Office of Industry

1 and Competitive Analysis.

2 And so, now, I would like to take a
3 moment to introduce our witnesses for today's
4 hearing. We have Governor Matt Blunt. He is
5 President of the Automotive -- I'm sorry, the
6 American Automotive Policy Council.

7 We have Ann Wilson, Executive Vice
8 President of the International -- I'm sorry,
9 excuse me, of MEMA, the Vehicle Suppliers
10 Association.

11 Mr. Ken Carmon, who is President of
12 Bay Brokerage and Vice President of the
13 International Motor Vehicle Trade Association.

14 And we have Jason Wade, who is a Top
15 Administrative Assistant to the President of the
16 International Auto Workers.

17 So, thank you all for taking the time
18 to be before us today. We look forward to your
19 testimony. And with that, I will turn the floor
20 over to Governor Blunt. Thank you.

21 MR. BLUNT: Thank you very much. I am
22 here representing the American Automotive Policy

1 Council. The AAPC represents the common public
2 policy interests of American automakers General
3 Motors Company, Ford Motor Company, and
4 Stellantis.

5 Few policies have had as much impact
6 on our industry -- and in particular, America's
7 automakers -- as the series of free trade
8 agreements culminating in the USMCA. The USMCA
9 helped to facilitate the deep integration of the
10 North American automotive sector, which helped
11 maintain the global competitiveness of the U.S.
12 automotive sector.

13 The USMCA also helps provide the
14 United States and the North American Automotive
15 Industry with a higher level of stability,
16 predictability and reliability, which is
17 critically important given the automotive
18 industry's highly capital intensive nature and
19 the long and complex supply chains.

20 The AAPC's written submission outlines
21 positive developments in investment, production,
22 output and trade. For example, an investment in

1 the United States, especially in the area of EV
2 battery plants and EV assembly plants, has grown
3 substantially since USMCA was signed. While some
4 of that growth is attributable to the IRA, the
5 important role of the USMCA automotive rule of
6 origin cannot be dismissed.

7 The USMCA and the IRA have already
8 led to new EV-related manufacturing capacity
9 being brought online. Through the third quarter
10 of 2023, some reports estimate that EV
11 investments of approximately \$41 billion are
12 expected to generate nearly 180,000 U.S. jobs.
13 The United States government's policies have
14 steered the vast majority of this new investment
15 made in North American battery production to the
16 United States. In fact, about 90 percent of
17 these investments have been made in the United
18 States.

19 Employment, U.S. employment data,
20 shows that the number of U.S. auto jobs has
21 rebounded and exceeded the industry's average
22 over the last 20 -- excuse me, 32 years. In

1 fact, the U.S. auto industry's employment level
2 in December of 2023 of 1,076,000 exceeds the
3 average monthly employment level between January
4 1990 and December 2023.

5 This clearly shows that auto
6 employment has been snapping back to its
7 long-term upward trend since 2009. A meaningful
8 portion of these jobs were created in response to
9 the USMCA automotive rule of origin, with USMCA's
10 new labor value content, or LVC, provision being
11 particularly effective.

12 Increasing U.S. exports could help
13 boost the number of U.S. auto jobs. South Korea,
14 Japan and Germany each export 50 percent or more
15 of their motor vehicle production, while we only
16 export about 20 percent of our production.

17 Clearly, U.S. auto exports have ample room to
18 grow, and the transition to EVs offers a unique
19 opportunity to boost U.S. vehicle exports and
20 jobs.

21 Automotive output and production is
22 also up. From 2017 to 2023, gross automotive

1 output grew from \$597 billion to an estimated
2 \$814 billion.

3 And importantly, the U.S. share of
4 North American vehicle production since the USMCA
5 was signed has increased. Prior to the USMCA and
6 the IRA, the trend in North America trade was a
7 steadily growing level of imports from Mexico and
8 a growing trade deficit with our North American
9 trade partners. However, since the USMCA was
10 implemented, the U.S. automotive trade deficit
11 has been relatively flat, and this represents an
12 important new and positive trend.

13 These positive shifts were unlikely to
14 have taken place without the USMCA. We believe
15 the USMCA is working as intended and is meeting
16 the goals set forth by the U.S. government.

17 We would make the following
18 recommendations: it is important to resolve the
19 outstanding automotive rule of origin dispute.

20 We certainly believe we should clarify
21 any uncertainties regarding the rule of origin.
22 Just as an example, there are uncertainties about

1 the product specific rule of origin for EV
2 batteries after July of 2025.

3 It's important to grant flexibilities
4 for EV supply chains. With ongoing challenges in
5 building a secure North American EV supply chain
6 and sourcing changes brought on by provisions in
7 the IRA and other initiatives, the U.S.
8 government should consider EV-specific
9 flexibilities under the USMCA.

10 It is critical that we have ample
11 notice and lead time for any rule of origin
12 changes. When considering changes and updates to
13 the rule, including additions or updates to the
14 automotive parts and components list, providing
15 sufficient notice and lead time is critical.

16 We also believe we should create a
17 USMCA automotive industry advisory group that
18 could work with the administration as they
19 evaluate the USMCA and consider changes.

20 It is important also to coordinate our
21 critical minerals with both our USMCA partners,
22 Mexico and Canada, and other allied nations.

1 And then, finally, it is important to
2 provide room for EV industry success. The U.S.
3 government should work with its USMCA partners to
4 ensure that our nation's EV industry has a chance
5 to compete and win in light of the types of trade
6 barriers and supply challenges our industry
7 faces.

8 Thank you. That's all of my
9 testimony. And I will look forward to hearing
10 from others, and then the opportunity to answer
11 your questions.

12 MR. HOFFMANN: Thank you, Governor
13 Blunt. I now turn the floor over to Ann Wilson.
14 Ms. Wilson, go ahead, please.

15 MS. WILSON: Thank you. And thank
16 you, everyone, for being here today. My name is
17 Ann Wilson. I serve as the Executive Vice
18 President of Government Affairs for MEMA, the
19 Vehicle Suppliers Association.

20 MEMA supported and worked hard for the
21 passage of USMCA. MEMA's feedback for the USCA
22 was requested by USTR and the Congress throughout

1 the process.

2 At the time, MEMA members understood
3 that the USMCA automotive goods and trade
4 provisions, particularly the preferential rules
5 of origin, established a new set of rules with
6 new concepts and legal terms not found in any
7 other U.S. or international trade agreements to
8 date. These novel provisions only apply to the
9 motor vehicle and parts industry, which places
10 the industry in a unique position not shared by
11 other business sectors.

12 Today, my comments will focus on
13 challenges facing the vehicle supplier industry
14 since the agreement went into effect on July 1ST,
15 2020.

16 The U.S. is the largest exporter and
17 importer of motor vehicle parts in the USMCA
18 countries. But the USMCA and NAFTA have played
19 integral roles, as the governor discussed, in
20 establishing a more integrated motor vehicle
21 market in the USMCA countries.

22 For that reason, MEMA believes it is

1 important that USTR and other U.S. agencies that
2 administer and enforce the USMCA automotive goods
3 trade provisions recognize and appreciate the
4 impact of the new rules on the vehicle supplier
5 industry.

6 MEMA represents more than 900
7 companies that manufacture components, systems
8 and materials for light and heavy vehicles,
9 original equipment and aftermarket industries.
10 The vehicle supplier industry is the nation's
11 largest employer of manufacturing jobs directly
12 employing more than 900,000 workers in all 50
13 states.

14 On behalf of this industry, there are
15 five major points I wish to make today. First,
16 the administrative transparency of the USMCA
17 automotive rules of origin is critical to
18 suppliers of the motor vehicle parts industry.
19 It is important to remember that over half of our
20 members are considered small manufacturers of the
21 SBA definitions.

22 The transparency can be achieved as

1 simply as through the issuance of sections of the
2 domestic regulations that have already been
3 vetted for publication by the various agencies
4 involved in the review process, or administrative
5 guidance, such as information provided in the
6 USTR and the U.S. Customs and Border Protection
7 website or audit handbooks.

8 Secondly, while the intent of the
9 USMCA automotive rules of origin was to reduce
10 the administrative burdens on the vehicle
11 supplier industry, the opposite has occurred.

12 In our formal comments to USTR, MEMA
13 described the burdens that are unique to the
14 vehicle industry in the hope that they reduce or
15 at least be considered administering the USMCA
16 going forward.

17 Third, while flexibility has been
18 built into the certification process, it has
19 created everyday challenges for vehicle
20 suppliers, both in terms of soliciting
21 certifications from lower tier suppliers and
22 responding to certification requests from the

1 vehicle manufacturer customers.

2 Fourth, while vehicle manufacturers
3 and vehicle parts suppliers share many of the
4 same concerns prior to the USMCA automotive trade
5 provisions, USMCA has created, in several cases,
6 a separate set of rules of origin for each.

7 Accordingly, MEMA members, which are
8 comprised of vehicle parts suppliers, face
9 separate challenges independent of the issues
10 impacting OEMs, require solutions specific to
11 such suppliers.

12 For these reasons, we strongly urge
13 the USCR to consult independently with the
14 vehicle parts suppliers industry when suggesting
15 changes or updates to the USMCA.

16 And then finally, some of the rules of
17 -- automotive rules of origin do not reflect the
18 current global supply chain, particularly as
19 advanced vehicle technology products are being
20 rapidly developed.

21 Along with the vehicle manufacturers,
22 the vehicle suppliers request participation in

1 any trilateral or domestic process regarding the
2 evolution of these rules.

3 MEMA is hoping for a Zoom dialogue and
4 partnership with the USTR as the process
5 continues to unfold for interpreting and
6 implementing these provisions.

7 Again, thank you for the opportunity
8 to testify today, and I look forward to your
9 questions.

10 MR. HOFFMANN: Thank you, Ms. Wilson.
11 Now I'm going to turn it over to Ken Carmon. Mr.
12 Carmon, go ahead, please.

13 MR. CARMON: Ladies and gentlemen,
14 thank you for the opportunity to address this
15 distinguished gathering of federal trade
16 representatives in Washington, D.C. My name is
17 Ken Carmon, President of Bay Brokerage in New
18 York and Vice President of the International
19 Motor Vehicle Trade Association.

20 IMVTA's testimony is a collaboration
21 of our engagement with key U.S. congressional
22 members and U.S. trade offices in both Washington

1 and Canada. Today, I'm before you to share
2 testimony on behalf of the importers, Canadian
3 and U.S. dealers, transportation companies and
4 other stakeholders involved in the movement of
5 Canadian and Mexican-made light duty trucks and
6 passenger vehicles into the U.S. market.

7 The story begins with the
8 implementation of the Canada-U.S. Auto Pact in
9 1965, a landmark agreement that facilitated the
10 cross-border trade of automobiles leading to a
11 move-in of Canadian vehicles into the U.S. for
12 both commercial and personal use.

13 This pact replaced a 25 percent duty,
14 a poultry tax, and a 2-1/2 percent duty on
15 passenger cars.

16 Fast forward to 1988: President Reagan
17 signed the Canadian-U.S. Trade Agreement
18 extending the Auto Pact principles to all
19 commodities. Then, January 1st, 1994: North
20 American Free Trade Agreement, NAFTA, came into
21 effect, including Mexican-made articles and
22 running concurrently with the original Auto Pact.

1 During this period, duty-free status
2 for used imported vehicles continued. U.S.
3 Customs established certification requirements
4 for vehicles imported under NAFTA. Over the next
5 three decades, this movement of vehicles across
6 borders flourished, benefitting importers,
7 Canadian and U.S. dealers, transportation
8 companies, and related service providers.

9 The laws of supply and demand coupled
10 with favorable exchange rates created a thriving
11 industry; not only generated economic growth, but
12 also provided consumers with access to quality
13 vehicles at reasonable prices.

14 Further, during May 2000, CBP
15 headquarters approved NAFTA certification
16 procedures for importers on used vehicles
17 produced in the NAFTA countries. This was based
18 upon producer annual averaging reports.

19 However, a significant change occurred
20 in January of 2020 with the signing of the USMCA
21 effective from July 1, 2020. The certification
22 standard for most commodities remained similar.

1 The automotive sector faced adjustments in the
2 regional value content along with deal
3 requirements for steel, aluminum and, of course,
4 the labor standards.

5 Under USMCA, the U.S. vehicles of
6 Canadian or Mexican origin produced before July
7 1, 2020, no longer qualified for duty free
8 treatment. This shift in policy has created
9 challenges for the industry affecting importers
10 and dealers in the supply of cars to consumers.

11 It is crucial to highlight that when
12 a similar issue arose under NAFTA back in the
13 mid-90s, House Bill 3815 was introduced, passed
14 by Congress and signed into law by the President
15 with amendments imposed under the Technical
16 Corrections Act of 1996.

17 Today, we request a similar
18 consideration for the importers of used North
19 American vehicles under USMCA. And it is
20 important to note also that during the past three
21 decades from the mid-90s, used imported vehicles
22 from Canada increased from less than 15,000

1 vehicles annually to over 300,000 vehicles
2 annually.

3 IMVTA's overarching objective is to
4 secure duty free status for NAFTA built vehicles
5 encompassing all Canadian and Mexican vehicles
6 constructed before July 1, 2020. The strategic
7 pursuit is grounded in the fact that these
8 vehicles were initially designed to adhere to
9 NAFTA standards and therefore do not align with
10 the regulatory frameworks under the USMCA.

11 The successful realization of this
12 endeavor with your invaluable support stands to
13 yield considerable financial benefits for our
14 industry, translating to savings amounting to
15 millions of dollars annually.

16 As we move forward, it is imperative
17 for all stakeholders, including vehicle
18 importers, to stay informed and engaged on the
19 ongoing discussions and adjustments.

20 We anticipate that these efforts will
21 facilitate a smoother transition and enhance the
22 overall efficiency of automotive trade under the

1 USMCA.

2 In conclusion, we appreciate your time
3 and attention to this matter. We urge you to
4 consider the impact of the USMCA's requirements
5 on the industry and if deemed appropriate,
6 support the introduction of legislation as to
7 address these challenges.

8 Thank you for your consideration, and
9 we trust that your informed decision will
10 contribute for the continued success of the North
11 American automotive trade.

12 I look forward to any and all
13 questions.

14 MR. HOFFMANN: Thank you, Mr. Carmon.
15 And now, Mr. Wade, go ahead, please.

16 MR. WADE: Good morning. Thank you to
17 the Interagency Committee for Trade and
18 Automotive Goods and its constituent members for
19 providing this opportunity to testify.

20 My name is Jason Wade, and I join you
21 today as a representative of the United
22 Autoworkers.

1 UAW represents nearly 1 million active
2 and retired members. Our members work in the
3 auto parts industry, heavy truck, AG-IMP,
4 aerospace, steel and other manufacturing sectors.
5 As a result, we offer a unique perspective on any
6 discussion of trade.

7 For our members, trade policy is an
8 abstract. It impacts nearly every aspect of
9 their work from their pay, working hours, whether
10 our plants get investments or even if they remain
11 open. Quite simply, trade is a bread and butter
12 issue to our members. And to put it bluntly, our
13 country's trade policy has been a disaster for
14 UAW members and working class people in this
15 country for far too long.

16 Among our biggest employers, the Big
17 Three automakers, GM, Ford and Stellantis, we
18 have seen 65 plant closures in the past 20 years.
19 So-called free trade has been a core contributor
20 to nearly every single one of these closures.

21 When companies know they can close up
22 shop in the U.S. and move work to Mexico or

1 elsewhere for a fraction of the cost and ship the
2 product back into their biggest market with no
3 consequences, why wouldn't they?

4 For working people who don't spend
5 their time becoming trade policy experts, that's
6 what NAFTA meant to them. And despite all the
7 promises made, the USMCA hasn't stopped the
8 bleeding. That's why we didn't support it when
9 it was negotiated, and that's why we don't
10 support it now.

11 Between 2018 and the first 11 months
12 of 2023, the automotive trade imbalance between
13 the U.S. and Mexico increased by \$12 billion or
14 nearly 20 percent while the auto part trade
15 imbalance increased by \$9 billion or 31 percent.
16 Every increase in that imbalance is a story of
17 another layoff, another plant closure and another
18 working class community left trying to pick up
19 the pieces.

20 We understand that many industry
21 experts are asking for relief of the USMCA's
22 increased requirements around rules of origin,

1 RBC, super core, core, LVC, et cetera. We would
2 like to point out that these requirements are
3 nothing compared to what our members and working
4 class people have to go through to navigate trade
5 adjustment assistance and to get themselves back
6 on their feet after their plant has closed.

7 Further, no company would have to
8 worry about the USMCA's complexities if they
9 simply manufactured the products where they sell
10 them. And it's not like the automotive industry
11 cannot afford to reshore the work to the U.S.
12 Over the past decade, the Big Three alone, and
13 it's not solely the Big Three, but the Big Three
14 alone have earned roughly a quarter trillion
15 dollars in profit. Other OEMs have similar
16 experiences in the North American market, all
17 while working people who make the industry run
18 have gone backwards.

19 Out of the 65 plant closures, the only
20 thing that has reopened a plant was our recent
21 standup strike. It was working people standing
22 together that forced the reinvestment into

1 Belvidere Assembly. And that should be a lesson
2 for the federal government. What these corporate
3 actors understand best is simple. Economic
4 consequences are the destructive behavior.

5 As we stated in our submitted
6 comments, if we want greater adherence to the
7 USMCA's rules of origin provisions, the
8 consequences for noncompliance has to be greater
9 than 2-1/2 percent.

10 In the labor movement, there is an old
11 saying, which side are you on? Every time we sit
12 down with an employer and a new organizing
13 campaign, or issue a new contract or recent
14 contracts, the number one threat they throw at us
15 and our members, the number one scare tactic, the
16 number one reason why workers don't stand up for
17 themselves and raise conditions for workers
18 everywhere is a threat of moving jobs to Mexico.

19 Simply put, most workers view our
20 trade policy as a tool for the bosses.

21 In the next few weeks, we're going to
22 be negotiating with -- we're going to the

1 negotiating table with Daimler Trucks, who makes
2 Freightliner and Thomas Built Buses. Two-thirds
3 of their footprint is in Mexico, while 7,000
4 workers' jobs in North Carolina, Tennessee, and
5 Georgia hang in the balance.

6 In these contract negotiations, we
7 will have zero help from our trade policy. Our
8 only recourse for these members is a threat of a
9 strike to win strong contracts with job security
10 language. Our members have to spend so much of
11 their energy and push just to keep existing jobs
12 in this country, let alone raising standards or
13 building a better life for their families and
14 communities.

15 The fundamental problem with our
16 country's trade policy over the past 50 years is
17 it has been written overwhelmingly with the
18 interest of corporations in mind. Going forward,
19 labor must be in the room when deals are
20 negotiated or renegotiated. Labor must not be an
21 afterthought.

22 We will be taking action into our own

1 hands if we must, but the federal government
2 should pick a side and stand with the American
3 working class. I welcome any comments or
4 questions.

5 MR. HOFFMAN: Thank you, Mr. Wade.
6 And thank you again to all of our witnesses for
7 your testimony today.

8 We are going start with the questions.
9 And I actually am going to take the first
10 question, which is directed towards all of you,
11 some of you, any of you, feel free, you know, to
12 respond as appropriate.

13 So one thing it's clear that the North
14 American automotive industry is undergoing a
15 transition to EVs and clean energy vehicles and
16 away from fossil fuel vehicles.

17 And one of this Committee's tasks
18 under this biennial review is to assess whether
19 the automotive rules of origin are effective and
20 relevant in light of new technology, changes in
21 the content of vehicles, the production processes
22 or the character of automotive goods.

1 Likewise, the USMCA text encourages
2 the United States, Mexico and Canada to undertake
3 a review of the automotive provisions to ensure
4 that they continue to reflect the composition of
5 vehicles, especially advanced technology
6 vehicles.

7 And through the written comments, and
8 some of the testimony we have received today, we
9 have received several recommendations to support
10 the EV transition by modifying the rules of
11 origin. But the suggestions received seem to be
12 moving in opposite directions.

13 Some recommend implementing
14 EV-specific flexibilities under the USMCA while
15 others are advocating for tighter rules of origin
16 by adding EV and autonomous vehicle components to
17 the core parts requirements, thereby requiring
18 higher levels of North American content for these
19 components.

20 In light of these diverging
21 recommendations, can you all expand upon your
22 comments, in your written comments and your

1 testimony, and help us understand your views and
2 reasoning on implementing EV specific
3 flexibilities or adding EV and autonomous vehicle
4 components to the core parts requirement?

5 And I would also ask if there are
6 additional views here from the suppliers or the
7 used vehicle traders perspective that we should
8 take into account. Thank you.

9 MR. BLUNT: Well, I will attempt to
10 answer that. And, you know, I think certainly in
11 all of U.S. government public policy today, there
12 is a tension between a shared goal that industry
13 has to transition to electric vehicles and the
14 fact that we currently don't have all of the
15 resources, processing capacity and supply chain
16 resilience to make that happen as quickly as we
17 would like.

18 So, you know, our member companies,
19 for example, have announced over \$100 billion in
20 capital expenditures between 2021 and 2030,
21 primarily around that electric vehicle
22 transition.

1 But there is, you know, a time delay
2 involved. For example, it takes about four years
3 to bring a battery plant online. And in that
4 period, you do need, if you are going to produce
5 electric vehicles, you do need flexibility that
6 allows you to get the battery components that you
7 need to build USMCA qualifying vehicles.

8 So we do think that it's important to
9 provide flexibility. Industry is clearly at the
10 table here investing tens of billions of dollars
11 to try and make this transition happen and work
12 with our UAW partners and the administration and
13 other stakeholders to make this transition
14 happen. But we think flexibility is important if
15 we're going to achieve the environmental benefits
16 that we all want to achieve through this
17 transition.

18 In terms of the parts list, we
19 certainly understand the requirements to review
20 the parts list and the public policy goals that
21 could be achieved through that. We just think
22 it's important to have a very thoughtful process

1 that involves all stakeholders, and particularly
2 are the OEMs that ultimately produce the vehicles
3 that will meet these requirements.

4 MR. HOFFMANN: Thank you. And I
5 should apologize, I should have suggested at the
6 outset that you all are already using the raised
7 hand function, which I think will be helpful to
8 manage the conversation today. So I am going to
9 call on Ms. Wilson next. Thank you.

10 MS. WILSON: Thank you and thank you
11 for this question because I think it is one of
12 the most demanding questions for the industry and
13 for all of our partners in government as well as
14 our workforce.

15 There are a couple of things I think
16 that the supplier industry would like everyone to
17 recognize.

18 One is we do not see this just as an
19 EV question. We look at the executive order from
20 the President as, you know, what he expected his
21 agencies to talk about when they talk about zero
22 emission vehicles is exactly that, zero emission

1 vehicles. So plug-in hybrids, hybrids, hydrogen
2 vehicles. This gets to be particularly important
3 when we're talking about the trucking industry
4 and those standards of how they may apply.

5 So focusing just on the impact that it
6 has on EVs is probably not going to give you a
7 clear enough picture of where the industry is
8 transitioning and where we are going over the
9 next, I will call it, decade and beyond that.

10 The second thing is, I think there are
11 tools that are not being adequately used
12 currently by the U.S. government to promote U.S.
13 content. And one of them in particular that I
14 would point is testimony that we gave last week
15 to the IRS, the Department of Treasury, on
16 battery components that are considered for U.S.
17 content.

18 It has really focused on exactly what
19 the battery is, but it does not focus on giving
20 credit for the 30D tax credit for any of the
21 other technologies that are necessary to hook the
22 battery up to the EV.

1 So there are battery trays. There are
2 connectors. There is all kinds of technology
3 that our members make in the United States and
4 what we would argue is that's what you want to
5 continue to actually encourage. And one way to
6 encourage that is exactly allowing that kind of
7 investment to turn out for U.S. content overall
8 when you are considering the content of the
9 battery.

10 So I think there are tools that are
11 available that we would like to see them line up
12 together rather than just using a trade tool
13 where there is not also other tools that can help
14 the industry grow and prosper.

15 MR. HOFFMANN: Thank you. Mr. Wade?

16 MR. WADE: I think it's very -- we've
17 been very clear over the last decade that we know
18 the EV transition is coming. We know that supply
19 chains of today and tomorrow are being built
20 right now. And it's important for our members
21 and I think the public for us to be very
22 purposeful on how we develop this.

1 Not only do we need to have a just
2 transition for our working families and working
3 communities to have a way to transition to the
4 next generation jobs, but if Americans see this
5 as a net loss, and that's how it has been framed
6 initially in the early stages of the EV
7 transition, as much as we are very concerned, and
8 the UAW has no leader on environmental justice in
9 ensuring that we have ensure a plan to give them
10 proper support because EV transition will be seen
11 as a net loss, that we need to be thoughtful on
12 how we do this.

13 You know, a second point is we fought
14 to support a lot of the key components of the IRA
15 and Infrastructure Bill and other major
16 legislative accomplishments of the Biden
17 administration, we don't want to see our trade
18 policy out of step with that. We already see
19 some of that on how you have, you know, the 30D
20 requirement interplays with the rules of origin.
21 You could have a vehicle that doesn't satisfy the
22 rules of origin having that tariff treatment

1 supplemented by a \$7,500 30D tax credit or a 45W
2 tax credit for a lease.

3 We want to have everything kind of
4 pointing in the same direction so we can ensure
5 that as much of the supply chain is domestically
6 manufactured and anchored in this country because
7 once these supply chains are created or
8 developed, it's very, very hard to bring them to
9 the United States. I think to comments from many
10 of the industry about their initial decision on
11 where they were going to put battery plants in
12 this transition.

13 Jim Farley said the Marshall, Michigan
14 plant would have been in Mexico, but for the IRA.
15 And it seems that we need to be thoughtful that
16 we're not working against ourselves in this
17 transition.

18 And finally, not agreeing but echoing
19 some of the sentiment that Ms. Wilson brought up,
20 that's making sure our list we gave on components
21 for EVs and then also on autonomous vehicles and
22 ADS vehicles as thoughtful in the sense that we

1 know that a lot of these components are already
2 domestically manufactured. We want to start to
3 create a wall and purposefully think about what's
4 here and how do we ensure that it says here, and
5 we don't allow, you know, international
6 competition to erode our domestic management of
7 those issues, so.

8 MR. HOFFMANN: Thank you for that.
9 For our next question, I'm going to hand it over
10 to my colleague from the International Trade
11 Commission.

12 MR. COFFIN: Thank you, Justin. And
13 thank you all. I really appreciate the
14 thoughtful comments that you have and hopefully
15 my question is meaningful.

16 So we at the commission have heard a
17 lot about the cost of setting up new compliance
18 systems for the USMCA for vehicle manufacturers
19 and parts suppliers. But one of the things that
20 we noticed in the comments you provided, it
21 sounds like annual compliance costs have
22 increased significantly as well.

1 Is this an accurate conclusion based
2 on your submissions? And if so, can you provide
3 some additional details or specific examples of
4 how those annual compliance costs have increased
5 and is there an expectation that those costs will
6 continue to increase, and if so, why? Thank you.

7 MS. WILSON: David, maybe I will start
8 off. I think we have seen it, and it's a couple
9 of different things. There are different
10 certification systems with all of the vehicle
11 manufacturers. And there are also the demands
12 that are being placed in the rules of origin for
13 lower-tier suppliers who actually may not be the
14 final importer or exporter of a good.

15 So all of this is weighting in a lot
16 of demand on those lower tier suppliers who, as
17 you know, don't have trade staff, don't really
18 have internal ability to take on a lot of this.

19 It's also calling on our larger
20 suppliers to increase their trade staff as they
21 try to deal with complexities.

22 You know, I think part of this is

1 because these were new rules, and we all didn't
2 really quite understand or comprehend what the
3 day-to-day responsibilities were going to be.

4 But one thing that I would like to
5 reiterate and that we need to really think about
6 as an industry and this panel needs to think
7 about is the fragility of the supply base. And
8 I'm not talking about our Tier 1 suppliers here.
9 I am talking about our Tier 2 and Tier 3
10 suppliers.

11 Many of them have been in communities
12 throughout this country for generations. They
13 are metal stampers, drawers, plastic extruders,
14 companies like that. The industry depends on
15 them, and we need to have their inputs to
16 manufacture vehicles, whether they are zero
17 emission vehicles or ICE vehicles. But on the
18 other hand, if they don't have the stability or
19 understand what their requirements are or
20 understand where they can have their costs, the
21 likelihood that we are going to continue to have
22 that employment in the U.S. continues to

1 diminish.

2 And I don't mean that they would --
3 before my friend from the UAW says they will move
4 to Mexico, they just close. These are a lot of
5 family-owned companies. You know, they will have
6 200 employees, and they just close.

7 And so we need to understand the
8 demands of the USMCA are impacting this part of
9 the supply base, and we would like to work with
10 the interagency group and our customers and
11 everyone else to minimize these requirements.

12 I know you want more specifics than
13 that, and we would be glad to provide them
14 offline. But that is something that has got to
15 be understood throughout this group as you move
16 forward.

17 MR. COFFIN: Thank you. Does anyone
18 else have responses to that one or should I move
19 on to the next? All right.

20 So moving on, you know, we've already
21 talked a little bit today about the increasing
22 share of U.S. parts imports through Mexico. And

1 so I wanted to ask you all, you know, do you
2 think that this is a long-term trend or was it
3 caused by short-term factors, and also to what
4 extent do you think that the increase is driven
5 by USMCA automotive rules or something else?

6 Thank you.

7 MS. WILSON: Governor, do you want me
8 to go first or do you want to go first?

9 MR. BLUNT: I'll jump in. And I just
10 had one more point about the level of EV
11 investment in the United States.

12 As I said in my comments, 90 percent
13 of the EV investment that's occurred in North
14 America, we believe is targeted towards the
15 United States.

16 So certainly the industry's commitment
17 to ensuring that the United States plays a key
18 role in this transition is readily apparent.

19 You know, in terms of the auto trade
20 with Mexico, it's a regional agreement. We think
21 it's important to look at trade with both of the
22 trade partners. My comments, I indicated that we

1 believe that the trade deficit is not growing;
2 the auto trade deficit is not growing. That it
3 has stabilized, which we think is a helpful
4 trend.

5 And just, again, overall production in
6 2018 about 65 percent of automotive production,
7 North American automotive production was in the
8 United States. Today it's about 66-1/2 percent.
9 So that's a meaningful increase.

10 So, again, we think the provisions of
11 the USMCA that were designed to strengthen the
12 United States within that regional trade
13 partnership have been effective and are working
14 and should be sustained.

15 To you, Ann.

16 MS. WILSON: I think Mr. Wade was
17 first.

18 MR. HOFFMANN: Yeah, yeah, Mr. Wade,
19 please.

20 MR. WADE: Thank you. We think it's
21 a systemic problem. It's kind of baked into our
22 free trade arrangement with Mexico and Canada,

1 specifically Mexico.

2 You know, initially it was on low cost
3 components. And we saw those along the border.
4 It was like air bags or seatbelts or trim
5 facilities along the border. But increasingly
6 as final assembly plants were down there, you
7 start to see your Tier 1 suppliers move with
8 those facilities. And then you start to see the
9 whole ecosystem start to get built out around
10 that.

11 You know, I think some of it with
12 Governor Blunt, you may be using, you know,
13 different measuring points. I noticed some of
14 your -- in your comments, looking, digging into
15 it, I think it depends on when you take a look.
16 You know, I think there has been an increasing
17 trend of higher value components being
18 manufactured in Mexico.

19 And that's not only evidenced in Tier
20 1 and 2 suppliers moving there on their own, but
21 also with every facility, when Lordstown Assembly
22 closed and they moved the product or the future

1 product that could have been there to Ramos, for
2 suppliers in and around Lordstown closed, when
3 Stellantis announced that they were closing
4 Belvidere, all of those supplier closed and
5 followed the product.

6 So, it's two part. One, it's as the
7 assembly moves you have the associated with
8 components move as well. But we've seen an
9 increased trend that just -- there is enough of
10 an ecosystem there that increasingly Tier 1 and 2
11 suppliers are there as well.

12 MR. HOFFMANN: Ms. Wilson?

13 MS. WILSON: Well, if I might, I think
14 there's something fundamental which I failed to
15 mention in my testimony, but I know the Governor
16 mentions tangentially in his, you know, it's
17 important for the North American region to have
18 this region of Canada, Mexico and the United
19 States as we compete globally against Asian
20 manufacturing, European manufacturing.

21 I think that's one -- you know, I
22 think there are lots of reasons people can say

1 why the industry might support USMCA, but it's
2 one of the fundamental reasons I heard from our
3 executive of why it was so important to have a
4 USMCA, so we can continue in the United States to
5 be globally competitive.

6 I think it's the way you kind of
7 mentioned it, but I would like to focus on why
8 some of -- why we might see supplier growth. And
9 I think it's been a real effort by the U.S.
10 government in a bipartisan manner to encourage
11 and require reshoring of capacity from China.

12 And, you know, some of that, the
13 nearshoring into Mexico itself and some of it is
14 reshoring into the United States. I wish I had
15 more statistics on exactly how many of our
16 members have done that, but we have heard that
17 over and over again as the supply chains become
18 more fraught and more difficult, as we've seen
19 over the last couple years of COVID as policy
20 objectives are that we need to nearshore and
21 reshore. We're seeing more and more of that
22 overall.

1 The other thing I think we need to
2 keep in our mindsets is the impact of a dual
3 track it is going to have on supply chain.

4 So we talk about this transition to
5 what we call zero emission vehicles. Some people
6 say EVs. But we talk about this transition. But
7 at the same time, my members' customers, the
8 vehicle manufacturers, and the consumers in the
9 United States are going to require ICE vehicles.

10 So, we have significant portion of a
11 supply base that are going to be required to
12 manufacture two separate systems of propulsion,
13 ICE and some type of zero emission vehicles.

14 And at some point this is going to be
15 less competitive. There is not going to be as
16 much of it. But at this point, the cost of doing
17 both of those things is significant. And it's a
18 significant investment that we have to keep in
19 mind of why a USMCA agreement can be so
20 important.

21 MR. COFFIN: Thank you. And I have
22 one last question in this part. So several

1 written submissions and hearing witnesses in this
2 and past years some USMCA fact-finding exercises
3 have suggested that considering all parts
4 production in the United States and Canada to be
5 high wage by default would significantly reduce
6 the administrative burden.

7 Is the assumption that U.S. and
8 Canadian parts buyers pay their workers more than
9 \$16 an hour realistic, or do a significant share
10 of U.S. or Canadian parts suppliers pay less than
11 \$16 an hour?

12 MS. WILSON: David, I couldn't give
13 you a statistic on that. And I am glad to help
14 work on that with you to give you a statistic.

15 I do think one of the things that is
16 really important to realize is the number of
17 workers who are out there has continued to be a
18 problem for the industry. And we see industry
19 wages continuing to grow. So, you know, I think,
20 again, I think as Mr. Wade mentioned, you could
21 take a timeline. But I think a timeline has to
22 be current policy and what we see currently in

1 the industry.

2 But let me also get back with you, and
3 we will get you more substantial statistics on
4 that.

5 MR. COFFIN: That would be great.
6 Thank you. Mr. Wade?

7 MR. WADE: We would have to supplement
8 our comment on it as well with statistics. But
9 we go out, and we talk to workers. There are
10 workers making, especially in those areas where
11 that LVC is being measured in the U.S. that are
12 making less than \$16.

13 Keep in mind, we have had recent
14 reports of child labor, prison labor inside some
15 of our transplant OEMs supply chains in the
16 south. So I don't think it's an overly
17 burdensome requirement. And it's something that
18 we are seeing with our own eyes as we talk to
19 workers.

20 Up until recently, we had workers
21 inside the Big Three that were making less than
22 \$16 an hour on the shop floor, so.

1 MR. COFFIN: Thank you. And with
2 that, I believe I'm passing it on to Liz with the
3 Department of Commerce.

4 MR. HOFFMANN: Actually, I'm going to
5 maybe take the chair's prerogative and jump in
6 with one more question here. Apologies, Liz.
7 And this is directed towards everybody.

8 Recently, you may be aware a
9 bipartisan group of representatives sent a letter
10 to the USTR Ambassador Katherine Tai expressing
11 concern for China's practices in its automotive
12 industry and in its EV sector in particular.

13 The letter also expressed concerns
14 that Chinese automakers would look to establish
15 operations in Mexico or other strategic
16 investments to take advantage of preferential
17 access to the United States market.

18 We are very interested in hearing your
19 perspectives and your views on how the USMCA in
20 its automotive rules of origin can be used to
21 strengthen the competitiveness of the North
22 American market and help ensure a fair

1 competitive and market-oriented conditions for
2 the regional EV sector.

3 Mr. Wade?

4 MR. WADE: In our comments, we address
5 this in some regard. One, we think we should
6 expand what components fall underneath the LVC
7 and other requirements, but make sure that the
8 rules of origin are fully implemented. But one
9 of the things that a recent GOA report that we're
10 seeing an increase of both automakers and
11 suppliers that are just paying the 2-1/2 percent.
12 I think that's increased sixteenfold in recent
13 years, I don't have the numbers in front of me.

14 But we have to make it so the
15 consequences of not following the rules of origin
16 under the USMCA is not considered a minor
17 infraction. And the suppliers or OEMs coming
18 from China that are facing 301 tariffs or 232 or
19 elsewhere, other tariffs, coming through Mexico
20 where the labor rate is significantly lower and
21 the tariff rate is significantly lower, we see it
22 as a large problem that you're going to have a

1 hard time getting compliance with USMCA
2 requirements. And they will take the
3 infrastructure and the ecosystem that's been
4 developed over the last 25 years and just pay the
5 fee and have access to the U.S. market.

6 MR. HOFFMANN: Governor Blunt?

7 MR. BLUNT: Sure. And I might just
8 begin quickly just by emphasizing and endorsing
9 Ann Wilson's comments on the importance of the
10 USMCA for global competitiveness. If you look at
11 the other areas of the world that produce
12 vehicles, Northeast Asia and the European Union,
13 they have a similar mix of developed and
14 developing economies.

15 And we think keeping North American
16 competitive, it's important that the United
17 States work with Mexico and Canada to build
18 vehicles.

19 We certainly are pleased to see that
20 there are lots of public policymakers that are
21 interested in the growing challenge from China in
22 terms of global automotive industry.

1 As you know, they have emerged as the
2 number one vehicle exporter in the world. And
3 that's having an impact on market share, U.S.
4 market share, in other markets that we export to.
5 So we think it's an important issue for folks to
6 be following.

7 In terms of our domestic market, you
8 know, the Section 301 tariffs have had an impact.
9 And we have not seen sort of a market penetration
10 here.

11 In terms of parts input, we actually
12 think it's either Chinese parts input into North
13 America production has been either steady or
14 slightly decreased since USMCA went into effect.

15 So, you know, we're certainly
16 following this challenge closely and, you know,
17 ensuring that anybody that invests in the United
18 States, Mexico or Canada takes advantage of the
19 tariff benefits of USMCA. It is important that
20 they follow all the rules and comply with the
21 rule of origin.

22 MR. HOFFMANN: Ms. Wilson?

1 MS. WILSON: Yeah, just one other
2 aspect of this that I think I'd like to add.
3 What we are seeing from a parts perspective, and
4 this is not necessarily parts perspective that
5 are going into EVs, but a parts perspective, is
6 illegal diversion of manufacturing from China to
7 get around the 301 tariffs.

8 We are seeing that in Thailand. We
9 are seeing it in Mexico where there is not
10 substantial transformation going on, but parts
11 are being exported to those countries in order to
12 not pay the 301 tariffs.

13 Our trade association has been very
14 clear on this. That is obviously against the
15 letter and the spirit of the 301 tariffs. And
16 applaud the U.S. government's raid a couple weeks
17 ago on a parts manufacturer who has been a source
18 of many of these problems overall.

19 So, you know, I think one thing is
20 we've got to look at these issues not in
21 isolation, but as how they join up together
22 because there are tools available that can

1 address many of the issues that have come up in
2 questions that I would say that the United States
3 has not taken full advantage of.

4 And I would encourage all of you to
5 think about some of those, and we would welcome
6 an opportunity to work on some of that with you.

7 MR. HOFFMANN: Thank you. Thank you
8 so much for your views. Now I will turn it over
9 to Liz with the Department of Commerce for the
10 next question.

11 MS. CLARK: All right. Thank you,
12 Justin, and good morning, everyone. This
13 question is directed to Governor Blunt from AAPC.
14 So, Governor, and in your submitted comments, one
15 of the AAPC's recommendations is to create a
16 USMCA automotive industry advisory group. You
17 note that the advisory group could be built upon
18 the existing industry trade advisory structure or
19 otherwise known as the ITAC structure.

20 How would this proposed group differ
21 from the existing ITAC, or what gaps do you
22 envision this group could fill that the ITAC

1 cannot?

2 MR. BLUNT: We certainly think the
3 ITAC process is important. And we are very proud
4 of the work of Charles Uthus who is at AAPC and
5 his chairmanship of the ITAC committee.

6 But we do think there could be an
7 opportunity to build upon that structure and, you
8 know, we have folks that are not necessarily
9 cleared advisors. They have not gone through the
10 process. It can be administratively burdensome
11 to become a member of the ITAC.

12 You know, just what we really want to
13 emphasize is the importance of industry and the
14 administration working closely together as they
15 review any potential changes or improvements to
16 the USMCA and having a formalized structure to do
17 that we think makes a lot of sense. And that's
18 why we recommended it in our submission.

19 MS. CLARK: Thank you.

20 MR. HOFFMANN: Our next question is
21 going to come from the International Trade
22 Commission.

1 MR. COFFIN: Thank you. This is for
2 Mr. Blunt as well. In your written comments, you
3 stated that the AAPC had developed a model
4 estimating the amount of U.S. content in Mexican
5 and Canadian vehicles.

6 Could you provide more information on
7 this model? Or you can provide it afterwards if
8 it's easier to provide it in written form.

9 MR. BLUNT: Sure. We can definitely
10 do that. But, you know, we believe that the
11 vehicles built in Mexico, 30 percent of that
12 content is from the United States. And if it's
13 built in Canada, it's 50 percent. And not all of
14 that is quite captured in the trade data.

15 So we will definitely follow-up with
16 you in terms of how that model was developed.

17 MR. COFFIN: Great. Thank you. And
18 also in your remarks and also in some other
19 written submissions, there was some uncertainty.
20 You mentioned some uncertainty regarding the
21 USMCA rules of origin treatment of advanced
22 batteries. Do you know, is this an issue of

1 interpretation, enforcement or some other aspect
2 of the rules?

3 MR. BLUNT: And I'm sure it's a
4 technical issue. But I believe the issue is that
5 the precedent for the rule of origin for advanced
6 batteries is underneath the alternative staging
7 regime section.

8 And there is concern about what
9 happens when ASRs are no longer in place, which
10 is why folks wonder what happens to the product
11 specific rule origin after July of 2025. I think
12 folks probably think it reverts to a 75 percent
13 RVC under the net cost method. But that's the
14 sort of thing we need to clarify prior to --
15 obviously as soon as possible.

16 MR. HOFFMANN: Thank you. Our next
17 question will be from the Department of State.

18 MR. GRIPPO: Good morning. My
19 question is for Governor Blunt. Another
20 recommendation provided in your remarks is that
21 the United States should coordinate with Canada
22 and Mexico and other free trade agreement

1 partners on critical minerals. Can you expand a
2 bit on that recommendation? For example, what
3 types of coordination do you feel would
4 specifically support the automotive sector?

5 MR. BLUNT: Yeah. You know, I think
6 there are certainly some instances where that is
7 already a part of public policy where we work
8 closely with Mexico and Canada to ensure that
9 they are developing their resources.

10 Some of the battery inputs that right
11 now are heavily reliant upon Chinese processing
12 are in Mexico and Canada. And helping them to
13 unleash those resources and have an appropriate
14 permitting process in place to begin processing
15 them in Mexico and Canada would be highly
16 beneficial to both our partners in Mexico and
17 Canada, but also to us. We can rely upon them
18 for some of these critical battery inputs rather
19 than China.

20 So that's the sort of thing that we
21 would encourage. And there have been some
22 examples of that already in the administration

1 policy, and we think that's a good step.

2 Of course, if we think about mineral
3 free trade agreements, if more mineral free trade
4 agreements are going to be negotiated, there are
5 lots of countries that have significant resources
6 that we think ought to be on the list of
7 countries that we're exploring.

8 MR. GRIPPO: Thank you.

9 MS. WILSON: If I could add, we, too,
10 are very concerned about the requirements of
11 where we get minerals and where we get some of
12 the inputs for batteries and EVs overall. And we
13 also are encouraging a no -- I have had several
14 conversations with the Canadians about what their
15 opportunities are. But we also encourage this to
16 be looked at as a North American issue and how we
17 can do this.

18 But we also would think that we need
19 to look beyond where we have free trade
20 agreements, where we have longstanding
21 relationships like the EU, as we continue to make
22 this move towards more U.S. production.

1 We are not saying that's, you know,
2 the end game, but we have to make you understand
3 that we have a very aggressive timeline for EVs.
4 And if we are going to move away from China, we
5 have to find alternative sources to that. And
6 right now, the United States is not an
7 alternative source at the volumes that we need.
8 So we are going to have to explore other
9 opportunities.

10 MR. WADE: The UAW firmly disagrees
11 with that position. We think the bill is clear
12 that we should have free trade agreements with
13 who they have those agreements with and stand in
14 opposition to the mini trade agreement on Japan.

15 MR. HOFFMANN: Thank you. Our next
16 question will come from the Department of Labor.

17 MR. HUGGINS: Thanks, Justin. One
18 more for Governor Blunt. One of your
19 recommendations is to provide room for EV
20 industry success so the industry has a chance to
21 compete and win in light of trade barriers that
22 the industry faces. Can you please expand upon

1 that?

2 MR. BLUNT: Yeah. And I think, you
3 know, the United States does face trade barriers
4 around the world. As you know, our tariff on
5 passenger vehicles is 2-1/2 percent, and lots of
6 our trading partners have tariffs that are
7 significantly higher than that.

8 And, you know, we think it is
9 important to address tariff barriers or address
10 barriers in terms of motor vehicle safety
11 standards, certification requirements.
12 Certainly, many of the things that the USTR and
13 the Department of Commerce work on on a regular
14 basis.

15 But we think we should make a really
16 focused effort on reducing these barriers to
17 automotive exports from the United States to some
18 of these other countries. And again, the
19 Europeans, for example, have a tariff on
20 passenger vehicles that is four times the U.S.
21 tariff. Other countries will have tariff
22 multiples of 15 times our current tariff. So we

1 think there is room to really focus on this. And
2 as we negotiate with our trading partners, try
3 and bring their auto tariffs down so we can
4 export our products to those markets.

5 MR. HUGGINS: Thank you.

6 MR. HOFFMANN: Thank you. Our next
7 question --

8 MR. WADE: I just have one comment on
9 that.

10 MR. HOFFMANN: I'm sorry. Jason,
11 please.

12 MR. WADE: I apologize. Just Governor
13 Blunt and Ms. Wilson both talked about U.S.
14 competitiveness and the importance of it. And
15 it's true that other countries do have higher
16 tariffs, and I don't know if the solution is to
17 lower theirs or to raise ours.

18 But I just want to be clear that when
19 we talk about competitiveness, I mean, automakers
20 operating in North America make more -- offer
21 higher profit margins than anywhere else. They
22 often refer to the North American market as the

1 cash cow that allows for this transition, allows
2 for investments in other countries.

3 And to us, from the UAW's perspective,
4 this just speaks to how much wealth is being
5 generated by workers both in the U.S., Mexico and
6 Canada and how much there is available to make it
7 a more even playing field.

8 So, yes, we're using competitiveness.
9 I think it's implying that we're exporting
10 vehicles to other parts of the world, but that's
11 not really our story. The U.S. auto market is
12 really about higher profit margins on vehicles
13 sold. And that has to do with product mix and a
14 whole bunch of other issues.

15 But I don't want to have this --
16 anyone walk away with the concept that the USMCA
17 allows us to export more vehicles to other
18 countries and somehow we have a more level
19 playing field in that regard because the product
20 mix we make here isn't something that we're going
21 to sell in Japan or even the EU, so.

22 MR. HOFFMANN: Thank you. Ms. Wilson?

1 MS. WILSON: The suppliers have a
2 slightly different take on this than I think
3 either the Governor or Mr. Wade presented.

4 You know, suppliers do not get paid
5 for their technology until that technology is
6 placed on a vehicle and that vehicle is placed on
7 the market.

8 So as we work with our customers, the
9 vehicle manufacturers to provide technology,
10 there is a long, long lag time between inception,
11 technology development, R&D, until the time that
12 suppliers actually get paid.

13 And what we have seen over the last
14 few years is, I like to call it, we're sort of
15 the peanut butter and the sandwich here. And,
16 you know, the profits that Mr. Wade was talking
17 about from the industry are not being witnessed
18 from the supplier base.

19 And there is a lot of things that go
20 into what could bake a market. And our members
21 believe that technology certainty, whether it's
22 on safety or emissions and all of those types of

1 things can help make the United States a mecca
2 for the technology development, the new jobs, the
3 more sophisticated production that we all want
4 and need for jobs production overall.

5 You know, there are multiple layers in
6 this sort of equation. And if we look at this as
7 -- I would totally agree with the Governor on
8 trade barriers. But if we look at it just as
9 trade barriers, we are going to be missing the
10 boat. We have a number of pieces into this that
11 need to be knit together to make us a place where
12 we are going to export our vehicles.

13 MR. HOFFMANN: Thank you. For our
14 next question, we are going to turn to CBP. Go
15 ahead, please.

16 MS. UMBERGER: Yes, good morning. My
17 question is for Ms. Wilson. You mentioned
18 earlier, and I believe you just provided one
19 example that there are unique issues facing the
20 vehicle parts suppliers. Could you expand on
21 that and provide maybe other examples? And what
22 solutions would MEMA propose to help reduce the

1 administrative burden on suppliers?

2 MS. WILSON: Well, thank you for that
3 question. I think I could go on ad nauseam, but
4 I don't think anybody has enough time today for
5 us to do that.

6 But let's just say it's a couple of
7 different pieces overall before I get into the
8 specifics on what we could use for suppliers --
9 one thing -- from the agreement.

10 One thing is you have to imagine, you
11 know, the supply base is so robust and so wide,
12 and we're talking about plastic extruders, as I
13 mentioned before, metal stampers, companies that
14 are necessary for the supply base as well as, you
15 know, well-known, very sophisticated technology
16 providers as well as these new tech companies.

17 So unfortunately when you look at the
18 entire supply base it's not a single entity of an
19 industry. It's much more complex. And, you
20 know, I mean our smaller suppliers are small
21 businesses, but they may still employ 200 people
22 in a community. And oftentimes they are the

1 largest employer in a county. So that's one
2 reason why governors will oftentimes know where
3 all their suppliers are even if there is no OEM
4 there overall.

5 So we have to protect that smaller
6 part of the supply base and remove or minimize
7 administrative burdens on them. I have to say we
8 also have to make sure that the funding that's
9 available, whether it's worker training funding
10 or IRA funding, is also accessible by those
11 smaller suppliers. And that's not necessarily
12 what we have been seeing out of the Department of
13 Energy.

14 So all of these pieces of it are of
15 concern. Because if one of those suppliers fails
16 and they can't provide a part to our Tier 1
17 supplier, Governor Blunt's members and Mr. Wade's
18 members are not going to be able to produce that
19 vehicle. And we have seen that being played out
20 over and over and over again over the last few
21 years.

22 So having said that, for this

1 agreement, what we would want to see, we want to
2 see more transparency. We would like to see, and
3 I think the Governor mentioned this, a resolution
4 of the disagreements between Mexico and Canada
5 and the United States so we can move past that.
6 But we'd also like to see more transparency from
7 the agencies so that people will know where they
8 need to get to the government.

9 We would like to see a certification
10 process that is across all of our vehicle
11 manufacturers. You know, 22 different
12 certification systems just doesn't make a whole
13 lot of sense.

14 And so as we start to move through
15 these systems of the rules of origin, we believe
16 that we've got to look at these suppliers, not
17 just as the massive Tier 1s, who we're all very
18 familiar with, but these smaller suppliers too
19 because they're having to feed into the system.

20 MR. HOFFMANN: Thank you. The next
21 question will come from the International Trade
22 Commission.

1 MR. COFFIN: Thank you. My question
2 is also for Ms. Wilson. In your comments you
3 state in some instances the North American
4 countries apply conflicting harmonized tariff
5 schedule classifications to the same part, which
6 requires duplicative work by parts producers
7 certifying the same part in different countries.
8 Could you provide us with some of those
9 instances?

10 MS. WILSON: David, I'd be glad to
11 provide them. I don't know them off the top of
12 my head. So let me get back to you and get you
13 that list.

14 MR. COFFIN: Great. Thank you.

15 MR. HOFFMANN: Thank you. And we're
16 going to go back to CBP for the next question.

17 MS. UMBERGER: All right. Thanks.
18 Continuing with Ms. Wilson, and you did touch on
19 this just a bit, but can you please expand upon
20 the challenges presented in soliciting the
21 certifications from the lower tier suppliers and
22 then responding to the certification requests

1 from the OEMs and how do you believe we could
2 make the certification process more efficient?

3 MS. WILSON: I think maybe one set of
4 certification documents for all of the OEMs would
5 be a big help. I think also if we could look at
6 some way to balance what's required of the lower
7 suppliers. So, again, you know, a small
8 supplier, the CEO is going to be the same person
9 as the plant manager, who might actually be
10 filling out any trade documents. They don't have
11 trade staff.

12 If we could continue to have something
13 where we could simplify it, where we could
14 streamline the systems, is what's really going to
15 be necessary.

16 MR. HOFFMANN: Okay. And our next
17 question is going to come from the Department of
18 the Treasury.

19 MR. CHANG: Hello, Ms. Wilson. This
20 is also another question for you. Adding to that
21 question from CBP, has there been or is there
22 work underway within the industry to develop some

1 commonality among certification formats? If not,
2 what challenges do you see with industry working
3 against itself to develop such certifications?

4 Thank you.

5 MS. WILSON: So I know that it has
6 been discussed a lot among the supply base. I
7 think the challenge is going to be the supply
8 base working with their ultimate customers, the
9 vehicle manufacturers. And I think that's one
10 reason why Governor Blunt's suggestion of having
11 a working group across the entire industry, we
12 could put our requirements next to their
13 requirements and see if there is a way to do this
14 and knit it together.

15 MR. CHANG: Thank you for that.

16 MR. HOFFMANN: And if I might just as
17 the chair take an add-on question to that. Is
18 that something -- you know, are you looking for
19 the government to lead a process in that or just
20 to help facilitate or to be present?

21 I'm trying to gauge, you know, what
22 level of government -- the government's

1 involvement here versus how much can be led by
2 the industry here in trying to resolve sort of
3 the different certifications as you've stated.

4 MS. WILSON: Well, I would say that's
5 going to be a role that is going to be necessary
6 to continue to evolve. In the past on other
7 issues, the supplier industry and their customers
8 have worked on certifications and standards
9 through separate groups. That might work.

10 But I would say I think one of the
11 beauties of what AAPC is suggesting is, I think
12 we need to make sure that we put this in the list
13 of all the things that we're doing so that we
14 don't end up with a lot of work being done on
15 something that cannot be sort of knitted back
16 into the entire system. So I don't think that is
17 a complete answer to your question, but I think
18 it's one of the things that we've got to work on
19 together as we see, you know, how we can develop
20 it.

21 MR. HOFFMANN: Thank you. And I'm
22 going to turn it over to the Commerce Department

1 for a slightly similar question to what I just
2 asked. So I apologize to my Commerce colleague
3 for that.

4 MS. CLARK: No problem. Thanks,
5 Justin. So this question is also for MEMA and
6 Ms. Wilson. Ms. Wilson, your written comments
7 note the challenges suppliers face when the same
8 components or similar components face different
9 rules depending on the type of vehicle that uses
10 the component, thinking, you know, light duty
11 versus heavy duty, for example.

12 Would better outreach and education
13 about the different USMCA rules of origin help to
14 alleviate the burden on suppliers, or do you have
15 any other suggestions that might help alleviate
16 this burden?

17 MS. WILSON: I mean, Liz, I don't
18 think, you know, that alone would alleviate what
19 -- better outreach would alleviate that
20 confusion. I think we've got to take a look at
21 the rules and say, you know, how these are
22 actually being used on a day-to-day basis and

1 then take -- I would suggest that what we want to
2 think about is where we have the most
3 difficulties and try to attack those problems
4 first.

5 MS. CLARK: Thank you.

6 MR. HOFFMANN: Thank you. Turning now
7 -- our next question will come from the
8 International Trade Commission.

9 MR. COFFIN: Thank you. This question
10 is for Mr. Carmon. To what extent are the
11 challenges with used vehicles in the USMCA a
12 permanent problem because of a need for a
13 certificate of origin from the manufacturer, or
14 will this become less of a problem as the share
15 of used vehicles produced under the USMCA
16 increases?

17 MR. CARMON: Thank you for the
18 question. One of our challenges for the cars
19 built after July 1, 2020, we are relying on the
20 manufacturers for certification to justify
21 knowledge of the facts.

22 Some manufacturers are cooperative.

1 You know, others not so much. One of our main
2 concerns right now is, as I mentioned, the
3 vehicles before July 1, there are large
4 inventories that we are going to be moving from
5 -- even though we realize they are three years
6 old, now three and a half years old, there are
7 still very large inventories in Canada of Mexican
8 and Canadian made vehicles that could be sold if
9 we could -- you know, base the date the vehicle
10 was born versus the date it was imported into the
11 U.S.

12 I mentioned also in 1996, under the
13 House bill, and it was a much smaller volume back
14 then, and it related to the Foreign-Trade Zone
15 vehicles, we actually had the tariff amended. I
16 believe it was Headnote 3(d) that allowed for
17 American vehicles made in Foreign-Trade Zones to
18 come back into the United States as used vehicles
19 where they were prohibited prior to that bill,
20 you know, under the Technical Corrections Act of
21 1996. And that was only for a two year period
22 because in 1998 the duty deferral provisions went

1 into effect. So it was never a problem again for
2 U.S. vehicles to return duty free.

3 MR. COFFIN: Thank you. I appreciate
4 that.

5 MR. HOFFMANN: Our next question will
6 be from the Commerce Department.

7 MS. CLARK: Thank you, Justin. This
8 question is also for Mr. Carmon. It is notable
9 that this recommendation would only apply to
10 vehicles manufactured before USMCA
11 implementation. Do you have any recommendations
12 for the proposed treatment of used vehicles
13 manufactured after July 1, 2020 that were USMCA
14 compliant at the time of production?

15 MR. CARMON: For the vehicles
16 subsequent to July 1 or prior?

17 MS. CLARK: Yeah, those that were
18 produced under the USMCA period --

19 MR. CARMON: Actually --

20 MS. CLARK: -- that were compliant.

21 MR. CARMON: Actually, the preferred
22 method would be -- we worked with the Office of

1 Rulings and Regulations back in 1999, and they
2 worked with the customs auditors and determined
3 that based on the VIN code assigned under the SAE
4 and the ISO provisions, that the first character,
5 based on country of origin, would justify
6 knowledge of the fact for the importers based on
7 that first VIN character being a two or a three.

8 And we would really like to see
9 something like that being reinstated versus
10 having to go to the manufacturer for the
11 certificate of origin. If it can be confirmed
12 once again based on the averaging reports every
13 July, I think it's July through the end of June,
14 back in 1999 it was determined that those
15 vehicles did meet because 100 percent of the
16 volume complied.

17 The question was initially, even
18 though if the manufacturers sends a country of
19 origin to the importer and the importer bases
20 that on knowledge of the facts, the question was
21 what about the vehicles that weren't intended for
22 export? Do they qualify? Because that was

1 substantiated that, yes, 100 percent of the
2 vehicles, if they are originating in Mexico or
3 Canada they do meet the NAFTA provisions.

4 Headquarters sent out a directive in
5 March of 2000 confirming that. So that
6 eliminated that problem going back to the
7 certificate of origin. It eliminated the need
8 for that. So the importers could complete the
9 certificate of origin showing their knowledge of
10 the facts based on the VIN number.

11 MS. CLARK: Thank you.

12 MR. HOFFMANN: We're going to turn now
13 to CBP for the next question, please.

14 MS. UMBERGER: This is for Mr. Carmon
15 as well. I did follow-on to the previous
16 question. Are you aware of any efforts underway
17 by the industry or stakeholders to establish
18 documentary support for USMCA claims on these
19 vehicles that were produced after July 1, 2020
20 when USMCA came into effect and are being sold on
21 the secondary market?

22 And in addition, you mentioned the

1 memo linking the NAFTA status to the vehicle
2 identification number. Do you think it would be
3 possible to link the auto producer certifications
4 to the VIN in some way?

5 MR. CARMON: It would likely have to
6 be tied to the country of origin or the first
7 character, which still exists. So I believe some
8 of our membership -- getting back to your first
9 question, we reached out to the manufacturers.
10 But we don't have anything positive yet.

11 And this is such a big market, we
12 would like to see it continue. But if we could
13 go back to that memorandum from the Office of
14 Rulings and Regulations back in 2000, I think
15 that would be the ideal way to link the knowledge
16 of the facts for the importers.

17 MS. UMBERGER: Thank you.

18 MR. HOFFMANN: Next the Department of
19 State, please.

20 MR. GRIPPO: Hi. This is another
21 question for Mr. Carmon. Has your organization
22 been working with OEMs and other stakeholders to

1 develop further recommendations on how to treat
2 used vehicles traded between USMCA partners? If
3 so, can you provide us an update on those efforts
4 -- an update on the status of those efforts?

5 Thank you.

6 MR. CARMON: At this time, we don't
7 have any information. We reached out. We are
8 waiting for feedback. And so it's early in that
9 stage right now. But we hope to see some results
10 within the next quarter.

11 MR. GRIPPO: Great. Thank you.

12 MR. HOFFMANN: Thank you. We are
13 going to turn now to -- back to the ITC for the
14 next question.

15 MR. COFFIN: My question is for Mr.
16 Wade. In your comments you suggest adding a
17 number of electric and autonomous vehicle parts
18 to the core parts list. Can you explain the
19 rationale for adding those parts to the rules of
20 origin and why you believe that they should all
21 be added -- all be included in Table 8.2, Core
22 Parts, rather than Table B, Principal Parts, or

1 Table C, Complementary Parts? Thank you.

2 MR. WADE: Our analysis was kind of
3 two part. One, that these are parts that we know
4 are being made in the U.S. So it's trying to
5 build a fence around some of the, you know,
6 economic ecosystem that already exists in the
7 U.S.

8 And then we identified these as many
9 of the core components that are core to
10 developing EV and hybrid and other technologies
11 and then as well as AV technologies. That was
12 kind of our rationale.

13 Can these be built here? We
14 understand, you know, that the market is still
15 the market. We would like everything to be built
16 domestically but kind of starting from the
17 premise what's already here, what can we use
18 trade mall to anchor that, at least hopefully
19 domestically, but if not in the North American
20 market and then putting it in the correct
21 priority. And that's why we chose that priority
22 as opposed to the other ones.

1 MR. COFFIN: Thank you.

2 MR. HOFFMANN: Thank you. Mr. Wade,
3 just building upon David's question there, I was
4 wondering if you could discuss the rationale for
5 proposing to add autonomous vehicle components to
6 the list, especially that given that autonomous
7 vehicle technology has not been fully deployed in
8 the marketplace, is there a view on, you know,
9 adding them to the list now versus at a later
10 point when the technology is more prevalent?

11 MR. WADE: Well, we think, you know,
12 at its nascent stage, this is when supply chains
13 are being developed. And we do see the prospect
14 of AVs, although it seems to have many false
15 starts, AVs proliferating over the next several
16 years. And it's not that it couldn't be added
17 later, but we think these are core components
18 that are the backbone of most AVs.

19 So even if the technology does take
20 longer to develop, we don't think these core
21 components that we have included would not be
22 part of any type of autonomous vehicle or

1 sophisticated semi-autonomous platform. And it
2 would be to both Governor Blunt and Ms. Wilson's
3 points, it's good to signal to the industry early
4 and often what the expectations are.

5 And so if, you know, there are
6 investment dollars happening today, it makes
7 sense to us that they're doing it within North
8 America and preferably in the United States going
9 forward.

10 So it's a signaling issue, but we also
11 think -- you know, I mean, several people thought
12 we would all be driving autonomous vehicles by
13 today. They were wrong. But it is developing,
14 and eventually, I think, once the technology is
15 figured out, it may be rather rapid, too. So we
16 don't want to be caught trying to figure out how
17 to respond to it. And we've narrowed what we
18 were looking for into some of the key high value
19 components.

20 MR. HOFFMANN: I'm going to hand it
21 over to the Department of Labor for the next
22 question, please.

1 MR. HUGGINS: Thanks, Justin. One
2 more question for Mr. Wade. Your submission
3 recommends that the government provide more
4 transparency around how USMCA labor value content
5 provisions are enforced. Can you please expand
6 upon that? For example, are there specific data
7 points or information around which you would like
8 to see more transparency?

9 MR. WADE: We would like more
10 transparency. We don't have a lot of insight so
11 yes.

12 You know, the GOA report recently
13 provided insight, you know, which was helpful.
14 But we haven't been able to get a ton of
15 information on how it's being implemented. And
16 some of the self-reporting aspects to it was
17 concerning.

18 So we think either in the aggregate
19 or, I mean, we would advocate for more
20 particularity that we should be able to see how
21 our items are involved in trade, how they are
22 being manufactured and high LVC implies, in our

1 mind, better working conditions, and consumers
2 and the public should have a right to know that.

3 Working through what that looks like,
4 we would be happy to have further conversations.

5 MR. HUGGINS: Thank you for that.

6 MR. WADE: It seems rather opaque at
7 this point.

8 MR. HOFFMANN: Thank you. And our
9 next question is from the Treasury Department.

10 MR. CHANG: Hello, Mr. Wade. Can you
11 also expand upon your recommendation to establish
12 a process to investigate whether preferential
13 treatment was provided in error? Thank you.

14 MR. WADE: And this is in regard to
15 LVC. You know, as we understood it in the
16 interim rules that were proposed that there was
17 -- and what we saw with the GOA report was that
18 there was a certain level of self-reporting. I
19 believe there is starting to be some auditing.

20 But we want to see consequences -- to
21 encourage better self-reporting and to support
22 good actors in this process, the consequences of

1 not actually following the guidelines or shirking
2 the guidelines should have some consequences.
3 And there should be a clear process for that to
4 occur, whistleblowing or whatever should be
5 communicated to the manufacturers.

6 MR. CHANG: Thank you for that.

7 MR. HOFFMANN: Thank you. I think
8 this concludes our questions. But I do want to
9 give a moment for anyone from the Interagency
10 Committee if there is any last questions or
11 burning questions you may have? No? Okay.

12 Well, thank you. Thank you to all of
13 you for taking the time to appear before us today
14 and to answer our questions and provide us with
15 some very helpful information.

16 As we conclude this hearing, I just
17 wanted to make a couple of quick points and a few
18 reminders.

19 The transcript of today's hearing will
20 be issued in about seven business days. When it
21 is available, we will post it to the docket on
22 regulations.gov. And that's under Docket Number

1 USTR-2023-0013.

2 In addition, USTR will be publishing
3 a notice in the Federal Register very soon that
4 will provide an opportunity to submit
5 post-hearing submissions.

6 Some of you mentioned you would like
7 to follow-up. That's your opportunity to do so.
8 It's also an opportunity for others to submit
9 post-hearing briefs or other supplementary
10 materials.

11 The deadline to submit those materials
12 is going to be February 28th at 5:00 p.m. Eastern
13 Standard Time. And those submissions should be
14 submitted to that same docket on regulations.gov.

15 And then in closing, I would like to
16 express thanks to my U.S. government colleagues
17 for their participation in today's hearing. I
18 also want to express thanks to my USTR and
19 Executive Office of the President colleagues for
20 their help in setting up this hearing, helping
21 with the technical and the livestreaming
22 capabilities. We really appreciate it.

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And so with that, this hearing is
adjourned. Thank you.

(Whereupon, the above-entitled matter
went off the record at 11:33 a.m.)

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In the matter of: Biennial Review of the United
States-Mexico-Canada Agreement

Before: USTR

Date: 02-07-24

Place: teleconference

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Court Reporter

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